



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 8 February 2005.

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DÁIL ÉIREANN

Dé Máirt, 8 Feabhra 2005.
Tuesday, 8 February 2005.

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

Paidir.

Prayer.

Ceisteanna — Questions.

Official Engagements.

1. **Mr. Kenny** asked the Taoiseach if he will report on the outcome of the meeting of the European Council in December 2004; and if he will make a statement on the matter. [34092/04]

2. **Mr. Kenny** asked the Taoiseach if he will report on the bilateral meetings he held on the margins of the December 2004 meeting of the European Council; and if he will make a statement on the matter. [34093/04]

3. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his participation in the EU summit in Brussels on 16 and 17 December 2004. [34254/04]

4. **Mr. Rabbitte** asked the Taoiseach the discussions or contacts he has had with other leaders on the margins of the EU summit in Brussels on 16 and 17 December 2004. [34255/04]

5. **Mr. Sargent** asked the Taoiseach if he will report on the outcome of the European Union summit of 16 and 17 December 2004; and if he will make a statement on the matter. [34608/04]

6. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at the December 2004 meeting of the European Council; and if he will make a statement on the matter. [2795/05]

7. **Mr. J. Higgins** asked the Taoiseach the bilateral meetings he attended on the margins of the December 2004 meeting of the European Council; and if he will make a statement on the matter. [2796/05]

8. **Mr. Sargent** asked the Taoiseach if he will report on his discussions on human rights with the Chinese authorities during his recent visit to China; and if he will make a statement on the matter. [3358/05]

9. **Mr. Sargent** asked the Taoiseach the discussions he had with the Chinese authorities during his recent visit to China on the issue of lifting the EU arms embargo; and if he will make a statement on the matter. [3359/05]

The Taoiseach: I propose to take Questions Nos. 1 to 9, inclusive, together.

As the Deputies are aware, I gave a detailed statement to the House last week on my attendance at the European Council meeting on 16 December last in Brussels, and the Minister for Foreign Affairs, who also attended the European Council, took a question and answer session at the end of that Dáil statement. I propose to briefly summarise the main points I made last week regarding my attendance at that meeting.

The future enlargement of the European Union was the principal agenda item at the Council. The Council also had a meeting with Kofi Annan, Secretary General of the United Nations.

We agreed that the accession treaty with Romania and Bulgaria should be signed in April this year. If they continue to abide by their commitments, this means these countries should become full EU member states in January 2007. The European Council agreed to open accession negotiations with Croatia on 17 March of this year. The Council also agreed that Turkey sufficiently fulfilled the criteria for EU membership. Accession negotiations with Turkey should open on 3 October next.

I did not have any formal bilateral meetings with other EU leaders on the margins of the December European Council.

I have to question whether the current system, whereby questions relating to the subject matter of a Dáil statement are deferred or postponed for a week rather than being disallowed, constitutes the best use of our time and resources, but I will go through the issues I raised last week.

Last week, I indicated in my response to questions regarding my visit to China that I had discussions on the human rights and the arms embargo with the Chinese authorities and, in response to supplementary questions, I gave a detailed reply outlining the substance of those discussions. I do not propose to detail in full those replies again. In summary, the Deputy will be aware this was the third opportunity I have had within eight months to meet Premier Wen Jiabao. I have used every one of those opportunities to address the subject of human rights.

The Chinese authorities are well aware of our very strong feelings about this matter and are paying attention. It is and will remain a regular feature of dialogue between Ireland and China. While I recognise that respect for human rights in China is not at the level we would wish, the Chinese authorities continue to move in a positive direction. I was assured by the Chinese authorities that they are committed to continue making progress on the issue of human rights.

I discussed the Chinese Government's efforts to promote human rights and the rule of law with

[The Taoiseach.]

Chairman Wu of the National People's Congress. The Chairman looks forward to Irish and Chinese parliamentarians continuing this dialogue during the course of the year. Throughout my visit, I stressed that we would be interested in developing our bilateral co-operation in the human rights area, drawing on the experiences and resources available in NUI Galway which has been involved in official EU-China programmes in recent years.

The arms embargo was discussed during my visit and I acknowledge the importance of the question to China. I pointed out the European Council's recent reaffirmation of its political will to continue to work towards lifting the embargo. At the same time, the EU is anxious that a decision to lift the embargo should not result in an increase in arms exports from EU member states to China. This is consistent with China's assertion that its concern to see the embargo lifted is driven by a desire to normalise relations rather than to pursue arms. In this context, the European Council called for the early adoption of a revised EU code of conduct on arms exports. Work on that is progressing well at a technical level within the EU.

The current version of the code has been operational since 1988. It is a politically binding document and contains criteria for assessing applications for export licences for military equipment. These criteria include respect for human rights in the country of final destination and the preservation of regional peace, security and stability. I am hopeful that it will be resolved by the middle of this year.

Mr. Kenny: I welcome today's statement on the Middle East peace process summit in Egypt, which has resulted in the announcement of a ceasefire between Israel and Palestine. The recent European Council to which the Taoiseach referred made a declaration on the Middle East peace process reaffirming its support for the two state entity and offering assistance. What sort of assistance did the Council agree would be forthcoming in view of this announcement which is a major step forward?

The European Council made specific comments about its willingness to support an Israeli withdrawal from the Gaza Strip. What sort of assistance will be made available there? Did the Council discuss Security Council Resolution No. 1559 which deals with the implementation of the agreement and states that Syria and Lebanon must be an integral part of it?

I commend the Taoiseach on the trade elements of his meeting in China. Did he raise with the Chinese Government the question of its blocking Irish troops from travelling to Macedonia because that country recognises Taiwan? Air travel has resumed between Taiwan and mainland China after 40 years and it is ludicrous that on the continent of Europe we cannot

support missions that have the spirit of the United Nations at their core.

The Taoiseach: Not as much progress had been made on the first issue in mid-December but I welcomed the progress that had been made at that stage at the European Council. We were looking forward to successful elections and acknowledged the work the Palestinian Administration was doing to move from the reign of President Arafat to a new reign. This was highly successful. The hand-over was well managed and we are now in a new era. What is happening today is widely welcomed and will, it is hoped, prove to be a new starting point.

The EU has for many years devoted an enormous amount of resources and effort in particular to the Palestinians but it has also been even-handed in assisting Israel with the administration of the peace process. The work done on the international quartet over recent years, including the work done during the Irish Presidency by the then Minister for Foreign Affairs, Deputy Cowen, during his visits there prior to and during the Irish Presidency on behalf of the European Union proved to be of assistance because, even though many of the resources the European Union put into Palestine have been destroyed in the various military activities over recent years, the EU is committed to assisting with infrastructural and social issues. That commitment will resume now on the basis of a peaceful prospect and everybody else will, I am sure, be supportive of those efforts. What we see today is a major move in what has been a difficult period over four full years and will prove to be extremely significant. The next European Council in March, and the Foreign Affairs Ministers before then, will reflect on that issue.

Regarding China, I said last week in the House that we have supported the one China policy over the years and continue to do so. We acknowledge China's position in relation to Taiwan. I reiterated Ireland's and the European Union's consistent support for the one China policy. At the same time we maintain the EU's interest in keeping links with Taiwan in non-political fields consistent with the one China policy. I stress the importance of the constructive dialogue between Beijing and Taipei in the peaceful resolution of the Taiwan question. From our point of view and that of UN issues, we will always follow in the administration of or engagement in UN resolutions. I am aware of the difficulties caused by the Macedonia question and spoke on that previously. We are committed to the one China policy and have stated that clearly.

Mr. Rabbitte: I do not think the Taoiseach referred to the situation regarding Kofi Annan and the United Nations — if he did I did not hear him. I recall the Dutch Prime Minister pledging the support of the European Union to the UN Secretary General and his programme of reforms. What is the assessment of the Government on

this question if the United States is withholding approval for the UN Secretary General, as it seems to be? How realistic is it to believe that the necessary programme of reforms on his desk can be prosecuted in such a climate?

On a different matter, will the Taoiseach set out the Government's position on the prospect of accession talks in respect of Turkey starting by October? I recall the Taoiseach, in his capacity as President of the European Union, remarking that the last-minute intervention by the Turkish Prime Minister in terms of his remarks about recognition of the Cypriot Government was a bitter pill. Will he put on the record of the House, notwithstanding the position of the Irish Government, the schedule set out to allow Turkey to begin accession talks?

The Taoiseach: On the first issue, Deputy Rabbitte is correct. The Dutch Presidency made it clear, following the presentation at the European Council by Kofi Annan of the Weisman report and his endorsement of that report, that Europe would work collectively with him. That is our position. Throughout his period of office, Kofi Annan has worked extremely hard to get into this position and I give him wholehearted support. The reforms have been necessary for as long as I can recall. Now we have a leader of the UN who has worked painstakingly to bring it to this position. Perhaps it is not everything that everybody wants but he has given a huge commitment. If it is not through this year, we will move fast to the end of his period. As of now there is a totally united European Union effort on the reforms. It will be extremely important as we go through the year and work towards the September UN conference that they receive support. It is not a question of the Irish position, it is a European position. It is important that we try to keep that collective support throughout the year and into the September meeting.

On the issue of Turkey, the commencement of engagement will be in October. By its nature it will be long drawn out. Turkey will have to prove to everybody — the Prime Minister, Mr. Erdogan, and the Foreign Minister, Mr. Gul, are determined to do so — that it is not only willing but has the capacity and the determination to implement the Copenhagen criteria that applies to all the other accession countries in the years ahead. Obviously it is not an easy task for them but they are committed to fulfilling it. I had approximately six meetings with them during the Irish Presidency and met them again before the December meeting, because I have been engaged in this process. We have supported them. I was particularly supportive of them given that when I asked them during the Irish Presidency to be helpful on the Cypriot issue and to follow Secretary General Kofi Annan's initiative at that time and Commission Gnter Verheugen's efforts, they did so. Deputy Rabbitte is correct in saying it was totally unnecessary at the end of the debate when everyone had made commitments and con-

cessions, literally in the last three minutes of his speech, to have a public confrontation with President Papadopoulos. It was not helpful and ruined a moment that would have been seen as a great success. Instead of the decision being greeted with applause or, at least, satisfaction it was a "heads-down" situation where nobody said anything. That was a pity but these things happen and people make mistakes and pick the wrong time to say something. However, it means — and it highlights the question — that Turkey can hardly hold to a position for long in seeking to join the European Union and not recognising one of the members of the European Union. That was what it highlighted and that was how it was interpreted. They have to resolve that issue. Mr. Tassos Papadopoulos is well able to fight his Turkish cause but it is not an issue the Cypriots will let go.

Having said all of that, it is good and welcome that the process of engagement has started. The initial decision has been made. Obviously, over time we will have to see how it progresses. It has already been decided that this process cannot come to a conclusion until after the next round of the finance prospective. The earliest this process will come to a conclusion is a decade off but the interim progress will be vital, and particularly in the early months.

I acknowledge that Turkey has made at least one concession on the Cypriot side. It is small but it is seen as a move of recognition by Turkey which is of some significance, though not anything enormous to the Cypriots.

Mr. Sargent: I note at the European Council summit that the issue of EU immigration policy was one of the areas covered. Can the Government say it fully lives up to its international obligations in terms of immigrants and asylum seekers? I note Spain has recently regularised 1.5 million illegal immigrants. It seems that Ireland and some other EU states are reluctant or are refusing — I am not sure which is the case — to ratify the UN international convention on the protection of the rights of migrant workers and their families. Given that immigration was discussed, will the Taoiseach outline why the call for ratification from Amnesty International and others is not being heeded?

The Taoiseach will be aware of the Green Party's concerns about ongoing militarisation of the EU. I note that the EU Council welcomed the battle groups' proposal. I also note that the Irish Government wants to be a participant in the battle groups. Will the Taoiseach answer a question many wish to ask him? Given that Ireland is the only EU state demanding a UN mandate for use of its troops, how is it possible for Ireland to be part of an integrated battle group arrangement? I cannot imagine the EU sending half a battle group, if Ireland does not have the UN mandate to participate. Is it not difficult for Ireland to participate if such is the scenario?

The Taoiseach: The issue of signing UN orders by the country was not raised. I am not sure whether that is an issue—

Mr. Sargent: Will the Taoiseach come back to me on that question?

The Taoiseach: Yes. I suggest the Deputy submits a parliamentary question but I will raise the matter in any case.

The Government's national plan to deal with racism and migration issues was published a fortnight ago. The plan takes account of the Equality Act 2004, which transposes the race directive and is designed to meet the commitments entered into by the UN world conference. This may answer the question raised by the Deputy. The overall plan is to provide a strategic direction to combat racism and develop a more inclusive inter-cultural society in Ireland. The strategic monitoring group has been established to oversee its implementation.

In answer to the Deputy's second question, the aim of the creation of battle groups is to ensure that in times of need the EU will be capable of putting in place a group to deal comprehensively with a disaster or trauma quickly and speedily. The traditional Irish position is that Ireland operates under a UN mandate and not under an EU mandate. Ireland's position is strictly defined and there are good reasons for this. I recently met all the aid organisations in the aftermath of the tsunami. Given that situation, many of them did not understand the position and wondered why Ireland was in such a straitjacket. On other occasions I remember people saying that we should remain in a straitjacket. Ireland's position is clear: the Government, the Dáil and the UN mandate defines it. This will be so until that position is changed and as a result it is difficult for Ireland to operate in that EU vehicle.

I understand completely the desire and the necessity to be able to move an action group very quickly when a disaster happens but we have a constitutional legal position.

Mr. J. Higgins: The European Council endorsed the report on the implementation of the EU strategy on proliferation of weapons of mass destruction, meaning nuclear weapons. It noted progress in this respect in relation with third countries and re-affirmed its commitment to use all instruments to counter the threat of proliferation. In the Taoiseach's view what moral authority has the European Union to demand of other states that they should not develop nuclear weapons when key EU states maintain these weapons of mass destruction?

A Deputy: Hear, hear.

Mr. J. Higgins: Is it not rather like the bully in the schoolyard who insists on having a stick but will allow nobody else to have one? Does the Taoiseach agree that the campaign now should be

that all nuclear weapons should be decommissioned, both within the EU, the United States and elsewhere?

The National Forum on Europe has planned out a process of meetings and public debates over the coming period. Members of the forum believe it would give a focus to their work and the debates if the Government would name an approximate date on which it proposes to hold a referendum on the proposed new EU constitution. Does the Taoiseach accept the validity of that point and will he name a rough timescale as to when a referendum will be held?

The Taoiseach: On the first issue, Deputy Joe Higgins is right. It has been the Irish Government's position on this issue for many decades to work for the absence of all arms, nuclear and otherwise, and it has made such efforts over many decades. The last major round of this work was done by the former Minister for Foreign Affairs, Mr. David Andrews, when he was in the Department. That is our position and we have tried to do that with like-minded countries such as the European neutrals and others. We will continue to work for the non-proliferation of weapons of mass destruction and all other arms. I note that for once the Deputy and I agree on something.

Mr. F. McGrath: The hand of history is upon us.

The Taoiseach: On the second issue, we will definitely have the referendum before the date on which we must have it, that is, October next year.

Mr. J. Higgins: Will the Taoiseach be a little more forthcoming?

Mr. Coveney: That is unlikely. Will the Taoiseach clarify his comments on the battle groups concept discussed at the Council meeting? I understand the Minister for Defence, Deputy O'Dea, stated Irish troops will not participate in battle groups regardless of the triple lock system. Does the Taoiseach not agree that most of the missions on which the battle groups will be sent will be at the request of the United Nations, in which case the triple lock mechanism would not be a problem? The Minister appears to believe there is a problem with contributing Irish troops to battle groups. Will the Taoiseach offer some clarity in that regard?

The European Union has welcomed a new peace deal between northern and southern Sudan. Does the Council intend to take a more proactive and interventionist approach to the continuing slaughter of innocent people in Darfur in western Sudan through what could almost be considered ethnic cleansing in certain instances which are being witnessed by many Irish volunteers working for non-governmental organisations in the region?

Will the Taoiseach comment on the new political era in Ukraine whose primary long-term

objective is EU membership? What is the Government's position on how the European Union should treat Ukraine?

The Taoiseach: As I stated to Deputy Sargent, our position, while restrictive, is clear. If there is a UN mandate, constitutionally we can be involved and we will make the decision on whether we will be involved.

Mr. Coveney: Will our troops train with the battle groups? Will the battle group concept move ahead with Irish involvement?

The Taoiseach: As of now, no.

Mr. Coveney: For what reason?

The Taoiseach: The reason is our interpretation of how they are being designed at present — if they were not UN mandated. It is not the intention to have a UN mandate. That has been the case and the Deputy will have heard the British Foreign Secretary, Mr. Jack Straw, and others state they will be done on a UN and EU basis. That restricts us totally. If it is done on a UN mandate, then we could be open to it. However, with our own extensive commitments, the Minister for Defence, Deputy O'Dea, has made it clear that at least in the reasonable period ahead we will not engage with them. That is the position.

On Darfur, Deputy Coveney is correct. I have been talking to Irish NGOs and aid workers in this area. I was not involved in the meetings last week but the Minister for Foreign Affairs, Deputy Dermot Ahern, briefed me on what happened at the General Affairs Council last Monday week. The European Union is continuing to make every effort to make progress on this but the situation is still grave to say the least.

The new Government of the Ukraine was appointed last week. A new prime minister and administration have been elected. We can take it that they will certainly engage actively with the EU. The present position, of which Deputy Coveney will be well aware, is that the Ukraine would come in under the new neighbourhood process, that is, the vehicle established to deal with it. I think it will use that to build up relationships with Europe. Many of the countries in the region are anxious that is progressed speedily. There have been no formal decisions on that but with the new administration elected last week, there will obviously be engagement with the European Commission, the European Parliament and the European Council, which has not yet happened. The EU will adopt a positive role in engaging with the Ukraine.

Caoimhghín Ó Caoláin: Will the Taoiseach advise us what input the Government had in framing the European Council EU-wide drugs strategy for 2005-12? I understand that a three-year action plan is to be presented for adoption

at the European Council early this year. What input will we have into that particular process? Will the Government schedule a debate in this House on what is a very important policy area, that is, the growing drugs problem and our response both at home and in the context of the European Union?

The Taoiseach: Through the Departments, officials and the Council secretariat, we have an input into drugs policy. What happens in all these areas is that, through COREPER, we would feed in suggestions, recommendations and changes. At EU level, drugs policy is crucially important because, as everybody is fully aware, the best way to make any real impact on the movement and shipment of drugs and on the international gangs involved in drugs, most of whom come from far off countries, is to co-operate at EU level in terms of using information and intelligence. That is on one side. The other side is to build up expertise on the treatment of and the assistance and aid programmes to help the rehabilitation of those on drugs. Many member states have advanced very good programmes. While I am not directly involved, I know from some of the discussions that many countries have piloted various schemes on drugs, on cocaine, heroin and other opiate abusers. Co-operation at EU level in those areas makes enormous sense.

Mr. Kenny: Was there discussion on the continuous stream of heroin from Afghanistan into Europe and on measures to block that or to offer cash alternatives to Afghan farmers to growing opium?

Last week the Taoiseach referred to the Myanmar-Burma situation. What is the status of Irish connections with Myanmar? We opened diplomatic relations last year. The continuous stream of human rights abuses in Myanmar-Burma should concern us. Is the leader of the opposition in Myanmar still under house arrest?

An Ceann Comhairle: I do not think that question arises out of these questions.

Mr. Durkan: It could arise.

Mr. Kenny: It arose at the European Council. The Taoiseach knows about it anyway.

The Taoiseach: The issue of heroin and other drugs and opiates from Afghanistan did not arise at the European Council. However, it is an enormously important issue. As Deputy Kenny and other Members are aware, the crops have flourished. The Taliban were extremely dangerous and corrupt people in every way but they were opposed to drugs. The warlords have had a field day since the demise of the Taliban regime and we have seen an increase in drugs production. This increased availability has had the knock-on effect that prices have gone down. This is a real problem.

[The Taoiseach.]

There has been much progress in Afghanistan but it is limited to certain sectors and areas and does not cover vast amounts of the countryside. Although I am no expert on this issue, it seems from discussions I have had and everything I have heard and read that the only way to put a stop to this is to introduce compensation to farmers. As long as farmers have no other means of income, they will operate this system. They do not receive significant amounts of money for their produce, however. It is the middle men and the criminal elements who are profiting.

I attended a meeting during the Irish Presidency at which the President of Afghanistan, Mr. Hamid Karzai, made an excellent contribution. It is his hope that the rule of law and justice will be established in the countryside. I understand that position is not close to being reached and, while President Karzai is a brave and good man, this objective will be difficult to achieve. The production of drugs out of Afghanistan will continue to be a significant problem across Europe and the world.

Deputy Kenny is correct that human and civil rights abuses continue apace in Myanmar. During the Presidency, we said we would take out diplomatic relations in an attempt to help the situation. As it happened, it never got to that because the situation has deteriorated since then. The view of the authorities there is that everybody should mind their own business and that they will handle their own affairs. They have not engaged with the international community and this continues to be a major problem. I understand the authorities are not making any progress on diplomatic relations with any other state.

Mr. Kenny: I thank the Taoiseach for this reply. He is correct in respect of the compensation issue. We have an unusually successful experience of that in Ireland, not with growing drugs but in terms of the set-aside scheme. If European countries were to take to heart the continuous caravan of heroin leaving Afghanistan for western European cities, including those in Ireland, this might be an issue that should be raised.

There are circumstances where science in terms of crop-growing methods could deal with this through nature itself. I do not refer to the spraying of agent orange or anything similar. I am undertaking some research in this regard and, when I am more clear on the issue, I will let the Taoiseach have this research for his information.

The Taoiseach: Perhaps others have a total security view on Afghanistan and believe the issue can be resolved by force. However, it would take light years to stop this practice through an approach of force. That has already been tried in Colombia where the US and others invested a significant amount of money in an attempt to destroy crops. This had no great effect. President Karzai explained to me during his visit to Ireland

for the EU Council's social development conference that these are extremely poor people. They live in the wilds, have no education or societal engagement and will continue to produce opiates as long as such activity continues to be financially attractive in providing some small allowance.

The difficulty is that President Karzai and his colleagues have almost no say in the areas in which the drugs are produced. If he travels 20 miles outside, even though he is heavily protected by the Americans, he cannot operate. So they are still operating in a very small area as he explains. Anytime he moves outside a certain region he is attacked, which is the difficulty.

An Ceann Comhairle: If the House is agreeable we will move on to questions for the Minister for Communications, the Marine and Natural Resources, as the next grouping for the Taoiseach contains a number of questions.

Priority Questions.

Postal Services.

63. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future of An Post; the extent to which he has imparted his views to the management of the company; if he will endeavour to ensure the maximisation of the extent of services likely to be provided by the company in the future. [3874/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Since taking office, I met the chairperson and the chief executive of An Post and the board of An Post. I also met union representatives from different sectors of the company. Officials from my Department meet An Post management on a monthly basis. I am advised on the outcome of the monthly meetings.

The fundamental requirement to secure the future of our postal services is to implement a change programme. Management and unions agree that change within An Post is required if its postal services are to adapt to an environment that is itself changing. The challenge remains for unions and management to complete the negotiation process that has been under way for several months. These negotiations move to the Labour Court this week and it is important that momentum be maintained to resolve all remaining difficulties. A successful conclusion to the negotiation process will allow An Post to discharge its universal service obligation for the delivery of mail to its customers in a cost effective and efficient manner, while offering secure employment to its dedicated workforce. That is what I want to see happen and I believe this vision is widely shared within the company.

With regard to the future of our post office services, the Government and the board of An Post are committed to the objective of securing a viable and sustainable nationwide post office network. There is widespread recognition that the best strategy to sustain the network is for An Post to continue adapting to its customer needs. In this regard, I have asked the Postmasters Union and An Post to work in partnership to maximise their efforts to secure existing business and to pursue new business at every available opportunity.

Mr. Durkan: I thank the Minister for his reply. Notwithstanding that he is a relatively short time in his present office, what progress has been made in establishing fundamentals with An Post and its workforce. Many issues cause concern, for example the non-payment of wage, salary and pension increases, which were statutorily due and have been outstanding for some time. Another long-standing issue is the lack of communication regarding the future of the SDS package delivery service. To what extent has the Minister ascertained the cause for the loss of business in this service, given the growth of private package delivery services at the same time? A further issue relates to determining the optimum number of general post offices and the retention of the maximum number of sub-post offices.

How does the Minister reconcile the current circumstances with the fact that the services provided by An Post, which are often the only services available in certain parts of the country, are diminishing? I acknowledge that the Minister has had this portfolio for a relatively short time. Given that he has had separate meetings with An Post and the various unions, why are the disputes going to the brink — right to the edge — before the discussions which should have taken place in the first instance take place? That has happened on at least two occasions in the past couple of months.

Mr. N. Dempsey: I share the Deputy's concern that disputes in An Post that involve internal and industrial relations always seem to go to the brink. I do not think it is a good way of doing business on either side. I accept fully the Deputy's remarks in that regard. I do not want to apportion blame or suggest who might be at fault, as Deputy Durkan did not do so, but it is clear that there is something wrong. Bodies such as the Labour Relations Commission, the Labour Court and the national implementation body and people like Peter Cassells are working to ensure that dialogue continues and agreement is reached. It is clear that it is not a normal industrial relations environment. I have argued at meetings with representatives of management and unions that they should be able to reach agreement without the intervention of third parties. It almost seems to be par for the course that third parties have to intervene in such disputes after talks between unions and management break down. I agree with the Deputy the position

is unsatisfactory and I have stressed that it should not be allowed to continue.

The other issues raised by the Deputy, such as the Sustaining Progress agreement and the future of SDS, are being considered by the Labour Relations Commission, the Labour Court, the national implementation body and Peter Cassells. The Deputy will understand if I do not go into great detail about what might or might not happen in that regard. Like the Deputy, I urge both sides to reach agreement and to make progress. On the basis of the comments I have heard from Deputies on all sides of the House, it seems that we are united in our desire to see agreement reached, the reform package put in place and an efficient and effective postal service developed. I am sure that aim is shared on all sides of the House.

Mr. Durkan: Has the Minister set out the policy parameters within which he expects An Post to work towards the objective he has mentioned? Has he outlined to the company the type of postal service he would like to see emerging in this country in the future?

Mr. N. Dempsey: I have made clear to both sides that I would like to see an efficient and effective postal service that provides customer satisfaction by meeting the needs of customers and employees. It is inevitable that change is needed to put such a service in place. The more I examine postal services throughout the world, the more I understand that change has to happen in Ireland quickly. The broad parameters on which I am working involve the development of a postal service that is geared to delivering for the customer and providing good employment for workers.

Company Closures.

64. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources his views on the recent collapse of Media Lab Europe; his further views on whether this amounts to a serious setback in the area of research into new and digital technologies here; his plans for a new research facility for the digital hub project; and if he will make a statement on the matter. [3698/05]

65. **Aengus Ó Snodaigh** asked the Minister for Communications, Marine and Natural Resources if his attention was drawn to the crisis at Media Lab Europe in Dublin prior to its closure; if so, the date on which his attention was drawn to the crisis; the steps he took to avert the job losses and recoup the Government's investment in this company; the total spend by the Government since the conception of this project; and the plans for the staff of the company, its site, equipment, expertise and innovations. [3859/05]

Mr. N. Dempsey: I propose to take Questions Nos. 64 and 65 together.

[Mr. N. Dempsey.]

Media Lab Europe, MLE, was formed by an agreement between the State and the Massachusetts Institute of Technology 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. The Government has met all its contractual obligations arising from the venture.

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 significantly in recent times due to MLE's being unable to raise the necessary sponsorship and corporate income required, as envisaged in its business plan. In February 2004, the Government liaison committee, comprising Departments with an interest in the MLE operation, wrote to the board of MLE requesting it to undertake a fundamental review of its business model and produce a strategic plan. The board submitted its strategic plan to the Department on 7 May 2004 and it included a request for additional Exchequer funding of €9 million over three years.

Following this review, there were extensive efforts to agree a restructuring plan for MLE that would allow it to move forward on a sustainable basis. This included: detailed independent assessment of MLE's strategic plan and its progress towards achieving its high-level objectives; discussions with the relevant Departments; discussions with the research and educational agencies and third-level institutions; discussions with the business and development agencies; direct negotiations with MIT and discussions with the board and executive of MLE. However, a package 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 considering the options for a new research entity at the MLE facilities. Issues being addressed include the need to secure the following: greater focus on sustainable research and more directive research in a new business model; better links to Irish universities and third level institutions generally; improved corporate governance in accordance with general guidelines for State bodies 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 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 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.

Mr. Broughan: I thank the Minister for his reply. It was regrettable that he was not taking questions on the first day of the session, on which I raised this issue. I hoped we might have had a full-scale debate.

Does the Minister agree that the Committee of Public Accounts or the Committee on Communications, Marine and Natural Resources, or both, should investigate State expenditure at the location in question, with particular reference to grants to MLE? Would he welcome such an investigation? Does he agree that the MLE project was, to some extent, the Taoiseach's pet project and that he did not invigilate it closely? Was the Taoiseach not remiss when the project began in that he did not set out clearly its objectives? Is he not personally liable in this regard?

The Minister stated the net amount spent in start-up capital for MLE was €35.5 million. Will the State receive any revenue from the liquidation? Is there any other return to the State? What was the size of the workforce within six months of the closure and on the date of closure? What will happen to the fine researchers and graduates that worked for the company?

I am glad the Minister stated he will initiate consultation with local universities and research institutions. Does he not agree that the Government having embarked on this project without having fully consulted the Dublin Institute of Technology and Trinity College Dublin, both of which were within a mile of the company, was arrogant and foolish? Does he agree that the Taoiseach made this decision?

Will the Minister comment on the fact that 50 people have been left without jobs and that the Liberties, an important area of our city, has been left without a flagship project? Bearing that in mind, does he not deplore the fact that four chief executives departed the company, one after the other, with golden handshakes worth up to €400,000 although they had only served for very short periods?

Mr. N. Dempsey: On the last question, that four chief executive officers left over a period of five years is a clear indication of the correctness of the decision made and of the fact that MLE certainly had its difficulties. The company made its own decisions in this matter and they had nothing to do with the Department. The company was a stand-alone company and not a semi-State company and therefore the decision on job cuts was the responsibility of the board. This also

holds true for the decision to liquidate the company. The latter decision was made on foot of the Government's decision that no further funding would be made available.

At the time of liquidation, the number of staff amounted to no more than 50. Many of these were researchers and were not employed by the company on a full-time basis. They were contracted to work for specified periods. A number of students were also employed, who were obviously associated with colleges and continued to do their research.

On the question as to whether there was any return on the €35.5 million invested or whether the State expects to obtain further returns, the buildings are and were State-owned. That the company employed people over the five years of its existence resulted in the lodgment of a number of patents, thereby resulting in some returns to the State. The details on achievements over the five years are available on the Department's website.

Mr. Broughan: How much?

An Ceann Comhairle: Allow the Minister to respond without interruption.

Mr. N. Dempsey: On the question of whether the committee shadowing my Department or the Committee of Public Accounts should investigate the matter, nobody has alleged that there was any wrongdoing in respect of this issue and therefore I would not use the word "investigate". My Department and I would certainly have no objection to co-operating if a committee wanted to seek the background details on the matter. I would certainly not term it "an investigation".

Mr. Broughan: Does the Taoiseach have personal responsibility?

Mr. N. Dempsey: I am the Minister for Communications, Marine and Natural Resources. The body was under my aegis since I took up that position. It is my responsibility.

Mr. Broughan: The Minister did not set it up, however.

Mr. N. Dempsey: We made a collective decision in that regard. It was a Cabinet decision and not an individual decision by the Taoiseach. I recall the relevant memo coming to Government. It was an exciting project and it was unfortunate that the dip in the dot.com sector and the general recession occurred when they did because the company could have delivered had economic conditions remained favourable.

Aengus Ó Snodaigh: What steps are being taken to ensure that the digital hub is successful and is not associated with the failure of Media Lab? Does the Minister not agree that the departure of four chief executive officers in such a

short period should have rung alarm bells for the Government?

Mr. Durkan: It should have set the red lights flashing.

Aengus Ó Snodaigh: Exactly. The concerns and scepticism of many when the project was initiated should also have come to the Government's attention when the company failed to achieve self-funding status and was unlikely to do so by 2005. Has the Minister met the staff of 50 whom he mentioned, the innovators and researchers since the announcement of the closure?

Was he aware of the work of the south-west inner city computer clubhouse which, in its infancy, provided excellent opportunities for young children in a disadvantaged area targeted by RAPID and the drugs task force? These children never hoped for such opportunities. What will happen to the clubhouse on the site of Media Lab and will money be set aside to ensure it will continue while the Minister decides the future of the rest of the project?

Were the patents of Media Lab held by the Massachusetts Institute of Technology or the State? What is the breakdown of the money which I hope will accrue from much of the innovative work conducted in Media Lab? I visited it shortly before the announcement of its closure. It is to be hoped that some of the projects and patents will make up for some of the bad investment. Has the Minister visited the site and, now that it has closed, has he any intention of doing so to speak to the staff and ascertain their hopes for the company?

Mr. N. Dempsey: I visited the site at least twice in the three months since I took office to see Media Lab and the digital hub. I am aware of the clubhouse and the work done there. We brought Mrs. Kofi Annan to visit it and she was impressed by the activity there. That continues as does the Government's commitment to it which will remain in place.

In the files covering its five years of existence and the departure of four chief executive officers, there is no item to suggest that this was raised in the House or that people called for the closure of Media Lab as a result of what was happening there. Nobody raised any serious concerns about it.

It was a five-year experiment which was due to be reviewed in 2005. That review began in 2004 because at that stage, three of the chief executive officers had moved on. There were difficulties of which the Department was well aware. It asked the company to produce its strategic plan which it did three or four months later in the middle of 2004. Officials in the Department, and my predecessor, regarded the plan as inadequate. Experts were brought in whose report came to me shortly after I entered the Department.

[Mr. N. Dempsey.]

There was a general commitment to making this work and we did all we could to reform Media Lab as it was, to give it an extra lease of life and continue but that was not possible. That is the basis of our decision. We are still committed to and believe strongly in the concept of research into digital media. We will try to put something different but related to digital media research into that area.

Mr. Broughan: The Minister is covering for the Taoiseach. He has effectively thrown his body in front of him, which the Taoiseach did not do for the Minister in his previous office during the controversy about third level fees. The Minister's remarks are not true. I contributed to the debate on Committee Stage of the Bill on 6 March 2003, supported by Deputies Coveney and Eamon Ryan, both of whom expressed concern. We all wanted to see a successful digital village or district in our city. Our concern grew as time passed. The Taoiseach set the project up under the wrong auspices. That was the problem, as the Minister has effectively conceded today.

The Minister has proposed some dramatic initiatives in the past, although the electronic voting machines are rotting away somewhere. Could he not be more ambitious and study Kuala Lumpur and other cities for examples of a proper digital district with everybody on-line? This could be a pilot scheme with perhaps six or eight other pilots the country. The Minister should drive the project and build on this serious set back.

Aengus Ó Snodaigh: Is there a timeframe for the work the Minister suggests of tying Media Lab to a university or some other third level institution?

Mr. N. Dempsey: There is a timeframe for consultations, namely, the end of this month and early next month. I hope we will receive expressions of interest. The tender document has been released inviting these by the middle of this year when they will be assessed.

In response to Deputy Broughan I wish to enter a *caveat* that we should not allow the failure of the experiment with Media Lab to overshadow the success of the digital hub concept. There are over 40 companies working there employing approximately 400 people, and significant work is taking place in the local community, which is a beacon. Ironically, Media Lab was destined to be the flagship of the digital hub which has now superseded it and is self-sustaining.

It is a pity my socialist friends in the Labour Party did not give me more support on the third level fees issue. We might have made more progress on it if they had.

Fisheries Protection.

66. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his policy with regard to the fish processing industry on the

west coast, in particular in Killybegs; if his attention has been drawn to the fact that many factories have no fish to process and that several fish processing factories have closed; and if his attention has further been drawn to the fact that at the same time as this is happening, a company (details supplied) in Scotland is expanding significantly to cater for Irish boats, which are now bypassing Killybegs to land their fish. [3885/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):

For many years, County Donegal, in particular the Killybegs area, has been to the forefront of the Irish fishing industry, and has been a vital source of permanent and seasonal employment opportunities in coastal communities as well as boosting the local economy through ancillary industries. The pelagic processing industry is going through a period of change arising from various factors which have impacted on the industry. A critical factor is the high price being paid for mackerel across the market. It is probable that some ongoing restructuring of the processing sector will continue as firms position themselves to provide long-term sustainable jobs for the area in a competitive international market.

EU measures to strengthen control in pelagic fisheries, introduced in 2004 as a consequence of concerns about illegal landings right throughout Europe, will continue this year. The effective implementation of these measures is critical to ensure the medium to long-term sustainability of fish stocks and to maximise the market prices for vessel owners respecting quota allocations. I responded to industry concerns about the impact of these new procedures and secured at last December's Fisheries Council a commitment that the Commission would bring forward proposals that will allow fish to be weighed after transport from the port of landing while ensuring full control and accountability. The Commission brought forward informal proposals in this regard, which are currently being evaluated.

Equally importantly, new arrangements have been put in place in designated landing ports in Ireland that allow for weighing of fish and the subsequent addition of refrigerated seawater. The new system addresses to a significant extent the quality and other concerns expressed by the industry last year. By working together, we will ensure the pelagic seafood sector in Donegal maintains its pre-eminent position and remains an economic linchpin of its coastal communities.

The Government has no plans to close down the fish processing industry on the west coast. The Deputy will recall the Government investment of €50 million in the major new harbour development at Killybegs. We want a return on that investment through more fish being landed at Killybegs. My officials and I will work closely with the industry with a view to attracting more of the vessels into Killybegs.

One would get the impression from the question that the fish are being caught south of

Donegal and are bypassing Killybegs on their way to Scotland. Deputy Perry will be aware that in December and January the fish are largely off Norway. They move outside the line east of 4°W and then into the waters of Scotland and Norway, and fishermen are taking full advantage of the prices there. However, I would prefer that they landed their fish in Killybegs, providing jobs for the hard-pressed processors and seasonal workers.

Mr. Eamon Ryan: There are no fish left in Irish waters. The overfishing the Government has allowed has caused the problem.

Mr. Perry: The Indecon International Economic Consultants report on fish processing in 2001 stated there were 29 pelagic fish processing companies at that date. There now appear to be 14, which suggests that up to 15 companies have closed in the past three years. Is this a huge concern considering the economic spin-off not alone to fish processing but to the supply chain of that industry?

What changes are necessary in our domestic quota management to reflect the new fleet development and reduced quota for key species? There has been a dramatic change in emphasis in regard to different species. Is the Minister concerned with the closure of 15 companies since 2001 and that, as we speak, Peterhead in Scotland is investing heavily to accommodate Irish boats?

Mr. Gallagher: I presume Peterhead is investing to accommodate Irish boats because the fish, unfortunately, are close to there at this time. The Deputy will know from his contacts in Killybegs that during the early part of the year record prices are available in that area.

I accept we have a responsibility to work with the producers and processors to develop the industry. This means not only providing jobs at sea but, equally important, jobs on land in the processing plants that have made major investments but are having problems at present. While the boats can follow the fish and land their catches into the nearest ports or where markets are most lucrative, processors cannot.

Fewer processors are operating in recent years due to the reduction in the quota for pelagic fish. As the Deputy knows, the decision on mackerel as a straddling stock is out of our hands and is decided by the EU and Norway. However, with regard to stocks over which I have some control, when I visited Brussels this year there was a proposal to significantly reduce the horse mackerel quota. Through negotiations and networking, I secured the *status quo* for horse mackerel and achieved a substantial increase in the blue whiting quota. I hope we can work with BIM and the industry to ensure a concentration on blue whiting so that more of it is taken ashore for human consumption purposes.

Mr. Eamon Ryan: It is unsustainable fishing.

Mr. Perry: With regard to Annex IV on the weighing of fish, there is serious concern that up to 20% of the catch can be water. Will the Minister provide a timescale for an interim measure to deal with this in the coming weeks?

Mr. Gallagher: I recognise the problem. My officials and I spent seven hours working with the industry to try to overcome it. I assured the industry I would raise the matter when I went to Europe. I did so, and secured a political commitment from my 24 European colleagues.

Mr. Perry: Will the Minister provide a timescale?

Mr. Gallagher: We are working on that at present. It will be sooner rather than later but it is being actively considered. The draft, of which the Deputy is aware, was presented to the Government and the industry — processors and producers. I hope there will be a favourable decision that the industry can buy into.

In the meantime, with regard to the Annex IV regulations, measures were introduced in recent weeks, which have been beneficial if not ideal.

Mr. Perry: Why are foreign factory ships allowed to fish at will in Irish waters with no monitoring on board or at the time of landing?

Mr. Gallagher: They are not necessarily landing into our ports so we have no jurisdiction over that. I presume the Deputy is suggesting there should be observers on boats—

Mr. Perry: Yes.

Mr. Gallagher: —and that there would be no slipping of fish or discards. I have no difficulty with that and the Commission is considering it at present.

Alternative Energy Projects.

67. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to recent statements from a company (details supplied) that it will not develop any further wind projects here; his views on whether such statements are a direct response to the energy regulator's comments that there is no need to develop the wind energy sector at this time; and if he will make a statement on the matter. [3884/05]

Mr. N. Dempsey: The energy regulator's letter to me took the view that additional wind energy projects can be developed without special support. It did not suggest that there is no need to develop the wind energy sector at this time. I have put the letter from the Commission for Energy Regulation out for consultation in the context of finalising the work of the renewable energy development group. I have already received some responses.

[Mr. N. Dempsey.]

I am aware of reports that the company referred to in the question has decided to invest in other locations. This is obviously a commercial decision for the company and I have no way of knowing whether it is directly linked to the Commission for Energy Regulation letter.

My objective in regard to renewable energy is to put in place regimes that will give fair and reasonable returns and incentivise bankable projects while taking into account national competitiveness and the interests of consumers. If, as a result of the work of the renewable energy development group, we succeed in putting in place a regime that meets this objective, it is reasonable to expect that additional projects will come forward, over and above those already committed. I want to see our target for 2010 being met in full, as a minimum.

Mr. Broughan: Is the statement by the Commission for Energy Regulation in effect an example of the regulator making policy and doing the Minister's job? Is it the Minister's job to set the ultimate parameters of the types of energy this country will use? Is this a step too far by the regulator? Has the regulator a busy time ahead given that we are only days away from full market opening on 19 February?

Does the Minister's statement mean we cannot expect any other alternative energy requirements, AERs, and that AER V and AER VI will be the last? To what does the Minister attribute the failure to bring on-stream more megawatts of wind energy given the existence of those two schemes? Have the issues that arose in regard to the integration of wind power into the national grid been dealt with in the new grid code? Is the Minister satisfied there are no more technical problems in regard to integrating wind into the national grid?

Does the Minister have ideas to bring forward on market support mechanisms for wind power? The company to which I refer, Airtricity, stated more than a week ago its enterprise would be devoted to the other country in western Europe with massive wind resources, namely, Scotland. Is the Minister disappointed this trailblazing company has had to turn away from Ireland because of what it feels is a lack of commitment, by the Minister's predecessor in particular, to the development of wind power?

The British target is still to have up to one sixth of energy created from wind and renewable energy sources by 2010. Given our resources, is the determination of the Department very poor in this regard and, therefore, is the regulator's comment unfortunate?

Mr. N. Dempsey: As I said in my original response, the regulator took the view that wind energy projects could be developed without special support. The regulators are entitled to their view. It is not a policy decision by me. The current policy is that by 2010 we will provide 13.2% of our energy from alternative sources.

What will emerge following the current review of the renewable energy development group, plus the wider review of the electricity market etc., which I have already announced, will form the basis for any new policies, not anything the regulator might say.

The Deputy mentioned the word "failure" in regard to AER VI, AER V and the other AER programmes. He is being unduly negative in this regard. My information is that the target of 13.2% will be met, which is reasonable. I agree with the Deputy that we must be much more ambitious in the future. When the renewable energy development group and the short-term analysis group have reported, we will need to have a wider debate on setting targets in the future.

The Deputy asked whether there were any more technical issues. I am not sure whether there are more technical issues, but some of the same technical issues are causing difficulties or being used in highlighting the difficulties with wind energy and putting it onto the grid in particular. The Deputy referred to some of them, such as code compliance, wind turbine modelling, wind forecasting techniques and so on. I am reliably informed at this stage that there is 80% certainty of the wind conditions a minimum of 24 hours beforehand, which appears to be good odds. There are other things like constraining off. The physical problems that must be overcome include grid development. The Deputy is correct that in some parts of the country the grid is weak. Wind farms would operate best in many of these areas.

On market support mechanisms, I said at the outset that one must balance a number of conflicting issues when making decisions such as this. There must be fair and reasonable returns for the people who initiate these projects, but one must also take into account national competitiveness and the interests of consumers. The more grants that are made available, if one decides to go that route, the greater the cost to consumers. The company concerned would like to see a system in place similar to the renewable obligation certificates, ROCs, system in the UK. My information is that this would be much more expensive for the country and consumers. For that reason, there is no proposal to go down that particular route at the moment.

Mr. Broughan: What percentage of our electricity comes from renewable sources today?

Mr. N. Dempsey: I do not have the figure off the top of my head, but it is less than 5%.

Other Questions.

Fisheries Protection.

An Leas-Cheann Comhairle: I remind the House that the rules governing these questions

are an overall six minutes, two minutes for the Minister's reply and a maximum of one minute for the supplementary question and the answer to the supplementary question.

68. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the likely implications of an increase in salmon conservation measures on angling tourism in 2005; and if he will make a statement on the matter. [3668/05]

Mr. Gallagher: According to Fáilte Ireland data, there were 83,000 visits to Ireland in 2003, where those visits were determined by angling. This compares with 56,000 in 2002 and 95,000 in 2001. I understand that salmon anglers may represent some 21% of these visitors. In the same period, I am advised that the number of salmon angling licences sold in 2003 was 31,827, a decrease of 9% compared to 35,024 in 2002. In 2001, 32,814 licences were sold. I am advised by the Central Fisheries Board that the latest wild salmon statistics for catch by rod and line relate to 2003 and indicate that the number of salmon and sea trout caught over the same period by anglers has increased by 18% from 27,184 in 2001 to 30,872 in 2002 and 32,017 in 2003. Consequently the catch per unit effort has increased and so the effect of salmon conservation measures introduced in recent years do not appear to have adversely impacted on the prospects for salmon anglers, whether domestic or tourist.

The Central and Regional Fisheries Boards devote considerable effort and resources, in collaboration with Tourism Ireland, to the promotion of angling abroad. I am advised, however, that the overall decline in angling tourism is not unique to Ireland but reflects a trend which is widespread in Europe. The report of the tourism policy review group to the Minister for Arts, Sport and Tourism in September 2003 observes a decline in activity holidays which is not confined to angling but includes cycling and hill walking.

Since 2002, the Government has implemented a strategy to ensure, through progressive reductions in the commercial catch, that the conservation limits specified by the Standing Scientific Committee of the National Salmon Commission are being reached. This policy of promoting the application of quotas on commercial fishing and bag limits on angling has delivered significant overall catch reductions aimed at achieving the objective of restoration of salmon stocks.

Additional information not given on the floor of the House

In September last year, my predecessor accepted the advice that immediate measures were necessary to reduce angling exploitation so as to ensure an increased survival level for spawning purposes during the remainder of the year. Measures governing the operation of salmon angling for the remainder of the 2004 season

reduced the daily permissible catch limit from 1 September.

This proposal by the National Salmon Commission delivered a practical mechanism to effect the protection of salmon stocks while acknowledging the important role angling plays in attracting tourists to Ireland. The recommendation made by the salmon commission was also aimed at affording the continuation of the season for tourism angling into September but at the same time minimising the impact on our valuable wild salmon stocks. The relevant State agencies were asked to closely monitor the salmon stocks in the intervening months. The previous Minister also directed the Central and Regional Fisheries Boards, the Marine Institute and BIM to liaise with the National Salmon Commission in completing a full review of the 2004 season so as to allow the necessary adjustment to planning for the regulation of the 2005 season.

While I await their recommendations and the views of the National Salmon Commission, I am sure they will take cognisance of the likely impact of measures on angling tourism and aim to minimise their impact for the coming season.

Mr. Perry: In light of the loss of income from salmon fishing and the significant debate which is currently taking place on the significance to the economy of drift net fishing and salmon caught on the rod and the fact that the tourism sector is going through a decline in the west, will the Minister of State agree that something needs to be done to increase the opportunities for people involved in the tourism sector, particularly in the area of salmon fishing and the option of a buy-out of drift net fishing?

Mr. Gallagher: The Deputy will recall that a few years ago the National Salmon Commission was established to advise the Minister. The commission includes representatives of all the stakeholders, including those involved in angling tourism, drift net, draft net or snap fishing. As far as salmon fishing is concerned, we have a duty to conserve, protect and exploit this fishery in a sustainable manner. This is the balance we are trying to find. The salmon commission recommended over a number of years that there would be a step down reduction in the landings, TACs and quotas of salmon, which would benefit the angling and tourism sectors.

In the coming weeks, the salmon commission will advise me on the scientific recommendations, and the management will feed into that, taking into account the socio-economic factors. The Deputy will recall that last year the quota for commercial fishing was in the region of 163,000. Within the licensing period, approximately 142,000 were landed, therefore there was a reduction in this area. In regard to the question of a buy-out, I made it abundantly clear after discussions with the Minister that there would be no buy-out during the lifetime of the Government. It would be

4 o'clock

[Mr. Gallagher.]

a transfer of a national asset from one sector to the other. I am prepared to listen to those who are recommending a buy-out. I am also anxious to know who will be prepared to put forward the €70 million to €100 million that might be required. That type of money could be better invested in research and development, and we have a state-of-the-art research facility in Mayo. My mind is not closed on this matter.

Mr. Perry: In terms of the allocation of funds from the Department to the Central Fisheries Board, when administration costs are taken into account as well as the archaic system of operation of the seven fishery boards, considerable money can be wasted in the duplication of services, similar to that which prevailed in the health boards. Has the Minister of State an immediate plan to examine the overall management of the fisheries area? The existing position is not the fault of the Central Fisheries Board. The level of Exchequer funding available for the restocking of rivers and lakes is quite minimal. If we hope to promote the industry, will the Minister of State agree it is time to invest in it? Such investment would be justified.

Mr. Broughan: Is the Minister of State saying he agrees with what Mr. Joey Murrin is reported as saying in *The Irish Times* today? Does this mean the salmon commission is recommending this proposal for all the reasons given by the Minister of State? We have not seen any costings for it. The Minister of State mentioned €70 million and €80 million for the cost of a buy-out.

In the past three or four months anglers throughout the country, including in Donegal from where the Minister of State comes and also in Killarney, seem to be on the verge of rebellion. The mood is reminiscent of that which prevailed at the time of licence dispute a few years ago, given the types of restrictions imposed on them in regard to catches. Perhaps they are being imposed on the worthy basis of conservation but such conservation measures are being imposed because of the Minister of State's failure to bite the bullet and address the main issue of a buyout.

Mr. Eamon Ryan: I am sure the Minister of State will be aware of the evidence presented to the salmon commission that shows the salmon stock in the great salmon rivers on the east coast — the senior Minister will be interested in stock levels in the River Boyne and River Liffey — is down to a few hundred salmon. The last of those surviving genetic stock unique to those two rivers will head off this summer and the odds are that they will be caught in nets used indiscriminately off the west coast of Donegal, Kerry and Cork.

While I accept the argument that this proposal will incur a cost, can the Minister of State explain to his senior Minister why he is putting in place a system that may eradicate and make extinct the Boyne or Liffey salmon? That is the point we are

at according to scientific evidence presented to the commission, to which the Minister of State referred.

Mr. Gallagher: In regard to Deputy Perry's question, I met representatives of all the regional boards shortly after my appointment and I met the chief executive and the manager of the Central Fisheries Board on a number of occasions. I am anxious to assist them because I am cognisant that small investments could be beneficial in areas where there is no alternative source of employment.

In regard to the overall position, the Deputy will be aware that my predecessor established a review of our fisheries. We expect a report from Farrell Grant Sparks, the consultants commissioned, in the near future. It will deal with the overall position. I do not want to second guess what they may suggest in that review. As soon as it is available, a copy will be available to the spokespersons and subsequently to the House.

I did not read Joey Murrin's article in one of today's newspapers, but he would be the first to tell Deputy Broughan that over the years we have not always sung from the same hymn sheet. I have committed to there being no buyout in the lifetime of the Government. The Deputy asked where I got my figures. I have noted costings in this area in respect of the north-east coast of England. I need to have some benchmark. The cost of such a proposal would range between €70 million and €90 million. However, I have to ask if that type of funding was available whether it should be invested in a buyout. Perhaps there are other ways such funding could be invested in the fishing industry or in the inland fisheries. The popular option might be to proceed with such a proposal, but the popular option is not always the right one. I have to do what is in the best interests of the industry and of the country.

With regard to stock levels in the River Boyne and the River Liffey, I took the opportunity not more than two weeks ago to meet representatives of the east coast fisheries. While I am aware of their concerns, I draw to the attention of the House that when we talk about the net off the west coast it does not stretch from Donegal to the east coast of the United States. Members will recall that previously the limits were reduced from 12 miles to six miles, which was a major contribution. In addition, we have a four-day week over two months, which gives 30 weeks, and we have all daylight fishing.

We should not overlook other factors that pose a threat to fish swimming in the middle of the Atlantic. There is the question of their mortality and the threat to them posed by seals, an issue on which we have to bite the bullet. I am told that the number of salmon killed by seals is much greater than the total allowable catch for the country. Global warming is also a factor. It is from that basis that we should start to deal with this issue.

I will work with the industry with a view to ensuring we continue to have a viable industry and that there will be protection, conservation and exploitation of this resource in a sustainable manner in the best interests of those who depend on commercial salmon fishing for their income and in the best interests of tourism. I am the first to acknowledge the importance of angling and of salmon to the tourism industry. Even though the stock numbers are dropping, that is not pertinent only to Ireland, it is a factor across other countries in Europe.

Mr. Eamon Ryan: May I ask—

An Leas-Cheann Comhairle: We are way over the time allocated for this question. We must move on to Question No. 69.

Natural Gas Grid.

69. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the recent comments from the director of a publication (details supplied) that the proposed gas field on the River Corrib should be built offshore; if he anticipates any re-evaluation of the development options for the gas field; and if he will make a statement on the matter. [3589/05]

Mr. N. Dempsey: I have not been made aware of the comments to which the Deputy refers in his question.

The development of the Corrib gas field, which is situated some 70 kilometres off the coast of County Mayo, has received the necessary statutory approvals, consents and licences for the development of the field and work on the project has commenced. The developers expect that first gas will flow in early 2007. I do not, therefore, envisage any change to the content of these approvals which have been granted on the basis of independent advice in all cases.

The Deputy will be aware that An Bord Pleanála granted planning permission for the terminal in its current location in October 2004. This decision is at present subject to two claims for judicial review.

In January 2001, the developers submitted to my Department a plan of development for the Corrib gas field. It states that, in terms of facilities engineering, the area in which Corrib is located is characterised by a harsh marine environment, being directly exposed to the Atlantic fetch, a lack of existing hydrocarbon production infrastructure and the presence of active fishery industry interests.

Section 4 of the plan of development sets out the proposed concept — an onshore terminal — and the alternative offshore concepts considered. The alternative offshore concepts were considered and eliminated in the plan of development due to a number of considerations, including the following: the water depth and hostile nature of the environment at Corrib do not fav-

our the use of a fixed steel jacket or guyed tower — the latter has not been used outside the benign environment of the Gulf of Mexico; the floating production concepts are similarly not ideally suited to extended field life in the prevailing harsh environment, with large bore high pressure gas export risers being a particular design issue; and remote control buoy technology has not been developed for the extreme environmental conditions experienced at Corrib and development of an acceptable, reliable system could not be guaranteed within the proposed project timescale. These considerations also include that all the proposed manned facilities options incur high operational expenditure and have increased adverse safety implications, particularly with respect to offshore transfer of personnel; the high capital cost of all the floating or fixed platform options combined with the requirement for extensive gas transport infrastructure rendered the options sub-economic with predicted Corrib reserves and envisaged gas sale prices; and the relatively dry nature of the Corrib gas, eliminating the need for offshore processing, and high reservoir productivity, reducing the number of wells, allow the use of much simplified production facilities with high reliability. This permits the practical adoption of subsea production technology for Corrib.

In December 2000, my Department requested from the developers the results of its alternative concept studies. These were examined and reviewed in January 2001 by the consultant petroleum engineer advising my Department. He advised the Department that the developers of the Corrib gas field should not be required to change or consider changing the Corrib development scheme.

The House will appreciate that, given that the Corrib gas field development scheme has received all appropriate consents, I am not in a position, nor would it be appropriate, to initiate a process aimed at the fundamental change to the concept envisaged in the Deputy's question.

Mr. Broughan: Some gremlins got into our question and it did not come out exactly as we submitted it. Does the Minister share the concerns about the fragile ecosystem of the north-west Mayo area around Erris? Does he believe that a proper evaluation should be considered by the Government? For the past 20 years, Shell has faced the least regulation of oil and gas companies in the world in this area. Could Shell and its partners be made to re-examine this?

The Minister expects gas flows from early 2007. What percentage of our gas usage will come from the Corrib field by 2010? What prospects are there for other significant finds in that coastal area?

Mr. N. Dempsey: This has been the subject of exhaustive evaluation. Approvals were granted by the Department. Under the Petroleum and other Minerals Development Act, as amended,

[Mr. N. Dempsey.]

there was a lease demising the petroleum in the leasehold area. There was a plan of development under the Gas Act. Pipeline consent was given, with 32 compulsory acquisitions of rights over land and one compulsory acquisition of land later in 2002. Under the Continental Shelf Act, as amended, there was consent to construct a structure on the continental shelf. Under the Fore-shore Act, a licence was issued in May 2002 and An Bord Pleanála granted planning permission for the terminal. The development concepts that I mentioned were looked at in great detail and the prevailing view, because of its location in the Atlantic Ocean, was to grant consent to those proposals that were accepted.

I have no information that anything more will be available in that area but have been told anecdotally that once there has been a find in a particular area, there may be something more.

Mr. Eamon Ryan: Does the Minister agree that in all the evaluations listed, nowhere has proof been presented that an on-shore pipeline for untreated gas is safe floating in a bog, which will be the position with the nine kilometre pipeline? Why does the Department allow a situation where houses are within 70 metres of that pipeline? That would be the standard if this was a refined gas pipeline but, given that barometric pressure can be four times that in a refined gas pipeline, the distance to any house from that potentially unsafe pipeline should be at least 250 metres. Can anyone show me proof that such a pipeline floating in a bog is safe?

Mr. N. Dempsey: We established independent bodies to judge these matters from a planning point of view. The Deputy might know more about on-shore production of oil and gas but I presume that An Bord Pleanála employed all the experts needed to find out if this is safe and decided it is safe on that basis.

Written answers follow Adjournment debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Connolly — to discuss the resolution to the ongoing difficulties of more than 100 women arising from their maltreatment at Our Lady of Lourdes Hospital, Drogheda; (2) Deputy Ó Caoláin — that the Minister establish a redress board for those women victims of malpractice at Our Lady of Lourdes Hospital in Drogheda; (3) Deputy Lynch — the reasons for the ongoing delay in the provision of the new BreastCheck unit in Cork; (4) Deputy Seán Ryan — the urgent need for a post-primary school in Donabate, Dublin; (5) Deputy Enright — to ask the Minister what steps she will take to protect the malting

industry and barley growers in the midlands, seriously threatened due to the announcement by Greencore of the closure of the Banagher malting plant and associated depots at Borrisokane and Tullamore; (6) Deputy Naughten — the need for the Minister to intervene in the sugar beet transport crisis in light of Greencore's failure to obtain a rail depot in County Carlow for the transport of beet; (7) Deputy Upton — that the Minister immediately investigate the ring tone rip-offs, especially where children are exploited; (8) Deputy Boyle — that the Minister comment on recent job loss announcements in the greater Cork area and his plans for alternative employment opportunities for those so affected.

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

Leaders' Questions.

Mr. Kenny: We have grown accustomed under this Government to crisis in the health service but the withdrawal of the services of the country's most senior doctors is unprecedented and will pose a grave threat to the health of our people.

In the past week, 89% of the consultant members of the Irish Medical Organisation voted for strike action. On Sunday, at an extraordinary general meeting, the 1,600 members of the Irish Hospital Consultants Association were balloted for strike action and there is no reason to believe the result of that ballot will be anything other than an overwhelming vote for strike action.

The dispute is long-running and has been exacerbated by the actions and words of all parties involved. It is already affecting the health service in that for the past year consultants have refused to co-operate with the health reform process of which they are a vital part. Other than a few organisational name changes in the past month, the health system remains stalled. The chronic problems of the health service remain unaddressed and the crisis in accident and emergency units around the country continues to reach even more dramatic proportions on a daily basis.

Does the Taoiseach agree that while the three parties involved in this dispute, the Government, the consultants and the Medical Defence Union, will be affected to varying degrees by the consultants' strike action, the major losers in any such process will be the patients for whom the Government and the consultants have a duty of care?

Does the Taoiseach accept that if this strike takes place and consultants withdraw their services, it will result in the cancellation of all out-patients clinics in both public and private hospitals, there will be no elective surgery admissions and the acute hospital system will effectively grind to a halt for all but the most urgent and critical patients? Will the Taoiseach update the House on the response the Government is giving this impending crisis and the action he is taking to prevent it?

The Taoiseach: On Friday, 4 February, the consultant members of the IMO voted by a large majority for industrial action arising from the dispute over the introduction of the clinical indemnity scheme and responsibility for historical medical malpractice claims. This was followed by the meeting of the IHCA on Sunday at which a secret ballot for industrial action was conducted, with action taking the form of the cancellation of elective procedures and outpatient clinics, with consultants only available to deal with emergency cases from mid-March.

The Department of Health and Children has been engaged in ongoing discussions with the Medical Defence Union which has, to date, refused to assist up to 25 Irish consultants and former members, predominantly obstetricians, who are facing medical negligence claims. The purpose of these discussions is to seek to negotiate an arrangement with the Medical Defence Union under which it would continue to be liable for all known obstetric malpractice cases, with the Irish Government assuming responsibility for all such cases incurred but not reported prior to 1 February last year, the date on which the clinical indemnity scheme was extended to cover claims against hospital consultants. Progress in these discussions has been extremely slow due to the reluctance of the MDU to submit to a due diligence exercise. Such an exercise is essential to satisfy the public interest requirements of Irish law and the State aid issues that are likely to arise under European Union law.

Last Friday, the MDU notified the Tánaiste and Minister for Health and Children that it was withdrawing from negotiations in response to comments made about the MDU before the Oireachtas Committee on Health and Children on the previous Wednesday. In the light of this development, the Minister will meet the Government's legal advisers this week to discuss the legal options open to her to compel the MDU to honour its obligations towards Irish consultant members and former members. That is how matters stand at the moment.

Mr. Kenny: I thank the Taoiseach for his reply. The dispute, as the Taoiseach has pointed out, is effectively triangular. It involves three parties, each of whom is in dispute with the other. The Government is in dispute with the consultants and the Medical Defence Union. I accept that the Medical Defence Union should honour its commitments. The consultants are in dispute with the Medical Defence Union and the Government. The Government states it will provide cover and that nobody will be left off cover, and the consultants say that statement is not legally comprehensive enough. The Medical Defence Union is in dispute with the Government and the consultants. A Medical Defence Union representative yesterday stated this could be sorted out in an hour if the Minister were willing.

Nobody in this House wants this dispute. Everybody wants a solution before a crisis

develops. Given that it is a three-sided dispute, no progress will be made if people keep sounding off from their respective corners, and highly qualified and eminent personalities, both here and abroad, are involved, will the Taoiseach, on the basis of legal advice and in an effort to deal with the matter, consider calling in an independent arbitrator to call all three sides together to create a situation where common sense will apply, where responsibility where it is vested will be honoured and where the end result is that the patients, who are the persons involved at the centre of all of this, will not suffer in any way because of disputes regarding legal issues of responsibility that should be owned up to by all sides?

The Taoiseach: There is no doubt that if all elective and emergency cover were removed, it would be patients and the general public who would suffer. The Government has endeavoured for a long time to resolve the issue and will continue to do so. However, there are legal issues that cannot be set aside.

Following the Minister's meeting with the IHCA on 2 February, a meeting between the Government's legal advisers and the legal representatives of the IHCA is being arranged for later this week to discuss the written assurances given by the Minister that no consultant would be left without cover and no patient would be left without compensation, a commitment given as a result of the actions of the MDU. The IHCA does not consider that this assurance goes far enough and seeks a legally binding commitment. However, the Government has been advised that such a commitment could undermine any subsequent legal challenge by the State against the MDU and that that possibility cannot be ignored.

I accept that Deputy Kenny is being constructive and we are trying to avoid a crisis. As I have stated, the Minister's legal advisers and the legal representatives of the IHCA are to meet in an effort to resolve the issues. The issues cannot be set aside but we will do our utmost to make progress. I discussed this matter with the Minister this morning and she is anxious to try to bring the matter to resolution. However, she cannot set aside the legal issues at stake.

Mr. Rabbitte: It is reported in the media that the Government this morning considered the latest report of the Independent Monitoring Commission. Based on what he has seen of the latest report of the IMC, has the Taoiseach any cause to review his earlier statements that the Northern Bank robbery was the work of the provisional IRA and that the leadership of the republican movement had advance knowledge of that? If it is the case that the IMC report has reinforced the Taoiseach's convictions in the matter, why are such conflicting signals coming from the Government? This was an enormous breach of trust. Surely there must be consequences for the people involved, yet conflicting signals are coming from

[Mr. Rabbitte.]

Government. Most recently we were told that when the Taoiseach met the IMC, he encouraged it not to impose any penalties on Sinn Féin. I understand the Minister for Foreign Affairs is or will shortly be in Washington negotiating invitations for the Sinn Féin leadership to the White House St. Patrick's Day celebrations.

Given the IRA statements which were generally accepted by everybody across the board as threatening, does the Taoiseach believe these responses are appropriate? Does he not agree that the democratic parties ought to maintain a consistent position in the light of these threats? More specifically, if the IRA states that all its previous offers are now off the table, is it not entirely reasonable for the Irish Government to make clear that the release of the killers of Detective Garda Jerry McCabe are similarly off the table?

The Taoiseach: I hope there are no conflicting statements. Somebody handed me a newspaper this morning that I was not aware existed. It contained a number of references to me that I found interesting to the effect that I was backing off in the context of these issues. I understand the title of the newspaper is *Daily Ireland*.

Mr. O'Dowd: Was it Senator Mary White who briefed them?

The Taoiseach: I was told she was an investor in that newspaper but she has informed she is not an investor in any newspaper.

On more serious issues, the Government has seen the IMC report and it will be published later this week. If anything, it will go beyond anything I have said on previous occasions. I will leave people to read this independent report for themselves.

On the issue of sanctions, when these matters were discussed last week and previously, it was mooted in the public domain that had the institutions been up and running, this issue would have brought them down again. That is a fact with which I have no argument. However, I was also asked whether it would be helpful — this was also the thinking of the IMC — if, when the institutions were up and running, people could be suspended from them. That would be entirely unhelpful because it means they would never be up and running. The inclusive institutions would not be up and running if people knew that the day they were up and running they would be suspended. It was in that regard that I said I would not agree with that. The issue of sanctions and exclusion, of blocking people and not engaging with people is a hopeless exercise and will not bring matters forward.

In terms of invitations, the plans for the White House are well advanced. I do not think there will be much discussion on that issue this week. It is a matter for the Americans to announce their decision but, as I understand it, they have made their decision on these matters. These issues have

passed and the Americans organise the arrangements for St. Patrick's Day.

On the IRA statement, the Government's position for many years is that we do not comment on such statements, but I do not disagree with what the Deputy said, that one can read these statements as threatening and intimidatory. I shall say some more about that later at the debate this evening.

On the issue of the release of the killers of Jerry McCabe, I answered Deputy Kenny's question. As I said recently, that issue is off the table. I have heard people say in recent days that they have made great efforts to assist the peace process. I tried my best on this one, not only on the murderers of Jerry McCabe but all the other prisoners. I supported the release of several of the prisoners, including a number of people who murdered gardaí, as part of the peace process, and we released them all. We were prepared to go along with what was a demand to try to get a comprehensive agreement. It was not an offer but a demand. I do not want to argue about that, but that is off the table and I do not see it coming back on the table. I said that to Deputy Kenny and I say it again to Deputy Rabbitte.

I recommend that people closely read the statement. I understand Deputy Rabbitte raising the question of where we are trying to go, but at the same time in all these issues one can go back into the cul-de-sac. There are times when people like being in the cul-de-sac and then they all shout "wolf", "hostage", "victim", and so on, but that is not helpful. We have to try to work on from this. While all of these issues are terrible, we have to get to an end and we have to continue to work at the process. It is not a question of changing or being soft, we have to try to find a way to move on. I do not see an easy way of moving on at present. I do not see a way of getting the trust and confidence. I do not know how we will do that but I do not want to get ourselves painted into a position.

We have to mark where we are and the IMC in its report will do that. Somebody on the Deputy's side referred to confirming the confirmation, and it is beyond doubt. I will let the Deputy read the report. The Government has no position on changing the report. We made many recommendations and we accept the report. We have to try to see where we can move in the future. I am conscious, as is Deputy Rabbitte, that the marching season will come upon us and that brings its own problems and tensions, of which we must be mindful. Community leaders in Northern Ireland are asking me to be mindful of that, but it does not remove any of the issues we have debated here in recent weeks and which will be totally collaborated in the IMC report this week.

Mr. Rabbitte: Judging from what the Taoiseach has said, there is no ambiguity and no doubt about the clarity of the conclusions in the report of the Independent Monitoring Commission. I

hear what the Taoiseach says about no sanctions and no penalties, but surely there must be consequences. It cannot be a case of business as usual, otherwise we will be back again in five or six months' time in a similar position. As regards exclusion and inclusion, the Labour Party agrees with the Taoiseach on an inclusive process but there is no room for threats in an inclusive process. In terms of exclusion, will care be taken on this occasion to ensure parties such as the SDLP, which was at the architectural stage of the peace process, will be included as well as the UUP, the Alliance and so on? I know the Taoiseach will say he met them but when the serious negotiations start, parties such as the SDLP which can claim more than the average share of authorship of the process will say they were excluded when the real business was being done and that what was in prospect of being signed off was, therefore, inferior.

I heard what the Taoiseach said about the release of the killers of Jerry McCabe in this new situation and I welcome that.

The Taoiseach: I think we all agree with the politics of inclusion. In the last round of discussions in April 2003 and October 2003 the SDLP and the UUP were working together and others were excluded. They were not totally excluded, but the key issues were the two parties. On 8 December the DUP and Sinn Féin were involved because their mandates put them in that position under the Good Friday Agreement. As regards people being excluded, it was only when we were dealing with issues that other parties had nothing to do with that they were excluded. What the Deputy said about the SDLP is correct, and without the SDLP we would not have had a Good Friday Agreement. We would probably have had nothing in Northern Ireland. Of course, the SDLP has to be kept fully involved at all times and our policy is to do that. That party does not bring anything to the table and neither would it want to in terms of decommissioning and all the other issues we were trying to deal with in putting arms beyond use.

Deputy Rabbitte asked what is the penalty. The penalty is clear. As we stand today, there is no possibility whatsoever of making progress on the peace and confidence that leads to an inclusive working executive and administration in Northern Ireland under the terms of the Good Friday Agreement unless the Sinn Féin leadership comes back to both the Irish Government and the British Government, as requested, to give us answers about the three areas on which we asked for answers, that is, paramilitarism in all its effects and particularly the issues of decommissioning and criminality. I do not think, even if we get answers, we will be able to move fast, but we certainly cannot move in the short term without those answers.

Mr. J. Higgins: Many recent reports in the media have highlighted grievous exploitation of

immigrant workers. In the construction industry SIPTU officials have found such exploitation. Recently the bricklayers union, BATU, was so concerned that it met the Polish and Lithuanian ambassadors to highlight a gross abuse of their nationals. I wish to raise, in particular, one major scandal of immigrant worker exploitation of massive proportions. There is a major foreign-based multinational construction company employing approximately 10,000 people, 2,000 approximately in this State, which has secured massive local authority and State contracts here. This company imports workers from its home base, who do not speak English, controls their passports and work permits, accommodates them often in company barracks, demands an extent of hours worked that can only be called grotesque and, incredibly, pays unskilled construction workers between €2 and €3 per hour basic pay and skilled workers somewhere over €3 an hour. In short, this is a modern version of bonded labour. The instigator is Turkish-based Gama Construction Ireland Limited.

The national minimum wage is €7 an hour. The registered employment agreement for the lowest paid operative in construction is €12.96 an hour. This case is a national scandal financed by extensive public funding. I call on the Taoiseach to ask the Minister and the Department of Enterprise, Trade and Employment, as a matter of priority, to order an immediate investigation into Gama Construction and its pay and work practices. Will its records be demanded? Will the Taoiseach ensure that interviews are conducted with workers out of the way of company pressure? Will he ensure the Department sees that no worker is victimised as a result of this investigation and if Gama Construction should act to send workers home, a method used by these companies, those workers are sheltered and protected? I will ask SIPTU, to whom the company signed up some of its workers as a cover, to do so. Companies like Gama Construction not only exploit immigrant workers but undermine wages and conditions for all workers and, through crooked means, they underbid other companies who pay the full rate. This is a serious matter.

The Taoiseach: I reiterate that every worker is entitled to the full protection of the law. The workers referred to by the Deputy are entitled to full legislative protection. The inspectorate of the Department of Enterprise, Trade and Employment can apply the full powers and rigours of the law to inspect the records and investigate any breaches. I am aware of some other cases where trade unions have asked the Department to investigate and this has been fully carried out. The Deputy has referred to the company by name. The Minister for Enterprise, Trade and Employment is in the House and will raise the matter of inspection with his departmental officials. Legislation to deal with such cases is pending. Any information on the case will be followed up. The key point is that every worker is entitled to the

[The Taoiseach.]
full protection of the law. The minimum rate of pay has been agreed through the Labour Court and employers have an obligation under the law to pay that rate. The inspectorate implements the law and investigates any employer in breach of the law.

Mr. J. Higgins: As the Taoiseach stated, the workers have entitlements. However, these workers are vulnerable and afraid. That is why they need the security of knowing that any attempted victimisation will be resisted. I welcome the Taoiseach's undertaking that the Minister for Enterprise, Trade and Employment will take action. We will make every information available to the inspectors. There should be many more than 21 of them, by the way.

This company has done work for local authorities. It built the Ennis and Ballincollig bypasses and was proud of the fact that it completed the work six months ahead of schedule. That is easy when using a bonded labour force working eleven or 12 hours a day with two Sundays off in a month. The company can underbid because of these rates of pay.

I want the Minister to take personal charge along with the Secretary General of the Department because it is a serious allegation. This is not a fly-by-night operation from the boot of a car. This is a major company financed by major State public contracts. I will therefore keep a close eye on it. The rights of immigrant workers are paramount, as are the rights of Irish workers who are undermined by this.

An Ceann Comhairle: I advise the Deputy that it is not appropriate to name a company in the House when it is not here to defend itself.

Mr. J. Higgins: It is entirely appropriate because—

An Ceann Comhairle: No, Deputy, it is not. It is a long-standing precedent in this House.

Mr. J. Higgins: —it takes advantage of its power over vulnerable workers to exploit them. I will not allow that to happen.

An Ceann Comhairle: There can be no argument about it. The Chair has ruled.

The Taoiseach: I do not know if Deputy Higgins or others have made a complaint to the labour inspectorate about the particular company. The Minister will raise the matter with the inspectorate. I note the Deputy has said he will make the information available to the inspectorate and this will be helpful. I reiterate that every worker in this country is entitled to the protection of labour law. This has been enforced in many cases. Members may remember a case three years ago where the Department took firm and positive action to uphold the rights of the workers who were from one of the now member states, then

an applicant country. The same examination will take place in this case.

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 propose to deal with these topics separately and I will call on Deputies in the order in which they submitted their notices to my office.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance: the necessity to amend employment legislation to allow for the issue of work permits directly to workers rather than to employers in view of the continuing difficulties being experienced by non-EU workers here and to allow the Minister to make a statement on the matter.

Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance: the need to ensure that cancer services, including radiation oncology, are available in the regions and that treatment will be made accessible to all on the basis of need and without distinction based on geographical location or ability to pay.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance: the refusal of the Minister for Health and Children and the national treatment purchase fund to release figures, either in reply to parliamentary questions or in correspondence, for the numbers of people on acute hospital waiting lists and the need for a debate on the implications of devolving responsibility for collation and use of all such statistics to the national treatment purchase fund.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance: the pending industrial relations meltdown in our hospitals arising directly from the failure of the Minister for Health and Children to address effectively a range of pressing issues, including the crisis in accident and emergency units, the uncertainty for health service staff regarding their employment arising from the establishment of the Health Service Executive, and the failure to renegotiate the consultants' contract to ensure greater equity in hospital care for public patients.

Mr. Gormley: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance: the need for the Tánaiste and Minister for Health and Children to intervene immediately to ensure that a strike of hospital consultants does not take place.

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

Order of Business.

The Taoiseach: It is proposed to take No. 4, Finance Bill 2005 — Order for Second Stage and Second Stage. It is proposed notwithstanding anything in Standing Orders that the Dáil shall sit later than 8.30 p.m. and business shall be interrupted on the adjournment of Private Members' business, No. 40 — motion re Northern Ireland, which shall be taken for 90 minutes at 7 p.m. or on the conclusion of the opening speeches of the Finance Bill 2005, whichever is the later.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with Private Members' business agreed? Agreed.

Mr. Kenny: In respect of the Abbotstown sports campus Bill, will there be an investigation into the fact that the roof was blown off the National Aquatic Centre which cost €16 million of public money? This is an extraordinary situation. What investigation will be carried out into the incident?

An Ceann Comhairle: What is the legislation?

Mr. Kenny: In respect of the family law Bill, which is No. 70 in the Government's legislative programme, last week the chairman of the Equality Authority and the chairman of the National Women's Council of Ireland stated that women who are at work have to lie to their employers to take time off to look after sick children and that parents are at the mercy of employers when it comes to taking time off for parent teacher meetings.

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

Mr. Kenny: Will the Taoiseach indicate when we are likely to see the Bill? While these kinds of matters may not be dealt with directly in the Bill, will they be addressed by legislation?

The Taoiseach: The Abbotstown Sports Campus Development Authority Bill is due this session. I think the matters mentioned by the Deputy are being examined. The second Bill, the family law Bill, is due. It will make provision for pension adjustments in the context of separation agreements and certain other reforms. The Bill is due later on this year.

Ms McManus: Since the Tánaiste took over the Department of Health and Children, more than 2,000 medical cards have been lost, which is a rate of one card per hour of her tenure.

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

Ms McManus: Yes, although I have a slight difficulty because we do not have a name for the relevant Bill. When precisely will the yellow pack medical card Bill come before the House to allow Deputies to examine what is on offer?

The Taoiseach: The Tánaiste has stated that she is giving priority to a short Bill to deal with this issue. It will be brought before the House as soon as possible.

Mr. Sargent: Does the Taoiseach recall his statement last week that National Toll Roads had a contract for the upgrade of the M50? We found out that this is not the case. He also stated the widening of the M50 was proceeding, although An Bord Pleanála has not yet made a decision on the matter. Does the Taoiseach propose to correct the record because we have found no legal basis for his statement that the State cannot buy out the West Link toll bridge? While he may have been having a stab at issues, his comments were not in line with the facts.

On promised legislation, when will the health Bill come before the House? Will it cover cross-Border needs such as County Donegal's dependence on Derry? Although no arrangements are in place, according to the Hollywood report, the county appears to be dependent on Derry for cancer care services.

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

Mr. Sargent: Will the health Bill provide for cross-Border arrangements?

An Ceann Comhairle: The content of Bills may not be discussed in the House. We must finish the Order of Business.

The Taoiseach: The health Bill has been passed. There is a health Bill to provide for the establishment of the health information and quality authority and the Irish social services inspectorate on a statutory basis——

Mr. Sargent: The health Bill has not been passed. Is publication expected in 2005?

The Taoiseach: Does the Deputy mean the Bill to which I referred?

Mr. Sargent: I refer to No. 58 on the legislative programme.

The Taoiseach: The Bill is due later on this year. It is a different one from the one we have been calling. On the other matter, if I did say anything that was incorrect, obviously, when I am questioned on that issue again, I will correct it.

Mr. Sargent: Will the Taoiseach make a statement on the matter?

Mr. Eamon Ryan: Is it possible to buy the toll bridge?

Mr. Sargent: The untruth is on the record.

Mr. Durkan: Is the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, willing to draw up a priority list of legislation relating to his Department? Perhaps the Taoiseach will use his good influence in this respect. A number of legislative proposals are mentioned on the Order Paper.

An Ceann Comhairle: The Deputy should be brief.

Mr. Durkan: A number of proposals have fallen off the Order Paper. Will a priority list of urgent legislation, such as the Postal (Miscellaneous Provisions) Bill, the electronic communications (miscellaneous provisions) Bill, and the ESB Bill, be drawn up? What does the Department propose to do and when?

An Ceann Comhairle: The Deputy has made his point.

The Taoiseach: The priorities are outlined and the Minister has not changed them. A number of Bills in the Minister's domain are moving through at various Stages and I have answered questions on them. Some of the Bills are due this session and others are being prepared.

Mr. Durkan: Nothing will happen unless the Taoiseach takes a hand to the matter.

Mr. S. Ryan: In April last year, the House was told that the air navigation (Eurocontrol) Bill would be available in 2004. We are now told publication is expected in 2005. The House was also told the Dublin metro Bill would be available in 2004. We are now told its publication is expected some time in 2005. These Bills come within the remit of the Department of Transport. The House was also told the national roads infrastructure Bill would be available for publication in 2004. Its publication is now expected in 2005. The House was told the transport reform Bill, to provide for reform in public transport, would be published in 2004. Its publication is now expected in 2005. The House was told the transport (companies) Bill, to establish Bus Éireann, Bus Átha Cliath and Iarnród Éireann as separate autonomous companies, would be published—

An Ceann Comhairle: The Deputy should ask a simple question on legislation.

Mr. S. Ryan: These are very simple questions.

An Ceann Comhairle: In accordance with Standing Order 26, I should point out that questions regarding some of the Bills to which the Deputy refers were answered on three occasions last week, namely, on Tuesday, Wednesday and

Thursday. The Deputy should ask a brief question on legislation.

Mr. S. Ryan: My question is brief and important. We were told these Bills would be published in 2004. Publication is now expected in 2005. Is there some problem with the Department of Transport or does the Minister need some assistance to try to get the legislation in question through the Houses?

Mr. Rabbitte: The Deputy has made a good case for promotion.

The Taoiseach: All the Bills the Deputy mentioned which were due in 2004 are now due in 2005.

Mr. S. Ryan: Does the Minister need additional help?

Mr. Timmins: After the previous contribution, I propose to be brief. Unsecured creditors of the IFI company, which went into liquidation two years ago, were told last week they would receive only 24% of the money due to them. The State held a 51% shareholding in the company. Will the Government pay the remainder of the money due? Will a Revised Estimate be necessary to pay the creditors in question, some of whom are small family businesses that have been left to hang out to dry by the Government for more than two years?

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

Mr. Timmins: I am sure the Taoiseach would like to answer.

Mr. Broughan: I note the Taoiseach was out in his hard hat in Adamstown yesterday.

An Ceann Comhairle: The Deputy must ask a brief question appropriate to the Order of Business.

Mr. Broughan: The Taoiseach is aware that we are in the process of building three or four Adamstowns on the northern fringe of Dublin without any master plans. Developers who are close friends of the Taoiseach's party, are generally the people who build them.

An Ceann Comhairle: Does the Deputy have a question on legislation?

Mr. Broughan: Does the Taoiseach still believe, given the problems of high density and lack of community facilities, that he should introduce some legislation—

An Ceann Comhairle: I ask the Deputy to resume his seat.

Mr. Broughan: —to try to exert control and ensure the new city is planned?

An Ceann Comhairle: Questions on legislation relating to Adamstown have already been asked and answered.

Mr. Broughan: People will call the Taoiseach to account for this in ten or 15 years. We will be back in the Four Courts.

An Ceann Comhairle: If Deputy Broughan does not wish to allow his colleague, Deputy Howlin, to speak, we will move on to the next business.

Mr. Broughan: I asked the Taoiseach about this matter before.

Mr. Howlin: Last week, on the Order of Business, when I asked that a briefing be provided on the investment funds, companies and miscellaneous company law provision Bill, I was told a briefing would be available for spokespersons. When will it be provided?

The Taoiseach: I will have to check for the Deputy.

Message from Select Committee.

Ceann Comhairle: The Select Committee on Finance and the Public Service has completed its consideration of the Civil Service Regulation (Amendment) Bill 2004, and has made amendments thereto.

Finance Bill 2005: Order for Second Stage.

Bill entitled an Act to provide for the imposition, repeal, remission, alteration and regulation of taxation, of stamp duties and of duties relating to excise and otherwise to make further provision in connection with finance including the regulation of customs.

Minister for Finance (Mr. Cowen): I move: "That Second Stage be taken now."

Question put and agreed to.

Finance Bill 2005: Second Stage.

Minister for Finance (Mr. Cowen): I move: "That the Bill be now read a Second Time."

I am pleased to present this, my first, Finance Bill to the House. I will listen carefully to the contributions made by colleagues and will seek to respond to all of these in my reply.

The Finance Bill is one of the major Government Bills each year. It allows the House to express its views on economic, fiscal, tax and expenditure policies. It allows tax proposals to be teased out and for the Deputies, in a democratic

way, to set out for the voters what policies they wish to pursue.

I am all for such a debate. I hope to enhance this process by reforming the way we do things for the budget, as I set out in my budget day speech, and I hope to present proposals to the Dáil on that before too long once the Government has decided.

It is usual on Second Stage to set out the rationale for the measures in the Bill together with a brief description of what the provisions in the Bill mean in ordinary language.

5 o'clock In summary, there are a number of important focal points in the Bill.

The Bill, when passed, will remove all those on the current minimum wage from the tax net, thereby delivering on a core commitment of Government; confirm the cut in stamp duty for first-time buyers of second-hand residential property to help new buyers on to the property ladder; give effect to the other tax reliefs and tax reductions announced in the budget; and give greater powers to Revenue in pursuing major tax evaders. This will include strengthening the aiding and abetting offence in the list of Revenue offences in section 1078 of the Taxes Consolidation Act to help the Revenue Commissioners take proceedings against those people who actively assist others evading tax, and implement a number of recommendations in last year's report by the Revenue powers group.

However, that is not all. The Bill will update tax law to cater for new international accounting standards applicable to companies, thus keeping up our competitive edge; amend or extend a number of tax reliefs in several important areas, such as, pensions, foster care, share options, farming and IFSC activities; upgrade tax administration to the benefit of taxpayers, especially in the PAYE area, and thus address the overpayment issue raised recently in the House; and the Bill will close off a series of tax avoidance schemes some of which are quite aggressive in sheltering the income of some high earners.

In my approach, I have tried to strike a balance between fighting tax evasion and avoidance on the one hand and ensuring that the tax system recognises the needs and concerns of compliant taxpayers on the other. I am also trying to see to it that the tax system plays a positive role in supporting economic development. This does not prejudice or take away from the major review of tax reliefs under way this year for budget 2006.

As I mentioned, the Bill will implement several recommendations of the revenue powers group which reported last February. Those recommendations of the group not implemented in this year's Bill remain under active consideration by me. I will look at these together with the report of the Law Reform Commission on the operation of the revenue process which was published this week.

In regard to the economic background against which this Bill is presented, it is important to remember that figures out last week confirm that we have one of the lowest rates of unemployment

[Mr. Cowen.]

in the EU — 4.2% seasonally adjusted in January 2005 as compared with 2004. I have no doubt that inflation figures due out this week will confirm the low rate of inflation we achieved last year. We have one of the healthiest fiscal positions in the EU with a low debt ratio to gross domestic product, a balanced budget and substantial savings being put aside to meet future pension needs. Some 20 years ago, when I was first elected to this House, it would have been far-fetched, to say the least, to imagine any Irish Finance Minister being able to stand on such a record.

Prospects for economic growth in 2005 remain undimmed. The Central Bank confirmed that in its recent winter review, forecasting growth figures of 5% for this year, virtually the same as those made by my Department in the budget. Of course, our situation also contains risks, including the dollar-euro exchange rate and oil prices. However, if we focus on protecting out competitiveness, we will remain better placed than most to respond effectively to any unexpected shocks.

The European Commission has also confirmed our good efforts and prospective growth potential. In its commentary on Ireland's stability and growth pact 2005-07, the Commission notes our strong growth and sound public finances. It also commends our solid progress in adhering to spending targets, advancing structural reform and the relatively favourable position we have with regard to the long-term sustainability of our public finances, despite an ageing population.

We have built something good here, and in saying that I acknowledge the role of all Governments. It is essential to keep what we have built on, retain our competitiveness, invest in our infrastructure and maintain sound public finances. We must also ensure resources are fairly distributed. We took important steps in this regard in the budget, which the ESRI described in its poverty proofing analysis as progressively structured with the greatest gains for those with least income.

We are increasing public spending in 2005 by 9%, three times the average for the EU because of our higher growth rates. We are spending almost €45 billion, most of it in key social areas of health, education and social welfare. However, I agree with some that what Government needs to continue to do, and what the House could usefully do in scrutinising departmental spending, is increase the focus on what Departments are expected to deliver with the total moneys entrusted to them. I hope to get away from this fixation on incremental spending as being regarded as the sole indicator of commitment to improvement of services. A better approach is to examine overall spending in terms of what such spending can or cannot deliver and so concentrate on getting better value for money.

We can best summarise our position from an economic point of view as one where we are doing well by reference to our competitors but where there are risks to that scenario, including risks from international exchange rate devel-

opments and oil prices. These are risks that are not under our immediate control and to which we have to adapt if necessary.

Turning now to the provisions in the Bill, sections 2 to 6 implement the various income tax reductions and reliefs announced in the budget. These widen the tax bands, reduce average tax rates and remove the current minimum wage from the tax net. Sections 7 and 8 relieve provisions in relation to benefit-in-kind. Section 8 adds commuter ferries in the State to the list of passenger services for which employer provided travel passes are exempt from BIK.

Section 9 exempts foster care payments from tax and section 10 incorporates into law the long-standing exemption from tax of foreign service allowances. Sections 11 to 18 deal with various aspects of income tax share options, ESOTs, tax paid by company directors, chargeable persons under self-assessment, taxation of lump sums and tax on certain deposit interest. Some of these tighten up requirements in certain areas; others reduce the tax imposition on the taxpayer in particular cases. Section 19 brings our pension tax rules into line with EU law by removing any possible discrimination between pension providers in the State and pension institutions from another member state.

Sections 20 to 24 deal with putting the PAYE system on-line to enhance the level of service for the taxpayers in question. This is a major upgrade of the tax administration system by extending the Revenue on-line system, ROS, to PAYE taxpayers. This will enable the PAYE sector to file returns and to electronically avail of a range of self-service options in relation to their tax affairs, including requests for reviews of tax paid. It will also provide for self-service options via an automated telephone system in relation to ordering forms and leaflets and claiming certain tax credits.

Chapter 4 of this Part of the Bill deals with income tax, corporation tax and capital gains tax reliefs. Sections 25 and 34 deal with BES and film relief, respectively, and formally incorporate into statute law a number of changes required by the European Commission when granting State aid approval to these schemes last year. Section 26 amends the tax relief terms for heritage buildings and gardens by strengthening the requirement for reasonable public access and the effective advertising of public opening hours.

Sections 27 to 30 extend farm relief for pollution control, provide for tax relief for farm restocking and provide for income averaging for tax purposes of certain Feoga scheme payments made in 2005. Section 31 allows a number of late applications for capital allowances in respect of third level educational buildings to be examined for the purposes of this tax relief on the basis that the applications were received before 31 December 2004. Section 32 clarifies and extends the definition of hotels for the purpose of capital allowances.

Section 35 is an important anti-avoidance measure to ensure that foreign based limited partnerships cannot be used by certain high earners to reduce their income tax bills to nil. Section 36 is also an anti-avoidance measure to combat the repackaging of distributions of income as capital gains so as to attract the lower CGT rate of 20% instead of the top marginal income tax rate of 42%.

Section 38 is another anti-avoidance provision to ensure that life assurance companies cannot avoid the exit tax on gains made by investors by simply rolling these gains over into further investment products. Section 39 also closes a loophole on the use of losses on offshore funds. Section 41 ensures that the ringfence on the use of taxable losses in leasing contracts is not circumvented in certain cases.

Not all measures in this Part of the Bill are anti-avoidance. Section 40 provides for the tax treatment of a proposed new type of investment vehicle a common contractual fund, CCF, a measure which will facilitate our funds industry. The new scheme will be subject to certain conditions and safeguards of the Revenue Commissioners to ensure it is adequately supervised.

Section 42 amends the rules on the application of encashment tax on certain foreign dividend and interest cheques, cleared by retail banks in the State. Section 43 exempts certain non-taxable entities, such as PRSAs and tax-exempt unit trusts, from the application of dividend withholding tax, DWT. This will avoid the need for those bodies to reclaim tax from the Revenue Commissioners in respect of dividends paid by Irish companies. This will eliminate an unnecessary circular flow of cash.

Section 44 in chapter 5 of Part 1 makes some important changes in tax law to accommodate the move by companies in 2005 to the new international financial reporting standards. Company law requires that from 1 January 2005, all companies listed on a stock exchange must prepare their consolidated or group financial statements in accordance with international financial reporting standards, IFRS, instead of, in our case, Irish generally accepted accounting practice, GAAP. The individual accounts of companies may also be prepared in accordance with IFRS. However, once a company moves to IFRS, it will be required to use it as the norm for the future.

Under Irish tax law, the starting point for calculating the taxable trading income of a company is the profit of the company according to its accounts. Section 44 provides that where a company prepares its individual company accounts on the basis of IFRS, such accounts will be used as the starting point for the calculation of taxable trading profits.

This section goes into some detail on the rules to be applied for specific tax treatment in a number of areas, such as unrealised financial gains and losses, share-based payments, bad debt provisions, research and development, interest and labour costs included in capital assets, and

transitional rules for the switch from Irish GAAP to IFRS. This section is suitable for Committee Stage examination. The changes, while technical, are important in determining the tax liability of individual companies and groups of companies.

Section 45 provides for deductibility for interest paid by a company on loans taken out with lenders in other EU member states. Sections 46 and 47 apply the benefit of certain EU directives on taxation of interest, dividends and royalties to Switzerland following an EU agreement last year. Section 49 amends the taxation regime introduced last year for headquarters and holding companies in Ireland in regard to the valuation of certain shareholdings in such companies. This will satisfy the requirements of the European Commission's clearance of the scheme as not being a State aid.

Sections 51 to 53 relate to capital gains tax, CGT, and deal with the 15% CGT withholding tax by the purchaser of certain assets valued more than €500,000 and provide for exemptions from CGT for the new Health Service Executive and trustees of tax-exempt pension schemes.

I will now deal with excise and VAT, for which the Government made no changes to rates in the budget. Consequently, the provisions in this Bill deal more generally with excise and VAT law and with measures to counter evasion and avoidance in these areas.

Sections 54 to 58 deal with alcohol products tax and the investigation and pursuit of offences. Most notably, section 57 allows a court to temporarily close a premises or club involved in selling illicit alcohol. The previous penalty of full closure was not being applied as the courts seem to believe it is too draconian. Section 58 provides for the 50% excise reduction on microbreweries announced in the budget, which has been widely welcomed.

Sections 59 to 65 relate to petrol, diesel, LPG, fuel oil and coal. Section 59 provides for minimal increases in excise duty on LPG and fuel oil arising from an EU energy tax directive adopted in 2003. It also stipulates new differentiated rates on low sulphur petrol and diesel. In addition, it provides for an EU energy tax on coal. However, as most types of coal usage, including domestic usage, are exempted, the effect of this change is minimal. These provisions will come into effect by commencement order.

Sections 66 to 81 consolidate and modernise the excise law on tobacco products which is contained mainly in a 1977 Act of the Oireachtas. The provisions do not introduce any new duties or any other significant changes into the operation of tobacco tax law. Sections 82 to 92 relate to other aspects of the excise system. The provisions are mainly of a technical nature. Section 92 extends the 50% VRT rate reduction on hybrid vehicles to 31 December 2006. This relief was due to end on 31 December 2004 but there are particular environmental reasons, connected with lowering emissions, that we should continue

[Mr. Cowen.]

to encourage the wider use of hybrid petrol-electric engines in more vehicles.

Sections 93 to 108 contain a number of important revisions to the VAT tax code. These deal with several anti-avoidance measures, relating to VAT on leases in section 95, VAT on money transfer services in section 96 and VAT on the sale of developed property in section 95. It is fair to say that, as we have become more vigilant in closing off loopholes in direct tax areas, attention has switched to finding ways of saving tax through creative interpretations of VAT law. VAT now brings in €11 billion, or 30% , of tax revenue each year. Consequently, the gains and losses from tax planning can be significant.

VAT law is often complex and open to interpretation. The European Court of Justice sometimes rules in an unexpected way in related cases. There are legitimate issues of difference in how the Revenue Commissioners and tax advisers believe that some of the law applies. This is fair enough in so far as it goes. However, it is also important for the State to protect the revenue base. For this reason, the VAT changes focus on clarifying the law, sometimes in favour of the State and other times in favour of the taxpayer, as in the case of the exemption from VAT of student accommodation. We can deal further with the subject of VAT on Committee Stage.

Sections 109 to 121 refer to stamp duty. Section 110 deals with particulars which must be notified to the Revenue Commissioners concerning the liability of an instrument to stamp duty and the penalties for failure to notify. Section 111 combats the avoidance of duty by splitting transfers of property into more than one conveyance. Sections 113 and 114 deal with the stamp duty exemption on land acquired by young trained farmers and requires that if any of the land is disposed of within five years, a proportionate claw-back of the stamp duty will apply where the proceeds are not fully reinvested.

Section 115 sets out the provisions that will apply to the measure announced in the budget whereby stamp duty will not be charged on an exchange of farm land between two farmers for the purpose of consolidating each farmer's holding. Sections 116 and 117 extend the stamp duty relief on certain stock borrowing and repurchase transactions to assist liquidity on stock exchanges.

Section 118 confirms the stamp duty reduction for first-time purchasers of second-hand residential property. This measure, which came into effect on budget day, will continue to fulfil its objective of freeing up the market to the benefit of first-time purchasers. Section 119 reduces companies' capital duty on the issuing of share capital from 1% to 0.5% for transactions after budget day, 2 December 2004. This will help maintain our position as an attractive location for companies. Section 120 exempts credit and ATM cards from double stamp duty where these cards are switched from one provider to another. This

change will help competition in the market and ultimately lead to keener credit card rates of interest. These last three measures were announced on budget day.

Section 123 amends the information to be included in the affidavit required for revenue purposes in respect of the estate of a deceased person. The amendment reflects the changes made in the Finance Act 2000 in regard to residence as the basis for capital acquisitions tax instead of domicile as it was up to then. At present, a person can provide for inheritance tax liabilities by insuring against them and the proceeds of such policies, section 60 policies, are themselves free of tax where they are used to pay the CAT liability. Section 125 extends this relief to situations where such a policy is taken out to meet the tax liability that may arise on the inheritance of an approved retirement fund by a child aged 21 years or over.

Sections 126 and 127 deal with inheritance tax relief on agricultural and business assets where the farm or business is sold within the time limits set out in the legislation. The sections clarify that any relief granted will be clawed back in proportion to the land or business sold and not reinvested in farm or business property. The purpose of these reliefs was to encourage the retention of family farms and businesses and the changes proposed are in line with that rationale.

Section 128 grants a credit for foreign tax similar to estate duty, gift or inheritance tax against Irish gift or inheritance tax where a double taxation treaty does not exist between us and the country concerned. This means everywhere except the UK and USA as these are the only inheritance double tax treaty provisions in force. The effect of the section is to ensure that credit is given for foreign tax already paid in any territory irrespective of where the property is situated.

The final part of any finance Bill is often the one that attracts most attention as it deals with the collection of tax and the powers of the Revenue Commissioners to enforce the State's valid claim on the taxpayer. It seems the same applies this year.

However, sections 129 and 130 limit the Revenue Commissioners powers in regard to PAYE and relevant contracts tax on payments to subcontractors by requiring that the Revenue Commissioners cannot enter a private dwelling to inspect books and records in connection with these taxes unless they have either the consent of the occupier or a court warrant. This is the position already under the law on other taxes. The revenue powers group last year recommended that this safeguard be extended to PAYE income tax and RCT and I am happy to propose to do so to the House.

Section 131 is new and empowers the Revenue Commissioners to sample the information, other than medical records, held by a life assurance company in respect of a class or classes of policies and their policyholders. This new power, which is modelled, in part, on powers given to the Revenue Commissioners regarding DIRT in the Fin-

ance Act 1999, will enable Revenue to investigate whether certain life assurance products are or have been used to shelter untaxed income.

Section 132 reduces the maximum penalty in the case of fraud from 200% of the tax undercharge to 100% which is the normal limit used by Revenue in such cases. This reduction, which was recommended by the revenue powers group, affects undercharges of tax after the passing of the Bill. Historical cases are not affected.

Section 133 introduces a new offence of facilitating tax and duty evasion, which will be more capable of prosecution than the current offence of aiding and abetting. The section also provides, as modern corporate enforcement law does, that where an offence is shown to be attributable to neglect on the part of those persons directing the affairs of the body corporate, or acting in positions of authority, proceedings may be taken against such persons as well as against the company itself. These changes apply only to future offences as, by virtue of the Constitution, they cannot be made to apply to what happened in the past.

Since the Bill was published I have noted the concerns of representatives of tax practitioners that individuals might find themselves falsely accused of facilitating tax evasion. I consider this to be highly unlikely. Deputies will know that the Revenue Commissioners are very careful when selecting cases for prosecution and this will continue to be the case. The Revenue Commissioners can be expected to use these provisions to target serious offenders and this intention will be reflected in the guidance given to Revenue officers. To be liable for a criminal conviction the prosecuting authorities would need to prove beyond reasonable doubt that the accused was concerned in or was reckless about the facilitation of tax evasion. These are not passive offences but would, typically, involve concealment, falsification or other dishonesty. Recklessness is more than the making of a mistake, it involves serious misconduct or failure. I will listen to the views of Deputies and representations I receive, but we must ensure we properly address the issue of tax evasion.

Section 134 proposes to increase the threshold for publication of certain settlements in the list of tax defaulters from €12,700, the euro equivalent of £10,000, set in 1983, to €30,000 and to provide for the indexation of this amount every five years by reference to the consumer price index. Both the revenue powers group and the Law Reform Commission recommended an increase in the current €12,700 threshold for the publication of the list of tax defaulters. The current threshold was set in 1983 at £10,000 and has not changed since. The revenue powers group recommended a threshold of €50,000 and the Law Reform Commission suggested €25,000, both indexable for the future. The Government has decided to accept the case for an increase and €30,000 seems a reasonable level. This new threshold will apply only to tax liabilities incurred on or after 1

January 2005. It will not apply to tax due before 2005 even if the settlement or adjudication is made on or after 1 January 2005.

Section 135 makes a number of changes to the legislation that was introduced last year to implement the EU savings directive. Among other things, it is amended to take account of the decision by ECOFIN to change the date of application of the directive from 1 January 2005 to 1 July 2005.

Section 136 proposes to reduce the rate of interest on certain overdue tax from 1 April 2005 from approximately 11.75% per annum to just under 10% per annum. The reduction in the interest rate will not apply to PAYE, relevant contracts tax, professional services withholding tax, DIRT, other withholding or exit taxes, or VAT or excise. The reduction will apply basically to one's own overdue tax for which one is personally liable and not to fiduciary taxes being collected from others on the State's behalf. The remaining sections in the Bill, sections 137 to 140, are standard or minor and technical amendments.

I hope the House has benefited from this elaboration of the measures in the Bill. Some matters remain under consideration, which I may be able to introduce on Committee Stage should they receive Cabinet approval. At this stage they remain part of the deliberative process. Should I need to table any such amendments, I will of course seek to notify the Opposition spokespersons in advance of Committee Stage. I will, of course, also give consideration to any constructive suggestions put forward during the debate today and tomorrow. I commend the Bill to the House and look forward to a constructive debate on it.

Mr. Bruton: I congratulate the Minister on the presentation of his first Finance Bill. We are starting a process which will probably run to 24 hours of solid debating about the Government's tax policy. My main criticism is that we are devoting this huge block of time to a debate about what is essentially tinkering at the edges of our tax structure, while we ignore the elephant in the corner, namely, the Government's huge increase in public spending with very little to show at the end of the process. I am glad the Minister at least adverted to this issue in his address. He sees the elephant out of the corner of his eye but is not facing it foursquare. This is the primary issue that needs to be addressed in the public finances of the country. Why are we spending and not making the impact on issues that really matter?

To put this into perspective, since 1997 when Fianna Fáil and the Progressive Democrats came to power, public spending has increased by €29 billion over what was spent in 1997, an increase of 133%, which is an extraordinary increase in a very short space of time historically. We need to ask what difference this huge spend has made. This is the essential issue for both sides of the House to address. How is life different for ordinary people following this spending? You, a

[Mr. Bruton.]

Cheann Comhairle, with your medical background, will know more than most that it is very hard to see the impact in, for example, primary care. Fewer people, both in absolute terms and as a proportion of the population, now qualify for free access to primary care than qualified in 1997. Even people on the minimum wage do not qualify. With the huge spend, why did we not make an impact? While fewer people are now attending our accident and emergency departments than in 1997, they do so in conditions of worse chaos than ever existed, despite the huge increase in spending.

Street violence and public disorder offences have surged. Crime detection rates and drug seizures have decreased. These are core issues that people expect to be addressed by a successful spending programme. However, those problems are getting worse. The first-time buyer has lost out in the housing market. Housing lists have soared. The Government's tinkering with the housing market has made it worse. School drop-out figures have not improved in any way.

These are the people who should be the targets of our public spending. It is people on low income who need primary care, people with health emergencies attending our accident and emergency departments, children at risk of dropping out of school and people terrified about violence on their streets who should be at the core of the debate about the use of our public money. We do not properly enter that debate. We have not faced up to this issue. I hope the Minister's changes will address that problem.

Do we have a solid structure in place to address our infrastructural deficit? We are now drifting to the bottom of the league across the range of key infrastructure. The Government has committed the big spend in the national development plan. We need to have a serious debate and ask hard questions. For example, why will the roads programme, originally estimated at €7 billion, now, three years on, cost more than €16 million, according to the Comptroller and Auditor General, with fewer than half of the projects completed on time? Is there a serious failure in the capacity of the public service to deliver these programmes? What was contained in the contracts?

Is everything in the garden rosy, as we are led to believe by some? I have not seen the kind of analysis coming from Government circles, particularly the Department of Finance, which holds the purse strings, to know that this is unacceptable. We have come to shrug our shoulders at projects such as the Dublin Port tunnel, the Luas and the south-eastern motorway, which have had massive overruns, sometimes three times the original estimate. The national spatial strategy was introduced after the national development plan. No effort has been made to reconcile the two plans. Is the national spatial strategy, which is supposed to be a central part of the planning of this country's development, gel-

ling with the national development plan? There has been no indication that national development plan projects have had to be reviewed because they did not fit in with the spatial strategy. It seems that everything has continued as before, even though the spatial strategy is supposed to inform our planning.

One wonders whether the only purpose served by the national spatial strategy is to provide jobs for planners. Is it really driving a change in the Government's thinking on the delivery of infrastructure? As I pointed out on Question Time last week, there is evidence that State bodies, such as the Department of Health and Children, are committing to build and open facilities which they cannot operate due to a lack of staff. Where is the source of that failure? Who is being held accountable for such bad planning? I do not see any evidence of accountability in that regard. I hope the Minister will investigate such issues and give answers to Deputies. We need to have an informed debate on such matters.

People are sniggering in the corner when the proposed strategic national infrastructure Bill is mentioned. The Taoiseach announced to IBEC that the legislation would resolve the delays and unacceptable practices which hinder the development of our infrastructure. The Bill has not seen the light of day because it is bogged down in a web of political infighting. This country's attempts to deliver public infrastructure are making it something of a laughing stock. We need to get to grips with such matters.

Ireland's competitiveness is coming under increasing pressure. A newspaper reported today that PricewaterhouseCoopers has downgraded its estimate of this country's growth because of its declining competitiveness. Many reports have indicated that decisions and processes which are controlled by the Government are causing our loss of competitiveness. We are at the bottom of the league table that compares infrastructural elements such as ports, motorways, broadband systems, energy infrastructure, telecommunications networks and waste disposal systems. Such matters are of great importance if we want Ireland to remain competitive, but we are struggling to do so. It appears that we are losing ground.

It is time for serious political responsibility to be taken for the maintenance of the central coherence of the national development plan. It is not acceptable for the Minister for Finance to reject continually in the House the ESRI's suggestion that there should be more central monitoring of the selection of projects. He insists instead that it is an issue for devolved Ministers. We have seen too much devolution of responsibility, which has led to excessively rosy interpretations and forecasts of how well projects will perform and how little they will cost. When such projects are finished, it transpires that they do not deliver the projected benefits and they exceed the projected costs. Someone needs to take control of this area. The Minister is better equipped than most and has the opportunity to do so.

The Minister and his Cabinet colleagues have undermined their credibility in respect of infrastructural projects like the Punchestown equestrian centre, stadium and campus Ireland and the electronic voting system, which were handled in a disastrous manner. Proper processes were discarded when such matters were being pursued because they were the pet projects of certain Ministers or the Taoiseach. It is not acceptable for such an approach to be taken. The Minister for Finance needs to take clear measures to stamp out such the unfortunate attitude to public money of some of his colleagues.

Will the Minister examine another issue that we debated on Question Time last week? This country once had systems in place to protect taxpayers and deliver value for money. Ireland was regarded for many years by other countries, such as the new emerging EU member states, as an example of a country that used the resources it received from the EU well. Our project evaluation and monitoring systems were good and moneys were spent prudently. It is commonly accepted by anyone outside the Government benches that the systems to which I refer have been allowed to rust.

Despite the figures quoted by the Minister, I believe that the findings last week of the expenditure review initiative reinforce the view that Ireland is no longer a leading country in its capacity to manage well the spending of public moneys on key infrastructure. Just 20 of 143 projects pursued under the most recent programme, between 2002 and 2004, have been completed. The Department of Finance has allowed the Department of Education and Science, for example, to resile on commitments to examine crucial matters such as the management of its building programme, its young offenders programme and its programme for children who are at risk of disadvantage in the education system.

There are huge question marks over our delivery of value for money in areas such as those I have mentioned. Officials in the Department of Finance apparently acquiesced in the parent Department's decision to abandon the examination of such issues. The Government has sold the pass on the expenditure review initiative, which it introduced on foot of criticism by the Comptroller and Auditor General. It has allowed the evaluation of crucial programmes such as those I have mentioned not to take place. The Government needs to change its policy in this regard by taking a tough stance on this issue.

As I said in my reply to the Budget Statement, Ministers have abandoned the notion that key performance indicators are driving the allocation of moneys within their Estimates. I asked Ministers to mention the performance indicators which are driving their Estimates, but they could not answer me. They could not tell me what the performance indicators are or what they are trying to achieve in certain areas. The strategic management initiative has produced significant volumes of paperwork, but it is not focusing people

on targets or highlighting the performance indicators we might expect to be reflected in the spending of public money. It is not good enough. It is obvious that the strategic management initiative is driven by the Taoiseach more than by the Minister for Finance, but it has been driven into a cul-de-sac. We need proper monitoring of performance to ensure that money is following performance. The spending of money should be judged on the quality of outcomes.

I will not speak at length about benchmarking, in respect of which the Government has again sold the pass. We had a significant opportunity to drive reform agendas in crucial areas of the public service when extra pay worth €1.3 million was being made available. After that money had been spent, we suddenly seemed to discover a need to reform radically the prison and health systems, for example. Ministers were queueing up to highlight areas which were in need of radical reform, but they had stayed dumb when they had the money and the opportunity to drive the reform agenda forward.

The consequence of the problems I have mentioned has been a huge tax explosion. Not only did the Government spend money recklessly, particularly in the run-up to the previous general election, it also allowed proper controls and performance systems to rust over, leading to a surge in tax. It was clear in a recent debate I had with the Minister for Justice, Equality and Law Reform, Deputy McDowell, that he is in denial about this development. He does not accept that the tax burden has doubled and that we are collecting more tax as a proportion of gross national product than we were in 1997. He believes his party introduced a period of cutting tax to generate growth, but that is not what happened. We have increased the tax take substantially in nominal terms. The average tax-paying household is paying €25,000 in tax each year. That represents an increase of €4,000 since the general election in 2002.

Mr. Cowen: How much has their income increased by?

Mr. Bruton: Since 2002? Very little.

Mr. Cowen: The Deputy claims that their income has increased by very little.

Mr. Bruton: It has increased by approximately 8%.

Mr. Cowen: The average industrial wage has increased by €11,000.

Mr. Bruton: Between 2002 and 2004?

Mr. Cowen: No. It has increased by €11,000 since we came into office.

Mr. Bruton: In 1997.

Mr. Cowen: Yes.

Mr. Bruton: The period since the general election in 2002 has not been a period of bonanza. If one examines the figures, it is clear that the tax take has increased dramatically relative to income in that period. The increase may not be clear on the income tax side because there were increases in VAT, stealth taxes and local authority charges such as bin charges. The increases may have taken place outside the view of the Cabinet, but they have been imposed nonetheless. People have had to face an increased tax take. I am not making up these figures. Since 2002, the tax take——

Mr. Cowen: The Deputy never refers to the increase in incomes when he speaks about the increase in tax.

Mr. Bruton: I have seen the figures quoted by the Minister.

Mr. Cowen: He never refers to it.

Mr. Bruton: He has said that a person on the average industrial wage pays €300 less tax than he or she paid in 1997. I am sure the Minister is right, but one should consider the extra VAT, vehicle registration tax, stamp duty, bin taxes, utility development charges and utility bills being paid by that person.

Mr. Cowen: The Deputy said on budget night during a debate with me that such taxes comprise an extra €2,000 per year.

Mr. Bruton: Yes.

Mr. Cowen: The Deputy is prepared to talk about that extra €2,000, but he never mentions the increase in the average industrial wage of €11,000.

Mr. Bruton: The pretence that tax is decreasing can be sustained only by looking selectively at income tax. The Minister is not willing to examine in the same way the VAT and VRT, for example, being paid by the average family.

Mr. Cowen: I am.

Mr. Bruton: He will not examine all the other taxes that make up the bulk of what people pay. It is a selective view. If one examines the aggregate tax take, one will find that it has increased by €11 billion since 2002. It has increased by that amount in just three years.

Mr. Cowen: If the Deputy includes what he regards as increased taxes at local level or at other levels, he should also include the increased incomes——

Mr. Bruton: I do.

Mr. Cowen:——so people will be able to form a view on whether they have a greater disposable income, which they have.

Mr. Bruton: Absolutely. However, the Minister will note from the figures that since 2002, tax as a proportion of GNP has increased substantially. It has increased in absolute terms and as a proportion of income. I am not making that up; it is the truth. The statistic indicates that although we have enjoyed exceptional growth, we are increasing taxes. If we were achieving value in terms of public spending, one could defend that. However, we are not getting such value.

My thesis is not that the Government is raising tax and is cruel and heartless, it is that it is not delivering on the spending side.

Mr. Cowen: The Deputy should read Fine Gael's press releases.

Mr. Bruton: Considering that it is not delivering on the spending side, it must continue to seek more contributions, particularly through VAT and stealth taxes, from the ordinary family which is struggling financially. These taxes are not based on equity contributions but simply on the fact that they are easy to collect. The Minister for Justice, Equality and Law Reform does not even see these taxes on his radar. It is quite extraordinary that he said that much of the increased tax take results from taxes from foreign companies and that they do not count. Since when did the Progressive Democrats form the view that companies that come here to operate and pay taxes do not count?

Mr. Cowen: The point is that there is no increased burden on the individual taxpayer. There is an increase in contributions by the corporate——

Mr. Bruton: There is an increased burden on companies that are trying to create jobs and maintain incomes.

Mr. Cowen: They are doing it.

Mr. Bruton: It is strange to hear the Minister for Justice, Equality and Law Reform decide without any concern that companies ought to bear taxes.

It is crucial that we address the quality of our public spending and the fairness of our tax code. We have lost sight of both these goals through an exclusive focus on tax rates, which the Minister for Finance's predecessor regarded as the absolute pinnacle of achievement. Consequently, the Government has ignored what has happened to sustain those rates.

The Finance Bill begs the question whether our tax code is delivering the fairness we expect. The replies we received recently from the Office of the Revenue Commissioners revealed that the issue of overpayment of tax is not being handled properly or in an acceptable way by that office.

The replies revealed that it is only in a tiny number of cases that the office gives a tax refund to individuals, even when there is clear evidence of overpayment. For example, more than 1 million householders pay bin charges but only 75,000 receive a tax relief. The Revenue Commissioners make no effort to ensure that everyone gets their entitlement to tax relief on waste disposal charges. Relief is only given in respect of €200 million in terms of health spending whereas it is estimated conservatively that the true level of allowable health expenditure is approximately four times that figure. Again, there is no real effort to match up tax relief at the point of spend such that there would be a reasonable chance that people would avail of the tax reliefs to which they are entitled. Tax relief is obtained in respect of only €100 million in rents and private tenancies whereas the actual spend in this area is at least double that figure. The Central Statistics Office's figures on the number of rented dwellings would confirm that there is a significant discrepancy.

If the boot were on the other foot and the Revenue Commissioners came across a transaction in which they suspected tax had not been paid, they would institute a trawl to identify anyone along the chain who might have been involved. They would send out chains of letters asking for a response from those who may be involved. However, there is no similar effort to identify where refunds should be given, even where the relevant information is easy to access on the part of the office. The office's mandate should be changed so taxpayers who are compliant can expect it to ensure that they will not be ripped off. This change of mandate involves a change in approach. I know the Minister will argue that the Revenue Commissioners are not expected to be accountants for the taxpayer but, where it is obvious that refunds should be granted in respect of bin charges, medical expenses and family income supplement, for example, the office should make an effort to ensure that they are granted.

The Minister rightly invited a general debate on tax policy rather than on the individual elements that are to be discussed on Committee Stage. The tax code is becoming increasingly out of touch with the pressures faced by families. I do not agree with individualisation. It represents an effort to break down the family into economic units and it ends the recognition of the scale of dependency on the individual taxpayer in deciding what tax he or she ought to pay. It narrows the choices parents can make because it tries to corral them into making certain choices. This Bill represents a further tightening of the screw in that area. The Minister only gave to the married couple with one earner the same increase he gave to the single person. There was no proportionate increase to take account of the dependency of the non-earner in the couple. Such a couple's position is eroded further by the almost exclusive concentration on the PAYE credit rather than the general credits that might offer benefits.

In addition to tightening the screw in this area, the Minister has ignored the pressures associated with bearing the cost of child care, which are becoming increasingly pronounced. The Minister will note this in his constituency and will encounter it canvassing for the by-elections in Meath and Kildare North. In an effort to stay in employment, people pay €1,500 to €1,600 per month on child care. This amounts to more than their monthly mortgage payments. This burden ought to have been recognised by a tax code that was designed to address financial pressures in a family-friendly way over the life of the Government.

The Minister has refused to support families engaged in home care. The home carer's credit was introduced to get the then Minister out of a hole politically when there was a back bench revolution but it has not been touched since. Consequently, those who are genuinely involved in home care receive no recognition or their recognition has been frozen for many years.

Another problem with the tax code is that it undermines cohabitation. When people live together they receive two tax credits and when they separate they get four. This is an extraordinary provision in a country that encourages joint parenting. It is not just in the tax code that the problem in respect of joint parenting and cohabitation manifests itself. Under the new social welfare measures, tougher rules apply in respect of those who are married or cohabiting and those availing of child support. We ignore partners in many means tests, including for medical cards, family income supplement, higher education grants and housing subsidy. We air-brush out of existence the recognition that those cohabiting have partners who must be supported. This is an anti-family policy and it is ingrained in all the aforementioned areas. It is widespread under the social welfare and tax codes and it has social consequences that need to be addressed.

On the last occasion I asked the Department of Social and Family Affairs about the family income supplement, it stated that only one third of those entitled to it receive it. This hints at an anti-family policy because we know people are entitled to it who do not receive it. It would not be difficult for the Office of the Revenue Commissioners, which knows what people are earning and the number of children in their families, to ensure that family income supplement was paid, through a refund under the tax code if necessary. A deal would obviously have to be done with the Department of Social and Family Affairs to achieve this, but if we are to ensure that people receive their entitlements, it should be done. We need to examine more closely the way in which we treat families. The family is the core unit and we have been sucked into a policy that ignores the pressures that families face.

The Minister stated in replies to parliamentary questions that he has not got the relevant data on inequity in tax code that applies to pension contributions. Half of those who could have a

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private pension have none and the bulk of these people are in low income categories. By contrast, those with good pension cover have well-organised pension funds, pay income tax at the higher rate and qualify for relief on their pension contributions in the order of 48 cent per euro. However, a great swathe of people do not benefit under this code. The Minister should at least provide that the 48 cent credit becomes a standard credit for anyone who contributes to a pension. That would give people on lower incomes a real, equal incentive to put money into their pension funds. It will be tougher for them but it will at least even up the terms on which they enter the funds. It is not necessary to wait for research on this. One does not need to be an Einstein to know that the benefits will be significantly skewed towards higher income earners. The top level contribution of €250,000 does not compare with the amount that people on low incomes might contribute. It is necessary to balance that code.

I am disappointed the Minister did not face up to the issue which Deputy Burton raised by way of parliamentary questions, namely, that there remain many people who pay no tax because of their capacity to work different schemes of reliefs. It would not have been a big problem to introduce caps, amounting to a cumulative cap on what any individual can draw down across his or her pension or various tax reliefs. That would at least start to restore some equity in the code. It was not necessary to wait for a review.

Another area of concern is whether the tax code supports a pro-enterprise approach. I am worried about the decision to abandon indexation in the capital gains tax code. The result is that one is taxed not only on real gains but on paper gains, namely, inflation. That may not have an impact in the next few years but over the long term it encourages people to choose a speculative investment with a quick, big killing to be made rather than a steady investment yielding returns over time.

Without indexation people who choose the steady investment will be taxed even on the money gains. That will gradually corrode the incentive structure of the capital gains tax code. The Minister may get away with it in the short term but in the long term it is not appropriate. That needs to be considered afresh.

There is also concern that roll-over relief is locking people in and undermining restructuring that ought to be supported. There will probably be an opportunity to discuss that on Committee Stage. There are aspects of the capital gains tax code that are not attuned to a modern economy.

While the Minister's exclusive concentration on the employee tax credit is understandable in political terms because it gives the best tax reliefs to the greatest number of people, the fact that the self-employed have not benefited from any real increase in tax credits in recent years is not sustainable over the long term. The past three budgets have virtually ignored the broader

increase in tax credits and focused solely on the employee tax credit.

The Minister ought to have addressed the special savings incentive accounts. He has said in replies to parliamentary questions that there are conflicting views on the impact these will make. They are hanging over the economy and will exert inflationary pressure on it when they come out in 12 months' time. This is the time to consider changes that would encourage people to put money into personal retirement savings accounts. The Minister has the advantage that these are broadly based. There is a wider spread of special savings incentive accounts than people in pension funds. This would have the added benefit that people who do not have a pension fund could be encouraged to invest in personal retirement savings accounts. This does not require big incentives which the public would not accept in this area.

I welcome the Minister's move to tackle financial advisers who aid and abet tax evasion, and the moves to tackle the single premium abuses. These are well overdue. We need to examine more closely the changes in the penalty codes. I am not convinced that the problem is that we have too tough a regime for genuine tax evaders. The real problem is that there are many inadvertent mistakes, caught in audits which are being presented as evasion and published in lists. This does not require a change in rules but greater discretion as to when they are used.

The Minister has opted for some high level changes but although the revenue powers group raised the need for more checks and balances in the tax code, he has not brought those forward and says he will do so next year. I would prefer to see an overall package showing the checks and balances on the occasion when we are asked to adopt them.

Mr. Cowen: That was my argument on tax reliefs.

Mr. Bruton: We will have plenty of time to discuss this further.

I was very concerned at the information released to Deputy Burton that the queries from the European Union about stallion tax relief were not passed to the Minister. It seems an extraordinary lapse in procedures when there was a deadline of one month. Does this have implications for other elements of the tax code? For example, there are woodland reliefs and there are other areas where there is effectively a zero tax code. Are these also vulnerable to criticism as a form of State aid?

Ms Burton: I echo Deputy Bruton's good wishes to the Minister on his first Finance Bill, which is a momentous responsibility and occasion.

I put a modest proposal to the Minister's predecessor who was not inclined to entertain my suggestions, namely, that our tax system should

develop the office of a tax ombudsman or advocate, as it is called in some countries, on behalf of the taxpayer. This is long overdue and is urgent because there are growing problems in the pay as you earn system, particularly since the introduction and development of tax credits.

A predecessor of the Minister, Deputy Quinn, began the move to that reform, which former Deputy McCreevy followed up and implemented. While it has worked well, this has taken a long time because it is a complex element of the tax system. There are many people in the pay as you earn net who are at risk of overpaying tax, particularly where someone changes job, on the basis of marital status or where a person has recently retired, for instance, a person who retires from the Army or Garda Síochána who takes a second job, or someone who receives more than one stream of income. I can give examples of where the pay as you earn system is faltering.

The Minister's proposal to extend the Revenue on-line service to those in the pay as you earn system is welcome, but it is not sufficient to address this problem. There are no measures in the system to identify promptly overpayments by taxpayers and to refund those affected. This is a breakdown in the administrative system arising from the development of the tax credit system.

Those in the pay as you earn system deserve to be refunded any overpayments as quickly as possible. It is not good enough for the Revenue

Commissioners to say that after the
6 o'clock end of the tax year, if the taxpayer completes a tax return, any overpayment will be identified and refunded. The Revenue Commissioners need to be proactive in seeking to identify overpayments as early as possible during the tax year and make appropriate arrangements for repayment. I will not repeat the point made by Deputy Bruton in regard to areas where there are specific tax allowances and many taxpayers fail to take them up. In this regard, medical receipts, refuse service payments and family income supplement are disaster areas for full claims by people of their entitlements. However, I am not talking about those areas but about the predilection of large elements of the system to overcharge the people to whom I have referred. Unless a taxpayer is fast in submitting a return, he or she will not get a repayment.

In addition, there is effectively a limitation of four years on seeking a refund of an overpayment. This is completely inadequate and I see no good reason for it. I hope the Minister will take the opportunity presented by the Bill to allow PAYE taxpayers a much longer period to make claims for refunds. It is a matter on which Members on all sides of the House will agree.

Most of those liable to pay tax do so because they have no choice — they are in the PAYE system. It is high time the Revenue Commissioners acknowledged their duty to compliant PAYE taxpayers and sought to give them a just deal under the tax system.

A challenge faces the new Minister for Finance in regard to taxation, namely, whether he is willing to grasp the nettle of genuine tax reform in the interest of fairness and equity for all sectors, particularly the PAYE sector. The Labour Party demands tax justice for all. However, the Government has for years focused on tax breaks for the very well off. During his eight years as Minister for Finance, Mr. McCreevy specialised in redesigning the tax system to facilitate tax breaks for the very well off. At the same time, the small print in his Finance Bills ensured PAYE taxpayers on very modest incomes paid a significant amount of tax, not only in PAYE but more particularly in high indirect taxes, such as VAT and stealth charges, whether for hospital admissions and accident and emergency services or, as we increasingly see, refuse charges, which are now veering towards a norm of up to €500 per annum.

The real test of the willingness of the Government to reform the tax system is whether it is willing to dispense with some of the tax breaks which so disfigure and distort the tax system. In particular, I reiterate the call I made last year for a permanent tax commission which would, once and for all, bring into open public accountability the cost of the various tax break schemes, particularly property based schemes, who the likely beneficiaries are and the duration of the benefit. This is the minimum information we should be easily and rapidly able to obtain in regard to the myriad of tax breaks, from those relating to holiday cottages to tax exemptions for stallions and so on.

A farcical situation arises. The Revenue Commissioners are finally recovering up to €500 million every year from those who defrauded the tax system in earlier decades by the use of devices such as non-resident accounts or undeclared overseas accounts. However, it is deeply ironic that just as these tax evaders are being caught up with by the Revenue Commissioners, slowly but surely a new structure is developing in regard to legally based tax exemptions. In the long run, it is likely the structure of legally based tax exemptions, particularly those created by the former Minister, Mr. McCreevy, will have the same effect as the tax avoidance that so disfigured the 1970s, 1980s and 1990s, that is, a narrow tax base in which those in the PAYE sector will continue to bear the greatest share of responsibility for funding the Exchequer.

This is the real dilemma. Our tax base has historically been too narrow. Hence, those caught in the PAYE sector end up paying high marginal rates while others make no contribution. I want a situation where there are lower tax rates but everybody pays — in other words, a flatter, more effective tax system.

I want to raise a number of technical issues with the Minister in the course of this debate on the Bill, as well as on Committee and Report Stages. On 22 December the Department of Finance announced a time extension, set out in

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section 31, which gives tax breaks for buildings in third level institutions, colleges and universities. Despite my putting down questions to the Minister, he has so far refused to identify who the beneficiaries of this extension are. He stated in a written reply that it concerns three third level institutions, but he refused to identify the institutions, the developers or the investors in these schemes.

It is legitimate to ask the Minister, on the record, who these people are, why there was a delay in applying for the schemes within the required time, what the likely capital investment is in the schemes and what the likely cost will be in tax forgone. I asked about these matters in a parliamentary question that was not reached last week — I suppose we were detained too long on other matters. However, these are legitimate questions and I would like answers.

The Minister stated in the budget and when he announced a review in regard to tax breaks that this type of property investment scheme was not to be extended, particularly while the proposed review of tax breaks was being undertaken. Unless I get answers, this constitutes a breach of the undertaking given by the Minister at the time of the budget that there would not be an extension of this type of break until completion of the investigations to which the Minister, the Taoiseach and the Tánaiste referred on a number of occasions.

I welcome the anti-avoidance measures introduced in the Bill, in particular in section 36, to prevent the recategorisation of income as capital gains, whereby, if a taxpayer successfully shifts income from the income category to the capital gains tax category, his or her marginal rate of tax can fall from 42% to 20%. It is incumbent on the Minister to explain what amount of tax revenue has been lost recently because of the use of this tax arrangement whereby income was converted into capital gains, thus resulting in significant savings.

This was a topic beloved to an obsessive degree by the Minister's predecessor, Mr. McCreevy. He was always delighted by the increase in the receipts from capital gains combined with the fall in the capital gains tax rate. It is interesting that in this, the Minister's first Finance Bill, he should move to stop avoidance in this area by shifting income, because his predecessor denied this was a possibility. However, while the Minister should expand on why he opted for this, the change is welcome.

On behalf of the Labour Party, I broadly welcome the proposals in sections 73 to 77, which will see an extension of the powers of the Revenue Commissioners, creating further offences of aiding an abetting tax evasion and fraud, including those by officers of companies, including banks. This measure is long overdue. It is deeply disturbing to people who had non-resident accounts and are being rightly and strenuously pursued by the Revenue Commissioners to repay both tax

and penalties in regard to these illegal tax investments that the people who organised the schemes and made the arrangements, particularly those in the top echelons of some of our banks, got away virtually scot-free.

It is unbelievable that the many thousands of people who had non-resident accounts simply thought these up on their own. Little old ladies did not pop into bank branches in Manorhamilton and ask: "Can I have a non-resident account, please?" or "Can I have a single premium life product?" The reality is that customers were advised by their banks to open this type of account. Banks incentivised and in some cases pressurised staff to get people to open this type of deposit account. It appears that banks have been able to get away with aiding and abetting tax evasion and they have not been taken to task. It will be welcome if the Bill successfully advances the powers of the Revenue Commissioners in this regard. I note, however, that none of these provisions will have a retrospective effect. I would be grateful if the Minister could elaborate on this point. I know he said that the notion of retrospection is not constitutional. However, complex legislation has been introduced in regard to IFSRA, and one of the actions it is taking is setting up measures and reviews on the suitability of people serving as senior officials in banks and as directors of banking and financial and insurance companies. I do not understand why directors or bank employees who were involved in the past in aiding and abetting tax evasion were promoted to much higher levels and may now be passed with flying colours for even more elevated service in the banking sector. I would like to return to this aspect.

On single premium insurance policies, the Revenue Commissioners have been examining for some time the recovery of tax from investments in these policies. A new scheme is to be put in place to pursue these people. We are all aware that a great deal of business was written in this area over a long period, most of it completely legitimate. There is no problem with anyone who retired and received a lump sum from their employer putting the money into one of these policies. The chairman of the Revenue Commissioners indicated that the problem lies with people who for tax purposes in the first instance did not declare the money they invested in these products. It is estimated that this will net between €1 billion and €1.5 billion. What concerns me is that it is probably the fourth opportunity for people who used the system to evade tax to come clean in regard to tax evasion. There were the first two tax amnesties, followed by the review of overseas non-resident accounts and DIRT accounts. It could be the fifth or sixth opportunity to come clean afforded to investors in the insurance related bank product who were also Ansbacher or Jersey trust depositors. Is the Minister proposing to allow such serial tax evaders to get away with it or will the Revenue Commis-

sioners initiate prosecutions against people involved in this type of activity?

I acknowledge that the majority of citizens are honest in their tax affairs. However, the small minority of them who are tax evaders and who have repeatedly robbed our health and education systems deserve little mercy from the Revenue Commissioners. The Minister furnished details of the number of prosecutions in this regard, which are very small. Just two prosecutions last year resulted in convictions, and the number has decreased in recent years. Contrast that with the position in regard to social welfare. The week before last, I read a newspaper report where someone was properly prosecuted and received a suspended sentence for illegally claiming €18,000 in rent allowance. This does not happen in the case of tax evasion. It is a bit like a Hollywood marriage for some people where one little bout of tax evasion is not good enough so they must have a go at it five, six, seven or eight times. It is outrageous for the Revenue Commissioners to "go soft" on these people. I presume the arrangements included in the Finance Bill are not the last word on this scheme. I understand there may be administrative difficulties in carrying out this review. I would like the Minister to talk to us in greater detail on the matter on Committee Stage.

Why is it not possible to get more information on the real cost of various tax avoidance schemes? The Minister may have read a lengthy article in one of last Sunday's newspapers detailing the extraordinary multi-million euro payment made by a number of companies to pension funds on behalf of their owner-director managers. These are the high rollers in society. We are not talking about small family companies employing approximately 30 or 40 people. This use of pension schemes was specifically enhanced in the last two budgets by the former Minister and Deputy, Charlie McCreevy, as yet another scheme for the very wealthy. I concur with what Deputy Bruton said about incentivising people to save for pensions, but what is happening in regard to some of Ireland's wealthiest people is outrageous. People are being encouraged by former Minister's last two budgets to provide for multi-million euro pension funds which will be, effectively, entirely exempt from tax. They may even be exempt over generations because our tax structure means that capital transfers between spouses are largely tax exempt. As a result of the way many of these schemes are designed, it may be two or three generations, if ever, before they will fall into any kind of tax net. Contrast this with people working for a modest income who find it difficult to save for a pension and are restricted in the amount they can put into the pension fund. This must be one of the key areas where there is one taxation structure for the very wealthy and another for ordinary people in modest employment.

I have asked numerous questions about the cost of tax forgone in respect of self-administered pension funds and other related schemes that

have been developed and expanded, particularly on foot of the changes in the 2003 and 2004 Finance Acts. All I have received from the Revenue Commissioners and the Minister for Finance is repeated statements that they are unable to give me any information other than to suggest that there are approximately 2,500 of these pension schemes. If we are to make rational decisions about taxation policy, we need the relevant information so that we can see the cost to the Exchequer of these schemes and what the effect is on more modest savers in ordinary employment. The pension structure in Ireland has become a two-tier structure which is, in effect, a scandal.

Perhaps I can make a point, particularly in regard to women. Up to 1973, many women had to leave work because of the marriage bar. They took up home duties looking after the family and bringing up their children. Many of these women did not get back into full-time employment whereby they would qualify for pensions. Contrast what is being done for high rollers, where €7 million is being invested in a pension scheme, with the position of some women in their 50s and 60s who have no entitlements in their own right and may depend significantly on the pension entitlement their husbands have built up. That is a good example of there being one structure for one set of people and another for a different set of people who have made a great contribution to this economy. Fianna Fáil used always to sing the praises of the women who stayed at home, were home-makers, looked after their family and helped care for elderly people, but when it comes to pensions, many people are hardly at the races, although I want to refrain from using horsey references. Tens of thousands of women do not have pension cover. That is an issue we need to explore.

The vast bulk of PAYE taxpayers will pay tax at the top rate. The Minister said that people earning the minimum wage will be lifted out of the tax net. We will return to that question in November when we will see if that promise is sustained, particularly with changes in the minimum wage. A single person who earns a little over €30,000 will pay tax at 42% on any additional income or overtime. That is a high marginal rate of taxation in anybody's book. The Government has created a two-tier structure of taxation, with heavy taxes and high marginal rates for people in receipt of low incomes, particularly if they work overtime, while there is a plethora of tax avoidance schemes for the very wealthy. I do not know how long the Minister for Finance considers this can continue. While suggestions from the Taoiseach, Tánaiste and the Minister that they find the notion of people on incomes of €200,000 and above paying no tax to be socially and morally unacceptable are welcome, what will be done about it? There is no evidence in the Bill that any real element of tax justice will be introduced. We are seeing a wink and a nod arrangement whereby the Taoiseach and Tánaiste are saying

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to enraged taxpayers they will sort out some of these abuses but, in the meantime, in the small print of this Bill, nothing is being done to close or cap some of the worse abuses.

The Labour Party stated in its pre-budget statement, a copy of which we sent to the Minister, that we favour either the capping of all the allowances or a review clause that would ensure that no taxpayer, regardless of whatever tax breaks they availed, can pay less than the minimum rate of 20%, having taken into account credits and personal allowances. Every citizen uses the facilities of this country, be it the roads, schools, the fire brigade service or the hospitals, and therefore no citizen should be exempt from responsibility to pay a fair share of tax according to his or her means.

There is a case for tax incentivisation. I am on record as supporting targeted investment, for example, the business expansion scheme, investment in funds and, more recently, investment in research and development. I am on record, particularly in discussions with the Minister's predecessor, of favouring targeted tax incentives for a period. In these cases, the schemes have been discussed in detail. Where there were abuses, they have been eliminated. This is one issue to which we can return on Committee and Report Stages. For example, when there was talk last year of the Minister's predecessor abolishing film investment tax relief, the Revenue Commissioners brought to our attention abuses about which they were extremely nervous, and that was useful. We have since heard that those abuses have been dealt with through various mechanisms. It would be interesting to hear from the Minister whether the Revenue Commissioners are satisfied with what has happened in that regard. The purpose of these incentives is to promote investments in risky but important enterprises or areas of economic activity. For the most part, the ones I outlined are effectively limited or capped. If they are not, I would be interested in hearing why they are not.

The Minister for Finance, Deputy Cowen, is a former Minister for Health and Children. Therefore, I want to raise with him the galloping tax breaks for the provision of private hospitals and nursing homes. The former Minister for Finance, Charlie McCreevy, argued that such tax breaks would increase supply and lower costs for users, but I do not see that happening. Once again we have no information on how these tax breaks are working. Nursing homes are being built in the green belt around the greater Dublin region. They are located in rural areas. The tax break for them is conditional on their existing on that basis for only ten years. These nursing homes are in areas where there are no footpaths and no public transport. For some elderly people, going into these homes is effectively like a life sentence. They cannot go to the church, pub or post office. The Minister must be familiar with nursing homes

in villages and small towns where old people can get out and about.

Mr. Cowen: There are some excellent facilities.

Ms Burton: Yes, that is what I am saying. They are the good ones, but has the Minister seen the new ones that have been built in remote areas, the provision of which is more to do with property development? I doubt if they will even last as nursing homes for ten years. This incentive applying to them has not been examined or studied but was introduced on the personal hunch of the former Minister, Charlie McCreevy, that it would produce activity. He told me it would result in a reduction of nursing home costs, but that has been far from the case. In the greater Dublin area, such costs are at a higher rate than ever before.

Similarly, the Hanly report stated that hospitals with fewer than 300 to 400 beds were not viable and threatened them with closure, while the incentive applying to private hospitals seems to have a capacity around the 100 bed mark. Where is the joined-up thinking in regard to investment in our health services? Tax forgone as a result of these kind of tax breaks costs us all dearly in the end. We will continue this discussion as the Bill progresses.

Mr. F. McGrath: I wish to share my time with Deputies Connolly, Boyle and Ó Caoláin.

An Leas-Cheann Comhairle: That is agreed.

Mr. F. McGrath: I thank the Leas-Cheann Comhairle for the opportunity to speak on this legislation. When the budget was announced I thought that finally the Government was listening to the views and policies of the Independent Deputies by taking a step towards narrowing the gap between the rich and the poor. I welcomed the fact that much of the additional Exchequer finances available to the Government were being targeted at the disadvantaged, the low paid and the disabled. I also welcomed the increased expenditure on social welfare, particularly the increase of €14 in the lowest rate of social welfare and the removal of national minimum wage earners from the tax net. They are all important and positive measures on which I commended the Minister at the time.

I particularly welcome the increased spending on services for those with disabilities. However, imagine my shock and horror when I discovered today on meeting a group of parents from St. Mary's St. John of God north-east services that, despite the promise of 250,000 extra hours of home support and personal assistance each year, their respite services will be cut drastically on 28 February. What is going on? The Minister promised major funding for services in this Bill, yet the Minister for Health and Children and the people involved in the health services — the Health Service Executive — want to cut services in these

areas. This is crazy and unacceptable. From my information, in this case it is a question of funding. The families I met today and the people who work in the services have informed me that it is a funding issue, yet what is involved is the cost of employing an extra 64 staff. That is chickenfeed in this debate on the Finance Bill. I urge the Minister to deal with this matter in the next week or so. There is no excuse for this. I record my support for the families and friends of St. Mary's St. John of God north-east services. The bottom line should be about spending taxpayers' money wisely and efficiently on services for people with disabilities. I want to see an action plan in the next few months and an end to all cuts in services.

When dealing with this Bill, it is important to look at those areas where the budget did not deliver, particularly making work pay by easing the transition from welfare to work for those currently unemployed or in receipt of a social welfare payment. No assistance was given with the cost of child care, which continues to act as a barrier to employment, especially for women and single parents.

Many of the anomalies and imbalances between the welfare system and the tax system continue to trap people in welfare because it is not worth their while to take up low paid employment or a position in an active labour market programme. The threshold for the retention of secondary benefits remains unchanged at €317.43. I am disappointed the Minister for Social and Family Affairs failed to take the opportunity to rescind in full all the savage 16 welfare cuts. Only one has been fully rescinded, with ten amended slightly and five remaining unchanged.

I accept that the 2005 budget was more equitable than previous budgets but it is disappointing that not enough was done to address the needs of unemployed people, those on social welfare and those trying to access the labour market. This is an issue we must face because 65,000 children live in poverty. I urge the Ministers for Finance and Social and Family Affairs to target that sector in the next six months. Resources must be targeted at the most needy and I propose that those 65,000 children who live in and attend school in disadvantaged areas be supported as a priority.

I welcome the provision in section 9 of the Bill that exempts from income tax payments made by the Health Service Executive to foster parents in respect of the care of foster children. In addition, the section exempts certain discretionary payments by the Health Service Executive to carers for the care of former foster children aged 18 or over who suffer from a disability until such persons reach 21 or complete their full-time education course. Corresponding payments related to foster children made in accordance with the law of another EU member state have also been exempted under the section. All these are welcome measures.

There were many positive aspects to the budget and I commend the Minister for them but there

are also major gaps and they must be tackled in the next six months.

Mr. Connolly: This year's Finance Bill is characterised by anti-avoidance rules as opposed to anti-evasion measures. It is an effort to close the loopholes that accountants are paid to find, but we will see what they come up with during the year.

The Bill is also driven by the necessity for a level playing field for taxation across the EU. The 2004 Act was notable for its measures to make Ireland more attractive as a holding company location. Disposal of share holdings in trading companies in EU countries, or in those countries with which Ireland has a double-tax treaty, were facilitated to such an extent that they merited an exemption from capital gains tax. EU approval for this measure was forthcoming in September 2004, with appropriate adjustments to the share value thresholds backdated to February 2004. This gave an immediate fillip to indigenous industries and multinational companies and significantly increased the attractiveness of Ireland as a business location.

The Bill allows for a broadening of the base of the common contractual fund, which allows for pension assets to be pooled in a tax-transparent structure. It permits a broadening of the products in which the CCF can invest and extends the range of qualifying investors to include all forms of institutional investment. There are considerable cost inefficiencies in maintaining multiple pension schemes and the pooling of assets of a number of pension funds in a single fund can avoid these.

The Bill contains a welcome provision by which taxpayers can receive deductions on pension contributions to any scheme that was established in another EU member state. Other EU nationals who are working in Ireland are also allowed to contribute to an overseas pension plan within the EU. The Bill allows for them to benefit from tax relief at Irish rates in accordance with the EU pensions fund directive which must be implemented by September 2005. In the case of cross-Border pensions, both employers and employees who are located in the Republic of Ireland will receive the usual tax relief subject to annual limits on any contributions made to cross-Border pensions. This is particularly relevant to people who live along the Border and work in the other jurisdiction. It is a positive development and is geared towards the creation of a single EU market for financial services.

I regret that those consumers who switch bank accounts will be penalised for the Government stamp duty. I find it difficult to understand that the banks give blasé excuses why they cannot implement this change. It amounts to double taxation of €10 per annum. The fact that we must wait until January 2006 for this is unacceptable.

Mr. Cowen: That is the case for ATM cards but it will apply to credit cards from 12 April.

Mr. Connolly: It is regrettable that we must wait 12 months for it.

The old reliables were not touched and I welcome the fact that petrol and diesel, fuels that are needed to get people to and from work, were not increased. Year after year, however, cigarette duty was increased for different reasons, principally because they were bad for our health. Once, the price of a packet of cigarettes was increased by 50 cent, which was meant to go to the health services. I do not know if it ever reached the health service but it had no impact if it did. This year we discover that the revenue from cigarettes is falling so I am surprised that the duty was not lowered to achieve a higher tax yield from them. If we were really sincere in wanting people to give up cigarettes or concerned about their effect on our health, we would have increased the price of a packet of cigarettes to encourage people to give them up, in tandem with the ban on smoking in the workplace.

The contribution made by carers to society was largely ignored in the budget. There are also other schemes, such as the rural transport initiative, that are of great social benefit and enjoy a high level of praise, that deserve more funding.

Mr. Boyle: One of the more curious references in the Minister's speech related to the introduction of section 134, the increase in the threshold for the publication of certain settlements in the list of tax defaulters from its current level of €12,700 to a new level of €30,000. This was recommended by the revenue powers group and the Law Reform Commission, but recommendations are not always accepted.

Mr. Cowen: We cannot win.

Mr. Boyle: A likely effect of this provision will be an increase in low level tax fraud. People who know they will not be named and shamed will go so far in not paying their income tax because they know there will be no public opprobrium attached.

Mr. Cowen: They will have to pay the tax, plus penalties, plus interest.

Mr. Boyle: I am establishing this as a marker that we will revisit this issue in years to come.

Stranger still, in line with the recommendation of both bodies, the Minister decided to introduce the concept of indexation only for the threshold for naming and shaming tax defaulters. Where is the indexation of tax credits and tax bands? Why is the Minister not introducing innovative indexation measures to ensure people do not pay tax by default in future? Why do we not have this concept in payments made by the State in the social welfare area? That is something I will take up with the Minister for Social and Family Affairs when he introduces his new Bill in the next few weeks.

I find it curious that the reference to indexation in this Bill means that those who have already cheated the tax system are less likely to face public opprobrium as a result. That is a strange principle for the Minister to establish in his first Finance Bill.

Mr. Cowen: It is part of the recommendations.

Mr. Boyle: I can point to recommendations from the ESRI that the Minister has not accepted. I will come to them later.

Another curious aspect of this Bill is that the Minister is amending a number of tax reliefs. Some he has been forced to amend as they have been identified as state aids and he is rowing back on how they can be applied. However, some are being extended and some new tax reliefs are being introduced. This calls into question the credibility of the review the Minister has announced into all tax reliefs. How are we and the public to take this review seriously or to believe it is being conducted in any kind of honest way when in his first legislation after the budget the Minister chooses to extend tax reliefs in certain areas that will help to widen the differentiation between people who have and people who have not in our society? That is the reality of what is proposed in this Bill.

Mr. Cowen: The Deputy should read the Budget Statement. It did not pre-empt the amendment of existing schemes in the context of the review. I stated that on budget day. That is my full position.

Mr. Boyle: If that is the case, the Minister could have chosen in advance of that review to terminate reliefs that are obviously inequitable. He could have chosen to put maximum tax reliefs in place on a cumulative basis and on an individual basis in terms of each tax relief that is being offered. He has chosen not to do so. That he has chosen not to do so means he has decided that the tax inequity that exists will continue under his stewardship. I find that most regrettable.

There are two measures concerning how the Minister has treated the environment. One is a measure that has been forced on the Minister and one is an extension of a measure that already exists. The Minister is introducing the concept through the European energy directive of a European Union energy tax as it applies to coal. He accepts this will be minimal because it does not apply to domestic coal. I find it strange, in view of his predecessor's decision not to proceed with an energy or carbon tax, that the only allowance to introduce such a tax has been the obligation forced on it by the EU.

The second measure extending the VRT exemption on hybrid cars has been patronisingly presented by the Minister as an environmental measure. The only reference in the Finance Act 2004 was a small but significant measure that has yet to be introduced providing support for the

extra biofuels. While this measure has been described as a political State aid by the European Commission, the Government's efforts to challenge and change this opinion is in marked contrast to its efforts to challenge the State aid designation of the tax exemption on stallion fees, which it has approached with something of a panic reaction.

Mr. Cowen: Was it a panic reaction?

Mr. Boyle: It was a panic reaction.

Despite the Minister's problem with his postal delivery service, the Government has chosen to quickly challenge any question of State aid being applied to the stallion tax.

Mr. Cowen: Why then were we accused of inconsiderate delay?

Mr. Boyle: We are talking about the contrast between his actions on this tax and the lack of any questioning by the Government on the issue of State aid in the area of biofuels.

Mr. Cowen: I have been panicking since.

Mr. Boyle: The Minister has pursued the policy of his predecessor who decided not to introduce a carbon tax, the price of which is already apparent with the cost of €135 million for the purchase of carbon credits to be paid for the right to participate in the EU's carbon emissions trading scheme, which will have to be borne by all Irish taxpayers.

In this Bill the Minister has introduced a number of additional powers for the Revenue Commissioners and this is to be welcomed. Especially welcome is the power to create an offence for those seen to be aiding and abetting tax evasion, people who would have talked to bank officials and maybe even bank managers on the question of tax evasion or how various products would help to reduce their tax liability. We know, if anecdotally, that those bank managers and bank officials were operating on orders from above, even if those orders were never written down. It is important, if this provision is enacted, that it is as watertight a provision as it can be. The Minister will have our support if that is the case.

The Minister spoke optimistically about the scale of the Irish economy and the state of the global economy that allows this to happen. It is also in order, however, to put forward certain economic facts about the global economy that could make things change very quickly and the need to be prepared for that. We are, in many respects, a satellite economy of the United States, an economy that has the highest trade deficit and the highest budget deficit in the world. While the dollar has appreciated in recent days based on a commitment given by the new Bush administration to tackle its budget deficit, it seems that as far as American citizens are concerned, that deficit will be tackled in the same old way, by targeting social spending which, unfortunately,

we have seen here occasionally. It is likely that the type of dependence and economic impetus by which it is fuelled in terms of our reliance on oil will come back to haunt us, maybe not in the short term but certainly in the medium term. If there is an oil price shock and it affects interest rates, we can all envisage what is likely to happen in an economy that has a gross national product with 12% reliance on property. The Minister has said in the past that that is down to the entrepreneurial initiative of people building property. However, in reality it is about house price inflation and house prices that bear no relation to people's ability to pay or to the economic needs of the country.

When we process this Bill through Committee Stage and Report Stage I hope there will be no rabbits pulled out of hats, as we have seen in respect of other Finance Bills, that would exacerbate that situation. I hope there will be an air of reality and an awareness that if we are to keep our economy on track, we must do so by being aware of the threats that exist within and, more importantly, the very real threats that exist outside.

Caoimhghín Ó Caoláin: I thank the Minister for his presence. This Finance Bill implements the budget for 2005. It contains little that is new in addition to the measures already announced in the Budget Statement.

Before the budget Sinn Féin urged the new Minister to address in particular the issue of child care. We urged the introduction of a comprehensive package of child care measures, both budgetary and legislative, implementing the right of children to the best care, allowing parents to care for their children full-time up to one year of age, and equalising women's participation in the labour market.

Our comprehensive Private Members' motion, which saw a substantive debate here, and our subsequent budget priorities document entitled Putting Children First received a widespread welcome in the child care sector. Our elected representatives and party workers throughout the country promoted those proposals and met with an immediate response from individuals, families and communities experiencing an acute need for child care infrastructure. That is the situation I have found. It was no surprise to us, therefore, when there was such widespread disappointment that the budget for 2005 failed to address the major gap identified in child care or the issue as a whole.

While there was a welcome increase in funding for the equal opportunities child care programme and which welcome I recorded, there was no recognition of the limitations of the programme or the need for a comprehensive approach. I appreciate it was the Minister's first budget but I make these points not only to point out what has not been included in the budget but to urge his attention sincerely on these matters in the coming budget. I regret that nothing has been done since

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the budget announcement, certainly nothing that is apparent, to address this major gap in Government policy. This Bill confirms the Government's blind spot on the child care issue. It is regrettable nothing of any substance has been done or said on the matter in the period since.

Since the budget, a significant study was published but received little attention and certainly not the attention it deserves. This is the major EU report published last month which shows that nearly one in four of our people, 23%, are at risk of poverty while nearly one in ten are consistently poor. In a State which is supposedly one of the wealthiest in the world, the persistence of this level of inequality is a disgrace. After a decade of the so-called Celtic tiger, it is children more than any other group who live in consistent poverty. The report shows that nearly 15% of children under the age of 15 are consistently poor, in other words, living in homes which struggle to provide adequate food, heating and clothing. If what I have said is familiar to the Minister and he has heard it before, it is because that is the set of findings I cited to the Tánaiste in the House last week. Her first response was to question the methodology of the report. She was reluctant to use the term "poverty". Anyone who knows the reality of life in many of our communities — certainly I know it — cannot deny there are levels of deprivation which are inexcusable and also avoidable.

In another important report on the taxation system, published last October, the Irish Congress of Trade Unions stated that our tax system is "fundamentally unjust" and "biased against those on low and middle incomes and it does not raise enough tax overall to pay for modern public services". What is the result? It means that our unreformed health service is ill-equipped to care for the health of those who need the public system most because they cannot afford private care, and nearly 40% of those surveyed in 2003 identified financial problems as the greatest factor and the critical reason preventing them from improving their health. None of this can be solved in one budget or Finance Bill, something I have acknowledged, and we are prepared to be patient. We will make the case and will argue where we believe that attention must be focused. In that spirit I hope the Minister will accept these points and reflect them wholesomely in the next opportunity that will open to him.

The Fianna Fáil-Progressive Democrats Government has been in office since 1997 and has taken until now to remove those on the minimum wage from the tax net. The timing is interesting as it comes at the outset of the campaign for an increase in the minimum wage, which the trade unions correctly demand. The Minister for Finance, Deputy Cowen, received plaudits for the reduction in stamp duty for first time buyers of second-hand property. I have no doubt that was a sincere effort on his part and I commend the intent. While this is welcome and long overdue,

what can be done to ensure the benefit is enjoyed by the buyers? I reflect on the television discussion immediately after the budget at which I was present for a brief period and during which we heard representatives of auctioneers and valuers say the reduction would be eaten up by an increase in house prices. That shows the need for regulation of the price of housing, an issue which the Minister and the Government have refused to countenance. The argument is strongly underscored by that fact alone and, similarly, to give further weight to the argument, by the increased tax relief for tenants in private rented accommodation. If nothing is done to control rents, they will continue to rise and this tax relief will amount to nothing more than a subsidy to greedy landlords throughout the country.

The Government's tax cuts between 1997 and 2002 saw only 5% of budget tax cuts benefiting some 20% of the lowest earners. We live with

that legacy. The budget and the Bill
7 o'clock represent a catch-up rather than a radical shift in direction and, clearly,

there is more work to be done. For many years, we in Sinn Féin have called for a comprehensive review, as referred to by other colleagues, of the wide range of property-based tax reliefs and the closing of those through which wealthy corporations and individuals are allowed to avoid their fair share of tax. We will probably never know how much is being lost to the public finances through these so-called reliefs because the Government, including during the time Mr. McCreevy was Minister for Finance, never carried out a cost-benefit analysis of the huge range of such allowances and was unable to answer my parliamentary questions on the loss to the Exchequer they represent. We caught a glimpse of the extent of that loss before the budget when it was revealed that 11 millionaires and 242 people earning between €100,000 and €1 million per year paid no tax in 2001. The Department of Finance and the Revenue Commissioners do not know how many tens of millions of euro have been lost through tax breaks of property speculators and developers of such commercial ventures as private hospitals, hotels, sports injury clinics, multi-storey car parks and a range of others. The Minister has indicated that a review is under way. I do not suggest all of this must be dumped. We must all be informed and advised and must be able to measure.

In the budget the Minister directed his Department, together with the Revenue Commissioners, to undertake a thorough evaluation of the effect of what he called all relevant incentive reliefs and exemptions and to bring forward proposals for change. When does the Minister expect that review to conclude and will he bring its findings before the House where they can be debated fully?

Debate adjourned.

Private Members' Business.

Northern Ireland Issues: Motion.

Mr. Kenny: I move:

That Dáil Éireann:

- recognises the primacy of the Good Friday Agreement and the importance of both Governments continuing to protect and develop its achievements;
- welcomes the progress made to date towards the full implementation of a broad range of commitments made in the Good Friday Agreement;
- welcomes the continuation of cross-party support in the House for the peace process;
- reaffirms its view that this Agreement must form the basis of a lasting settlement in Northern Ireland;
- welcomes the progress represented by the proposals of the British and Irish Governments, published in December 2004, towards achieving a complete resolution of the key issues identified by the Taoiseach and Prime Minister Blair at Lancaster House in June 2004;
- regrets that there was no agreement at that time in relation to two key issues, namely, an end to all forms of paramilitary and criminal activity and decommissioning;
- notes that all parties to the Agreement undertook to pursue their political objectives by exclusively peaceful and democratic means, and that the Agreement envisaged full decommissioning of all paramilitary arms within two years;
- notes the damage which has been done to the peace process by ongoing criminality, including the recent robbery of the Northern Bank in Belfast and the assessment of the Irish and British authorities that the Provisional IRA was responsible for these crimes;
- notes that a report by the International Monitoring Commission regarding ongoing paramilitary and criminal activity will shortly be published;
- emphasises that there can be no room in a genuine peace process after ten years of engagement for threats of whatever kind;
- rejects recent comments by Sinn Féin spokespersons as to what constitutes criminality;

- underlines the need for a responsible and calm debate of the current difficulties in the peace process;
- notes the clearly expressed views of the Irish people that all paramilitary activity and criminality be permanently brought to an end;
- believes that with a resolution of current difficulties the restoration of the devolved institutions and the full implementation of the Good Friday Agreement is achievable;
- welcomes the continuing and valued support of the President of the United States;
- notes the determination of the two Governments to maintain dialogue with all the Northern Ireland political parties;
- welcomes the Taoiseach's recent statement that his offer regarding the early release of the murderers of Detective Garda Jerry McCabe has been withdrawn; and
- expresses its full support for the ongoing efforts of the two Governments to bring to completion full implementation of the Good Friday Agreement.

I wish to share time with Deputies Coveney, Crawford and Timmins.

When the original Fine Gael motion for tonight's debate was tabled on Friday last, I made it clear that our objective was to achieve a consensus among the democratic parties in this House on what is required to see the will of the Irish people delivered through the full implementation of the Good Friday Agreement. The significance of the popular mandate given to the Agreement should not be forgotten or underestimated.

In May 1998, voting on an all-island, all-Ireland basis, the people overwhelmingly endorsed this Agreement with all the new rights and new responsibilities this entailed. They did so on the clear understanding that each party to the Agreement was committing itself to using exclusively peaceful and democratic means to achieve its objective. They also voted on the clear understanding that the decommissioning of paramilitary weapons would be completed within two years.

On Friday last, I forwarded a copy of the original Fine Gael motion to each leader of the political parties represented in this House. This morning I received a number of suggestions and additions to the motion from the Government. In the spirit of bipartisanship, Fine Gael decided to accept virtually all these suggestions and incorporated them into the Fine Gael motion. Following intensive dialogue with the Government, I am pleased to announce that we have reached agreement on the one outstanding issue the release of

[Mr. Kenny.]

the murderers of Detective Garda Jerry McCabe. I welcome the Taoiseach's latest statement in the House this afternoon in which he confirmed that this matter is off the table and that he does not envisage it being put back on the table.

Of all the acts of appeasement perpetrated by this Government, surely the most reprehensible — to borrow a favourite phrase from the Minister for Foreign Affairs — was the Taoiseach's secret deal with the IRA to release the common criminals who murdered Jerry McCabe when he was on duty for his country in Adare in 1996. The capitulation of the sovereign Government in the face of IRA intimidation represents the worst in a long list of concessions which have corrupted the peace process. A blind eye has been turned to the ongoing criminal activity of the IRA for too long, so long that they thought they could do as they pleased without anyone shouting stop. Tonight, the Fine Gael party is shouting stop and I hope the other parties in the House will join us in doing so.

In recent weeks I have had occasion to remind the Government that the Fine Gael position in respect of the peace process, unlike some others, has been consistent throughout. In government and in opposition, in public and in private, we have never played politics with the process. Since 1969, the Fine Gael approach to Northern Ireland has been based on three core principles, first, that there is no justification for the use of violence to achieve political objectives, second, we wish to see the coming together of all the people in Northern Ireland in agreed institutions and, third, there can be no change in the status of Northern Ireland without the consent of the majority of the people living there.

In government, these were the principles that guided Liam Cosgrave in 1973 to achieve the Sunningdale arrangements. These are the same principles that underpinned the Anglo-Irish Agreement signed by Garret FitzGerald in 1985 and the joint framework document launched by John Bruton and John Major in 1995. In opposition, these are the principles which enabled Fine Gael to support the Downing Street declaration in 1994 and the Good Friday Agreement in 1998. These principles have served Ireland well and they will continue to provide the basis for Fine Gael's approach.

The Good Friday Agreement was the culmination of years of work by many people for many parties and I acknowledge the role played by John Hume and Gerry Adams in the early 1990s which helped to create the conditions for all-party negotiations. Central to this dialogue was one crucial point which the republican movement now chooses to forget. The republican movement had, since the foundation of the State, challenged the validity of the institutions of Government on this island. It challenged the Oireachtas, including Dáil Éireann. It challenged the authority of the Garda, the Irish Army, the courts and the Government itself. It challenged the principle of

consent. The basis for these challenges, according to the republican movement, was that the people of Ireland, North and South, had not had an all-Ireland, democratic electoral opportunity since 1918. This was the last time when all Ireland went to the polls on the same day.

For the past 30 years, the republican movement had claimed that the 1918 election legitimised its campaigns of violence, its killing of more than 2,000 people, its maiming of more than 20,000 people and its bombings in Ireland, Britain and the European mainland. It had claimed the same 1918 elections as its basis for rejecting Sunningdale and rejecting the 1985 Anglo-Irish Agreement.

It was against this background that the decision was taken to hold both referenda on the Good Friday Agreement on the same day. These referenda would remove any doubt that might have existed in the minds of the republican movement as to the nature of the Irish democratic mandate. The people of the island of Ireland voted overwhelmingly to accept the arrangements of the Good Friday Agreement and the consequent changes in Bunreacht na hÉireann.

I remind the republican movement, Sinn Féin and the IRA, that in so voting, the people of Ireland voted to reject violence, voted for the principle of consent and voted to mandate their political representatives to implement the Agreement in full. I respect the Sinn Féin electoral mandate but I remind it that I, too, have a mandate on behalf of the Fine Gael party. Sinn Féin has become accustomed to its mandate being disproportionately heard because it comes to us through a megaphone at the end of a gun. That must stop. No democratic party has a mandate for killing, robbery, racketeering, maiming or stalking. My mandate is to stand up for the truth, to defend and strengthen the institutions of this State and to allow democratic politics to build a country of peace and pride. I will not endorse an arrangement in which Sinn Féin is sent to the sin bin for a few months and then return to business as usual.

This debate gives this House an opportunity to send a clear message to the IRA and to its political representatives here in the House that this type of behaviour will no longer be tolerated. The republican movement must end all its illegal activities and complete the process of decommissioning. The urgency of completing this transformation has been highlighted by recent events and statements which have provided an alarming insight into the republican mindset and its conception of what is meant by its commitment to exclusively peaceful and democratic means. Its warped and twisted interpretation of criminality can classify crimes by whether its members were involved rather than by the acts themselves. It is very fond of demanding that due process be followed, for example, in relation to the recent Northern Bank raid. However, what due process was granted to Jean McConville when she was executed by the IRA or to Jerry McCabe when

he was gunned down while on his country's service.

I know of no other democratic party in any democratic system which would refuse to describe these crimes as anything else. The ongoing republican illegal fundraising operations must also be brought to an end. Having escaped virtually scot free from its involvement in the Gallaher's and Makro robberies, perhaps the IRA thought it would try a bigger haul in December, the raid on the Northern Bank. Maybe it did not expect such a large haul but any other criminality it engages in is equally wrong.

Fine Gael's attitude to criminal activities engaged in by paramilitary groups has always been crystal clear. As far back as April 2003, when speaking in this House, I made it clear that all republican criminality must be brought to an end and that there should be no ambiguity about it. This is a matter about which the Minister for Justice, Equality and Law Reform has been bleating for the past two months. However, he has failed to explain the reason he has done nothing to tackle criminality for the previous two and a half years when he had the powers and resources to do so. Despite his protestations to the contrary, the Minister had a central part in the October 2003 deal which, but for the intervention of David Trimble, would have seen the killers of Detective Garda Jerry McCabe set free, even though the Government sought no statement from the IRA to end criminality at that time.

What I find disturbing is the republican movement's version of democratic politics which appears to be one in which it holds sovereign Governments to ransom and resorts to threats and intimidation when it does not get everything it wants. It has yet to learn the true nature of its much vaunted electoral mandate. The Sinn Féin electoral mandate is for democratic politics, which requires negotiation and compromise, not threats and intimidation.

The Fine Gael message to Sinn Féin and the IRA is clear. We want the republican movement to join the democratic process, leave behind its criminality and criminal past, end punishment beatings and racketeering and back up its words of embracing democratic politics with actions to demonstrate them, rather than committing breaches of trust to undermine them. Only then will people have full confidence that all parties are pursuing their political objectives by the same means. Only then can we have confidence that our electoral process is not being corrupted by the proceeds of criminal activity.

My party does not want to see Sinn Féin excluded from the democratic process but unless it completes this journey, it will have deluded itself. We must now look to the future and efforts to revive negotiations between the parties. Recall of the Forum on Peace and Reconciliation would be beneficial in allowing parties to come together to explore how best talks could resume. Last Sunday, Sinn Féin president, Gerry Adams, said, "I am for straight talk." That opportunity now

presents itself and actions in the cause of true democracy will always be more meaningful than lies, hypocrisy and ambiguity.

Mr. Coveney: I am pleased to have an opportunity to speak this evening in support of the motion tabled by the Fine Gael Party and supported by the Government parties with agreed amendments. I wish to reinforce the message given by party leader, which in its essence is crystal clear: "The time for reluctant acceptance or tolerance of the existence of armed, illegal paramilitary groups as key players or influencers in the peace process must end." The House must be unambiguous and firm in its demands of all paramilitaries including violent republicans and political representatives who have a special relationship and influence over the IRA, as Martin McGuinness admitted on "Questions and Answers" last night.

This motion is being debated in the context of IRA statements issued last week by faceless people with no legitimate mandate, in which it lectured the two Governments and the Irish people in a self-righteous manner and threatened to withdraw all co-operation regarding the peace process. It states its patience has been "tried to the limit" and warns us not to "underestimate the seriousness of the situation". Does it not cross the minds of members of the IRA that the patience of both Governments has been tried and tested many times, not least most recently by the biggest bank raid in the history of Ireland, where all the evidence points to IRA involvement? The robbery occurred at a time when people North and South believed we were in touching distance of a lasting agreement and full decommissioning before Christmas. Is it any wonder people feel betrayed by an organisation that gives all the signs of moving towards full decommissioning, while at the same time planning a bank robbery on such a scale? This is without mentioning the continued use of punishment beatings throughout the political process while we tried to find an acceptable way forward based on the Good Friday Agreement, which is nearly seven years' old.

John A. Murphy summed up the view of many over the weekend, when he wrote in the *Sunday Independent*:

It cannot be said too clearly or too often: the IRA is not a legitimate player in the process, as it is frequently treated. It is an illegal criminal organisation which purports to usurp the lawful government and army of the Republic. It is a violation of the law and the Constitution. The fundamental problem is not its criminality nor even decommissioning, but its very existence.

There is no need or role for the IRA in modern Ireland, North or South. The sooner it gets off the pitch, as the Minister for Finance, Deputy Cowen, put it, the better to allow legitimate, democratically elected parties which have been given a mandate by the people to get on with putting together a lasting peace process with

[Mr. Coveney.]

devolved power and an end to paramilitarism and all its ugly consequences. We all have a responsibility to make things happen in this regard.

While I do not pretend to have the same understanding as some Deputies of the mind-set of those who continue the so-called armed struggle or those who threaten to return to it, I know the vast majority of people on this island support the Good Friday Agreement as the only basis for a lasting settlement and want an end, once and for all, to paramilitarism in all its forms. Republicans and Nationalists of all shades have political parties well able to represent them and fight any battles that need to be fought through politics and debate. The use and threat of violence must end in reality and as a political bargaining chip in negotiations in which more and more concessions are sought.

Sinn Féin has a unique responsibility in this regard. As it consistently reminds us, it has a mandate but in recent times this mandate has been based on a repeated commitment to the Good Friday Agreement and the use of exclusively peaceful and democratic means to achieve its political objectives. How are Deputies to view Sinn Féin? It is a political party, yet it seems impossible to get a credible answer from it as to the real relationship between its leadership and the leadership of the IRA. One week, we see Sinn Féin representatives negotiating to release IRA prisoners who shot a garda, while the next we hear them refuse to comment on or attempt to clarify IRA statements, saying they are entirely separate organisations. People will no longer be taken for fools in this regard. All elected Members of the House who recognise the State and the Constitution must end links with any form of violence and accept and recognise that crimes committed by paramilitary organisations or anyone else are criminal and cannot be justified by any cause or struggle or for fundraising purposes, nor tolerated for the sake of the peace process.

I welcome the Taoiseach's recent statements, particularly today's statement on the killers of Detective Garda Jerry McCabe, an issue on which I heard strong public views during the recent European election campaign. I wish the Government well, particularly the Taoiseach and the Ministers for Finance and Justice, Equality and Law Reform opposite, who are the key people involved in trying to bring about a lasting agreement with which everyone on this island can live.

I repeat my call on the republican movement to clearly demonstrate its commitment to full decommissioning and to ending all criminal and paramilitary activity.

Mr. Crawford: I welcome the opportunity to speak on this vital issue. As someone living close to the Border and with many contacts in Northern Ireland, I possibly understand more about the benefits of peace and what a long-term

solution can do to create industry, commerce and good relations on this island. I refer to a comment by my colleague, Deputy Coveney, about a mind-set. I find it hard to understand how anyone can go to church, Mass or whatever, and be involved in murdering or maiming somebody in the name of religion. A visit to Poland to see what had happened there — man's inhumanity to man — changed my understanding of that. I saw the railroads and the stations that had been built, although thank God we did not go that far here. However, there is, in many ways, a mind-set problem we must get over.

I welcome the fact our party leader, Deputy Kenny, was able to find a mechanism with the Government to enable a united approach to this serious issue. Yesterday, I met some of my colleagues from Monaghan, a Border county, after a council meeting at which a resolution had been put forward questioning criminality, paramilitarism and all that stands for. The resolution basically condemned such activities and sought to ensure the Good Friday Agreement was implemented in full. It was proposed by a Fianna Fáil member and seconded by a Fine Gael member. For the first time in the history of the State, Fianna Fáil, Fine Gael and Sinn Féin made a unanimous decision. Perhaps we can question what some people believe about criminality but at least the council did not split on it. I remember when I became a member of the council in 1991, all too often if someone proposed a vote of sympathy or condemnation of murder or otherwise, they were accused of being anti-peace and anti-political. There is no doubt that we have come a long way in the past ten years.

Illegal oil is an ongoing issue in the Border area. I rang a Garda barracks along the Border this evening to ask if there had been any finds of oil wash. Oil wash is lethal sulphuric acid, which is dumped in drums, some of which are only plastic, along side roads or main roads. This week some were found in Mullyash, north of Castleblayney, and some close to the main Dundalk road. In Mullyash, the drums were found quite close to a community centre. One can only imagine what would happen if one of those drums burst, which has happened. Monaghan County Council workers along with the fire brigade had to remove those drums. Given its composition, this oil wash must be exported to Germany. In 2004, Monaghan County Council spent approximately €500,000 dealing with this type of waste. It is bad for the economy and is an issue that must be addressed.

Before Christmas we all thought agreement was close, especially when we saw the like of the leader of the Democratic Unionist Party coming so close to it. It is something about which we never dreamt. It is so sad that the issue of decommissioning once again raised its head. The Agreement can save lives and bring peace and prosperity. As Minister for Tourism many years ago, my party leader was involved in bringing people on both sides of the Border together to deal with

tourism. We have come a long way since then and there is now one body. That is what can be gained but it can only be gained if crime, punishment beatings and decommissioning are dealt with. I urge all who believe in the democratic system, or who claim to believe in it, to deal with these issues once and for all.

When the Good Friday Agreement was published, I remember I had a specific interest in two issues, although there was much more to it and I do not suggest resolution of these issues would solve all the problems. One issue was decommissioning which I felt might not happen but that at least an effort should be made to deal with it. The second issue was the release of all prisoners. As far as I recall, both those issues were to be resolved within two years. To my astonishment, the prisoners issue was dealt with almost instantly and people who had been involved in all sorts of heinous crime, including murder, walked free, yet the decommissioning issue continues many years later. It is time for people to decide whether they want to use democratic means or the ballot box and the gun. I strongly urge those who have control over such people to make sure we achieve that peace for which so many people here voted and in which they believe.

I recognise the efforts of the Taoiseach, the Minister for Finance and the Minister for Justice, Equality and Law Reform. Whether Government or Opposition, everybody has played his or her part in trying to bring about peace. I was very angry about the lack of apologies following some of the prisoner releases. Other issues annoyed many of us over the years. The Garda Jerry McCabe one has been highlighted as one totally unacceptable to some of us. However, people generally bent over backwards. I bit my tongue on many occasions and said nothing when the media and others contacted me to make a comment about what was happening because I believed there was a bigger goal to be won and that we should make every effort to win it.

I do not know about any other Member of this House but the IRA's statement of last week signed by a certain gentleman sent shivers down my spine even though it was only two lines. It certainly caused much consternation North and South of the Border. Most of the murders over the past 30 or so years took place in the immediate Border area. While atrocities took place in Dublin and elsewhere, most of the deaths, maiming and displacement of families occurred in the Border areas. There is still a clear memory of Omagh. People know who carried out the Omagh bombing and I urge them to come forward or to use some mechanism to ensure those responsible are put behind bars so as to remove the anxieties of those who deserve some answers.

I do not wish to isolate the IRA in this. I say clearly that all paramilitary groups must stop their actions. It must be across the board. To claim there is a difference between a killing committed by the IRA and one carried out by the UVF is to fool oneself.

I am proud to be a member of the British-Irish Interparliamentary Body and am glad that body is meeting once again in the province of Ulster. Unfortunately, however, it is meeting in County Donegal and not in any of the Six Counties of Northern Ireland. We should be able to meet and engage with all parties anywhere on this island. The British-Irish Interparliamentary Body has done much to bring people together and to encourage dialogue, and the meeting from 6 to 8 March will be useful. I again urge those in the Unionist parties to take up their positions in that group, where they will have an opportunity to partake in discussion and dialogue.

I support my leader's call for the National Forum on Peace and Reconciliation to meet in Dublin Castle so that everybody can debate the future of the peace process. We cannot allow it to fester. We would all like to say that nothing more should happen. However, if nothing happens, the consequences will be dire. We have a different relationship with Sinn Féin than that which existed ten years ago. I ask my colleagues in that party to use the power they claimed to have at the signing of the Good Friday Agreement to convince the IRA of what it needs to do. If the IRA does what it promised by decommissioning and giving up criminality, we will be able to persuade others to do that which Sinn Féin has requested of them.

This is a crisis for Sinn Féin-IRA. It is serious for the entire country and time is not on our side. There must be action now.

Mr. Timmins: One of the main reasons for the overwhelming "Yes" vote in the referendum on the Good Friday Agreement was that people were led to believe that paramilitaries would decommission within two years and, ultimately, effectively wind up. This belief assisted us in putting up with the sight of people convicted of the most horrific crimes being freed from prison to the cheers of their associates while the true victims of their appalling deeds watched helplessly on their television screens, knowing that their mother, father, son, daughter, sister or brother would never return.

Seven years later, I and many others feel cheated that total decommissioning has not happened and the paramilitaries continue in existence. Indeed, the IRA issues statements which can only be viewed as a veiled threat to the Irish people. The Fine Gael motion calls on the republican movement to clearly demonstrate its commitment to full decommissioning and ending all its criminal and paramilitary activity. When I hear of the continuing criminality of the IRA, it reminds me of Alexander Pope's lines:

Hope springs eternal in the human breast;
Man never is, but always to be blessed.

Sinn Féin has led all to believe it can bring about the end of the IRA. Regrettably, one now gets the feeling that in Sinn Féin's eyes the IRA is always to be but is never quite finished.

[Mr. Timmins.]

The Sinn Féin-IRA strategy of the bomb and the bullet allied to the political dimension, in a tactical use of the so-called armed struggle, gave it a position on the stage that did not reflect its mandate. The document entitled *Tuas*, circulated in the summer of 1994, outlined how the republican movement would move forward. Some viewed this document as the “totally unarmed strategy”, while others know it as the “tactical use of the armed struggle”. This difference is the cause of our difficulty today and has led to this Fine Gael motion. Sinn Féin’s new-found catch cry of its mandate must cause great pain for the SDLP which performed a self-sacrifice of sorts to help create peace as it struggled to offset the effects of Sinn Féin’s new strategy. A similar tactic has been used to demonise the Progressive Democrats in an attempt to woo some of the Taoiseach’s supporters.

There is a fear that the attitude of Sinn Féin to the peace process is beginning to resemble that of a schoolyard bully who keeps wanting more, while all around acquiesce “for the sake of peace”. There comes a time, however, when we must step back and consider whether we can sacrifice democracy. Attempts were made to criticise Fine Gael for raising the issue of the early release of the murderers of Detective Garda Jerry McCabe. However, the outpouring of public anger at this proposal has shown the Government there is only so much people will take. There are some promises that must not be broken and the State must have a bottom line. We cannot capitulate to blackmail and intimidation.

Recent court reports referred to some Members of this House being under surveillance. I do not doubt that many Members have been so, as have many members of the security force and many workers whose place of employment was or is to be the target of a criminal act. Most of the public cannot comprehend the sophistication of this intimidation. Members of the security forces must know that this country stands by them. Secret deals cannot be made that undermine the Garda Síochána, the Army and the courts.

When democratic Governments sit down with representatives of terrorist organisations, the final deal must be one that is acceptable to democrats. The anticipation of a good deal for democrats has created much goodwill for the Taoiseach in his efforts and those in all parties who want to reach a successful conclusion. However, the mandate refers to the implementation of the Good Friday Agreement. The IRA stated that it has contributed repeatedly to the peace process. We only want it to contribute once by confirming that it is going out of business. All paramilitary organisations must exit the stage.

The Taoiseach: I wish to share time with the Minister of State, Deputy Kitt.

An Ceann Comhairle: Is that agreed? Agreed.

The Taoiseach: I move amendment No. 1:

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

- recognises the primacy of the Good Friday Agreement and the importance of both Governments continuing to protect and develop its achievements;
- welcomes the progress made to date towards the full implementation of a broad range of commitments made in the Good Friday Agreement;
- welcomes the continuation of cross-party support in the House for the peace process;
- reaffirms its view that this Agreement must form the basis of a lasting settlement in Northern Ireland;
- welcomes the progress represented by the proposals of the British and Irish Governments, published in December 2004, towards achieving a complete resolution of the key issues identified by the Taoiseach and Prime Minister Blair at Lancaster House in June 2004;
- regrets that there was no agreement at that time in relation to two key issues, namely, an end to all forms of paramilitary and criminal activity and decommissioning;
- notes that all parties to the Agreement undertook to pursue their political objectives by exclusively peaceful and democratic means, and that the Agreement envisaged full decommissioning of all paramilitary arms within two years;
- notes the damage which has been done to the peace process by ongoing criminality, including the recent robbery of the Northern Bank in Belfast and the assessment of the Irish and British authorities that the Provisional IRA was responsible for these crimes;
- notes that a report by the International Monitoring Commission regarding ongoing paramilitary and criminal activity will shortly be published;
- emphasises that there can be no room in a genuine peace process after ten years of engagement for threats of whatever kind;
- rejects recent comments by Sinn Féin spokespersons as to what constitutes criminality;
- underlines the need for a responsible and calm debate of the current difficulties in the peace process;
- notes the clearly expressed views of the Irish people that all paramilitary

activity and criminality be permanently brought to an end;

- believes that with a resolution of current difficulties the restoration of the devolved institutions and the full implementation of the Good Friday Agreement is achievable;
- welcomes the continuing and valued support of the President of the United States;
- notes the determination of the two Governments to maintain dialogue with all the Northern Ireland political parties;
- welcomes the Taoiseach's recent statement that the question regarding the early release of the murderers of Detective Garda Jerry McCabe was no longer on the table; and
- expresses its full support for the ongoing efforts of the two Governments to bring to completion full implementation of the Good Friday Agreement.

I welcome this opportunity to address the House. It has never been more important that our voice should be heard in support of the peace process and the necessity to bring this process to a successful conclusion. This is a time of some considerable tension in the peace process, thus demanding that we address the issues confronting us in a considered and calm manner.

At the time the Good Friday Agreement was signed, Senator George Mitchell predicted it would be more difficult to implement the Agreement than it was to negotiate it. He was certainly right. I have spent the past seven years seeking to secure its full implementation. While there have been times of difficulty and frustration, I do not regret one moment of the effort over that time. I am enormously proud of what has been achieved and pay tribute to all concerned, in both Governments and among all parties, who have helped to transform the political landscape in Northern Ireland.

Anybody who contends that this Government would put at risk all that has been achieved over the past decade for the sake of partisan politics is gravely mistaken. Northern Ireland and the Good Friday Agreement have been at the top of our agenda and will remain there for as long as is necessary to finish the job. Sterile point-scoring and escalating recrimination will not assist any of us to finish the job. The key question, after seven years of start-stop progress, is what are the crucial issues that must be resolved to secure the full promise and potential of the Agreement?

In the declaration of support which prefaced the Good Friday Agreement, each participant reaffirmed a "total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others

for any political purpose, whether in regard to this agreement or otherwise." We always knew that making this commitment a reality on the ground would take time. In a society emerging out of conflict, there would inevitably be a period of transition from violence to exclusively peaceful and democratic means. Nevertheless, as the Agreement was gradually implemented and inclusive politics began to work, the transition was progressively advanced, including through two acts of IRA arms decommissioning.

However, that period of incremental progress, where inclusive politics was advanced in step with progress in arms decommissioning, came to an end in October 2002 following the collapse of the Northern Ireland Assembly and Executive. The devolved institutions collapsed because the trust and confidence necessary to sustain them was no longer there. The analysis of both Governments at that time was that trust and confidence could only be rebuilt by a comprehensive approach that addressed all of the outstanding aspects of the Agreement. Incrementalism, therefore, gave way to "acts of completion" which would be required from all sides, including the two Governments.

Since then, there have been three major initiatives aimed at securing a comprehensive outcome, which both definitively resolved the questions of paramilitary capability and activity, and provided a secure basis for the inclusive operation of the political institutions. The results of these negotiations were the joint declaration of May 2003; the abortive sequence of October 2003 involving the two Governments, Sinn Féin and the UUP; and most recently, the two Governments' proposals of December 2004 for a comprehensive agreement. Each of these engagements provided the necessary enabling context in which, by making it clear that politics was indeed working and that all of the issues were being comprehensively addressed, closure could be brought to IRA paramilitarism. The joint declaration was a comprehensive audit of the Agreement and provided a renewed agenda for its implementation. Similarly, the comprehensive agreement of last December addressed the four crux issues that were at the heart of the process, namely, decommissioning, ending paramilitary activity, completing the policing project and ensuring stable institutions.

In each of these three engagements, progress was made, the agenda of implementing the Agreement was advanced and the gaps between the various parties were narrowed. Regrettably, however, there was never sufficient movement on the crux issues of paramilitarism and arms decommissioning to provide the trust and confidence necessary to sustain inclusive government. The political reality was that the movement available from the IRA was insufficient to secure the agreement of the prospective Unionist partner.

The most recent negotiation failed to break the impasse because agreement could not be reached on the transparency elements of the process of arms decommissioning and because the IRA was unwilling to commit itself to clearly and defini-

[The Taoiseach.]

tively ending criminal activity. Nevertheless, the fact that both the DUP and Sinn Féin signed up to the political aspects of the comprehensive agreement, including its policing provisions, was encouraging. The containment of recrimination in the aftermath of failure to reach agreement in early December also held out some hope that progress could still be made after the Christmas period.

In the event, the Northern Bank raid and its attribution to the IRA precluded that possibility. I have made it clear that the professional assessment of the Garda is that it shares the view that the robbery was carried out by the Provisional IRA and that an operation of this scale could not have been undertaken without the knowledge of the leadership of the Provisional movement.

The robbery was a profoundly unwelcome and regrettable act of criminality. It has been an enormous setback to the peace process. It completely eroded the trust and confidence necessary to sustain any engagement aimed at achieving inclusive government. It brought into very sharp relief the issues that must be addressed and resolved if that trust was to be restored: namely, ending IRA paramilitarism, including all forms of criminal activity. That was the emphatic message that the Government conveyed to the Sinn Féin leadership when we met on 24 January. The same clear message was imparted by the British Prime Minister, Mr. Blair, on 28 January and it was the message that both Governments conveyed publicly after we met in Downing Street on 1 February.

I fully accept that the peace process is a collective responsibility that carries obligations for us all, particularly for the two Governments. It is a measure of the Government's deep commitment to the process that we were prepared to consider the early release of the killers of Detective Garda Jerry McCabe. This would have been in the context of a comprehensive agreement involving all the outstanding issues including an end to all IRA paramilitary activity and the full decommissioning of its weapons. This step was considered with the greatest of reluctance and only because it had become necessary if we were to conclude a comprehensive agreement. It was a risk that the Government was prepared to take in the particular circumstances of closure. However, I have now made it clear, including earlier today, that the question of the early release of the killers of Detective Garda McCabe is no longer on the table.

After more than two years of exhaustive negotiations across the full spectrum of issues, it is now impossible to deny that continuing IRA paramilitary and criminal activity are fundamentally destabilising to the peace process. There cannot be inclusive institutions until they are definitively removed from the equation. I fully understand and appreciate that this may be an uncomfortable reality for some people to accept. However, if we are to move beyond the present impasse and get the process back on track, we

must honestly acknowledge the nature of the problem.

Denials, evasions or projections of blame on to others will not solve the problem. The Government does not seek to humiliate any community or score political points off any party. We fully respect the mandates of all parties. However, electoral representation in itself does not override the need for adherence to fundamental democratic norms and standards, including a credible commitment to exclusively peaceful means. Until there is a clear demonstration of that commitment, no prospective Unionist partner will share government with Sinn Féin.

I want to see these core problems addressed and resolved so that we can all move on to enjoy the full promise and potential of the Agreement. We have asked the Sinn Féin leadership to reflect on how these issues of instability can be tackled and resolved and expect to engage with it further in the period ahead. If that engagement is to lead us out of the present impasse, it needs to be properly grounded on the realities and challenges of the core problems that must be resolved.

I do not intend to comment on the detailed content of the IRA statements issued last week. I cannot be sure what the intent of the IRA was in framing them. Given the track record of the organisation in the past, it is only prudent that we should assess these statements very carefully indeed. Threats, however implicit or subtle, have no place in a process of conflict resolution and they will certainly not intimidate the Government from doing its duty nor improperly influence it in its stewardship of the peace process. I cannot believe that any rational person looking at the benefits which the peace process has brought to all of the people of this island in recent years, would contemplate a return to armed conflict. Whatever difficulties there are cannot and will not be resolved in this way or by otherwise threatening the rights and safety of Irish people, North or South.

Some people have drawn comfort from the fact that the first statement last week indicated that the IRA would not tolerate criminality within its ranks. If that represents some acknowledgement on the part of the IRA that its volunteers should not carry out criminal activity, I welcome that development. However, any such commitment needs to be much more clearly articulated and validated if it is to have any confidence building impact on the community at large and, of course, it needs to be clear that the criminality being desisted from includes the full spectrum of illegal activity, as defined by the legitimate forces of law and order in the State.

As Archbishop Brady eloquently said on Friday: "No cause, no sense of alienation from the State, no warped moral logic can ever regard activities such as armed robbery, racketeering and maiming as anything other than gravely contrary to the common good and therefore criminal, sinful and a constant threat to justice and peace".

Later this week, the Governments will publish the *ad hoc* report on the Northern Bank raid received in recent days from the Independent Monitoring Commission. The integrity of the commission is beyond question. It has formed its own judgment based on the information that it has available to it. It will call it as it sees it. We will be discussing its findings with the British authorities.

I have already expressed my scepticism about the application of sanctions against Sinn Féin. My concern is that their application might distract attention from the essential issue that must be dealt with rather than focus people on the challenge that must be confronted.

The fact that the Governments have asked the Sinn Féin leadership to reflect on the challenges of trust building that I mentioned earlier does not absolve the rest of us from our responsibility. The Good Friday Agreement is far wider than devolved government. It is a charter for change across the full range of issues where progress is required in order that society in Northern Ireland will be normalised. It comprises agendas for action and change in crucial areas such as policing, security normalisation, criminal justice, human rights, equality, community relations and language and cultural issues. In all of these areas, considerable progress has been made in recent years but more needs to be done to finish the job of fully implementing the Agreement.

The issue of policing has been a notable achievement of the Agreement. The participation by the SDLP in the policing board, arising from Weston Park, was an historic and courageous decision. The board has performed in a very effective way tackling difficult issues and ensuring durable and fair outcomes. Huge progress has been made.

In his latest report, the police oversight commissioner, Al Hutchinson, described the changes carried out to policing in the North as "unparalleled in the history of democratic policing reform". This is not to say that we are complacent. We are determined to ensure that the momentum of policing change is maintained so that Northern Ireland has the police service envisaged by the Patten report. The last great obstacle to the complete implementation of the Patten report is the continuing refusal of the broad republican community to engage with the PSNI. All communities deserve good policing, but many communities are denied it because of the current situation. I say to those who claim that problems remain with the police service in Northern Ireland that there are clear structures to address such problems; namely, the policing board, the police ombudsman and the district policing partnerships.

Those who demand policing that is acceptable to their communities are challenged with engaging with the policing structures and helping to bring about further changes that may be necessary to fully realise the Agreement's vision of a new beginning. The Government is determined

to ensure that the gains and achievements of the Agreement, such as policing, will be protected and developed. It intends to use the Agreement's intergovernmental machinery in a proactive manner to ensure that positive agendas for change continue to be advanced, irrespective of the political impasse.

A particular priority of the Government, which I clearly signalled last week to the British Prime Minister, Mr. Blair, is the imperative of maintaining and advancing the North-South arrangements provided for in the Agreement. Not only do the arrangements provide practical mutual benefits for both parts of the island, but they also represent the all-island dimension that is important for Nationalists and for which this State changed its Constitution in 1998. The Government has a strategic interest in promoting the optimum operation of the North-South dimension. It will pursue this agenda proactively with the British Government in the coming months.

Regardless of the difficulties, the Government remains focused on the objective of inclusive partnership government in Northern Ireland. The Agreement provided for such a form of government and the people of this island endorsed it. A departure from inclusivity would not lead to stable and lasting government in Northern Ireland. Stability cannot be secured by excluding the largest Nationalist party, just as it cannot be secured by excluding the largest Unionist party. We must be equally clear-eyed in recognising the major obstacle to achieving the objective of inclusivity. I refer to the destabilising and confidence-destroying impact of continuing IRA paramilitary and criminal activity. If we resolve that problem, the way will be clear to advance towards the stable and inclusive dispensation we have collectively been working to achieve for the past seven years.

The Government will strain itself to the limit and beyond to achieve that objective. Its efforts will be futile, however, unless it is clearly told that the IRA is prepared to bring closure to the activity and capability that has frustrated the Government's efforts so far. If the prospect of such a statement is clearly available, we can resume the journey in the knowledge that the political destination is achievable. If it is not available, we risk going up a further cul-de-sac of dashed hopes, deepening recriminations and increased polarisation. The Good Friday Agreement and the peace process are indispensable parts of the political landscape of this island. All parties to the Agreement have helped to drive the important agenda of change that the Agreement embraces, sometimes in difficult circumstances.

I do not seek to deny or diminish the part Sinn Féin has played in bringing the peace process to this point. It is an indisputable part of the political landscape. The Government has made it clear that it is keeping its door open, but it needs to hear from Sinn Féin on how the fundamental

[The Taoiseach.]

issues that have been raised can be resolved in a conclusive manner. We will continue to engage with all the other parties. We have one goal, the removal of the final obstacles which will allow us to finish collectively the journey that was begun on Good Friday 1998.

I referred earlier to the case of the killers of Detective Garda Jerry McCabe. As a consequence of its discussions with Fine Gael, the Government has circulated an amendment that reflects the position I set out in the House earlier today. The amendment, which amends the Government's original amendment, states that Dáil Éireann "welcomes the Taoiseach's recent statement that the question regarding the early release of the murderers of Detective Garda Jerry McCabe was no longer on the table".

Deputies: Hear, hear.

Minister of State at the Department of the Taoiseach (Mr. Kitt): I welcome the opportunity to speak during this debate. I am pleased we have been able to follow common ground on the motion, following our discussions with Fine Gael. I hope the Labour Party and the Green Party will support it.

When talking about the Good Friday Agreement, one often needs to reach for the well-worn line of pointing out how far we have come. Like all such lines, it contains a deeper truth so it cannot be any harm to repeat it every so often. We have indeed come a long way in our relations on this island and with our nearest neighbour since the Good Friday Agreement was signed and democratically endorsed by the people of this island in 1998.

The principles of consent, partnership, equality, mutual respect and exclusively peaceful means, which are set out in the Good Friday Agreement and in the Mitchell principles, are the defining characteristics which govern our relationships. A new framework for co-operation on this island has been developed, based on that political and constitutional accommodation, which recognises the political and practical realities involved. The Agreement's North-South dimension has put a focus on the practical and tangible benefits for both parts of the island. The mutual benefit test is essential for all North-South co-operative endeavour under the Agreement.

As the Taoiseach indicated, the maintenance and development of existing North-South arrangements is a major priority for the Government. A practical and tangible expression of the nexus of co-operation is found in the tourism sector. A limited company, Tourism Ireland, was established under the Good Friday Agreement to promote and market the island of Ireland abroad as a single tourist destination. I do not need to tell Deputies how important the tourism industry is to our island. It is a vital component of our economic success of recent years. It has contrib-

uted to the positive transformation of communities and regions on both sides of the Border.

The establishment of Tourism Ireland underlined the Government's firm commitment to, and belief in, the potential for North-South co-operation. The mutual benefits which accrue from such co-operation make economic and financial sense. Tourism Ireland's work has encouraged growing numbers of people to visit our island. Its latest estimate suggests that the number of tourists visiting the island grew last year by 4.5%. The relevant number is even higher for Northern Ireland, which saw an increase of approximately 13% in tourist numbers last year.

The benefits of the Good Friday Agreement are most clearly seen in the area of policing, which has long been regarded as a vexed question. Policing was a deeply problematic issue when we started the negotiations that led to the Good Friday Agreement. The challenge we faced was to reconcile the views of one side, which felt that no change was desirable, with those of the other side, which wanted the RUC to be disbanded and replaced. The Agreement provided a framework for successfully tackling this thorny problem. It provided clear and precise terms of reference for an international commission to provide a way forward.

The recommendations of the Patten commission, which engaged in deep research and wide consultation, were powerful and compelling. The Government fought successfully to ensure that the resulting British legislation and the implementation plans adhered to the Patten report. Under the effective leadership of Des Rea and Denis Bradley, the policing board has done magnificent work in advancing the agenda of change proposed in the Patten report. That work involved dealing with the police symbol, for example, or shaping the human resources strategy of the PSNI.

Significant progress has been made across a range of issues as a result of this leadership and the exceptional input made by the SDLP and other committed board members. Progress has been made in the composition of the PSNI, the decline in the use of plastic bullets, the normalisation of the police profile and engagement with local communities through the district policing partnerships. I am confident that this change will continue and that, under the effective and able leadership of its chief constable, Hugh Orde, the PSNI will continue to evolve towards the model of a community policing service envisaged in the Patten report.

The Taoiseach indicated that the full realisation of the new beginning to policing in Northern Ireland will not be complete until the PSNI and the new structures enjoy the support and participation of the republican community. Similarly, the definitive ending of paramilitary activity cannot be sustained until the policing project has been completed. Closing the circle on policing is, therefore, an indispensable part of

securing stability and normality in Northern Ireland.

The principle of inclusivity, which is outlined in the Agreement, is vital for the achievement of an outcome that is stable and capable of accommodating the various shades of political opinion in Northern Ireland. The

8 o'clock

Government and other parties in this House have made great strides towards achieving a respectful and mutually beneficial dialogue with unionism, particularly with the DUP over the past year. There is a growing recognition of the importance of inclusivity across the political spectrum in Northern Ireland.

I concur with the assessment of Senator Mansergh, who wrote last Saturday that the fundamental cause of the present crisis is that the republican movement's twin-track approach has run out of road. I fully support the Taoiseach's view that there is no prospect of restoring inclusive government in Northern Ireland unless the destabilising issues of IRA paramilitary and criminal activity are addressed and resolved. That may be an unwelcome and uncomfortable reality for some people to accept, but its denial compounds the present difficulties and prolongs the period of impasse. I am conscious that the prospect of restoring inclusive government in Northern Ireland depends equally on the willingness of Unionists to embrace the principle and practice of partnership in the operation of the institutions of the Agreement. Very encouraging progress was made during 2004 in bringing the DUP to accept the principle of government characterised by inclusiveness and partnership. The two Governments' proposals for a comprehensive agreement, published on 8 December and accepted by the DUP, essentially committed that party to working the institutions of the Agreement. Despite recent setbacks, it is encouraging that the DUP has not resiled from the broad thrust of the comprehensive agreement. I acknowledge that, despite this movement on the part of the DUP, there is still some scepticism within the broad Nationalist community as to whether all sections of that party are fully signed up to power-sharing and partnership. In this regard, it points, understandably, to the weakness of power-sharing in district councils in Northern Ireland controlled by the DUP. Whatever the merit of this view, continuing IRA paramilitarism and criminality provide political cover to those who might be averse to inclusivity and partnership. Once these destabilising elements are removed from the equation, those who are resistant to power-sharing and positive change will be fully exposed to the pressure of public opinion and the insistence of both Governments, the US Administration and others that the principles of partnership at the heart of the Agreement be accepted and respected.

Although electoral campaigns are likely to dominate the airwaves in Northern Ireland over the coming months, I hope the parties will take the time to listen to one another respectfully and

to try to maintain operational channels of communication during that period.

During the talks that took place as part of the review of the Agreement, which took place last year, I had the opportunity to discuss with all the parties issues such as North-South co-operation and east-west links within the British-Irish Council and to consider ways in which the parties' operation could be improved. The atmosphere of calm and mutual respect in which the review took place impressed me. Although it might seem over-optimistic in light of the polemics of recent weeks, I feel it would profit us all to return to "the methodology and language of patient and constructive dialogue", to use the words of Archbishop Brady.

The peace process and the implementation of the Good Friday Agreement carry with them obligations and we would all do well to reflect on what we can do to facilitate the end to paramilitarism and criminality, which is necessary for us to move forward politically. In that spirit, I commend the motion to the House.

Mr. Rabbitte: I welcome the Fine Gael motion. The Labour Party will support it. I welcome the fact that the Government was able to come around to supporting it. I pay tribute to the Taoiseach, the Minister for Finance, Deputy Cowen, the Minister for Justice, Equality and Law Reform, Deputy McDowell, and former Minister Deputy O'Donnell for their unstinting work on this very important issue.

It is important and timely that Fine Gael has given the democratic parties in this House the opportunity to set out their views because Sinn Féin appears to have persuaded itself that it alone is the protector of the peace process and that everyone else, including the two Governments, the democratic parties of the North and South and sections of the media, are all undermining it. In this version of history, propagated daily by Sinn Féin and its apologists, only Sinn Féin has made concessions to take us this far and only Sinn Féin has made sacrifices to keep the process going.

It is arguable that the Governments, particularly the Irish Government, have aided this process of propaganda. This is especially evident in the way in which other parties in Northern Ireland have effectively been excluded from the process. I find it unconscionable that parties such as the UUP, and the SDLP in particular, should be expected to sign up to a comprehensive solution sight unseen. There would be no peace process and no evidence of workable institutions in Northern Ireland without the work of people such as Mark Durkan and David Trimble. The exclusion from the real negotiations of parties and individuals who have an enormous contribution to make will come to be seen as one of the reasons the process has hit so many obstacles in recent times. It is not sufficient to say that because the SDLP has no guns, there is no need to involve it.

[Mr. Rabbitte.]

The main obstacle to progress appears, increasingly, to arise from the fact that Sinn Féin has used the peace process for its own political ends. Far from “making sacrifices” for peace, as the phrase used to have it, Sinn Féin appears to believe that everyone else should make sacrifices for it. Thanks in no small measure to its belief that it is a contributor to a genuine and lasting peace process, the Sinn Féin organisation has grown from what the Taoiseach has called “a 2% party” and has become a force in Irish politics at the expense of the democratic parties. In spite of this, Sinn Féin believes it is hard put upon because the democratic parties now insist that it must comply with the same democratic principles and democratic practices required of the rest of us.

The democratic parties, particularly those parties involved in the early stages of the peace process, have ceded support, to varying degrees, to Sinn Féin. These political parties knew this was likely to happen if the peace process was to work. Consciously and deliberately, they embarked on a course in which, if successful, they knew they would risk losing electoral support to a newly “respectabilised” Sinn Féin. They did it because peace was the bigger prize. In particular, the SDLP in Northern Ireland and Fianna Fáil and the Labour Party in the Republic have lost some traditional support to Sinn Féin. The SDLP knew what it was doing when John Hume made the first tentative steps towards Sinn Féin. Dick Spring knew what he was doing when he dedicated his time and energy to progressing the project. The Fianna Fáil leadership also knew that some of the party’s traditional support would peel off to the new democratic peace-makers in Sinn Féin. They each did what they did in order to remove, once and for all, the spectre of violence from Irish politics. Sinn Féin seems to be under the misapprehension that its support has grown solely because of the genius of its leadership. It seems to believe that it made all the sacrifices while the other parties risked nothing. In fact, the democratic parties have knowingly facilitated the emergence of Sinn Féin as a representative force because this seemed the best way to copperfasten the peace process.

It is this moral authority that now enables us to demand that Sinn Féin contest the political space according to the same rules that apply to the rest of us. We have demonstrated restraint, tolerance and patience and, almost seven years after the Irish people North and South voted for the Good Friday Agreement, we are all running out of understanding. If the leadership of the republican movement reflects for a while, it will surely understand why the democratic parties cannot acquiesce indefinitely in Sinn Féin’s failing to conclude the peace process while maintaining a stranglehold over disadvantaged communities through undemocratic means.

The manner of conduct of the peace process has put Sinn Féin centre-stage. Its organic links

to an undemocratic and violent force inevitably invite the kind of attention that does not accompany a democratic party. Perversely, this quality has, in the eyes of some, conferred almost celebrity status on its leaders. For those who have been alienated and excluded from the uneven economic progress of recent years, that is a good enough reason to support Sinn Féin. However, many others have opted to give their democratic franchise to Sinn Féin to encourage the party into democratic politics and to remove violence from the political equation in Ireland.

When called to account, it is behind this “mandate” that Sinn Féin spokespersons take shelter. It would be foolhardy for Sinn Féin to interpret its mandate as a licence to threaten the duly elected Irish Government if it is not left to pursue its agenda through undemocratic and violent means. Sinn Féin cannot claim credibly that the strength of its electoral support mandates it to persist with its twin-track strategy. If it does persist in retaining the capacity to control communities through punishment beatings and to illegally fund a network of offices, personnel and infrastructure with which even the well-resourced Fianna Fáil cannot compete, many of those who lent them an encouraging vote will — and should — rethink that support.

From recent statements it is clear that Sinn Féin thinks otherwise. It believes that it is possible to fool most of the people most of the time. The Members of this House are expected to deny the evidence of their own eyes and acquiesce in Sinn Féin’s manipulation of the peace process. Is the purpose of the peace process to restore devolved institutions to Northern Ireland and enhance political co-operation between both parts of the island or is it to grow the Sinn Féin Party? We need an unambiguous answer to that question.

The proposition that the democratic parties should provide a footbridge to power for a twin-track Sinn Féin is untenable. I am happy to have the Irish people pass judgment on the respective merits of our policies and public representatives. I am not happy however, to continue to compete indefinitely on an uneven playing pitch.

The Labour Party cannot provide an unofficial policing service and, in any event, would not. It cannot afford to provide a network of constituency offices, or employ the personnel that goes with them in the case of Sinn Féin. Sections of the desk-bound media captivated by ecstasy politics are overcome by “the work on the ground” of Sinn Féin public representatives and their new army of “community workers”.

The Labour Party has a far better record in servicing disadvantaged communities, and if we could fund it, we would love to have more full-time “workers on the ground”. Perhaps the commentators who are so overawed by the supposed work rate on the ground of Sinn Féin “community workers” might take a little time out to locate where, how and by whom the same “community workers” are paid on Thursday evenings.

The parties in this House have up to now been prepared to turn a blind eye for the greater good. If the growth of Sinn Féin is the actual and only goal and the objective of the greater good has been relegated to whatever Sinn Féin wants it to be, we have a new situation.

Tolerance of undemocratic methods has changed since we embarked upon this process. Since the terrorist attack on the Twin Towers in New York on 11 September 2001 we live in a new environment. The Sinn Féin leadership must recognise this fact. Jesuitical arguments about refusing to interpret IRA statements are yesterday's business. We have reached make-your-mind-up time.

There is no percentage in blaming the DUP, British "securocrats" or the Irish or British Governments. Whoever robbed the bank in Belfast it was not Ian Paisley or Tony Blair or even Deputy McDowell. Sinn Féin needs to tell us what it means when it says the two Governments have abused Sinn Féin's messenger role for the IRA. More particularly, it needs to interpret for us what the IRA meant when it claimed that the two Governments appear "intent on changing the basis of the peace process."

Specifically, it identifies this changed basis in the Governments' statement that "the obstacle now to a lasting and durable settlement is the continuing paramilitary and criminal activity of the IRA". Does it mean that the insistence on ending criminality is a change in the basis of the peace process? For the people who voted for the Good Friday Agreement and who thought it would lead to the end of paramilitarism in all its manifestations, it is an astonishing charge.

Is the leadership of the republican movement saying that if it stopped killing British soldiers and policemen a blind eye would be turned to other forms of paramilitary activity? The Government needs to rebut this charge. Statements like that of the Minister for Foreign Affairs, Deputy Dermot Ahern, some weeks before 8 December, that he could foresee Sinn Féin in Government earlier than others might think, sent out conflicting signals. When the Taoiseach lists the various robberies carried out before that of Northern Bank, it begs the question why they seem to have been accepted as business as usual.

The Taoiseach and the Minister for Justice, Equality and Law Reform are on record — the latter on several occasions — as saying that IRA criminality had fallen off. These too are conflicting signals. In the interests of accuracy, the Taoiseach moved to explain this phenomenon when he told the Dáil that the republican movement can switch it on and off as the negotiations require. However, people are again being treated to a new, tougher line on criminality and simultaneously to entreaties from the Taoiseach to the Independent Monitoring Commission, and others, that there should be no sanctions against Sinn Féin. Meanwhile, the Minister for Foreign Affairs is in Washington trying — vainly it would appear — to negotiate passes for Sinn Féin to the

White House for St. Patrick's Day celebrations. The Taoiseach unnecessarily invited the television cameras into his office to picture him posing with Mr. Adams and Mr. McGuinness in front of the Pádraig Pearse portrait over his desk. This sends out conflicting signals. These actions confuse people.

It is possible that the Government in its dealings with Sinn Féin has allowed the impression to be created that the occasional bit of criminality would not be contested, and that it was the size of the haul, as Deputy Kenny said, in the Northern Bank robbery, rather than the fact of the robbery itself, that has so strained relations between the Government and Sinn Féin. If it is true, as it is implied, that the Government has allowed Sinn Féin to bask in the knowledge that criminality at a certain level would be tolerated, that would be a shameful indictment.

I prefer to believe that it is not true, that no democratic Government would allow such an understanding to develop. Although I would be grateful for a definitive statement from the Taoiseach on the matter, I prefer to rely on the repeated affirmations by both Governments of the same basic underlying principle, that of democracy and exclusively democratic means.

We remember the Downing Street Declaration of December 1993 which stated that "the achievement of peace must involve a permanent end to the use of, or support for, paramilitary violence". In those circumstances, "democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process" would be free to participate fully in democratic politics.

We remember every subsequent statement and declaration that re-emphasised the same essential prerequisite: "agreement must be pursued and established by exclusively democratic, peaceful means, without resort to violence or coercion"; issues should be examined in the most comprehensive attainable negotiations with "democratically mandated political parties in Northern Ireland which abide exclusively by peaceful means and wish to join in dialogue on the way ahead"; and negotiations should include all relevant parties "which established a commitment to exclusively peaceful methods and had shown that they abided by the democratic process".

We remember the Mitchell report on decommissioning in January 1996, which set out the "Mitchell Principles", the criteria for entry into talks. Parties to the negotiations were asked to affirm their total and absolute commitment to democratic and exclusively peaceful means of resolving political issues and to the total disarmament, verifiable to the satisfaction of an independent commission, of all paramilitary organisations. They were to renounce for themselves, and oppose any effort by others, to use or threaten to use force to influence political negotiations and they were to urge that punishment killings and beatings stop and to take effective steps to prevent such actions.

[Mr. Rabbitte.]

We remember, finally, that under the Good Friday Agreement the parties:

reaffirm our total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others for any political purpose, whether in regard to this agreement or otherwise.

What we have seen and heard from the republican movement at every step in response to this consistent and united front has been downright denial.

Both wings deny that decommissioning has anything to do with them: the IRA because it never signed up to it, never endorsed the Mitchell principles, was not party to the talks or the Agreement, had engaged with General de Chastelain's decommissioning commission in a voluntary, spontaneous and unreciprocated act of generosity and refused to recognise the role or functions of the independent monitoring commission; and Sinn Féin members because all that sort of thing was a matter for the IRA. They were politicians like everyone else. They did not speak for the IRA but merely had a shared analysis of the situation and shared republican objectives.

The British Prime Minister made it clear in October 2002 that the Governments had grown tired of this routine. He referred to four and a half years of hassle, frustration and messy compromise, stating: "Each negotiation in each office or stately home, [it would help if we had less of the stately homes] accompanied by each ritual press conference, has often been groundhog day, for you, for me, for all of us." He called for:

... a fundamental choice of direction, a turning point. Another inch by inch negotiation won't work. Symbolic gestures, important in their time, no longer build trust. It is time for acts of completion.

That is about as clear-cut and as unambiguous a statement as you could get. Yet now, two years later, as Deputy Crawford stated, all other parties who repeat that message, including those who have done their utmost to facilitate a transition by Sinn Féin to democratic status, are condemned by it as petty politicians motivated by selfish interests who have acted in bad faith, broken their commitments and made false and malicious accusations.

What the two Governments and the rest of us have done has been to point out to the republican movement that its shape-shifting representations of itself, sometimes as monolith and sometimes as a duality, are so transparent that it has become an obvious weakness and not a strength, and it does not wash any longer. According to one of Sinn Féin's senior Ard Comhairle members, Jim Gibney, we should, however, continue to put our faith in creative ambiguity. He stated:

If there is one big lesson coming out of the peace process over the last ten years, it is words

like "certainty" and "clarity" are not part of the creative lexicon that conflict resolution requires if it is to be successful. Can anyone point to a period over the last ten years when such words were used and they helped the peace process here? Give me the language of ambiguity. It has served the people of this country well over the last ten years. It has oiled the engine of the peace process. Long may it continue to do so.

It is true that at an early stage the whole peace process involved the two Governments and the SDLP in sustained efforts to create the space for Sinn Féin to engage in the political process, on the basis that a commitment to politics would ultimately involve the abandonment of other ways and means. There would be initial and inevitable awkwardness during a transition phase but a transition there would have to be — it was all a matter of timing.

I acknowledge the contribution made during those years by Gerry Adams and Martin McGuinness. However, ambiguity has long since had its day. All parties to the Agreement must buy into its essential validity, legitimacy and authority: that what it establishes is the only legitimate system of governance and that there are no other quasi-political, quasi-military entities claiming pre-eminence, from which parties can either request or accept instructions, or to which they owe prior allegiance, or which in any other way compromise or qualify the performance by those parties of their commitments under the Agreement.

The bogeyman has now reasserted itself. We are warned of a dangerous instability within militant unionism and that the British-loyalist apparatus for collusion remains intact. The IRA will not remain quiescent within this unacceptable and unstable situation: "It has tried our patience to the limit." Therefore, it has taken all talk of arms decommissioning off the table and now intends to protect to the best of its ability the rights of republicans and their support base. Then, on Thursday, because the Governments did not seem to fully grasp the point, came the warning: "Do not underestimate the seriousness of the situation". According to Danny Morrison:

The IRA defies conventional analysis. If it decided there was a case to be made for a return to armed struggle, it would go down that road without regard to the post 9/11 perception of the world.

As Mark Durkan put it: "The IRA is coming close to saying: 'Don't dare criticise us or question us — or the peace process gets it.'" The House cannot bow the democratic knee to such a threat.

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): I wish to share time with the Minister for Justice, Equality and Law Reform, Deputy McDowell, by agreement.

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

Mr. B. Smith: I am glad to have the opportunity to contribute on the important motion before the House. The Taoiseach and the Minister of State, Deputy Kitt, outlined clearly in their contributions the full commitment the Government has given to the advancement of the peace process in recent years. Both cited the valuable contribution made by other political parties in the House and on the island.

Deputy Crawford outlined some of the difficulties faced over the many years of the Troubles on our doorstep, in our province of Ulster. As representatives of two southern Ulster Border counties, we see first-hand the gains that have come from an island relatively at peace. This is the first generation since 1918 to have the opportunity, in the May 1998 referendum, to vote on one question put to the electorate North and South in regard to the future political configuration on our island.

The overwhelming endorsement of the Good Friday Agreement by the electorate North and South gave those in politics on this island one mandate. We have heard one grouping on this island talk about a mandate. There is one mandate for those who want to practice politics on this island, namely, that emanating from the referenda North and South in 1998 when politicians were given the mandate to implement in full the Good Friday Agreement.

Unfortunately, that mandate is not being honoured because a few groups are putting obstacles in the way of full implementation of the Agreement. Some wrongly quote the word "republicanism". If republicanism means anything, it is that the people are sovereign and that when the people give politicians a mandate, it is incumbent upon those politicians to implement that mandate. Sadly, one group which classes itself as republican is doing the opposite of what is meant by republicanism.

Representing two of the southern Ulster Border counties, I see first-hand the benefits to people in going about their daily business in counties Cavan, Monaghan, Donegal, Louth, Sligo and Leitrim. When I travelled to clinics throughout my constituency in the late 1980s and early 1990s, I often passed through County Fermanagh and was held up at checkpoints. Thankfully, substantial progress has been made in demilitarisation on this island, where our people, including farmers, shopkeepers and children going to school, can travel without hindrance and are not held up at checkpoints for hours, day in, day out.

This progress is evident when we note the level of employment on both sides of the Border. People now traverse the Border, but they did not have that opportunity in the late 1960s, 1970s or 1980s. Thankfully, they have had that opportunity since the 1990s. The economy on both sides of the Border is growing, perhaps not as much as we would like, but growing substantially nonetheless.

By and large, the local economy in Ulster, north and south of the Border, generates jobs for its people in their own areas.

When Members meet people in Border constituencies, the one question asked is when will politicians ensure that full implementation of the Good Friday Agreement is achieved. The people want to be assured that the difficulties, maiming and senseless murders by paramilitaries from both traditions is behind us once and for all. We have all lived through a period when we lost friends and neighbours from both traditions. I hope this island will never return to that era. We want to ensure that the Good Friday Agreement is underpinned and that the dividends for all the people become a reality as soon as possible. It is not good enough that an agreement endorsed by the overwhelming majority of the electorate in the 32 counties has not been implemented in full.

Debate adjourned.

Adjournment Debate.

Hospital Procedures.

Mr. Connolly: I welcome the opportunity to debate the ongoing difficulties, suffering and trauma experienced by more than 100 women arising from their maltreatment at Our Lady of Lourdes Hospital, Drogheda. Recently, I was invited to a meeting in Drogheda by a group called Patient Focus in Drogheda who wanted assistance in having their experience at the hands of a consultant obstetrician and gynaecologist in Our Lady of Lourdes Hospital dealt with. The President of the Medical Council acknowledged in a report that women, babies and families were damaged in the hospital. This was very strong talk from the President of the Medical Council. I will quote an extract from a report on the fitness to practice of the consultant. It reads as follows:

The Report makes difficult and distressing reading. It tells the story of a tragedy which has very seriously injured you and other women. [This relates to ten chosen women from the fitness to practice committee investigating Mr. Neary]. The fact that you and other women could come to such harm at the hands of a member of my profession is something which I and other members of the Medical Council find unacceptable. The apology which I extend to you for that hurt cannot turn back the clock but may help a little in dealing with its consequences.

This is an apology which goes some way towards alleviating the suffering of these women. These people, who want to meet the Minister for Health and Children, have been ignored. They have sought a meeting for six years and it would help

[Mr. Connolly.]

to bring some form of closure to their position. Approximately 130 women are living with the consequences of this butchery, which is the only way I can describe it. To add insult to injury, in most cases these women may have gone into hospital to have a small cyst removed, or to have a minor operation, and they were told afterwards that they were exceptionally lucky to be alive, it was a miracle they were still here and this consultant had just saved their lives. These women believed this. Later on, they met others who were also told they were lucky. Wombs were removed from women or girls as young as 19 years of age. Ovaries were removed from these women, which is a tragedy. They feel that every possible obstacle is being put in their way of having their complaints addressed.

Of the 130 claims lodged, upwards of 45 have been settled, but 39 files have gone missing. We will never know whether they were burned, but we know they are missing and there is no record of them. One must presume that something is being hidden. There are a number of incomplete files, files badly written up and sections missing from files. This is almost sufficient for a further inquiry.

What happened in Drogheda should send a message to the rest of the country. It was a student nurse who raised the alarm that something was wrong. Many professionals should have picked up on what was happening. We must ask are there sufficient safeguards in place in this regard. Perhaps there should be comparators with different hospitals or at different monthly meetings in terms of whether something has gone beyond the bounds of what is normal. One would expect to experience just one such case in a lifetime, or one every ten years, yet a multiple of cases were involved in Drogheda.

The demands of the Patient Focus group are not very high. The group wants a firm commitment from the Government that a redress board will be established. There is a report by Judge Maureen Harding Clark and it is believed that these people can work together. There is a precedent for setting up such a board. A redress board was set up following the Stardust disaster. It would help to bring closure to what happened in Drogheda. Some of these people are unfit to go into an open court to plead their case.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I am pleased to have an opportunity to respond on behalf of the Tánaiste to the issues raised by Deputy Connolly and to advise the House of the background and current position in regard to these matters.

In 1998, employees of Our Lady of Lourdes Hospital, Drogheda, alleged to the North Eastern Health Board's legal adviser that Dr. Michael Neary had been performing an abnormally high

rate of caesarean hysterectomies at the hospital. The board invited the Institute of Obstetricians and Gynaecologists to nominate an expert group to investigate the complaints against Dr. Neary. The group reported in 1999 as follows: first, Dr. Neary's practice had a high incidence of both caesarean section births and peripartum caesarean hysterectomy, namely, removal of the uterus following delivery of a baby, and, second, in regard to the patients who had a peripartum caesarean hysterectomy, Dr. Neary's clinical practice was unacceptable in 46.2% of cases, doubtful in 12.8% of cases and acceptable in 41% of cases.

The North Eastern Health Board referred the report to the Medical Council. The council also received 37 other complaints concerning Dr. Neary's professional conduct. The council's fitness to practice committee decided that 21 of these complaints warranted holding an inquiry under the Medical Practitioners Act 1978. On the application of the Medical Council in February, 1999, the High Court granted an order suspending Dr. Neary from the Medical Register. That order remained in place for the duration of the inquiry.

The Medical Council reported in July 2003 and decided that Dr. Neary's name should be erased from the Medical Register after finding him guilty of professional misconduct in regard to the unnecessary removal of wombs from 12 patients between 1986 and 1996. The Government decided that a further inquiry was necessary into the matters raised by the Medical Council. Judge Maureen Harding Clark, a judge of the International Criminal Court, was appointed to chair the inquiry. The principal purpose of the inquiry, which is non-statutory, is to establish why so many peripartum hysterectomies were performed at Our Lady of Lourdes Hospital over such a long period, and to ensure that all necessary measures are put in place to prevent any recurrence of this within the hospital system. Specifically, the inquiry is examining the rate of peripartum hysterectomy at Drogheda, and how this rate compares with the rate in other maternity units of similar status. It is seeking to establish whether the practice was commented on or acted upon by consultant or other medical and nursing staff, or by management of the hospital. It is seeking to ascertain the system of recording at the hospital, whether such records still exist and, if not, what has become of them. It is seeking to establish whether this review and consultation took place within the unit and whether periodical clinical reports were prepared. It is also examining the practices and protocols currently in place at the hospital with a view to advising on whether additional protocols and systems of control should now be put in place.

It is understood that the inquiry is making good progress and has received a significant level of co-operation to date in its work. Subject to legal

advice, it is the intention of the Tánaiste to publish the report of the inquiry when it comes to hand.

Patient Focus is an advocacy group that represents some 130 women who were patients at the obstetrics-gynaecology unit at Our Lady of Lourdes Hospital. It is understood the group has been co-operating with the inquiry.

The Tánaiste has received proposals from Patient Focus requesting the establishment of a redress board and intends to meet the group shortly to discuss its request. Following that meeting, the Tánaiste will discuss the matter in consultation with her Government colleagues.

Cancer Screening Programme.

Ms Lynch: This matter concerns the extension of BreastCheck to the rest of the country and not only to the Dublin area. I thank the Minister of State for taking this matter but it is time the senior Minister started to take these issues more seriously.

A newspaper article states:

The BreastCheck screening programme is being extended to three more counties, the Minister for Health, Mr. Martin, has announced.

The service, aimed at women aged between 50 and 64, has up to this only been available in the Eastern Regional Health Authority . . . and Midland Health Board areas. It will now be extended to Carlow, Wexford and Kilkenny [and the south].

That statement appears in a newspaper article of 11 February 2003 and it is now 9 February 2005. However, we should not be surprised about the failure of the Department of Health and Children and the former Minister to meet that commitment. Despite the fact that the current Minister for Health and Children has been in office for a considerable period, the fact the promises made by the former Minister, Deputy Martin, are unfulfilled is scandalous. BreastCheck must be made available to women all over the country. Anything less puts women's lives at risk.

The former Minister, Deputy Martin, announced the rollout of BreastCheck to the Cork area in 2002 prior to the last general election. As soon as the election was called work on this stopped. Premises for the facilities had been purchased at the South Infirmary-Victoria Hospital and it was intended that three mobile units would operate from that unit in the general Munster area. It appears that the site brief, which includes the BreastCheck unit, was only completed in April 2004, some two years after it was originally announced. From April 2004, it would take a further 18 months for contracts to be signed. This is yet another unacceptable delay. This delay means that some women will not receive the treatment to which they are entitled.

That is a straightforward fact. If there is not early diagnosis of such cancer, women will not get the treatment they need. Given the statistics that 600 women die every year from breast cancer, any further delays are unacceptable.

I hope the current Minister is not deliberately delaying the availability of this service so that she can once again announce it in the run-up to the next general election. It appears from the executive officer of the South Infirmary-Victoria Hospital, where the unit is to be based, that according to the Department of Finance the moneys for the BreastCheck unit will not be available until 2008. People will no longer be fooled by such promises.

All the evidence suggests that the BreastCheck programme is a tremendous success. There has been a 73% uptake rate among women invited for screening, which exceeds the target uptake to June 2000. The programme has exceeded its target for the diagnosing of cancer. In other words, BreastCheck works.

A recent report from Northern Ireland states that after ten years the evidence is clear that BreastCheck works and early diagnosis is vital in the fight against this disease which affects women. Most of these research pieces take approximately 30 years to be published, but it took only ten years to publish this one. Those involved in it were so convinced of the validity of the research that they published it.

Another newspaper article states:

If ever there was a damning comment on how Ireland measures its medical priorities it is that we are spending more on eradicating disease in the farmyards than on breast cancer.

This fact emerged at an Oireachtas committee where BreastCheck, the cancer screening unit, said it needs €21 million to roll out its service nationwide.

It is a sign of the times, however, that badly needed funding has dried up, while this year €217 million will be spent on eradicating disease in farm animals.

As a result of the cutbacks, a nationwide expansion of the vital breast check service will not be achieved for years.

So, despite the Government's solemn commitment to underwrite this crucial service, tens of thousands of women are left facing a cancer risk. This means a service which saved the lives of many women is not yet available in Connacht or Munster.

What does that say about the priorities of a system that puts the eradication of animal disease before detection of cancer in women?

That newspaper article was from 14 February 2003. If the new Minister Health and Children has any clout or intends, unlike her predecessor, to make any fist of the Department, I advise her that the women of Munster can wait no longer

[Ms Lynch.]

for the provision of this service and they definitely cannot wait until 2008.

Mr. T. O'Malley: I thank Deputy Lynch for raising this matter. I take this opportunity to set out the current position on the BreastCheck programme and, in particular, on the extension of it to the remaining counties.

The national breast screening programme commenced in the eastern and midland regions in February 2000. Screening is offered free of charge to women in the 50 to 64 age group in these regions. Last year the programme was extended to cover counties Carlow, Kilkenny and Wexford. The expansion to the south eastern counties will result in an additional 18,000 women being invited for screening.

Since February 2000, cumulative revenue funding of approximately €60 million and €12 million capital funding has been allocated to support the programme. Up to September last year, 167,000 women had been invited for screening and approximately 120,000 women have availed of the service. It is estimated that the cancer detection rate is approximately 7.8 per 1,000 screened and to date over 1,000 cancers have been detected.

The national rollout of the BreastCheck programme to remaining counties is a major priority in the development of cancer services. The expansion of this service will ensure that all women in the relevant age group throughout the country have access to breast screening and follow-up treatment where required. A capital investment of €21 million has been approved to construct and equip two static clinical units, one at South Infirmary-Victoria Hospital, Cork and the other at University College Hospital, Galway. This investment will also ensure that mobile units are available to screen all women in the relevant age group throughout the country.

Detailed planning for the static units is progressing as a matter of priority. A project team was established to develop briefs for the capital infrastructure required for the two new units. The design briefs for both sites were completed in January 2005. The next stage is to appoint a design team to complete the detailed design of the two units. Given the scale of the investment involved, EU tendering procedures will apply.

It is intended that the facilities at Cork and Galway will be progressed simultaneously under the capital investment framework 2005 to 2009. Capital funding in both cases has already been identified under the framework. The HSE, in conjunction with the Department, is currently examining the health capital investment framework with a view to initiating as quickly as possible new capital commitments for this and subsequent years.

The majority of women diagnosed with breast disease are treated outside the BreastCheck prog-

ramme. The report on the development of services for symptomatic breast disease, which was published in 2000, found that the necessary care could best be provided by the establishment of specialist breast units. The report recommended the development of 13 such units, strategically placed throughout the country, each treating sufficiently large number of patients to maintain expertise and to promote best practice. Six of the units recommended in the report are now fully operational and the remainder are at advanced stages of development.

Since 2000, more than €60 million has been made available for the development of symptomatic breast disease services throughout the country. As regards the Health Service Executive southern area, there has been a cumulative additional investment of €76 million for the development of appropriate treatment and care services for people with cancer, including breast cancer, since 1997. This funding has provided for the approval of an additional 11 consultants in key areas of cancer care. These include two surgeons with special interest in breast disease. The funding has also provided for the appointment of 27 cancer care nurse specialists across the southern area.

The Tánaiste is committed to the national expansion of BreastCheck, the national breast screening programme. The design, construction and commissioning of projects of this nature generally take approximately two and a half years. It is anticipated that the advertisement for the appointment of a design team will be placed in the EU journal in the coming weeks and I am confident that the target date for the expansion of BreastCheck nationally, of mid-2007, will be met.

Job Losses.

Ms Enright: Last Friday week, Minch Malt Limited, which is owned by Greencore, announced its decision to close its malting plant in Banagher and its branches in Tullamore and Borrisokane. This will result in the loss of 19 jobs in Banagher and nine full-time staff in its agri-trading branches in Banagher, Tullamore and Borrisokane, a huge blow to the staff, particularly in an area where there are few prospects for alternative employment. We have effectively witnessed this company closing its doors in the midlands in the past nine years — it has closed operations in Roscrea, Birr, Tullamore, Banagher, Borrisokane, Edenderry, Mullingar, Trim, Portlaoise and Rathangan.

This company has not only turned its back on the staff but on 350 specialist malting barley growers in the midlands. These growers supply between 40,000 and 45,000 tonnes of malting barley to Banagher each year, producing 30,000 tonnes of malt. The numbers with contracts to supply Banagher have dropped from 700 to 350 in only eight years. Last week in the Chamber,

however, when I raised this issue with the Minister for Agriculture and Food, she said that malt and barley have nothing to do with her. I can only hope that she meant this in jest, even though it is not funny, because it has everything to do with her and her portfolio. The Minister's Department has given grants to malting plants in the past and gave €1 million to the same company's Athy plant in 2002 under the national development plan. I hope the Minister's comments were not indicative of her attitude and the Government's attitude to malting barley growers in the midlands because my constituents and I would find this totally unacceptable.

Growers made their farm plans for this year months ago. The seed will be sown from mid-February onwards — they do not have any other option in such a short time. The growers had a legitimate expectation that their contracts would be renewed this year, as happened every other year. No indication was given to them that this would not happen. In the past, as the chairman of Offaly IFA stated last week, business was based on mutual trust and understanding, out of which a deep sense of loyalty developed. Sadly, this is no longer honoured.

This is a product that is more than a commodity. It is grown at a premium under certain conditions and specifications and that premium has now been taken away from these farmers. It was grown locally to supply a local industry which in turn supplied a national industry. Not only will the growers lose out, so will the employees in the maltings and its branches.

This is not just a matter between farmers and a private company. It has been allowed to operate a monopoly in this area. There are no options open to growers at such short notice. If this company can say to malting barley growers this year that it is not renewing contracts, how do we know it will not do the same thing to beet growers next year? Unfortunately, it was not accepted that I could include the Carlow sugar factory in this debate, and it is not an issue that can be dealt with separately.

Last week I dealt with the cynicism of the company in announcing its decision so soon after the decision on the Carlow sugar plant. Taking both decisions together, they are devastating blows to the arable farming sector in the midlands. We cannot deal with one issue and ignore the other.

Farmers supplying beet to Carlow are facing equally difficult times. They do not have the facilities to store quantities of beet they will need to store if it is to travel as far as Mallow. There has been no information on how this will take place. If the farmers must draw beet earlier in the year, there will be a greater loss of that beet and its sugar content. Beet growers' contracts usually issue in March, leaving them little time to negotiate. If the contractors deliver it will be to

Mallow but they do not know what arrangements will be made for transportation costs.

There are also serious concerns about the company's intentions for the sugar processing industry in Ireland. The Minister for Agriculture and Food stated two weeks ago that it is incumbent on the Government to ensure replacement employment and support for the workers of the company. I argue that the Government owes the same duty to the growers who supply both Carlow and Minch Malt Limited. The Minister of State should outline to the House how the Minister intends to fulfil that duty. Can the Minister take action? Has she had discussions with the company in Banagher, Tullamore, Borrisokane or Carlow and what assistance she can give to growers in these circumstances? The Minister will meet beet growers at midday tomorrow, and I ask her to extend the same assistance and courtesy to the malting barley growers.

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): I am aware that Minch Malt Limited is to close its malting plant at Banagher, County Offaly, and its two intake points at Tullamore, County Offaly, and Borrisokane, County Tipperary, with effect from September 2005. There will be 19 job losses in total. I am concerned about the impact these job losses will have on families in the area, but the decision to close the Banagher malting plant by Greencore was a commercial decision taken by the company. The reason given for the closure is increased competition on export markets. Furthermore, the malting industry within the European Union is stagnating due to a fall in beer consumption.

Minch Malt Limited is part of the Greencore Malting Group, which was formed in 2000 following the integration of the three Greencore-owned malting companies of Pauls Malt in Britain, Minch Malt in Ireland and Belgomalt in Belgium. As a consequence of this integration, Greencore Malt is now the sixth largest malting group in the world. There is one other maltster in Ireland, namely, the Malting Company of Ireland, which is owned by Dairygold and Glanbia, at Togher in Cork.

Minch Malt Limited is Ireland's largest maltster with an annual capacity of 125,000 tonnes. It sources quality malting barley directly from 3,500 Irish farmers, under forward contracts, for its malting plants in Athy, County Kildare, and Banagher, County Offaly. The Banagher plant processes nearly 40,000 tonnes of barley from 300 farms. It is one third the size of the Athy plant, which employs 40. Athy is already at full capacity so it cannot take over the 40,000 tonnes from Banagher.

Farmers who are affected by the closure of Banagher may decide to produce barley for the feed barley market instead. It has been suggested that this will put pressure on grain storage in the

[Mr. B. Smith.]

midlands area next autumn. The Banagher, Tullamore and Borrisokane facilities will be offered for sale as going concerns and may be taken over by current players in the trade. My Department is currently carrying out an inventory of grain storage capacity in the Offaly and north Tipperary area. In the event that this inventory shows up a problem in storage capacity for the coming harvest, I will examine the possibility of making funds available to deal with the problem.

Ireland is a surplus producer of malt, with exports in the region of 50,000 tonnes. Minch Malt Limited has been exporting to markets in Russia, south-east Asia and South America. However, Russia has now become almost self-sufficient in malt. Moreover, there is a trade agree-

ment between south-east Asia and Australia which excludes imports from Europe, and South America has always been a difficult market. Exports have been taking place from the output of both the Athy and Banagher plants. Greencore has decided to consolidate operations at the bigger plant, Athy, to solidify the domestic market and it invested €4.5million in this facility last year, increasing the storage capacity and installing new driers. This investment demonstrates the company's commitment to the sector in Ireland.

While I regret that Greencore has had to take this decision, this is a commercial decision by that company dictated by the marketplace and I have no function in this regard.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 9 February 2005.

Written Answers

Questions Nos. 1 to 9, inclusive, answered orally.

Questions Nos. 10 to 62, inclusive, resubmitted.

Questions Nos. 63 to 69, inclusive, answered orally.

Natural Gas Grid.

70. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources the extent of the role he expects Bord Gais to play in the production, generation or distribution of energy in the future; and if he will make a statement on the matter. [3610/05]

284. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent of the role he expects Bord Gais to play in the production, generation or distribution of energy in the future; and if he will make a statement on the matter. [3947/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 70 and 284 together.

Bord Gais Éireann, BGE, is a commercial State body operating in a liberalised energy market. BGE's functions in the transmission, distribution and supply of gas are as set down under the Gas Act 1976, as amended, that is, to develop and maintain a system for the supply of natural gas to customers which is both economical and efficient.

BGE is both the transmission system operator and distribution system operator in Ireland. Bord Gais is also a gas supplier operating in competition with other suppliers for the power generation, industrial and commercial gas markets. The company is also the franchise holder for most of the residential market. Following full opening of the gas market, which is expected in 2005, BGE intends to continue as a key supplier in this market. The company has over a half million customers, including residential and industrial/commercial. It also has a growing presence in the Northern Ireland gas sector. BGE has no mandate to get involved in the production of gas and the company has indicated that it has no plans in this area.

Section 17 of the Gas (Amendment) Act 2000 extended the powers of BGE to allow the company diversify into other areas, whether gas related or not, which the board considered advantageous. One of the areas that BGE has got involved in is the retail electricity market, on a small but growing scale. The expansion or otherwise of this business is entirely a matter for the board of BGE in the first instance.

Following the opening up of electricity market to competition in 2001, the Commission for Energy Regulation initiated a number of positive

actions to address the reluctance by investors to enter the market. One of these actions was a competition that facilitated the entry of two new independent generating plants with a combined installed generating capacity of over 500MW. The competition included an off-take guarantee in the form of a PES contract for the purchase of a specified amount of the electricity generated. BGE, in partnership with Scottish and Southern Energy, SSE, developed a proposed joint venture power station project and entered the Commission for Energy Regulation competition in 2003. The bid was not successful.

Alternative Energy Projects.

71. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources the extent to which it is Government policy to support the production of bio-diesel or other non-fossil fuel alternatives; his preferred options in this regard for the future; and if he will make a statement on the matter. [3691/05]

306. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which it is Government policy to support the production of bio-diesel or other non-fossil fuel alternatives; his preferred options in this regard for the future; and if he will make a statement on the matter. [3970/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 71 and 306 together.

My Department is responsible for the promotion and development of renewable energy, including biofuels, and I am committed to the development and promotion of a biofuels market in Ireland's transport fuel sector. An inter-departmental group has been set up chaired by my Department and comprising officials from Sustainable Energy Ireland, SEI, the Department of the Environment, Heritage and Local Government, the Department of Transport, the Department of Agriculture and Food and the Department of Finance. The group is considering policy options for the development of a biofuels sector in Ireland.

As part of the work of this group, a liquid biofuels strategy study was published by SEI in December, which examines the full range of options and potential supports for liquid biofuels development in Ireland, including bioethanol, biodiesel and pure plant oil. The report is being considered as part of the overall policy objective to increase market penetration of biofuels in Ireland, which is at a very low level. The biofuels directive sets indicative targets for market penetration of 2% by end 2005 and 5.75% by end 2010. These targets present a challenge to Ireland, given the low base from which we are starting.

In March 2004, my Department secured an amendment to the Finance Act 1999, which provides for the introduction of a scheme for excise tax relief for biofuels. The purpose of the scheme

[Mr. N. Dempsey.]

is to allow qualified and conditional relief from excise of biofuel used in approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel. It is envisaged that the scheme will encompass market development for pure plant oil, biodiesel and bioethanol.

The European Commission has confirmed that the scheme would represent a state aid and consequently its approval is required. In this regard, the Department of Finance has written to the Commission seeking approval. Once the necessary clearance is granted, a commencement order will be signed by the Department of Finance and the process for project selection and approval will be implemented.

Sustainable Energy Ireland is also funding a number of biomass projects and studies through its renewable energy research development and demonstration, RERDD, programme. Under the programme, Sustainable Energy Ireland offers capital grant aid for biofuels market demonstration projects in the pure plant oil, biodiesel and bioethanol categories.

72. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the recent statements from a company (details supplied) that it will not be developing any further wind projects here; his views on whether such statements are a direct response to the energy regulator's comments that there is no need to develop the wind energy sector at this time; and if he will make a statement on the matter. [3591/05]

74. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources his views on the opinion of the electricity regulator that there is no need to further stimulate the wind energy sector at this time; if Ireland remains on course to meet the 13.2% of all energy coming from the renewable sector target by 2010; and if he will make a statement on the matter. [3590/05]

76. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to support or encourage the production of alternative energy with particular reference to wind energy in the aftermath of the recent comments of the regulator; if he has given any direction in this regard or intends to so do; and if he will make a statement on the matter. [3564/05]

98. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources his targets to achieve less dependency on fossil fuels and the development of alternative energy sources; his plans to offer incentives in this area; and if he will make a statement on the matter. [3641/05]

152. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources when he expects to complete his review of future support mechanisms for renewable power

sources; if a decision on the new support measures which need to be put in place has to await the conclusion of his wider review of the electricity market. [3676/05]

155. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with the regulator in regard to the development of alternative energy sources; the extent to which he expects such sources to contribute to national energy requirements in the future; and if he will make a statement on the matter. [3651/05]

303. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his targets to achieve less dependency on fossil fuels and the development of alternative energy sources; his plans to offer incentives in this area; and if he will make a statement on the matter. [3967/05]

307. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with the regulator in regard to the development of alternative energy sources; the extent to which he expects such sources to contribute to national energy requirements in the future; and if he will make a statement on the matter. [3973/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 72, 74, 76, 98, 152, 155, 303 and 307 together.

The existing AER VI program marks the end of the current market support for renewable sourced electricity generation. The Department conducted a consultation process on future development of renewable energy which attracted 47 responses last year. To ensure future development of our renewable resources the renewable energy development group was established on 6 May last year. The group is chaired by my Department and comprises relevant experts from the administrative, industry and scientific sector, including the Commission for Energy Regulation, CER, Sustainable Energy Ireland, SEI, ESB national grid and the Economic and Social Research Institute, ESRI, among others.

The group is at the end of its current work phase and its report is expected to be ready shortly. The work of the group has been informed by the renewable energy consultation process and the submissions made in response to our consultation document. Other inputs to the group came from direct presentations to the group from industry representatives and their associations; analysis conducted by sub-groups of the group itself; the work of the CHP strategy group and the bioenergy strategy group. In the course of the work of this group a wide spectrum of views and opinions were expressed by the parties involved and the views recently submitted to me by the energy regulator will be considered alongside all other views received.

In the interests of clarity and transparency, I have put out to consultation the recently expressed view of the Commission for Energy Regulation, which is an independent body under paragraph 9 in the Schedule to the Electricity Regulation Act 1999, and several replies have been received to date in response to the views outlined in the letter. I have had no specific discussions in regard to the development of alternative energy sources with the Commission for Energy Regulation nor do I have power to issue directions to the commission of the type referred to by Deputy Durkan. From my point of view, it is important to optimise the contribution of wind energy based electricity to the national supply on a basis that is fair to all parties, including consumers, and that it can be integrated safely and easily into the national network.

It is important that the State reduces its dependency on non-renewable fuels, whose prices are subject to the vagaries of the global markets and geopolitical developments which can adversely affect both the price and availability of supplies. From a national economic perspective, not just an energy policy perspective, increasing the amount of renewable energy in the system will be helpful in substituting costly fuel imports and in dealing with levels of uncertainty in the future evolution of energy prices.

I am aware of reports that the specific company referred to has decided to invest in other locations for now. That is purely a commercial decision for the company involved.

The renewable energy development group will advise on future options on policies, targets, programmes and support measures to develop the increased use of renewable energy in the electricity market to 2010 and beyond. The group's report, which is due shortly, will form the basis of my future policy decisions on the increased penetration of renewable energy technologies in the electricity market and will seek to ensure that developers can make a reasonable rate of return on renewable energy projects while ensuring that the interests of national competitiveness and the ultimate burden of cost to the final consumer are all fully taken into consideration.

Mobile Telephony.

73. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources the consequences of the European Commission's decision to uphold the recent ruling by the Commission for Communications Regulation that more competition is needed in the mobile phone market here; his views on whether the two main mobile phone companies have operated an effective duopoly here; and if he will make a statement on the matter. [3596/05]

79. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that mobile phone customers here will have to pay significantly more than British subscribers to use

third generation mobile phone technology; his views on whether Irish mobile phone charges continue to be excessive in comparison to European norms; his plans to tackle these excessive rates in the mobile phone industry; and if he will make a statement on the matter. [3576/05]

90. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the extent to which Ireland's poor rating in the mobile telephone European league is being addressed or likely to be addressed in the near future; and if he will make a statement on the matter. [3664/05]

314. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which Ireland's poor rating in the mobile telephone European league is being addressed or likely to be addressed in the near future; and if he will make a statement on the matter. [3981/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 73, 79, 90 and 314 together.

I have no function in setting of pricing for phone services. The regulation of telecommunications operators, including pricing for mobile services, is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations made under the EU regulatory framework for electronic communications. As Minister for Communications, Marine and Natural Resources, I have responsibility for overall telecoms policy and my main goal in this policy is to create conditions for sustainable growth and competition that will benefit the economic and social development of Ireland by providing competitive services.

It is my belief that improving the market conditions to improve competition is the best way to drive down mobile phone charges to the end user. The more competitive telecoms services that are on offer, the better in the long run for consumers, the sector and the economy. In March 2004, my predecessor issued policy directions to ComReg, including a direction on competition. The direction on competition mandates ComReg to focus on competition as a key objective, with a particular focus on competition in the fixed and mobile markets, and to implement, where necessary, remedies which counteract or remove barriers to entry and support entry by new players to the market and entry into new sectors by existing players; and to have particular regard to the following: market share of new entrants; ensuring that the applicable margin attributable to a product at the wholesale level is sufficient to promote and sustain competition; price level to the end user; the potential of alternative technology delivery platforms to support competition.

ComReg has, as one of its key objectives under the Communications Regulation Act 2002, the

[Mr. N. Dempsey.]

promotion of competition in the exercise of its functions. Competition in the fixed and mobile markets will drive down prices for consumers. In 2004 ComReg conducted a market analysis on the mobile market in Ireland and found that Vodafone and O₂ hold a joint dominance in that market. ComReg notified the European Commission of its conclusions in December 2004 and the Commission endorsed ComReg's position. The Commission has also endorsed ComReg's proposed remedies. ComReg is now proceeding to implement its remedies to bring more competition into the Irish mobile market.

ComReg's proposed remedies include opening existing networks to alternative service providers such as mobile virtual network operators, MVNOs. They also conclude that any roaming agreements already made between operators will be required to be maintained. This means that O₂ will be required to maintain its agreement with Meteor that allows Meteor national roaming on O₂'s network.

ComReg's remedies should result in greater choice and competition for the consumer. In other European countries where further competition has been developed through the entry of MVNOs, the prices paid by consumers have fallen in some cases by up to 25%.

With regard to pricing for 3G services, only one operator, Vodafone, has commercially launched 3G consumer services. Hutchinson Whampoa, trading as 3, is expected to have achieved 53% demographic coverage by 30 June 2005 and a formal launch of full commercial service is expected around that date. O₂ is expected to launch its product in the first quarter of 2005. ComReg expects further competition will develop when the other 3G licensees bring their 3G services to the market resulting in more competitive pricing structures for consumers.

Question No. 74 answered with Question No. 72.

Electricity Generation.

75. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future development of the provision of electricity services throughout the country; if, in the context of deregulation, he has made specific policy directives; and if he will make a statement on the matter. [3654/05]

309. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future development of the provision of electricity services throughout the country; if, in the context of deregulation, he has made specific policy directives; and if he will make a statement on the matter. [3975/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 75 and 309 together.

In terms of preferred options for electricity market development, my objective is to deliver a fully open, competitive, all-island market in line with the recently published North-South development framework with a quality assured, secure supply at reasonable prices. In the broader context, I wish to see a well interconnected market, both east-west and North-South, underpinning EU policy on interconnection and with maximised usage of alternative or renewable energy sources.

The regulatory framework and unbundling of the transmission and distribution networks are key tools to deliver open and competitive markets to the benefit of consumers and the national economy. The review of the electricity sector which I have announced and, in particular, the element dealing with market structures and issues such as ESB structure and sector dominance will also inform future policy direction.

We are continuing to build upon the significant progress made to date in market liberalisation. Under the regulatory oversight of the Commission for Energy Regulation, CER, market opening is proceeding on a phased basis with statutory effect given to EU directives on the common rules for the internal electricity market. I have just made regulations to give effect to EU electricity directive 2003/54/EC. This directive strengthens the unbundling provisions of the transmission and distribution system operators, explicitly provides for enhanced levels of consumer protection, including the right of supply in quality terms and at reasonable prices, sets out a timetable for market opening and requires member states to ensure proper regulation by independent national regulatory authorities. The current regulatory framework in Ireland already takes account of many of the provisions of this new directive and the new regulations will augment the measures already in place.

On 19 February next, the market will be fully open to competition. From that date, all customers will be eligible to source their electricity from any licensed supplier and the entire market becomes contestable. This is over two years in advance of the EU directive requirements.

With regard to policy directions, currently I have certain limited statutory powers to give directions to the CER relating to electricity trading arrangements solely. This power was exercised by my predecessor in July 1999 and provided for the current electricity trading system. In the interests of the proper and effective regulation of the electricity and gas markets, I am proposing, in line with other regulated sectors and with Government approval, to take powers to issue policy directions of a general nature to the CER. Such a provision is included in the Energy (Miscellaneous Provisions) Bill, which is being drafted by the Office of the Parliamentary Counsel.

Question No. 76 answered with Question No. 72.

Natural Gas Grid.

77. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources his plans to provide a supply of natural gas to the north west; and if he will make a statement on the matter. [3567/05]

278. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to provide a supply of natural gas to the north west; and if he will make a statement on the matter. [3923/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 77 and 278 together.

The regulation of the gas market is delegated to the Commission for Energy Regulation, CER, under the Gas (Interim) (Regulation) Act 2002. It is open to any intending supplier of gas to any town to apply to the CER for consent to lay the necessary pipe work and for a licence to supply natural gas. The CER must be satisfied that a proposal to extend the natural gas distribution network is an economic proposition before it will grant consent for it, as otherwise uneconomic projects will increase costs for all energy consumers. The 1976 Gas Act also requires Bord Gais Éireann, BGE, to demonstrate that any pipeline investment it proposes will be an economic business operation.

My Department is looking at the feasibility of bringing gas from Derry to Letterkenny. A study was completed in October 2004. The report concluded that the Derry to Letterkenny pipeline proposal is not economically viable and could require up to 100% subvention. In the circumstances, I have asked that a full cost-benefit analysis of the proposal be undertaken, including an assessment of the role of gas, if any, in facilitating regional development. The results of this further study are expected in March 2005.

There is also a long-standing Government commitment to examine the feasibility of bringing natural gas from Corrib to Sligo. Now that planning matters for the terminal are concluded, although I am aware there are two proceedings for judicial review before the High Court, I have asked my officials to commence this evaluation process, which will include a feasibility study and cost-benefit analysis of possible routes. It should be noted, however, that a preliminary evaluation in 2001 by BGE, having examined all possible routes for this project, found that none was commercially viable and even the least expensive option costs more than might be recovered over the lifetime of the pipeline. Work on preparing the specification for the further evaluation is under way and it is hoped to appoint consultants to do this work as soon as possible.

Mobile Telephony.

78. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that health and safety standards in the mobile telephone industry are keeping pace with technological advances; and if he will make a statement on the matter. [3666/05]

273. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that health and safety standards and requirements are being fully adhered to throughout the mobile telephone industry; and if he will make a statement on the matter. [3688/05]

298. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that health and safety standards and requirements are being fully adhered to throughout the mobile telephone industry; and if he will make a statement on the matter. [3962/05]

316. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that health and safety standards in the mobile telephone industry are keeping pace with technological advances; and if he will make a statement on the matter. [3983/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 78, 273, 298 and 316 together.

I have a dual track approach towards this issue. First, Ireland participates in a number of international bodies which undertake detailed programmes of research into interactions between electromagnetic energy and people. The latest reports from this work were tabled at a meeting in Greece earlier this month. These reports conclude that, notwithstanding many years of investigation, no adverse health effects have been demonstrated to have been caused by electromagnetic energy emitted by telecommunication masts.

I appreciate that some people still maintain that these facilities are responsible for various symptoms and illnesses that they suffer. I sympathise with those people. The overwhelming weight of evidence is that facilities such as mobile base stations are not responsible for their condition. Focused research is continuing and my Department will monitor this area closely.

Second, Ireland also participates in the relevant bodies that monitor and set guidelines for limiting exposure to electromagnetic energy from such installations. These bodies continually review the relevant research already referred to and periodically meet to decide whether the guidelines continue to be appropriate in the light of the most up-to-date reports. My Department has this year endorsed these guidelines as continuing to offer protection to the public. The guidelines are utilised as operating limits in the licences issued to

[Mr. N. Dempsey.]

the operators of telecommunications facilities and measurements carried out on behalf of ComReg, the telecommunications regulator, have shown total compliance with the limits. I am, therefore, advised that there is no reason for me to act in terms of new legislation regarding limiting radio frequency emissions from these installations.

Issues relating to the physical siting of telecommunication masts are not a matter for me but for the relevant local authorities under the aegis of my colleague, the Minister for the Environment, Heritage and Local Government.

Question No. 79 answered with Question No. 73.

Broadcasting Legislation.

80. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources the extent to which he has finalised his proposals in the context of the broadcasting Bill; and if he will make a statement on the matter. [3659/05]

310. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has finalised his proposals in the context of the broadcasting Bill; and if he will make a statement on the matter. [3976/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 80 and 310 together.

Work is continuing on the development of legislative proposals that will form the basis of a new broadcasting Bill. I expect to bring these proposals to Government in the third quarter of this year, with publication of the Bill by end 2005.

The principal objectives of the legislative proposals are as follows: the establishment of a single content regulator for both private and public service broadcasters as recommended by the forum on broadcasting; the establishment of RTE as a commercial company under the Companies Acts 1963 to 2003; the provision of a statutory mechanism for future adjustments to the level of the television licence fee; the development of the right of reply mechanism, allowing persons whose reputation and good name have been damaged by an assertion of incorrect facts in a television or radio programme to gain redress.

It is intended that the single content regulator will combine the existing regulatory functions of the Broadcasting Commission of Ireland and the RTE authority. The new regulator will play a key role in any mechanism for future adjustments to the level of the television licence fee with the twin goals of ensuring value for television licence fee payers and the development of public service broadcasting in Ireland. It is also proposed that any recommendations for legislative change arising from the review of radio licensing will be incorporated in the new Broadcasting Bill.

Electricity Generation.

81. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources the details of the full scale Government review of the energy market here; the issues the review will address; the timescale of the review; if the review will ensure that the national grid and key generation infrastructure are retained in public ownership; and if he will make a statement on the matter. [3595/05]

104. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources when he expects his proposed full-scale review of the energy market and the future structure of the ESB to be completed; the person who will carry out the review; and if he will make a statement on the matter. [3684/05]

274. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he expects the ESB to play a central role in the generation, transmission and distribution of supply to consumers and the national grid; and if he will make a statement on the matter. [3759/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 81, 104 and 274 together.

The review I am proposing is focused mainly on the electricity sector. Internal reviews on renewable energy, CHP and biomass are nearing completion. While the review is being planned for some time, precise terms of reference are still being finalised. What is proposed is a comprehensive and strategic review of the institutional arrangements and market structures for the Irish electricity sector. This will include a detailed examination of the ESB's vertically integrated utility structure and its dominance in the sector, particularly in the area of power generation. The review will not extend to the existing structure, functions or responsibilities of the Commission for Energy Regulation.

While precise details will be made available shortly in the tender documentation, I can confirm at this point that the review will include a thorough assessment of the effectiveness and appropriateness of the existing arrangements and structures in the electricity sector. This assessment will cover issues such as the cost of electricity in Ireland and a benchmarking of the cost bases and efficiency levels of existing State-owned power stations and networks. It will also look at the position of new entrants and provide an assessment of current levels of competition, particularly in the power generation sector.

The position of renewable energy sources and the various roles of the ESB in the renewable energy market segment will also be included in the review. There are also outstanding issues around the unbundling of the distribution business as required by the most recent EU directive on the internal market in electricity. The review will need to take full account of forthcoming

developments, such as the all-island energy market and the proposed east-west and North-South electricity interconnectors.

In regard to the position of electricity assets in State ownership, I have previously confirmed my opposition to the privatisation of the transmission and distribution systems which are critical national assets that should remain in public ownership. There is strong consensus about this. I have also previously stated my opposition to any privatisation that would result in the creation of a monopoly or near monopoly in the power generation sector.

Notwithstanding this, it is my intention that the review should examine all options in regard to the future shape of the ESB and, in particular, on how to deal with the company's dominance in power generation. The issue of the ESB's dominance is a critical one in terms of developing competition in the market and ensuring that the electricity sector contributes fully to national competitiveness. Finding an effective solution to these issues is critical if we are to achieve the orderly development of the market with appropriate opportunities for new investment, deliver good value for money to customers and ensure the security of energy supplies into the future.

As part of the conclusions to the report that is to be submitted as a result of the review, the relevant consultants will be required to identify a range of alternative institutional arrangements and company structures, including ownership models, for the ESB and, to the extent appropriate, for the electricity sector in general. They will also be required to make specific recommendations as to the most appropriate arrangements and structures. It is my intention that these recommendations will serve to inform my Department's policy decisions in regard to the future of the electricity sector. If the recommendations are leading towards any change in the structure of the ESB, I expect them to be supported by a detailed business case for any proposals.

It is my intention that the call for tenders be announced within the next fortnight. Due to the scale of the review, the call for tenders will be subject to EU procurement rules and to the timescales that these rules impose. The contract notices will be transmitted electronically to the Official Journal and the tender documentation will also be made available electronically on the Government's e-procurement website. The call for tenders will be open to all interested parties. Again, due to the scale of the review, it is estimated that it will take a minimum of six months to complete.

There is no threat to the existence of the ESB, which has served this country well for over 75 years.

Television Licence Fee.

82. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources his views on whether a greater share of the television

licence fee should be allocated to the independent broadcasting fund; his assessment of the fund to date; and if he will make a statement on the matter. [3570/05]

280. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his views on whether a greater share of the television licence fee should be allocated to the independent broadcasting fund; his assessment of the fund to date; and if he will make a statement on the matter. [3942/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 82 and 280 together.

The purpose of the Broadcasting (Funding) Act 2003 was to establish a special fund to encourage both private and public broadcasters to include additional programming of a particular character in their programme schedules. The Act provided that 5% of the net proceeds of the television licence fee should be paid into the fund from 2003 onwards. At the end of 2004 almost €17.5 million had been paid into the fund.

The legislation, which was enacted in December 2003, provided that the Broadcasting Commission of Ireland, BCI, would have responsibility for drawing up schemes through which the fund could be accessed. During the course of 2004, the BCI developed and published a draft scheme and consulted widely about it. In December, the BCI submitted a scheme to me for my approval as required under section 2(1) of the Act. The scheme will also have to be notified to the European Commission as a new state aid. My Department is in contact with the Commission in this regard. Once a scheme has been approved it is a matter for the BCI to invite applications and to make awards.

I view the special broadcasting fund as a positive initiative and look forward to listening to and watching some of the new programmes that will be broadcast on Irish radio and television services later this year as a result. I have no intention of bringing forward proposals to vary the amount being paid into the fund. The legislation, however, does provide for a formal review of each scheme by the BCI, three years after that scheme comes into operation.

Energy Regulation.

83. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources when he will be able to give policy directions to the energy regulator; and the statutory changes which are required to make this possible. [3678/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Currently, I have certain limited statutory powers to give directions to the Commission for Energy Regulation, CER, about electricity trading arrangements solely. In the interests of the proper and effective regulation of the electricity and gas markets, I am proposing, in line with other regu-

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lated sectors and with Government approval, to take powers to issue policy directions of a general nature to the CER. Such a provision is included in the Energy (Miscellaneous Provisions) Bill which is being drafted by the Office of the Parliamentary Counsel. This Bill is scheduled for publication in the second quarter of 2005.

Inland Fisheries.

84. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the major difficulties being faced by local fishermen on the River Suir following recent drainage installations by South Tipperary County Council and the resulting loss to the fisheries of significant stretches of the River Suir; if he will propose and support a remedy for this matter; and if he will make a statement on the matter. [3608/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I understand that South Tipperary County Council has constructed a waste water treatment plant at Carrick-on-Suir and that this plant has been in operation since July 2004. The application for a foreshore lease was processed by this Department in line with standard procedures. Following receipt of the recommendations of the Department's expert advisers, a notice was placed in the local newspaper indicating that plans and details of the proposals were available for public inspection so that interested persons and bodies could make submissions. No submission was received on the matter and a lease issued to the local authority.

The Department has recently been contacted by the Southern Regional Fisheries Board which has expressed some concerns about the placement of a sewage outfall pipe and diffusers in the river Suir downstream of Carrick-on-Suir. The regional fisheries board is particularly concerned that the outfall pipe and diffusers might interfere with the local snap net fishing operations which are due to commence in mid-May this year.

To address these concerns, a representative of the Department's engineering division has met with a Southern Regional Fisheries Board representative at the site and is preparing a report on the matter. I am advised that this report, which will endeavour to ascertain the range and scope of the outfall pipe and diffusers, is expected to be concluded shortly.

Should this report find the outfall pipe and diffusers are likely to have an adverse impact on the local fishing operations, the Department will support the Southern Regional Fisheries Board in seeking to have the identified difficulties suitably rectified by the county council prior to the start of the local fishing season.

Energy Resources.

85. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources

the extent to which national oil reserves and storage are adequate to meet contingencies; and if he will make a statement on the matter. [3613/05]

287. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which national oil reserves and storage are adequate to meet contingencies; and if he will make a statement on the matter. [3950/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 85 and 287 together.

As a member of the International Energy Agency, IEA, Ireland is required to maintain emergency oil stocks equivalent to at least 90 days of net imports in the previous year. The EU imposes a similar requirement based on consumption. On 1 December 2004, the latest date for which comprehensive figures are available, Ireland's emergency oil reserves, whether held at home or in other EU member states, amounted to the equivalent of 110 days of net imports using the IEA methodology.

These stocks are made up of wholly owned stocks held in Ireland by the National Oil Reserves Agency, NORA, and industry-oil consumers equivalent to 70 days of stocks; wholly owned stocks held by NORA in other EU member states under cover of bilateral agreements equivalent to eight days of stocks; and rented stocks held by NORA in other EU member states under cover of bilateral agreements equivalent to 32 days of stocks. In the event of a significant global oil supply disruption, these reserves would be eked out over an extended period to supplement commercial supplies which would still be available in the normal course — albeit at a reduced level — to provide cover far in excess of their nominal duration. For example, if there were a 10% reduction in world oil supplies, a level of disruption unprecedented over the past four decades, then our current reserves would last for 1100 days, that is, three years. They would last even longer if account is taken of the reduction in consumption which would be achieved by the demand restraint measures which would be triggered by a crisis of this magnitude.

Postal Services.

86. **Mr. Hayes** asked the Minister for Communications, Marine and Natural Resources if the implementation body examining the situation in An Post is likely to be in a position to examine in full the financial situation within the company; and if he will make a statement on the matter. [3619/05]

293. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if the implementation body examining the situation in An Post is likely to be in a position to examine in full the financial situation within the company; and if he will make a statement on the matter. [3956/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 86 and 293 together.

The purpose of the national implementation body is to oversee the delivery of the industrial peace and stability provisions of national level social partnership agreements. The national implementation body does not seek in any way to duplicate or substitute for already well established industrial relations machinery but rather to provide a forum in which obstacles to participation in the existing processes can be overcome.

National implementation body involvement in the current difficulties in An Post follows a request from ICTU to determine whether An Post breached the partnership terms of Sustaining Progress in making its decision to reintegrate SDS into Letterpost. The national implementation body, as part of its determination, proposed that an independent facilitator be agreed to share the financial details and institute a process for information sharing.

Following the dispute in SDS last month which resulted in 64 workers being suspended by An Post management, the national implementation body issued a proposal aimed at averting widespread industrial action by the union. The proposal, accepted by both parties, provides for the disputed matters surrounding SDS reintegration to be examined in the Labour Court on 11 February. Furthermore, the national implementation body, as part of its proposal, provided for the issue of Sustaining Progress increases, for which the company invoked the inability to pay clause, to be heard by the Labour Court as a matter of priority.

As outlined above, the remit of the national implementation body clearly relates to overseeing the provisions of partnership agreements and, therefore, it would not be appropriate for the national implementation body to examine the financial situation within An Post.

Electricity Generation.

87. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future development of the electricity industry; the extent of any targets he has in mind for the use of wind, gas or alternative generation sources; and if he will make a statement on the matter. [3653/05]

308. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future development of the electricity industry; the extent of any targets he has in mind for the use of wind, gas or alternative generation sources; and if he will make a statement on the matter. [3974/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 87 and 308 together.

I refer the Deputy to my response to the earlier questions today in regard to my proposal to

undertake a comprehensive review of the electricity sector.

In addition, the promotion of renewable energy technologies in electricity production, the harnessing of energy from biomass products and the increased use of combined heat and power technology are key priorities of this Government and also of the European Union. The renewables directive, directive 2001/77/EC, addresses an obligation to Ireland to deliver a programme capable of increasing the portion of electricity from renewable energy sources to 13.2% of total consumption by 2010.

Existing hydro facilities together with the current AER support programme and activity in the liberalised green market are capable of delivering most of the target in the directive. As the amount of wind energy, in particular, connected to or with binding connection offers increases, further penetration will require co-operation and co-ordination between my Department, Sustainable Energy Ireland, SEI, the market regulator, CER, the electricity networks operators and developers. All these key players and more have participated in the work of the renewable energy development group which was established on 6 May last and which will report shortly. This report will, at a minimum, propose actions to ensure Ireland reaches its renewable energy target of 13.2% of gross electricity consumption by 2010 as set out in the directive.

In December 2003 my Department, in association with SEI, set up a bioenergy strategy group, BSG, to consider the policy options and support mechanisms available to Government to stimulate increased use of biomass for energy conversion and to make specific recommendations for action to increase the penetration of biomass energy in Ireland. Membership of the BSG comprised representatives of various Departments as well as State agencies in the agriculture and energy sectors and industry representatives. In March 2004, my Department, in association with SEI, established a CHP policy group to consider the most suitable and appropriate environments in which CHP can usefully be implemented in Ireland so as to maximise energy efficiency. Both the bioenergy strategy group and the CHP policy group are inputting into the renewable energy development group to ensure a comprehensive renewable energy policy is in place.

I am satisfied, therefore, that we have in place the necessary incremental steps to ensure increased penetration by renewable and alternative energy technologies in the energy markets. My objective is to put in place support regimes which will ensure orderly development and give reasonable return to project developers while also taking account of the interests of electricity consumers and consideration of national competitiveness.

Fisheries Protection.

88. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources

[Mr. Stanton.] his views on the recent report by the Worldwide Fund for Nature that 13 of 15 species of marine life are in danger of extinction; and if he will make a statement on the matter. [3671/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):

The report to which the Deputy refers is a report entitled Marine Health Check 2005: A report to gauge the health of the UK's sea-life. This report is concerned with UK waters and argues for the introduction of particular national legislation. The report examines 16 marine species and habitats from an overall conservation perspective taking into account factors such as pollution, fishing, development and climate change. As the report is largely specific to the UK situation, it would not be useful for me to deal with much of its contents and, in addition, some of the species covered are protected in Irish waters under the aegis of the Department of the Environment, Heritage and Local Government under the habitats directive.

Both Atlantic cod and Atlantic salmon are of considerable importance to Ireland. In the case of cod, the EU has agreed a long-term recovery plan for a wide range of stocks, including those to the west of Scotland and in the Irish Sea, which sets targets for the recovery of these stocks. Ireland has been to the forefront of cod recovery in the Irish Sea, driving the introduction of closed areas some time before the adoption of the long-term recovery plan. In the Celtic Sea, an industry led closure of an area was agreed at Agriculture and Fisheries Council in December. I am confident that these recovery plans will provide for the recovery of these important stocks and ensure sustainable exploitation.

In the case of Atlantic salmon, the management of the Irish salmon fisheries, which limits both the commercial and angling fishing seasons and restricts the number of fish being caught, clearly demonstrates a commitment to the conservation of the wild salmon stock. It is the Government's belief that the current strategy of developing a sustainable commercial and recreational salmon fishery through aligning catches on the scientific advice holds out the strong prospect of a recovery of stocks and of a long-term sustainable fishery for both sectors.

With regard to basking shark, one of the species examined in the report, all fishing for this species is now totally prohibited in the waters around Ireland and the UK under the Common Fisheries Policy.

Action was taken under the Irish EU Presidency at Agriculture and Fisheries Council to protect the harbour porpoise through the introduction of a regulation addressing cetacean by-catch in certain fisheries.

Broadcasting Services.

89. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources

the plans he has to extend RTE broadcasts to enable Irish persons living in Britain to access RTE programmes on their televisions; his views on whether RTE broadcasts to Britain can be restored in view of the fact that they have been unavailable there for a number of years; and if he will make a statement on the matter. [3577/05]

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

RTE's statutory mandate, as defined in section 28 (1) of the Broadcasting Act 2001, provides that RTE's radio and television services shall be made available, in so far as is reasonably practicable, to the whole community on the island of Ireland. It is a matter for RTE to determine how best to fulfil its statutory mandate and I have no function in the matter.

RTE is not mandated to make its services available to Irish communities living abroad. RTE has, however, acted in a number of ways that has resulted in its radio or television services being more widely accessible. In addition to being available throughout Ireland, RTE's long wave radio service is available throughout much of the UK and parts of Europe. RTE services can also be accessed online.

In the past, certain RTE television programming was available in the UK on a commercial television channel, Tara TV. I understand that the company went into liquidation due to a lack of commercial success. Advances in broadband technology will give RTE additional options for making its services available in the future. This is likely to result in increased opportunities for Irish people living abroad to access RTE's radio and television services.

Question No. 90 answered with Question No. 73.

Radio Broadcasting.

91. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources his views on whether there is scope for a greater number of local independent radio stations; his further views on whether the licensing regime should be amended to allow for a greater number of stations; and if he will make a statement on the matter. [3571/05]

281. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his views on whether there is scope for a greater number of local independent radio stations; his further views on whether the licensing regime should be amended to allow for a greater number of stations; and if he will make a statement on the matter. [3943/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 91 and 281 together.

The licensing of local radio stations in Ireland is a matter for the independent Broadcasting Commission of Ireland, BCI, and one in which I

have no direct role. Under its statutory obligations, the BCI determines issues such as the type and number of licences in any region.

However, I wish to maintain a suitable legislative framework for local radio licensing in Ireland. In this regard, my Department carried out a review of radio licensing in Ireland last year. The review consisted of an extensive independent report by Ox Consultants and a public consultation. Over 50 submissions were received as part of the consultation and a public seminar on the topic of radio licensing was held last autumn. My Department will produce a report on the consultation and I will consider proposals for suitable legislative reform with regard to radio licensing.

The Ox report indicates that additional radio licensing is possible in Ireland, given the availability of spectrum, and that an increased number of channels may be available in the future through digital audio broadcasting. The report does raise some concerns regarding the viability of some local radio franchises, given their market size. The report also points to demand for special interest and dedicated format radio stations in Ireland.

While I will consider new legislative proposals that would improve the overall licensing framework, I am clear that decisions about the actual nature of the services to be licensed and who is to be awarded licences, should remain the remit of an independent body.

Postal Services.

92. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources the extent to which he has been informed by An Post in respect of the company's future intentions in regard to the payment of wages and pensions in accordance with legislation and previously established rules and practices; and if he will make a statement on the matter. [3620/05]

294. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has been informed by An Post in respect of the company's future intentions in regard to the payment of wages and pensions in accordance with legislation and previously established rules and practices; and if he will make a statement on the matter. [3957/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 92 and 294 together.

First, the provisions applicable to staff transferred to An Post are set out in section 45 of the Postal and Telecommunications Services Act 1983. Implementing wage increases to An Post employees is an operational matter for the company and one in which I have no function.

An Post is a commercial State body with a remit to be financially viable. We must not ignore the fact that the company made an operating loss of €43 million in 2003 which followed on from losses of €17.4 million in 2002 and €6.7 million 2001. Following on from the scale of the losses in

2003, An Post management invoked the inability to pay clause contained in Sustaining Progress in respect of wage increases due under this agreement to An Post employees.

The key challenge for the company is to return to financial stability so that issues arising from the non-payment of Sustaining Progress can be resolved. The way forward is agreeing and implementing the strategic recovery plan which was approved by the board in 2003. This strategy sets out a road map to return An Post to profitability by 2005. It includes significant restructuring in terms of work practices and job losses amounting to approximately 1,730. However, buy in from the unions is crucial to agreement and implementation. This has not been an easy process — change is not easy.

Following the industrial dispute last March, the Labour Relations Commission put forward a framework to resolve the differences between management and unions. The length of the negotiation process indicates the difficult and deep seated issues to be resolved within An Post. Thankfully, during 2004, management and unions working together have made some progress in dealing with the crisis situation and, despite the negative comments that we have heard on the issue, there is a joint commitment by all parties to restructuring. All sides are to be commended for their efforts to date. I am not trying in any way to ignore or minimise the significant disagreements that exist between the management and the Communications Workers Union but we must concentrate on the process to take us forward to resolve the issues subject to dispute. That process is well under way.

Nevertheless, I recognise that we are not yet in the position where we can say that the necessary restructuring programme to secure the future of An Post has been agreed. This is essentially the nub of the problem that we face today. The intervention of the national implementation body has ensured that the issue of Sustaining Progress increases will be addressed by the Labour Court as a matter of urgency on 11 February. In particular, the court will investigate the inability to pay clause adopted by the company.

It is essential that both sides continue to work together in conjunction with the State's industrial relations machinery to broker a deal that will allow the company to deliver quality services to our citizens, while at the same time providing sustainable well paid employment to its staff. That is the challenge facing the board and management, together with the unions, and they should not allow themselves to be deflected from meeting that challenge.

With hearings in the Labour Court underway or due to commence shortly on the restructuring programme, Sustaining Progress increases and SDS reintegration, I urge both parties to embrace this opportunity to reach agreement on how best to work together to secure the future of the company.

Fishing Fleet Modernisation.

93. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans for vessel owners who were encouraged to build larger vessels to target non-quota species in deep water to the west of Ireland to alleviate pressure on whitefish stocks; and if he will make a statement on the matter. [3685/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Since 1998, 64 new fishing vessels have received grant aid under fleet renewal programmes. Of the 21 vessels over 24 metres in length, only two were specifically designed with the capacity to target exclusively deep water species. Both vessels, however, retain all the attributes and equipment required to allow them also target traditional, non-deep water stocks. All the vessels introduced were replacing vessels in the fleet and, as such, did not add capacity to the fleet. They were introduced to enhance the operational efficiency, competitiveness and safety of the whitefish fleet in respect of both traditional quota stocks and new species.

Deep sea quotas were introduced for the first time in 2002. Revised quotas for 2005 and 2006, involving cuts of 15%, were agreed at last December's Council. Total allowable catches, TACs, and quotas were also introduced for a number of additional deep sea stocks at the December Council. In addition, a closed area off the west coast was put in place in respect of the orange roughy fishery. These measures are being introduced with the intention of providing for a sustainable deep sea fishery into the future. In respect of the stocks subject to TACs, most of which are high value, the Irish fleet has quotas of 2,954 tonnes available to it in 2005. On the basis of these allocations and additional opportunities for other non-quota stocks, the deep sea fishery remains important to the Irish fleet.

I am satisfied that the investment in the whitefish fleet has enabled this sector to meet the challenges facing it, that it will ensure that the maximum value is obtained from fully exploited volume restricted fisheries and that it has promoted the development of the important deep sea fisheries and more selective fishing technologies.

Inland Fisheries.

94. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources his views on protests by anglers in Donegal, Kerry and other areas that their sport is being gravely hindered by serious restrictions and the failure to renew traditional leases; if he will address the causes of the serious decline in salmon stocks; and if he will make a statement on the matter. [3607/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under the Fisheries Acts, pri-

mary responsibility for the conservation, protection, management, development and improvement of inland fisheries rests with the regional fisheries boards. Is in my understanding that the recent protests by anglers in County Kerry relate to demands for access to public fisheries which are managed by the national parks and wildlife service on behalf of the Minister for the Environment, Heritage and Local Government. I am informed, however, that the local salmon anglers are allowed to continue to manage the fishery on an *ad hoc* basis pending the completion of the requisite legal agreement and are not, therefore, excluded from using the fishery.

Protests by anglers in County Donegal, on the other hand, are related to the proposals prepared by the Northern Regional Fisheries Board for the management and development of State fisheries in the county. This plan was the subject of a discussion document, Outline proposal for development and management of angling in Donegal, prepared in support of the Donegal County Council County tourism plan on which there is an ongoing consultation exercise. The consultations are aimed at facilitating local and visiting anglers and to guarantee the long-term health and sustainability of the fisheries. I urge the angling representative bodies to participate in the ongoing process.

The overriding objective of the Government is to preserve the salmon resource in its own right and for the coastal and rural communities that it helps to support. The economic goals for a sustainable commercial salmon fishery based on quality and value rather than volume and the development of salmon angling as an important tourism product are both fully compatible with the primary objective. The Government has accepted the scientific advice that reductions in the overall fishing effort are required to sustain and rebuild wild salmon stocks nationally. The Department has implemented a strategy to ensure, through progressive reductions in catch, that the conservation limits specified by the standing scientific committee of the National Salmon Commission are being reached. This policy of promoting the application of quotas on commercial fishing and bag limits on angling has delivered significant catch reductions aimed at achieving the overall shared objective of restoration of salmon stocks.

It is the Government's belief that the current strategy of developing a sustainable commercial and recreational salmon fishery through aligning catches on the scientific advice holds out the strong prospect of a recovery of stocks and of a long-term sustainable fishery for both sectors.

Electricity Generation.

95. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources if he will report on the likely impact of full market opening for electricity on 19 February 2005; his plans for a second North-South interconnector on the all-island electricity market; and

if he will make a statement on the matter.
[3606/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Liberalisation of the electricity market is well under way and has proceeded on a phased basis since February 2000 under the regulatory oversight of the Commission for Energy Regulation, CER, the independent regulator for gas and electricity.

In accordance with the Electricity Regulation Act 1999 (Eligible Customer) (Consumption of Electricity) Order 2003, on February 19 next the market will be fully open to competition. From that date, all customers will be eligible to source their electricity from any licensed supplier and the entire market becomes contestable. Scope will exist for all customers, household and non-household alike, to seek out keener prices in the competitive market. This is over two years in advance of the July 2007 deadline set down in electricity directive 2003/54/EC.

To date, the partial opening of the market has successfully broadened customer choice. The latest information available to me indicates that at the end of 2004, some 2,342 customers out of 13,500 eligible customers had switched supplier. In terms of eligible customers, as things stand all large customers and many small and medium-sized businesses are free to choose their electricity supplies from licensed suppliers other than ESB.

The “green” market has been fully liberalised since February 2000 and over 40,500 customers out of the electricity customer base have so far chosen “green” suppliers. My Department has itself changed to a “green” supplier, moving away from the ESB following a competitive process.

Indications are that at the end of 2004, the independent supply sector had increased its market share to some 33% by volume. The fully open market will encourage new entrants and provide existing players with opportunities to increase their market share. I look forward to seeing real competition taking root and flourishing in this sector for the benefit of all customers.

Turning to the plans for a second north-south interconnector, at a bilateral meeting in November 2004, Mr. Barry Gardiner, MP, the Northern Ireland Minister for Enterprise, Trade and Investment, and I endorsed plans put forward by the CER and the Northern Ireland Authority for Energy Regulation for the construction of a second interconnector. The proposed interconnector will provide increased system security and reliability. It will be a positive step towards further developing competition and will facilitate the development of a fully functioning single electricity market.

As a first step, the transmission system operators North and South have been requested to draw up a plan and to revert to the regulators by May 2005 with details of route options, ownership structures and other technical issues.

Telecommunications Services.

96. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources when all of the State will be broadband enabled; the reason Northern Ireland has attained broadband enablement well before the Republic; and if he will make a statement on the matter.
[3601/05]

120. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources the reason for the slow progress in regard to the provision of broadband facilities nationwide; and if he will make a statement on the matter.
[3616/05]

137. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources his targets and objectives in regard to the availability of broadband services countrywide by the end of 2005; and if he will make a statement on the matter. [3690/05]

150. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources his views on recent reports on the broadband deficit from Forfás and the Information Society Commission and on the high cost of broadband; and if he will report on the take-up of broadband by households and businesses for the three months up to the end of January 2005; and if he will make a statement on the matter. [3600/05]

162. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources his preferred options for the provision of broadband services countrywide, whether by way of cable, wireless, satellite or combination thereof; and if he will make a statement on the matter.
[3615/05]

164. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources the number of metropolitan area network fibre-optic rings that have now been constructed and opened; and the details on the level of activity on each of these networks to date. [3682/05]

289. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the provision of broadband services countrywide, whether by way of cable, wireless, satellite or combination thereof; and if he will make a statement on the matter.
[3952/05]

290. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason for the slow progress in regard to the provision of broadband facilities nationwide; and if he will make a statement on the matter.
[3953/05]

301. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his targets and objectives in regard to the availability of broadband services countrywide by the end of 2005; and if he will make a statement on the matter. [3965/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 96, 120, 137, 150, 162, 164, 289, 290 and 301 together.

The provision of broadband facilities is a matter in the first instance for the private sector companies operating in a fully liberalised market. A number of factors determine whether broadband is offered in any area, including the level of investment required by the service provider, the likely number of customers for the service and so on.

My Department's regional broadband programme is addressing the infrastructure deficit, in cooperation with the local and regional authorities. Under that programme high speed open access broadband networks that will be used by the private sector companies to offer services at competitive prices will be built in almost 120 towns and cities with a population of over 1,500. To complement that my Department also administers a group and county broadband scheme for areas of lower population. Nineteen metropolitan area networks, MANs, have now been completed and a further seven are at construction phase. Commercial traffic is already being carried on some of the completed MANs. The MANs are being independently managed on an open access basis by E-Net, which was awarded the management contract in mid-2004.

In the second phase of the programme, MANs will be built in a further 35 towns of 1,500 population and over, in association with the local authorities. To date, 29 group broadband scheme projects, involving an aggregated public funding of almost €500,000, have been approved by me. Recent figures from ComReg indicate that there are now more than 125,000 broadband customers and the figure is increasing by over 30% per quarter. Broadband prices have become more competitive. There are now more than 130 companies listed on the ComReg website as offering internet access and this must be taken as an indication of the growing level of interest in broadband and the growing level of competition in the market. The bulk of the increase in broadband growth is confined to a limited number of companies.

As a result of rapid developments in broadband technology in recent years it is now possible to obtain broadband connectivity almost anywhere using the most appropriate technology for the location, such as wireless, cable, satellite, leased lines and DSL. Although more than 84% of Irish broadband customers use DSL, not every telephone line is suitable for this technology and in such cases another technology must be considered. My Department supports multiple technology solutions and choice in carrier and technology. There are 1.4 million speed line telecommunication consumers in Ireland. We estimate that there are in excess of 125,000 true broadband consumers, almost 9% market penetration. This is up from around 1,000 in March 2003.

The incontrovertible facts are that we are the lowest cost country in the OECD for international broadband; our regional broadband pricing is now on a par with the best in Europe, after Government intervention, and the price of the basic broadband package is at the EU average. Ireland is also the fastest growing broadband economy in the EU. The proof of our quality and cost of broadband is in the continued inward investment here of companies like Google, Overture, Amazon and so forth.

There are 45 different broadband offerings across a variety of technologies. In essence, there are broadband technologies to reach any broadband consumer in Ireland right now. Our group broadband scheme — €25 million — is specifically targeting small and rural communities. I believe the industry target should be 500,000 real broadband consumers by the end of 2006. That represents more than one third of the telecommunications market. Internet penetration will continue to grow because broadband is not the only means of accessing the Internet.

The Government target is to be in the top 10% of OECD countries by the end of 2007. That means a market penetration rate of in the region of 14%. That target is within early reach.

The Government is as interested in broadband quality as broadband quantity. That is why it is funding high speed fibre optic networks in 120 towns and cities. No country in Europe is rolling out advance broadband infrastructure at this rate. The Government has also put a PPP, E-Net, in place to manage these ultra high speed, open access networks. These networks are capable of delivering broadband speeds of 20,000 to 100,000 times faster than some current market offerings. They are an investment in the future of broadband and the Government has committed €170 million to their construction. These networks do not duplicate existing infrastructure. They are fibre-optic networks and most existing networks are copper wire. We are also rolling broadband out to all schools in the country by the end of 2005. This involves 4,200 schools and 4,200 communities.

The role of Government is to create the right regulatory environment for operators in the private sector to flourish. The second role of Government is that of providing high speed open access infrastructure investment in parts of the country where the market is unlikely to make that investment. That is the rationale behind the metropolitan area network programme. The metropolitan area network programme is building advanced fibre-optic networks and linking the key business districts in about 120 towns throughout the country. These networks are the telecommunications equivalent of ring roads and should provide broadband infrastructural security in these towns and cities long into the next score years. Nobody else in the market is, or was, investing in this kind of long-term infrastructure. These networks will double the stock of high

speed fibre optic cable in the country by the end of 2007.

Digital Industries.

97. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources when responsibility for the digital hub project was transferred to his Department; and if he will make a statement on the matter. [2608/05]

126. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the costs which accrued to his Department in respect of the digital hub project; and if he will make a statement on the matter. [2609/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 97 and 126 together.

On 22 May 2001, the Government made an order transferring responsibility for the digital hub to the Minister for Public Enterprise whose functions regarding the hub were subsequently transferred to me. The hub provides state-of-the-art infrastructure to start up facilities for early stage, fast growth and established companies to undertake research and development into digital industries. It is based on a nine acre site in the Liberties area which was purchased at a cost of approximately €74 million. This figure includes €22 million spent on the former Media Lab Europe building which will remain in State ownership following the wind down of the lab.

There are now over 40 companies located there, employing more than 300 people, involved in a variety of areas including gaming, animation and mobile technologies. The hub also has social and community development aspects to its remit. The Diageo Liberties learning initiative, for example, has delivered 20 programmes involving more than 6,000 people, including 16 local schools, the wider community of the Liberties and the Irish digital media sector.

The digital hub uses an overdraft facility, secured by property in the hub, to meet its costs until its long-term development process is in place. These development plans will either take the form of a public private partnership or direct development by the agency itself. Borrowings require sanction from myself and the Minister for Finance. Annual running costs are approximately €2.5 million.

Question No. 98 answered with Question No. 72.

Port Development.

99. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources if he has been in contact with Dublin City Council to discuss the proposals from that authority for the development of a new urban area in the south docks area in Dublin; if the lands in question, which are used to store port container traffic, will be made available for such development; and the

body or person who will make a decision in this regard. [3681/05]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): Primary responsibility for this matter rests with my colleague, the Minister for the Environment, Heritage and Local Government. Issues relating to the use of land within the port estate are primarily a matter for the Dublin Port Company and I understand that the port company is in the process of preparing a formal submission to Dublin City Council on the framework plan for the Poolbeg peninsula and its implications for Dublin Port.

Aquaculture Development.

100. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources his plans to tackle cheap Norwegian salmon imports which are contributing to a crisis in the fish farming industry here; his views on whether production of Irish farmed salmon has dropped in recent years; the efforts he will make to revive this important industry; and if he will make a statement on the matter. [3579/05]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): Following a decade of continuous expansion, the salmon farming industry has faced a number of difficulties over the past three years. The most significant of these has been a 30% drop in product prices as a result of distortion to the international market. Coinciding with this, Irish salmon farms have experienced exceptional mortality levels during 2003 and 2004.

At a national level, higher than average levels of pancreas disease have resulted in considerable losses, while in south Donegal exceptional salmon mortalities were experienced during 2003 which caused a total loss of production on three farms. These difficulties have led to significant financial losses for the industry. Annual production has fallen from a high of 23,313 tonnes in 2001 to its current level of 14,067 in 2004. The farmed salmon industry is worth about €59 million annually to the national economy. This is some 30% lower, however, than the value of the industry in 2001, prior to the difficulties outlined above. The international market for farmed salmon has suffered significant trading difficulties in 2003 and 2004. This was caused primarily by the impact of low price imports of Norwegian farmed salmon to the Community market.

The European Commission has accepted that there is a real problem which is undermining the market for Community producers. The Commission introduced provisional safeguard measures in August 2004 which lapsed on 6 December 2004, after they had been referred to the Council. I have worked closely with the authorities in UK and with industry representatives to press for strengthened safeguard measures. As a result of our combined efforts it is hoped that

[Mr. Gallagher.]
safeguard measures will be applied to the salmon market in the near future.

These measures will involve a minimum import price and a tariff quota. The introduction of safeguards should have a positive impact on EU price levels and subsequently the overall profitability of the Irish farmed salmon sector. These safeguard measures may be challenged at EU level over the coming months and, accordingly, further work may be necessary to ensure their retention.

In addition to seeking a level playing field for our salmon farmers in the EU marketplace, I have asked the Marine Institute to prioritise research into the possible causes and most effective treatment regimes for addressing the current pancreas disease problems which are affecting the industry. Under the national development plan, grant aid is available to support investment in aquaculture and this aid is available towards investment that increases the competitiveness of the Irish salmon farming sector through lowering the unit cost of production. The combination of these measures should, over time, result in an improvement in the position of the Irish industry *vis-à-vis* its international competitors.

BIM will also step up its marketing effort by pursuing a strategy of differentiating Irish farmed salmon in the home and international market, through the use of the world class product quality assurance scheme already in place, together with increased niche marketing of the unique Irish organic salmon.

Broadcasting Legislation.

101. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources his preferred options for the development of radio communications in the context of the radio communications Bill; and if he will make a statement on the matter. [3611/05]

285. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the development of radio communications in the context of the radio communications Bill; and if he will make a statement on the matter. [3948/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 101 and 285 together.

The work involved in identifying and examining the various issues that need to be addressed in the context of a new radio communications Bill is at an early stage within my Department. I await the outcome of this work before making any decision on preferred options for inclusion within the proposed Bill.

Search and Rescue Service.

102. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources his views on current developments in the Irish Coastguard and maritime safety agency; and if he

will set a date for the provision of an emergency towing vessel service to protect mariners here and the Irish coastline; and if he will make a statement on the matter. [3602/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Officials in my Department are engaged in bringing together the safety services provided by the Irish Coastguard and the maritime safety directorate into a single body for greater co-ordination and more effective and efficient delivery of services. As part of this process, the closure of one of the three marine rescue co-ordination centres, one of a number of key recommendations of independent consultants Deloitte and Touche to develop the coastguard, is being advanced. The other recommendations made by the consultants will also be addressed as part of this process. Under the Government's decentralisation programme for the Civil Service, it is proposed to relocate the coastguard and maritime safety headquarters in Drogheda and this work is also being advanced now.

In regard to the provision of an emergency towing vehicle, I indicated in my reply to Question No. 418 on 26 January 2005 that the Department is examining how the recommendations of a working group on the matter can be progressed, having regard to the very significant costs involved. However, it is not yet possible to indicate when this examination will be complete.

Port Development.

103. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the discussions he has undertaken with the Department of Transport on the ability of Dublin roads to take the further traffic that will result due to the predicted future growth in traffic into Dublin Port, in view of the recent EIS for the widened M50 motorway which shows that the road will be heavily congested from the moment of its reopening; and the implications for the rail freight services which are provided at Dublin Port. [3680/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Primary responsibility for road and rail infrastructure rests with my colleague, the Minister for Transport.

In 2002, the new Department of Transport was established. While ports remained under the aegis of the Department of Communications, Marine and Natural Resources, the Department works closely with the Department of Transport on matters relating to transport policy, particularly those issues which have a direct or indirect effect on port services. To ensure balanced regional development, the programme for Government accorded full recognition to the importance of competitive access maritime transport. In particular, the Government committed to ensuring that our ports are equipped for the demands of our growing economy through investment and

development of seamless transport systems between all modes. This has been demonstrated, for example, by the Government investment in projects such as the Dublin Port tunnel and the Shannon Foynes access road.

The Government's ports policy statement was launched on 6 January 2005. It is available to view on the Department's website. The policy aims to better equip the port sector and its stakeholders to meet national and regional capacity and service needs. The policy statement highlights, *inter alia*, the substantial role of the commercial ports as part of the overall transport network and their reliance on landside transport connectivity. While recognising the close links that already exist, the policy statement commits to the necessity of intensifying co-ordination between the two Departments concerned to ensure effective integration of transport policy across all modes.

One of the key challenges ahead is the timely provision of adequate in-time port capacity. The internal resources of our commercial ports are not sufficient in general to fund large scale infrastructure projects. This is a significant challenge in view of the need for additional capacity at our ports over the coming years, particularly to cater for the growth in unities trade. The Department is initially consulting with the commercial ports concerned to determine their view of port capacity and how they intend to deal with the projected capacity requirement.

The Department is interested in key projects identified by the commercial ports as essential to deal with anticipated capacity deficiencies to 2014 and beyond. The Department will co-ordinate with the Department of Transport in evaluating such projects to ensure that an integrated transport policy approach is adopted.

Finally, one of the three lift-on, lift-off container terminals at Dublin Port, operated by Dublin Ferryport Terminals, is rail connected. Details of services provided are available from Dublin Port Company.

Question No. 104 answered with Question No. 81.

Special Areas of Conservation.

105. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if the practice of pair trawling in the Shannon Estuary special area of conservation is in compliance with the habitat directives here in view of the fact that the area is a resident site and calving area for bottlenose dolphins and in view of the recorded history of dolphin bycatch with pair trawling. [3673/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): While pair trawling does occur in the lower River Shannon candidate special area of conservation, SAC, I have been advised by the competent authority for the habitats directive, the Department of the Environment,

Heritage and Local Government, that the fishing effort is regarded as low and seasonal in nature with vessels pursuing mainly sprat during late autumn and winter in an outer portion of the SAC.

I understand that the main calving season for bottlenose dolphins in this SAC is in early summer and consequently pair trawling is not considered to present a significant threat in that regard. I have also been advised that, while some individuals may appear in the outer reaches of the SAC during the winter, the resident population appears to move into the inner reaches of the SAC during these months, taking them away from the area where pair trawling occurs. I will keep this matter under review, in consultation with the Department of the Environment, Heritage and Local Government.

Electricity Generation.

106. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources his views on recent proposals to lease out some ESB generating stations; his further views on whether the leasing of power plants may potentially dilute the value of the ESB; and if he will make a statement on the matter. [3593/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I intend to have a comprehensive and strategic review of the electricity sector undertaken as soon as possible. One of the main issues covered in this study will be an examination of the vertically integrated structure of the ESB, including its dominance in the power generation sector.

I am aware that the management of the ESB, in its recent discussions with the ESB group of unions, raised the option of divestment regarding some of the generation portfolio in the context of dealing with the dominance issue. The group of unions, in its published position statement of 14 January 2005, rejected this option. Clearly, the ESB's dominance in power generation is a critical issue in terms of developing competition in the market and ensuring that the electricity sector contributes fully to national competitiveness. The conclusion of the review, in due course, will assist in bringing clarity to the issue raised by the Deputy.

Policy relating to the proper development of sectors, which were traditionally served by dominant State enterprises, to support economic development and national competitiveness should not be unduly influenced by concern about the value of the said enterprises.

Inland Fisheries.

107. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources his views on the fact that the recently constructed weir on the River Nore at Kilkenny was allowed to be built even though it hinders the spawning of salmon; his further views on whether this may be repeated; and if he will make a statement on the matter. [3669/05]

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. Due to the impact the new installation was having on the passage of migrating salmon up river, the regional fisheries board and the engineering division of this Department offered technical expertise to address the problem.

I understand from the chief executive of the Southern Regional Fisheries Board that his staff, in co-operation with the engineers in this Department and the Office of Public Works, have installed a temporary extension to the fish pass to ameliorate the situation and allow for the passage of fish up river. I am also advised that a long-term solution is planned and it is expected will be designed and completed during low water in the summer months.

Mobile Telephony.

108. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the extent to which he has monitored the development of mobile phone technology; if he has given directions or instructions in this regard; when he expects state of the art technology to become available throughout the country; and if he will make a statement on the matter. [3665/05]

315. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has monitored the development of mobile phone technology; if he has given directions or instructions in this regard; when he expects state of the art technology to become available throughout the country; and if he will make a statement on the matter. [3982/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 108 and 315 together.

The provision of telecommunications services and the development and roll out of mobile phone technology is primarily a matter for the mobile industry itself. The telecoms market is fully liberalised and regulated by the Commission for Communications Regulation, ComReg, which is independent in the exercise of its functions.

As Minister with responsibility for policy in this sector, I welcome all new technology developments and progress. I welcome the introduction of more innovation and competition in the sector, the entry of new players and new product offerings from existing and new suppliers, which mean greater choice and lower prices for consumers.

Television Licence Fee.

109. **Mr. G. Mitchell** asked the Minister for

Communications, Marine and Natural Resources his plans for the distribution of the television licence reserve fund; the full extent of this fund at present; and if he will make a statement on the matter. [3574/05]

283. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans for the distribution of the television licence reserve fund; the full extent of this fund at present; and if he will make a statement on the matter. [3946/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 109 and 283 together.

The Broadcasting (Funding) Act 2003 provides for the preparation and administration of a scheme or schemes by the Broadcasting Commission of Ireland, BCI, to support the production of certain categories of new programmes on radio and television services. The BCI has drawn up a scheme and in accordance with section 2(1) of the Act has submitted it to me for my approval. The scheme will also require approval of the European Commission as a new state aid.

That Act provides that drawing up the detail of any scheme along with its administration are matters for the BCI. Accordingly, once a scheme has been approved it is a matter for the BCI to determine when applications can be made, the manner in which awards are made and the resources to be devoted to administering the scheme. At the end of 2004 almost €17.5 million had been paid into the fund.

Fishing Fleet Modernisation.

110. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the level of State finance that was provided over the past five years to support the building of new fishing vessels; the number of new vessels which were built to operate in the new deepwater fisheries that opened up in recent years; and the level of State support for these vessels. [3679/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The programme for the renewal of the whitefish fleet was introduced in 1998 as part of the Operational Programme for Fisheries 1994-1999. The programme was operated by Bord Iascaigh Mhara and included grant aid for the introduction of new and modern second-hand whitefish vessels, modernisation of existing vessels and safety grants.

Under the programme 29 new vessels were grant aided, ranging in size from nine metres to 37 metres in length. The total investment cost of these vessels was €48.2 million and this cost was supported by grant aid of €13.16 million consisting of €7.36 million in State aid — 25% of eligible costs — and €5.8 million in EU, FIFG, aid — 20% of eligible costs. Building on the success of the whitefish renewal scheme, a further

measure, the fishing fleet development measure, was introduced as part of the NDP Operational Programme for Fisheries 2000-2006.

Under the fishing fleet development measure, which was also operated by BIM, 35 new vessels ranging from nine metres to 37 metres in length were approved for grant aid with an estimated investment of €55 million. Total grant aid approved was €14.38 million consisting of €1.80 million in State aid, 5% of eligible costs, and €12.58 million in EU-FIFG aid, 35% of eligible costs. By 1 February 2005, 32 of these vessels have been delivered with the remaining three expected in the next two months to complete the measure.

Deep sea quotas were introduced for the first time in 2002. Revised quotas for 2005 and 2006, involving cuts of 15%, were agreed at last December's Council. Total allowable catches, TACs, and quotas were also introduced for a number of additional deep sea stocks at the December Council. In addition, a closed area off the west coast was put in place in respect of the orange roughy fishery. These measures are being introduced with the intention of providing for a sustainable deep sea fishery into the future. In respect of the stocks subject to TACs, most of which are high value, the Irish fleet has quotas of 2,954 tonnes available to it in 2005. On the basis of these allocations and additional opportunities for other non-quota stocks, the deep sea fishery remains important to the Irish fleet.

Of the 21 vessels over 24 metres in length, only two were specifically designed with the capacity to target exclusively deep water species. Both vessels, however, retain all the attributes and equipment required to allow them also target traditional, non-deep water stocks. All the vessels introduced were replacing vessels in the fleet and, as such, did not add capacity to the fleet. They were introduced to enhance the operational efficiency, competitiveness and safety of the whitefish fleet in respect of both traditional quota stocks and new species.

I am satisfied that the investment in the whitefish fleet has enabled this sector to meet the challenges facing it, that it will ensure the maximum value is obtained from fully exploited volume restricted fisheries and that it has promoted the development of the important deep sea fisheries and more selective fishing technologies.

Electricity Generation.

111. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources his views on the recent European Commission report on the internal market for gas and electricity here and on the December 2004 EURO-STAT figures on electricity prices; if his attention has been drawn to the fact that the report clearly refers to the high costs of using the electricity network; the action he intends to take in view of this report; and if he will make a statement on the matter. [3594/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am aware of the report and statistics referred to by the Deputy.

I have no function in electricity network costs. This is a matter which falls within the statutory responsibility of the Commission for Energy Regulation.

Post Office Network.

112. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources his views on recently published submissions from the Irish Postmasters Union relating to financial supports for postmasters and the local post office network to enable the retention of a viable network across the country and the full discharge of the public postal service obligation; and if he will make a statement on the matter. [3605/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): This Government and the board of An Post are committed to the objective of securing a viable and sustainable nationwide post office network as set out in the programme for Government. I have met with the Irish Postmasters Union and listened with interest to its views on the future development of the network. My officials continue to be in regular contact with the management of An Post to assist with securing and developing our post office services.

The post office network has been the subject of a number of studies and reviews in recent years. Many of the recommendations arising from these reviews have been implemented, with particular regard to winning new business, including extra banking and new utility business. The Government has already provided an equity injection of €12.7 million for An Post to facilitate the modernisation of the post office network. The equity injection was paid to the company in 2003.

With regard to the recent publications from the Irish Postmasters Union concerning financial supports for postmasters, this is primarily a matter for the company and the Irish Postmasters Union. However, I understand the Flynn review recommended increases for postmasters of between 12% and 19%, with effect from January 2001. These increases have been fully implemented as have national pay awards, where applicable, with the exception of Sustaining Progress, for which the company has pleaded inability to pay. Contracts in place between An Post and members of the Irish Postmasters Union are of a commercial nature and are based, in most instances, on the level of transactions carried out by individual offices.

There is widespread recognition that the best strategy to sustain the network is for An Post to continue adapting to its customer needs within the financial constraints in which it now finds itself. In this regard I have asked the Irish Postmasters Union and An Post to work in partnership to maximise their efforts to secure the exist-

[Mr. N. Dempsey.]
ing business and to pursue new business at every available opportunity.

Garda Investigations.

113. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources if he has received any report from the Garda into allegations of irregularities in the fishing industry in Killybegs, County Donegal; if so, the main conclusions of the report. [3586/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The matters to which the Deputy refers to are the subject of investigations by the Garda Síochána. The timeframe for this investigation is a matter for the Garda Síochána. I have received no report about these investigations. It would be inappropriate for me to comment further or make a statement at this time.

Inland Fisheries.

114. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the estimated size of the wild salmon stock on the rivers Liffey and Boyne; the fish counting and measures which are planned on each river to return the stocks to sustainable conservation levels; and his estimate of the number of salmon returning to these rivers which will be intercepted in driftnets to the north, west and south of the country. [3674/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under the Fisheries Acts, primary responsibility for the conservation and management of salmon stocks rests with the relevant regional fisheries board, which in this case is the Eastern Regional Fisheries Board. I am advised by the board that data on the total run of salmon into the rivers Liffey and Boyne are provided by counters managed by the board and the Marine Institute. Information gathered by the board under the national salmon carcass tagging and logbook scheme provides an accurate estimate of both the commercial catch and rod catch. A measure of the number of salmon from the Boyne and Liffey which are caught in fisheries outside their districts is available from the Marine Institute's national coded wire tagging and tag recovery programme.

I am advised by these agencies that, from these data, the total stock returning to the Boyne in 2004 was estimated at 7,933 salmon, of which 23% was captured by commercial nets and 11% were caught by rod and line within the district, and 22% may have been captured by commercial nets outside the district.

I am further advised that the total stock returning to the Liffey in 2004 was estimated at 992 salmon. The river is fished very little for salmon and almost no commercial fishing takes place. Less than 25 salmon were taken by all

means in 2004. It is estimated that some 16% of returning salmon may have been captured by commercial nets outside the fishery district.

I rely upon the advice of the National Salmon Commission and the regional fisheries boards' managers in determining the conservation and management measures, including the district quotas for the commercial salmon catch necessary to protect salmon stocks and which are implemented under the wild salmon and sea trout tagging scheme. The National Salmon Commission and the fisheries managers have yet to complete their review of the scheme's operation in 2004 and finalise recommendations for the operation of the scheme in 2005. These recommendations, which may include specific measures aimed at restoring the more vulnerable stocks to sustainable levels, will be finalised towards the end of February. It is my intention to meet with the National Salmon Commission and receive its advice at that time.

I will consider fully all of the measures recommended to me by the National Salmon Commission and the fisheries managers within the context of the Government's current strategy, which is to develop a sustainable commercial and recreational salmon fishery through aligning catches on the best available scientific advice.

Fishing Industry Development.

115. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources the research he conducts on the final destination and use of fish stocks caught by the Irish fleet; his estimate of the percentage of the blue whiting catch in 2004 which was sold to be processed for human consumption and the percentage which was sold for processing for other uses. [3677/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The market development division of Bord Iascaigh Mhara, BIM, is responsible for the market development of the Irish seafood sector. To this end it monitors both the species and market sectors into which Irish seafood is sold. It compiles statistics on the market and in particular comprehensive data are available on the Irish market, which is considered the most important market for Irish seafood. These data are broken down into fresh and frozen fish either whole or filleted and also on a geographical export-import basis. The overseas offices of BIM in France, Germany and Spain also liaise on an individual basis with buyers.

Provisional data available to me for 2004 indicate that 27% of the total landings of blue whiting were for human consumption while 73% of the landings were sold for fishmeal. I secured a substantial increase in the quota for blue whiting for 2005 and I have asked Bord Iascaigh Mhara, BIM, in conjunction with the industry, to work on developing a significant human consumption market for vessels landing blue whiting into Irish ports to maximise the benefits of this fishery. To

this end BIM and the industry are exploring ways of developing this market.

I understand that initial market investigations have indicated that the Chinese market for blue whiting is good and that significant quantities of blue whiting were exported to China in 2004. I am confident that this will remain positive for 2005 and that further investigation for market possibilities for blue whiting in Africa and eastern Europe will further boost the processing sector.

Postal Services.

116. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has received communication from or given directions to An Post in the matter of the future of the postage, sorting and distribution services throughout the country; if he has received any information regarding the future use of post offices and sub-post offices; and if he will make a statement on the matter. [3563/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Since taking office, I have met the chairperson and the chief executive of An Post and with the board of An Post. I have also met union representatives. Departmental officials meet with An Post management on a monthly basis to be updated on significant issues. I am advised on the outcome of the monthly meetings.

With regard to the future of postal services throughout the country, there is agreement that change is required if the postal services of An Post are to adapt to the changing environment and to continue to offer a good service to the customer. To progress the change agenda, an exhaustive process of negotiation between An Post management and An Post trades unions has taken place over the last year. In particular, negotiations between company management and the Communications Workers Union, under the auspices of the Labour Relations Commission, were ongoing for most of 2004 but to date, despite much good work, the negotiations have not been brought to a successful conclusion. To keep up the momentum of the process and in an effort to resolve all remaining difficulties, the outstanding issues on collection and delivery arrangements will come to the Labour Court for hearing on 7 February with a view to agreeing a way forward in implementing a recovery strategy aimed at returning the company to a secure financial footing.

The challenge is for both sides to redouble their efforts to agree to put in place and to manage the changes necessary to enable An Post to thrive in an increasingly competitive marketplace. Its efforts in this regard will have the support and assistance of the State's industrial relations machinery.

With regard to the future of the post office network, this Government and the board of An Post are committed to the objective of securing a viable and sustainable nationwide post office net-

work as set out in the programme for Government. I have met the Irish Postmasters Union and listened with interest to its views on the future development of the network. My officials continue to be in regular contact with the management of An Post to assist with securing and developing our post office services.

The post office network has been the subject of a number of studies and reviews in recent years. Many of the recommendations arising from these reviews have been implemented, with particular regard to winning new business, including extra banking and new utility business.

There is widespread recognition that the best strategy to sustain the network is for An Post to continue adapting to its customer needs within the financial constraints in which it now finds itself. In this regard I have asked the Irish Postmasters Union and An Post to work in partnership to maximise their efforts to secure the existing business and to pursue new business at every available opportunity.

Offshore Exploration.

117. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources the main implications of the new exploration licensing round off the west coast of Ireland; the extent of interest in the licensing round to date; the type of developments he envisages may result from the round; and if he will make a statement on the matter. [3598/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In January, I announced some details of a new licensing round in the Slyne, Erris and Donegal basins off the west and north-west coast. I will announce further details at the end of next month. This is the second phase of a policy to open areas with exploration potential — the first phase is the licensing round in the north-east Rockall basin, which closes on 31 May 2005.

The acreage on offer in the Slyne, Erris and Donegal basins will cover an area of approximately 25,000 sq. km. The hydrocarbon potential of the area has been illustrated by the Corrib gas field, which is undergoing development. This constitutes a new opportunity for exploration in an area that remains under-explored. The infrastructure of the Corrib field could significantly reduce the development cost of any further commercial discoveries in the area.

It is too early at this stage to gauge the level of interest in the licensing round. The closing date of the licensing round is 15 March 2006 and the area will remain closed until then. The level of interest in the licensing round will become more apparent as we approach that date.

Digital Industries.

118. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the plans for the replacement of the anchor tenants at the digital hub; if he expects to be in a

[Mr. P. Breen.]
position to recoup any or all of the State's liability arising therefrom; and if he will make a statement on the matter. [3363/05]

124. **Mr. J. Higgins** asked the Minister for Communications, Marine and Natural Resources if he will report on contact between his Department and the board of a company (details supplied) before the announcement of the decision to close the research centre in the digital hub. [1461/05]

272. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if, in view of his previously expressed confidence in the digital hub concept, he expects to be in a position to identify a replacement anchor tenant; if Government expenditure to date is likely to be recoupable; and if he will make a statement on the matter. [1565/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 118, 124 and 272 together.

MediaLab Europe, MLE, was formed by an agreement between the State and the Massachusetts Institute of Technology, MIT, 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. The Government has met all its contractual obligations arising from the venture.

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 significantly in recent times due to MLE being unable to raise the necessary sponsorship and corporate income required and as envisaged in its business plan.

In February 2004, the Government liaison committee, GLC, made up of Departments with an interest in the MLE operation, wrote to the board of 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. This included detailed independent assessment of MLE's strategic plan and its progress towards achieving its high level objectives; discussions with the relevant Departments; discussions with the research and educational agencies and third level institutions; discussions with the business and development agencies; direct negotiations with MIT; and discussions with the board and executive of 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 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; improved corporate governance in accordance with general guidelines for State bodies; 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 to establish what the research focus, structure and objectives of the new entity should be.

Drawing on the results of the consultation, the 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.

Broadcasting Services.

119. **Mr. English** asked the Minister for Communications, Marine and Natural Resources his preferences in respect of the future of the public and private broadcasting sectors; and if he will make a statement on the matter. [3661/05]

134. **Mr. Hayes** asked the Minister for Communications, Marine and Natural Resources his plans for the development of broadcasting services, with particular reference to both the public and private sectors; and if he will make a statement on the matter. [3662/05]

136. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources his preferred options in respect of the most desirable role to be played by both the public and private broadcasting sectors; and if he will make a statement on the matter. [3660/05]

311. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options in respect of the most desirable role to be played by both the public and private broadcasting sectors; and if he will make a statement on the matter. [3977/05]

312. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferences in respect of the future of the public and private broadcasting sectors; and if he will make a statement on the matter. [3978/05]

313. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans for the development of broadcasting services with particular reference to both the public and private sectors; and if he will make a statement on the matter. [3979/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 119, 134, 136 and 311 to 313, inclusive, together.

I refer to my reply to Question No. 137 on 21 October 2004. I am of the opinion that Irish viewers will be best served by a broadcasting environment that includes a strong public service broadcasting presence in the form of RTE and an independent TG4, together with private broadcasters. Digital television offers opportunities for Irish viewers to avail of an increased number of broadcasting services, including new services of particular relevance or interest to Irish audiences. An indication of this is the fact that the Broadcasting Commission of Ireland has licensed a number of new television services in recent months.

Question No. 120 answered with Question No. 96.

Fishing Industry Development.

121. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources his views on whether the fact that the quota management system here is based on statutory regulations rather than being regulated by industry management as in other EU countries causes more difficulty for Irish fishermen; and if he will consider changing the system to one which is clearly more flexible to operate. [3686/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under the current management system for our quotas, officials from this Department meet industry representatives at the start of the year, and on a monthly basis thereafter, to discuss how best to manage the quotas available to us. On the basis of these discussions, management regimes are agreed and implemented for the individual stocks. The guiding principles of this process have been to ensure that fisheries remain open, even where the available catch is very limited due to the size of the quota, and that Ireland fulfils its legal obligations to effectively enforce fisheries regulations and conservation measures.

I recognise that our current arrangements for quota management have been in place for many years and require review and adjustment. We need to take account of the substantial investment, with grant aid support, that has taken place in recent years and the reality that the current system was put in place at a time when our whitefish quotas were significantly higher. I am committed to a root and branch review of how we manage our whitefish quotas.

I intend to have an independent economic assessment undertaken of the fishing possibilities which are available to our whitefish fleet and comparing this with the fishing opportunities that will be required to ensure a long-term viable future for our whitefish fleet. This study will review the quota management system taking into account the views of the sector and systems in operation in other countries. It will then make recommendations on the options for change, taking account of our fleet structure and fishing possibilities.

This study will inform the level and nature of changes which we will need to bring to our quota management system and our future fleet policies for the whitefish fleet. I will fully involve the industry representatives in how we take the recommendations forward.

Television Licence Fee.

122. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources the main conclusions of the recent consultants report commissioned by his Department into the way in which RTE uses licence fee money; his views on whether RTE is using the licence fee revenue to suppress advertising rates in order to keep the competition under constant revenue pressure; and if he will make a statement on the matter. [3578/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government decision of December 2003 to increase the cost of a television licence by €2 required that the Minister for Communications, Marine and Natural Resources arrange for an external review on the impact on all broadcasters of the licence fee paid by the public to RTE, with particular emphasis on the advertising market. That review was carried out in October-November 2004 by a team of independent consultants headed by a London based firm, Europe Economics, and included Irish firms Curtin Dorgan Associates and PricewaterhouseCoopers.

Shortly after I received the independent consultants report I brought the report to the attention of Government and then published it. I have arranged for a copy of the report to be forwarded to the Deputy. It is also available on the Department’s website at <http://www.dcmnr.gov.ie/Home/Broadcasting/Latest+Broadcasting+News.htm>.

Having regard to the report’s conclusions, I do not propose taking any further action in the matter.

Postal Services.

123. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if he will report on the publication of the Postal (Miscellaneous Provisions) Bill 2001 and on recent industrial relations at An Post; and if he will make a statement on the matter. [3604/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Postal (Miscellaneous Provisions) Bill which was published in 2001 provides for the issue, sale and disposal of shares in An Post in the context of an employee share ownership plan, ESOP, and possible strategic alliance. The Bill also contains ancillary provisions arising out of a possible change of ownership.

The financial and industrial relations environment in An Post has changed substantially since 2001. Following operational losses of almost €43 million in 2003, the An Post board approved a recovery strategy for the company. The implementation of the recovery strategy is contingent on agreement with the trades unions to radical restructuring. Negotiations have been ongoing with the trades unions for over a year now and critical aspects will shortly be moving to the Labour Court for final determination.

With the IR situation in An Post at a delicate and critical stage, it would seem prudent to defer consideration of the issues provided for in the Bill until a resolution is found to the IR issues. For this reason, a decision has been taken, in conjunction with the Chief Whip, to withdraw the Bill from the Dáil Order Paper.

Question No. 124 answered with Question No. 118.

125. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources his views on the proposed introduction of postcodes to the whole of Ireland; and if he will make a statement on the matter. [3603/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am favourably disposed towards the introduction of postcodes because of the case made that a national postcode system would offer significant potential benefits for the postal business, for public utilities, for business and for consumers. Since coming to office I have directed that a full examination of the issue be progressed and my final decision will be based on this examination.

The Commission for Communications Regulation, whose remit includes postal issues, produced a report just recently which followed a consultative process held in November 2003. The report is broadly favourable to the introduction of a postcode system and is a useful contribution to the debate on the issue. My Department is at present examining the matter in conjunction with a small working group comprising representatives from An Post, the Commission for Communications Regulation, private postal operators and the Department of the Environment, Heritage and Local Government. That group will report to me by the end of March and I will then be in a position to decide on what further action is needed on the postcode issue.

Question No. 126 answered with Question No. 97.

Electricity Generation.

127. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources if he will provide the latest available figures on sources of energy in the generation of electricity in the State, namely the percentage of the total of electricity produced from oil, coal, natural gas, peat, hydro-energy, wind energy, solar energy and all other sources; and if he will make a statement on the matter. [3599/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The information sought by the Deputy is set out in the following table.

	%
Coal	26.51
Peat	10.36
Oil	11.88
Gas	47.08
Hydro	1.02
Wind	0.78
Landfill Gas	0.33
Bio Gas	0.04
Imports	2.00

Source: Sustainable Energy Ireland.

Broadcasting Services.

128. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources the extent to which he expects TG4 to proceed on a stand-alone basis in the future; and if he will make a statement on the matter. [3573/05]

282. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he expects TG4 to proceed on a stand-alone basis in the future; and if he will make a statement on the matter. [3945/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 128 and 282 together.

I refer the Deputies to my reply to Question No. 114 of 3 February 2005.

Communications Masts.

129. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources the reason there is no local or national register of the location of mobile phone masts; and if ComReg will ensure that such information becomes publicly available. [3675/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The national register of the location of mobile telephone masts is available on the website of the Commission for Communications Regulation, ComReg, at www.comreg.ie, called "site viewer". The site viewer uses a database of national

mobile phone base stations and is accessible to the public.

Telecommunications Services.

130. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources if he will commit his Department to a timeframe for the completion of negotiations with mobile phone operators on the subject of lowering costs of SMS messages for deaf and moderately deaf persons; and if he will make a statement on the matter. [3569/05]

279. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he will commit his Department to a timeframe for the completion of negotiations with mobile phone operators on the subject of lowering costs of SMS messages for deaf and moderately deaf persons; and if he will make a statement on the matter. [3941/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 130 and 279 together.

Discussions are ongoing between my officials and the mobile phone operators about the costs of SMS messages for deaf and moderately deaf persons. I also understand that the mobile operators are in discussions with the national associations representing deaf people on how products and services can be enhanced for deaf people. I hope to be in a position to make an announcement on the outcome of these discussions soon.

Proposed Legislation.

131. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources his plans as outlined in the programme for Government in respect of the Minerals Development Bill; and if he will make a statement on the matter. [3612/05]

286. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans as outlined in the programme for Government in respect of the Minerals Development Bill; and if he will make a statement on the matter. [3949/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 131 and 286 together.

The programme for Government includes the commitment that we will consolidate the Minerals Development Acts. The Minerals Development Acts 1940 to 1999 comprise five primary measures and a number of regulations have been made thereunder. Consolidation is certainly advisable, therefore, in the interests of better regulation. However, experience in the past 20 years since the last major minerals Act was passed has shown that the legislation also needs updating and amending to address problems and changes in policy and environment which have arisen and to streamline the permitting process.

Policy in this area has been under review in my Department for some time and legal advice has been sought on a number of complex issues which it is hoped can be addressed in new legislation. Any such provisions will have to be carefully considered to uphold the constitutional protection of private property rights. I hope to be in a position to bring forward proposals later this year but this will be contingent on satisfactory resolution of legal issues and will require extensive prior consultation with a wide variety of stakeholders.

Mobile Telephony.

132. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources if he has received any communications from ComReg which would indicate any breach in health or safety standards arising from the use of hand-held mobile telephones or communications masts, with particular reference to non-ionising radiation; and if he will make a statement on the matter. [3637/05]

296. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received any communications from ComReg which would indicate any breach in health or safety standards arising from the use of hand-held mobile telephones or communications masts, with particular reference to non-ionising radiation; and if he will make a statement on the matter. [3960/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 132 and 296 together.

In June 2003, my Department instigated an extensive communications site survey programme to measure non-ionising radiation from telecommunications mast sites, which was carried out by the Commission for Communication Regulation, ComReg, during 2003 and 2004. The total number of sites surveyed was 401. Not one of these sites was found to be in breach of international guidelines. Details of the results of this survey are available at the ComReg website, www.comreg.ie.

My Department to date has not received any communication from ComReg which would indicate any breach of health or safety standards arising from this survey or from mobile telephones.

133. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with ComReg arising from the recently published Stewart report; and if he will make a statement on the matter. [3638/05]

149. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources if he has studied the contents of the Stewart report in regard to mobile telephone safety; and if he will make a statement on the matter. [3640/05]

297. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with ComReg arising from the recently published Stewart report; and if he will make a statement on the matter. [3961/05]

299. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has studied the contents of the Stewart report in regard to mobile telephone safety; and if he will make a statement on the matter. [3963/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 133, 149, 297 and 299 together.

The independent expert group on mobile phones, IEGMP, chaired by Sir William Stewart, was set up in 1999. It issued its report, *Mobile Phones and Health*, in May 2000. This report is commonly referred to as the Stewart report. There have been numerous reports since then. The remit of IEGMP was to consider present concerns about the possible health effects from the use of mobile phones, base stations and transmitters; to conduct a rigorous assessment of existing research; to give advice based on the present state of knowledge; to make recommendations on further work that should be carried out to improve the basis for sound advice.

The Stewart report provides information on the interaction of radiofrequency fields with tissues. It examines epidemiological — human health — studies, research on cells in culture, experimental animals as well as on volunteers, and concerns about the use of mobile phones and driving. It also describes the operation of mobile phones and reviews recommendations on exposure standards for RF radiation.

The main conclusions on health effects in the Stewart report can be summarised as follows: exposure to RF radiation below guidelines does not cause adverse health effects to the general population; there is some scientific evidence which suggests that there may be biological effects occurring at exposures below these guidelines; biological effects do not necessarily result in health effects; gaps in knowledge justify a precautionary approach to the use of mobile phone technologies until much more detailed and scientifically robust information on any health effects becomes available; there are possible indirect effects on well being in some cases; drivers should be dissuaded from using either hand-held or hands-free phones whilst on the move.

My Department has had discussions in general with ComReg about compliance with the global limits for non-ionising radiation established by the International Commission for Non-Ionising Radiation Protection, known as the ICNIRP guidelines, and not in regard to specific individual reports.

Question No. 134 answered with Question No. 119.

Telecommunications Services.

135. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to a recent European Commission report showing that consumers here are paying some of the highest Internet rates in Europe; if his attention has been drawn to the Commission's concern that Ireland's Internet provider market is not sufficiently competitive; if he plans to take any action in this regard; and if he will make a statement on the matter. [3582/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The regulation of telecommunications operators is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications (Regulation) Act 2002 and regulations made under the EU regulatory framework for electronic communications.

I understand, following consultation with the Deputy by my officials, that the article to which the Deputy refers deals with the cost of local loop unbundling. ComReg has undertaken a number of initiatives to improve local loop unbundling and stimulate competition. These include consulting on the potential reduction of the wholesale price for line share, the use of a phone line for broadband while Eircom keeps control of the phone line for calls — ComReg has suggested that the price of this should be reduced from €9 to €0.39; directing Eircom, in January 2005, to commence work on development of improved processes which will allow other operators to offer effective voice and broadband products on their own infrastructure using LLU. The acceleration of local loop unbundling should stimulate improved competition and, thus, better prices for consumers

Question No. 136 answered with Question No. 119.

Question No. 137 answered with Question No. 96.

Electricity Generation.

138. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the latest ESB generation adequacy report which states that there may be a significant shortage of power stations in years ahead if the ESB and other electricity companies do not improve the reliability of their plants; the consequences he foresees should such a situation arise; if there are any measures he can take to prevent this; and if he will make a statement on the matter. [3581/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am aware of the recently published fourth generation adequacy report 2005-2011, published by the transmission system operator, as referred to by the Deputy. The findings of this statutory annual report inform and augment policy developments in this area. The report looks at different scenarios to identify any potential gap between generating capacity and demand and consequences arising. The reliability of the generation plant is the key variable which distinguishes these scenarios.

The CER, in conjunction with the ESB, ESB national grid and my Department, is assessing the generation adequacy report findings to consider how any potential shortfalls in generation capacity between now and 2009 can be mitigated. An ESB plant productivity programme is already in place to enhance its availability. To ensure that the programme delivers, the CER will impose penalties for failure to deliver on a progressive basis. In the event that the ESB cannot meet availability targets, the CER will explore the feasibility of extending the short-term capacity measures already in place to meet peak demand. These include the use of temporary peaking plant and increased use of the North-South interconnector.

In the medium term, significant committed new thermal generation capacity of up to 532MW is scheduled to be brought on stream during late 2005 and 2006 by Aughinish Alumina Limited and Tynagh Energy Limited. In addition, Viridian Huntstown Power Limited, has announced its intention to proceed with a second new 400MW generating station at Huntstown. Plans are in train to construct a second North-South interconnector. In addition, the Government has given approval to proceed with the development of two 500MW electricity interconnectors between Ireland and Wales. When operational, these interconnectors will further enhance security of electricity supply. With the development of an all-island energy market capacity benefits should also accrue.

In forthcoming regulations to implement the electricity directive, 2003/54/EC, the statutory role of monitoring security of electricity supply will be formally assigned to the CER. The CER will be empowered to take any measures necessary to protect security of supply. In particular, it can host a competition to acquire the necessary generation or it can direct the TSO, ESB or any licensed undertaking to undertake any arrangements that the CER considers necessary to protect security of supply.

Mobile Telephony.

139. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to a recent report in Britain into mobile phone use which indicates that the health risks of mobile phones have been

underestimated by most scientists; if, in view of this report, he is considering issuing specific instructions on the health risks attached to mobile phones; if he plans to initiate any such investigation here; and if he will make a statement on the matter. [3592/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department maintains a watching scientific brief on health issues relating to non-ionising radiation, including mobile telephony. The Department's involvement in matters concerning the health effects of non-ionising radiation, which includes radio frequency emissions from mobile phone base stations, is guided by advice from national and international health authorities which include the World Health Organisation of the United Nations.

Mobile telephones are in use internationally. The limits for non-ionising radiation are global limits established internationally by the International Commission for Non-Ionising Radiation Protection, ICNIRP. There is no scientific evidence to date that exposure up to these limits is damaging to health. Accordingly, I do not propose at this time to issue specific instructions on the health risks attached to mobile phones or to initiate such an investigation. My Department will continue to liaise with the appropriate international bodies to ensure that the standards operating in Ireland comply with the ICNIRP guidelines.

Television Licence Fee.

140. **Ms Lynch** asked the Minister for Communications, Marine and Natural Resources the reasons behind the decision to grant an increase of €3 in the television licence fee from 1 April 2005; and if he will make a statement on the matter. [3585/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): When the Government agreed to an increase in the level of the television licence fee in December 2002, it was a condition of that increase that the level of the licence fee would be subject to an annual adjustment using a consumer price index, CPI, minus X formula, following an independent annual review of RTE's performance in the previous year. The second such annual review was carried out by independent consultants PricewaterhouseCooper in October-November 2004.

The report's key findings were that RTE performed strongly in the programming, financial management and commercial areas. The report also found that there is a scope for some improvement in the company's approach to change management but was positive about what has been achieved to date. Full details of the report are available on my Department's website <http://www.dcmnr.ie>.

Having considered the report, I decided to increase the cost of a television licence fee by €3,

[Mr. N. Dempsey.]
2%, with effect from 1 April 2005. This will bring the cost of a television licence from €152 to €155.

Telecommunications Services.

141. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources if he has issued instructions or directives to combat Internet or mobile phone pornography; and if he will make a statement on the matter. [3645/05]

305. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has issued instructions or directives to combat Internet or mobile phone pornography; and if he will make a statement on the matter. [3969/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 141 and 305 together.

Legislation to combat illegal pornographic material is already in place. It is an offence under section 13 of the Post Office (Amendment) Act 1951, as amended by the Postal and Telecommunications Services Act 1983, to send by phone any message or other matter that is grossly offensive or of an indecent, obscene or menacing character. It is also an offence under section 10 of the Non-Fatal Offences Against the Person Act 1997 to harass a person by use of any means, including by use of a telephone. My colleague, the Minister for Justice, Equality and Law Reform, is responsible for policy regarding the protection of children from the transmission of pornographic images by phones and other media. Anyone who has information on these matters should bring it immediately to the attention of the Garda Síochána for criminal investigation.

142. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources the policy directives he has given to the communications regulator in regard to targets relating to the provision of broadband services throughout the country; and if he will make a statement on the matter. [3689/05]

300. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the policy directives he has given to the communications regulator in regard to targets relating to the provision of broadband services throughout the country; and if he will make a statement on the matter. [3964/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 142 and 300 together.

In March 2004, my predecessor, Deputy Dermot Ahern, under section 13 of the Communications Regulation Act 2002, issued policy directions to the Commission for Communications Regulation, ComReg, including one on broadband. This direction required Com-

Reg to use regulatory and enforcement tools, where necessary and subject to relevant requirements under European and national law, to support initiatives to develop broadband and remove regulatory barriers, if any exist, to such initiatives. ComReg was required to have a particular focus on the residential and SME sectors, balanced regional development and potential for broadband provision on alternative platforms. The goal set for ComReg was to be at, or better than, the EU 15 average, excluding accession countries, for end-user access to, and usage of, broadband by mid-2005.

In its latest report on the policy directions, ComReg has reported that there were more than 114,000 DSL customers as of December 2004, an increase of over 50% in the previous three months. There are, in addition, around 16,000 other broadband connections provided through a mixture of wireless and leased line applications.

While the primary technology deployed here, DSL, which, incidentally, is that in use generally across Europe, will not be available to 100% of the population, other technologies such as fixed wireless access and satellite will extend the coverage. Overall levels for coverage of broadband now exceed 75% and are in line with the European average as outlined in the March 2004 policy direction. In the future, the acceleration of local loop unbundling should stimulate improved broadband offerings.

In addition, initiatives by the operators to supply broadband are being supplemented by a range of Government initiatives, including metropolitan area networks, MANs, schools broadband and community broadband. ComReg is working closely with the appropriate parties on all these initiatives.

Marine Safety.

143. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources the number of prosecutions that have been taken on foot of hoax calls to the Irish Coastguard; and if he will make a statement on the matter. [3670/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The prosecution of hoax calls received by the Irish Coastguard is a matter for the Commissioners for Communications Regulation, ComReg, and the Garda Síochána. The Coastguard co-operates closely with Eircom emergency services, ComReg and the Garda Síochána in efforts to identify hoax callers and prosecute where possible. The Coastguard is aware of two cases where callers were identified and information passed to the Garda Síochána led to prosecutions.

Hoax calls are received by the Coastguard both on the 999/112 emergency telephone system and on the marine radio communications network. Analysis of calls since 2000 indicates a gradual decline in the numbers received:

Year	Hoax Calls
2000	54
2001	28
2002	30
2003	30
2004	23

Coastguard rescue co-ordination centres must treat every emergency call as real until it can be positively identified as hoax. In some instances these hoax calls result in the launching of search and rescue assets such as coastal search teams, cliff rescue units, lifeboats and helicopters. During hours of darkness and in bad weather conditions the lives of search and rescue personnel can be at risk. The Coastguard uses internal procedures to eliminate the hoax calls at an early stage. Some are blatantly nuisance calls but do take up the search and rescue co-ordinator's time and occupy emergency 999/112 high priority telephone lines.

Inland Fisheries.

144. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he has met with anglers' representatives to discuss the damage caused by drift net fishing to salmon stocks; and if he will make a statement on the matter. [3672/05]

157. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources if it is his intention to enter into any discussions with fishing representatives and unions concerning the issue of drift nets in view of the reduction of Irish stocks of wild Atlantic salmon; and if he will make a statement on the matter. [3580/05]

267. **Mr. Healy** asked the Minister for Communications, Marine and Natural Resources asked the Minister for Communications, Marine and Natural Resources if he will introduce a change in policy to stop drift net fishing in view of the fact that this county faces the complete extinction of its natural salmon species, that only 10% of minimum spawning requirement now exists in the River Suir, for example, and that the restrictions in place are not providing protection of this species; and if he will make a statement on the matter. [3547/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 144, 157 and 267 together.

I am fully aware of the widespread concerns being expressed, not just by anglers, about the viability of salmon fishing in Ireland. While I have not yet had the opportunity to meet with anglers' representatives on the specific issue of drift net fishing, I am fully aware of their view that this method of fishing is having a damaging impact on the stocks of wild Irish salmon. The Government does not accept the validity of the

argument that its salmon management regime does not comply with international legislation or best practice nor does it accept that there is any sound or agreed scientific basis for the allegations made that the Irish salmon drift net fishery has an unacceptable impact on salmon stocks either in Ireland or in other European countries.

We are all agreed that over exploitation of fish stocks is a significant threat to the long-term sustainability of the inland fisheries resource. Since 1996, the Department has introduced a range of conservation measures which have seen considerable advances made in salmon policy and, in particular, the management of the commercial salmon fishery. As part of these measures, the drift net season is now confined to a two-month period in June and July on a four-day week basis. Fishing is only allowed during daylight hours and is confined to the area within the six-mile limit. The Department operates, through the regional fisheries boards, the wild salmon and sea trout tagging scheme regulations which, *inter alia*, limit the total allowable commercial catch of salmon, TAC.

Furthermore, since 2002, the Government has implemented a strategy to ensure, through progressive reductions in catch, that the conservation limits specified by the standing scientific committee of the National Salmon Commission are being reached. This policy of promoting the application of quotas on commercial fishing, including drift netting and bag limits on angling, has delivered significant catch reductions aimed at achieving the overall shared objective of restoration of salmon stocks. Bearing this in mind, it is the Government's belief that the current strategy of developing a sustainable commercial and recreational salmon fishery through aligning catches on the scientific advice holds out the strong prospect of a recovery of stocks and of a long-term sustainable fishery for both sectors.

I have no plans to introduce proposals to end the practice of drift netting for salmon or to purchase commercial salmon fishing licences in Ireland. Moreover, no convincing case has been advanced as to the public good that would be acquired by the State in the context of a publicly funded buy out or why stakeholders benefiting from increased numbers of salmon entering the rivers should not contribute in whole or in part towards achieving that increase. I am prepared, however, to keep the matter under review and would be open to any relevant proposals whereby stakeholders benefiting from any reduction in commercial catch might fund in whole or in part any compensation arising.

Coastal Protection.

145. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the extensive damage caused by recent storms at Maghery Beach, County Donegal; and if he will provide

[Mr. McGinley.] funding to have coastal protection work completed before winter 2005. [3534/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Responsibility for coast protection rests with the property owner whether it be a local authority or a private individual. In July 2002, the Department requested all coastal local authorities to submit proposals, in order of priority, for consideration in the context of the 2003-2006 national coast protection programmes. Donegal County Council submitted a proposal relating to Maghera Beach estimated at €280,000. The proposal was number 11 in its order of priority. There was no Exchequer funding for this project in 2004. This project will be considered in the context of the amount of Exchequer funding available for coast protection works and overall national priorities.

Fishing Industry Development.

146. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the depressed state of the fishing industry in County Donegal, particularly in Killybegs; and his plans to improve the deteriorating situation. [3362/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): For many years, County Donegal, and in particular the Killybegs area, has been to the forefront of the Irish fishing industry, which has been a vital source of permanent and seasonal employment opportunities in coastal communities, as well as boosting the local economy through ancillary industries. Notwithstanding recent difficulties, I believe it will maintain this pre-eminent position in the future and remain an economic lynchpin of the area.

The fishing industry in Europe and elsewhere is generally experiencing some difficulties at the present time with a number of fish stocks. The primary challenge facing the fishing industry concerns the need for effective conservation measures to provide for the sustainable exploitation of these stocks into the future. The industry in Donegal is significantly based on pelagic stocks. While the Irish quota for mackerel has been reduced for 2005, I secured a substantial increase in the quota for blue whiting on top of the increase achieved for 2004. I have asked BIM to work closely with the industry to develop a significant human consumption market for vessels landing blue whiting into Irish ports to maximise the benefits of this fishery.

EU measures to strengthen control in pelagic fisheries introduced in 2004 as a consequence of concerns about illegal landings right across Europe will continue this year. The effective implementation of these measures is critical to ensure the medium to long-term sustainability of

fish stocks and to maximise the market prices for vessel owners respecting quota allocations.

Quotas for demersal species in area VI, north-west coast, have been declining over more than a decade. A long-term cod recovery plan was introduced in 2004 to promote recovery of the cod stock in this area. The recovery plan, allied to the industry led initiative involving the closure of codling fishing grounds off the Greencastle coast in County Donegal, which were introduced in 2003, will help rebuild this stock and will also contribute to the recovery of the whitefish stocks under pressure in this area.

Telecommunications Services.

147. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the number of companies, groups or agencies involved in the provision of broadband facilities throughout the country; the extent to which State assistance has been offered, sought or granted in each or any case; and if he will make a statement on the matter. [3617/05]

161. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with bodies involved in the provision of broadband services or likely to become so involved in the future; and if he will make a statement on the matter. [3639/05]

291. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of companies, groups or agencies involved in the provision of broadband facilities throughout the country; the extent to which State assistance has been offered, sought or granted in each or any case; and if he will make a statement on the matter. [3954/05]

302. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with bodies involved in the provision of broadband services or likely to become so involved in the future; and if he will make a statement on the matter. [3966/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 147, 161, 291 and 302 together.

On the website of the Commission for Communications Regulation, ComReg, there are over 130 companies listed as offering internet access. An indicative €200 million is being made available from Government and ERDF funds under the NDP's regional operational programmes 2000-2006 for the development of high-speed broadband infrastructure in all areas, in association with the local and regional authorities and telecommunications companies.

The regional broadband programme, with its main emphasis on the metropolitan area networks, is addressing the infrastructure deficit caused by low levels of investment by the private sector. The MANs are being built by the State

and will remain in State ownership, offering service providers open access at favourable terms that will allow them to deliver broadband to the market at competitive prices.

Nineteen MANs have now been completed, and a further seven are under construction. The next phase of the MANs programme will see the roll-out of highspeed infrastructure to over 90 towns with a population of 1,500 and more, again in association with the local and regional authorities.

The group and county broadband scheme offers smaller towns and rural communities funding assistance towards provision of broadband in their own areas in association with the service providers. Up to 55% funding on capital costs is available under the scheme. More than 20 group broadband schemes have already been started, and funding for up to 150 more is available.

My Department is in close and continuous contact with the industry, through the telecommunications and Internet federation, and with individual service providers, regarding broadband developments.

Fisheries Protection.

148. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources his views on the recent EU negotiations on fishing catches and quotas for 2005; his further views on whether the 27% cut in the Irish mackerel quota will be particularly detrimental to the industry; and if he will make a statement on the matter. [3583/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The outcome of the EU Fisheries Council in December was generally satisfactory from an Irish viewpoint. My overall focus in these negotiations was to secure a deal that gave Irish fishermen the best possible range of fishing opportunities for 2005, taking account of the socio-economic needs of the industry and the necessity to maintain a sustainable approach. Close liaison was maintained with representatives of the Irish fishing industry throughout the Council, and in my view this contributed significantly to the Council's outcome which has been broadly welcomed by the industry.

The overall volume of fish quota, both for whitefish and for pelagic species, is at a similar level to 2004. In aggregate, the total volume of whitefish is 33,273 tonnes and the total volume of pelagic species is 197,445 tonnes. I believe that the deal I secured is good for Irish whitefish fishermen all around the coastline where there are sizeable increases in the main whitefish earners such as haddock, hake, monkfish and Dublin Bay prawns.

While I acknowledge that the 27% reduction in the mackerel quota for 2005, which had been agreed between the EU, Norway and the Faroe Islands before the Council, is a blow to the industry in the short term, I believe that the impact will

be softened somewhat by significant gains which I secured elsewhere, including a reversal of the Commission's proposed 20% cut in the horse mackerel quota and also a reversal in the proposed 15% cut in the Celtic Sea herring quota.

In addition, I secured a record blue whiting quota of over 75,000 tonnes which will create new catching and processing opportunities for the pelagic industry.

Overall, I believe the outcome of the Council to be a positive one which helps to maintain a balance between the economic needs of the Irish fishing industry and the need to preserve and rebuild key stocks.

Question No. 149 answered with Question No. 133.

Question No. 150 answered with Question No. 96.

Harbours and Piers.

151. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the reason no progress has been made in relation to the €15 million development project for Castletownbere harbour; if same will be progressed; and if he will make a statement on the project. [3687/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Castletownbere harbour development project involves the provision of an extension to the existing wharf at Dinish Island and the construction of a new auction hall on this extension. The scope of the project has changed due to the need to deal with disposal of dredge spoil and the need to increase dredging levels at the existing Dinish wharf to take account of changes in vessels using the port, as well as structural modification of the existing Dinish wharf and the re-design of the building to be constructed on the new wharf. Expenditure on this project in 2004 amounted to €1,364,345. Tenders for the main works are being examined at present and it is expected that a contract will be awarded in the near future.

Question No. 152 answered with Question No. 72.

Port Development.

153. **Ms Lynch** asked the Minister for Communications, Marine and Natural Resources the main elements of the new ports policy framework launched recently; the reason the decision has been made to encourage more private investment in ports and to use State funds only as a last resort; his views on whether ports play a crucial role in the wider economy; and if they play such a role, if they should merit increased public investment; and if he will make a statement on the matter. [3584/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Government's ports policy statement was launched on 6 January 2005. It is available to view on the Department's website. The policy aims to better equip the port sector and its stakeholders to meet national and regional capacity and service needs through: better transport policy co-ordination; clearer and more focused commercial mandates for the ports and their boards; reform of the structure of port boards; encouragement of private sector investment and involvement; sanction for the use of non-core assets to fund new port development but not to mask inefficiencies; encouragement of healthy competitive conditions within and between ports; better consultation and dispute resolution between port companies and users through appropriate information sharing and arbitration mechanisms; and encouragement of mergers where a business case exists.

Ireland, as an island, is dependent on sea-borne trade and the economic significance and importance of our ports to the prosperity of the country is self-evident. Given our small open economy, Ireland's international competitiveness is central to overall economic performance.

Our ports are vital gateways for commercial freight and sea passengers. This is highlighted by the fact that nine of the ten commercial State port companies are located in areas identified as gateways in the national spatial strategy. Almost all Ireland's overseas trade goes by sea, underlining the commercial significance of ports and their strategic importance.

Measured by volume, 99% of the island's foreign trade uses the maritime supply chain. It is estimated that the value of these imports and exports through seaports in the Republic is €130 billion for 2003, compared with a figure of €7 to €10 billion through airports. By contrast, the situation is different in terms of passenger numbers with some 20% of the tourists who visited Ireland in 2003 having arrived via our seaports.

Most of the ports are State-owned companies with statutory commercial mandates and operational criteria. The port companies are required to take all proper measures for the management, control, operation and development of their harbours and are required to conduct their business at all times in a cost-effective and efficient manner. This has led to a strong independence of action and a focused commercial mindset.

The Government expects that the port companies, as commercial entities, should be capable of funding their operations and infrastructure requirements without relying on Exchequer support. The port companies are, therefore, encouraged to seek financial assistance from other avenues such as private sector investment within ports.

One of the key challenges ahead is the timely provision of adequate in-time port capacity. The internal resources of our commercial ports are

not sufficient in general to fund large-scale infrastructure projects. This is a significant challenge in view of the need for additional capacity at our ports over the coming years, particularly to cater for the growth in unitised trade. The Department is initially consulting with the commercial ports concerned to determine their view of port capacity and how they intend to deal with the projected capacity requirement.

The Department is interested in key projects identified by the commercial ports as essential to deal with anticipated capacity deficiencies to 2014 and beyond, and whether the ports see these being funded from their own resources or in partnership with the private sector. The policy framework encourages all port sector stakeholders to address capacity provision. The State will support capacity provision, as residual financier, but only if proven essential to progress identified high quality self-sustaining projects.

Postal Services.

154. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources his preferred options in respect of the continuation of the services provided to An Post; and if he will make a statement on the matter. [3614/05]

288. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has advised Cabinet in regard to his preferred options in respect of the continuation of the services provided to An Post; and if he will make a statement on the matter. [3951/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 154 and 288 together.

The An Post annual report is brought to Government every year as provided for by the Postal and Telecommunications Services Act 1983 and, at the same time, relevant issues in relation to An Post are noted by Government. In addition, the Cabinet is updated on relevant issues as they arise.

Question No. 155 answered with Question No. 72.

Offshore Exploration.

156. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources the full extent of current oil, gas or other mineral explorations, on or offshore; the extent to which viable prospects have been identified; and if he will make a statement on the matter. [3642/05]

304. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the full extent of current oil, gas or other mineral explorations, on or offshore; the extent to which viable prospects have been identified; and if he will make a statement on the matter. [3968/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 156 and 304 together.

This reply has the same information as in Questions Nos. 44 and 126 of 21 October 2004 and Question No. 271 of 30 November 2004.

With regard to oil and gas exploration, one exploration well was drilled in 2004 by Providence Resources plc on the Blackrock prospect off the south coast. The well did not yield any significant shows of hydrocarbons and the well was plugged and abandoned as a dry hole.

The Dooish exploration well, which was drilled in 2002 by Enterprise Energy Ireland, now Shell E&P Ireland, off the Donegal coast and which discovered a hydrocarbon accumulation, was re-entered and deepened in 2003. Both my Department and Shell E&P are continuing to analyse the well results and integrate them with other data from the area. Further technical work on the prospect will be required before the size of the gas condensate accumulation and the possibility for any commercial development can be accurately assessed.

With regard to non-petroleum minerals, new exploration is continuously undertaken as part of my requirements to holders of prospecting licences, of which there are 276. Details of these licenses can be found in the six monthly report to the Oireachtas, which I am obliged to lay before the House under the Minerals Development Acts 1940 to 1999. The last such report was in respect of the six-month period ended 30 June 2004. The report for the six-month period ended 31 December 2004 is currently being prepared and will be laid before the House in due course.

No new economic deposits of non-petroleum minerals have been discovered in recent years. There have been some encouraging results, however. Exploration adjacent to existing base metal mines at Navan, County Meath, Tara Mines Limited, and Galmoy, County Kilkenny, Arcon Mines Limited has discovered additional resources which have the potential to extend the life of those mines. I have recently granted a new State mining licence to Arcon for extraction of part of these additional resources.

A good zinc prospect area near Pallas Green, County Limerick, also has the potential to host an economic deposit and exploration is continuing. The acid test of commerciality with any new discovery is that having made a find the explorationist is then prepared to invest in planning for mining and so makes the necessary applications for permits to me, to the relevant local authority and to the EPA.

Question No. 157 answered with Question No. 144.

Post Office Network.

158. **Mr. English** asked the Minister for Communications, Marine and Natural Resources the extent to which an external audit has taken

place in An Post or is so intended; and if he will make a statement on the matter. [3618/05]

292. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which an external audit has taken place in An Post or is so intended; and if he will make a statement on the matter. [3955/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 158 and 292 together.

Section 32 of the Postal and Telecommunications Services Act 1983 provides that An Post is required to keep a set of accounts, including a profit and loss account and balance sheet, and also requires that the accounts are to be audited annually. After submission to Cabinet, the An Post annual accounts are laid before the Houses of the Oireachtas.

In practice, the An Post accounts are audited on an annual basis by a firm of outside accountants. The accountants have confirmed that the 2003 accounts for the company have been prepared, by the An Post directors, in accordance with applicable Irish law and accounting standards and provide a true and fair view of the company at 31 December 2003.

Marine Safety.

159. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources if he plans to take new initiatives on water safety in view of the increase in incidents at sea involving pleasure craft; his views on whether a new awareness campaign is required to remind the public of the dangers involved in coastal activities; and if he will make a statement on the matter. [3588/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Since the establishment of the maritime safety directorate in 2002, a number of important initiatives have been taken or are being taken to strengthen the maritime safety regime, particularly in relation to leisure craft.

A Maritime Safety Bill to provide the necessary powers to assist local authorities in adopting regulations against the improper use of certain fast powered craft such as jet skis in waters within their jurisdiction has been published and is at an advanced stage.

A new code of practice for safety on recreational craft has been published for consultation to assist owners and operators of recreational craft. The code sets out in one comprehensive document current legislative requirements and recommended best practice regarding the safe operation of recreational craft in inland and coastal areas. I intend to launch this code shortly.

In general, I regard the provision of targeted safety information to be a very important method of promoting maritime safety. This year the Department will undertake a radio campaign

[Mr. Gallagher.] over the three bank holiday weeks in the summer promoting safety measures for leisure craft users. In addition, the coast guard will undertake an “at sea” advisory programme in selected areas where water-based leisure activities are significant. Under this programme, introduced for the first time last summer, coastguard coastal units will undertake water based patrols to monitor and advise leisure craft users on the requirements for wearing life jackets and other safety issues. Throughout 2005, the Irish coastguard will also attend various events around the coast providing advice and marine safety demonstrations to the public. I will continue to examine any initiatives which will increase the public’s awareness of marine safety and help save lives.

Mining Pollution.

160. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the timetable he has for a solution to be put in place to the pollution that is coming from a tailing pond (details supplied); the analysis he has carried out to come to the view that the proposed solution from the mining company involved is conceptually acceptable to him; the projected cost of this solution; and the entity which will pay that cost. [3683/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The former mining company has acknowledged that it has a contractual liability to rehabilitate the tailings pond, among other sites. To this end, the most recent proposal for the rehabilitation works was lodged with the Department on 3 November 2004, and additional information sought by the Department was supplied on 17 January last. When the proposals have been assessed by the local community, North Tipperary County Council, the Environmental Protection Agency, the Department and its consultants, the Department will submit to me a detailed report later this month setting out options for the rehabilitation works and recommendations for a way forward.

The specific views of the stakeholders will be included in that report, and I am glad to say that senior officials of the Department met the local community in Nenagh last Wednesday to get their views and a meeting with the local authority and the Environmental Protection Agency took place yesterday.

In reply to the specific questions, it is not possible to schedule a timetable for a proposed solution pending full consideration of the existing situation and options for a way forward; the mining company’s proposed solution was accepted as being in line with conceptual designs prepared by the Department’s consultants and published in March 2002; and the works at the tailings pond to be carried out by the mining company are expected to cost an estimated €1.5 million.

Question No. 161 answered with Question No. 147.

Question No. 162 answered with Question No. 96.

Mobile Telephony.

163. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources his views on the recent joint ofcom and ComReg report into cross-Border telecoms issues; if initiatives are planned to reduce the cost of cross-Border calls; if the report addresses the issue of mobile phone users here straying onto British networks in Border areas; the recommendations made in this regard; and if he will make a statement on the matter. [3597/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I welcome the publication of the joint Commission for Communications Regulation, ComReg, and Ofcom report on cross-Border telecoms issues. The report covers cross-Border mobile telephone roaming; cross-Border leased line costs; telephone dialling codes; and illegal broadcast radio stations operating in Border areas. I am delighted that ComReg and Ofcom have adopted a common approach to tackle issues of mutual concern to businesses and the general public on both sides of the Border.

On 19 January 2005, I issued a press release with my Northern counterpart, Minister Barry Gardiner MP, which welcomed the publication of this report and expressed concern at mobile phone customers being caught by roaming mobile signals along the Border and incurring international charges for what they think are national calls.

I support the report’s call for clearer information for customers on all-island tariff options and how to minimise roaming costs. I also support the report’s call for the mobile operators to enter into joint arrangements on a cross-Border basis to offer customers all-island tariffs. While I acknowledge that a number of operators already offer all-island tariff options, it is disappointing that where these are available they are limited to bill-paying customers and business contracts. I would like to see all-island rates extended to pay-as-you-go mobile users, who represent around 70% of the mobile customer base. I appreciate that entering into such arrangements would involve business decisions which are a matter for the operators. For my part, I have already taken the opportunity, in meetings with the operators, to raise this issue and will continue to do so. I am looking forward to the market’s response to the report and to ComReg and Ofcom continuing to co-operate on this issue.

Question No. 164 answered with Question No. 96.

Digital Broadcasting.

165. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources his plans for the migration to digital broadcasting; when he anticipates the timing of the analogue switch off; the opportunities which may be presented to broadcasting here by the arrival of the digital era; and if he will make a statement on the matter. [3609/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Digital television services are available in Ireland through a number of cable and satellite networks. The terrestrial broadcasting system is an analogue platform, and it will be necessary to upgrade this platform to a digital terrestrial platform over time. I am examining proposals in this regard. Specific analogue switch-off dates will be considered in light of progress in upgrading to a national digital terrestrial platform.

Digital television services will go far beyond what is available through analogue transmission. Digital television offers the opportunity for more channels, improved quality of service to viewers, including wide-screen and high definition television, increased viewer choice with regard to programmes, content and interactivity, and new methods of communicating to viewers.

Postal Services.

166. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the number of postal service employees whose entitlements under benchmarking were withheld; and if he will make a statement on the matter. [3622/05]

295. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of postal service employees whose entitlements under benchmarking were withheld; and if he will make a statement on the matter. [3958/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 166 and 295 together.

The provisions applicable to staff transferred to An Post are set out in section 45 of the Postal and Telecommunications Services Act 1983. The benchmarking process applies to public service bodies only and An Post, as a commercial State body, was not included in the benchmarking process.

Consumer Expenditure.

167. **Mr. Bruton** asked the Taoiseach his estimate of the number of persons in dental practice and the value of private consumer spending on their services. [3512/05]

168. **Mr. Bruton** asked the Taoiseach his estimate of the number of persons in medical prac-

tice and the value of private consumer spending on their services. [3513/05]

169. **Mr. Bruton** asked the Taoiseach his estimate of private consumer spending on third level education. [3514/05]

170. **Mr. Bruton** asked the Taoiseach his estimate of private consumer spending on private rented residential accommodation. [3515/05]

Minister of State at the Department of the Taoiseach (Mr. Kitt): I propose to take Questions Nos. 167 to 170, inclusive, together.

The CSO does not publish estimates of the individual expenditures listed above. However, three of the items listed above — viz. private rents, doctors' fees and dentists' fees — form part of the overall personal consumption expenditure estimates, which are published quarterly and annually as part of the national accounts. Consequently the estimates being provided here are of an approximate nature and should not be regarded as absolute definitive data. The latest full year for which data is available is 2003.

The estimated expenditure on private rented accommodation in 2003 is approximately €1.3 billion. The number of persons working as medical practitioners was 8,650 in the 2002 census of population. It is estimated that approximately 1,950 of those were in general practice.

The estimated private expenditure on doctors' services is approximately €290 million in 2003. This figure is estimated for the national accounts by projecting forward an estimate in the 1999/2000 household budget survey in respect of doctors' services. It is considered that the bulk of this is in respect of GP services but an element of it may be in respect of consultants' services. However the bulk of consultants' services are included with hospital services and not covered in this amount.

The number of persons working as dentists was 1,506 in the 2002 census. It is estimated that approximately 1,100 of these were in private practice. The estimated private expenditure on dentists' services in 2003 is €157 million.

Personal expenditure on third level education is not available from the national accounts as it is not distinguishable from imputed expenditure on university education which is financed by Government. However the household budget survey contains an estimate of personal expenditure on third level education. The latest survey for which results are available is the 1999-2000 survey and the estimated expenditure in that survey was €4.12 per week per household, i.e. averaged over all households irrespective of whether there were third level students there. A household budget survey is currently being conducted in respect of 2004-05 and results will be available within approximately 15 months of completion of the fieldwork.

Economic Statistics.

171. **Mr. Bruton** asked the Taoiseach if he will

[Mr. Bruton.]
report on the distribution of women of working age by economic activity, indicating those at work, those engaged in homecaring, those in education and so on. [3516/05]

Minister of State at the Department of the Taoiseach (Mr. Kitt): Statistics on population and labour force activity components are compiled from the quarterly national household survey. The latest statistics available are for the period June to August 2004 and the distribution of females aged 15 or over by economic activity is outlined below.

Persons aged 15 years and over classified by Principal Economic Status¹, 2004.

Principal Economic Status June-August, 2004	Thousands
<i>Females</i>	
At Work	745.5
Unemployed	37.2
Student	180.0
Home Duties	560.0
Retired	68.8
Others	39.4
Total Females	1,631.0
<i>Males</i>	
At Work	1,052.1
Unemployed	80.5
Student	170.4
Home Duties	4.6
Retired	208.3
Others	71.5
Total Males	1,587.4
<i>All Persons</i>	
At Work	1,797.6
Unemployed	117.7
Student	350.4
Home Duties	564.6
Retired	277.1
Others	110.9
Total Persons	3,218.4

¹Classification based on respondent's own subjective assessment.

Source: Quarterly National Household Survey, Central Statistics Office.

Decentralisation Programme.

172. **Mr. Timmins** asked the Taoiseach the number of personnel, who on applying for promotion in his Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if he will make a statement on the matter. [4063/05]

The Taoiseach: No staff member on applying for promotion in my Department since January 2004 has been required to sign an agreement that they are willing to decentralise.

Health Board Property.

173. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the reason for the delay in selling the eight houses owned by the North Western Health Board in Slieve Sneacht Road, Letterkenny, County Donegal (details supplied); and if she will make a statement on the matter. [3479/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provides for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for management of land and properties formerly held by health boards and now vested in the executive. Accordingly, my Department has requested the chief officer for the executive's north-western area to investigate the matter raised and to reply directly to the Deputy.

Health Board Services.

174. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children if a commitment will be given to a national funding framework for the violence against women service in light of the fact that the 2004 statistics for the Donegal women's domestic violence service show an increase of 25% of women using the service; and if she will make a statement on the matter. [3788/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The national steering committee on violence against women was established following the 1997 report of the task force on violence against women. Its purpose is to provide a multi-disciplinary, multi-agency and cohesive response to the problem of violence against women and it is chaired by the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey.

My Department does not directly fund or co-ordinate health and personal social services to victims of abuse. Moneys are made available each year, formerly through the health boards, and now through the Health Service Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now over €12 million is provided annually for the provision of such services. It is now a matter for the Health Service Executive to resource the provision of these services.

175. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details

supplied) in County Mayo was placed on the orthodontic treatment list; the position of this person on the list; when they will be called for treatment; and if they will be given the treatment under the national treatment purchase scheme. [3372/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for orthodontic services. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

176. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children when a long-term care bed will be made available for a person (details supplied). [3373/05]

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 has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of mental health services. Accordingly, 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.

Suicide Incidence.

177. **Mr. Neville** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 339 of 18 May 2004, the reason for the difference between the figure of 451 suicides for 2002 and the figure of 478 as published by the CSO on 31 January 2005. [3387/05]

Tánaiste and Minister for Health and Children (Ms Harney): The source for all official figures on mortality, including suicide, is the Central Statistics Office, as published in its annual and quarterly reports on vital statistics. The quarterly reports, which contain provisional data as they are classified by year of registration, are generally published within five months of the end of the relevant quarter. The annual reports, which give a further breakdown in respect of births and deaths which occur in a given year, are published within approximately two years.

With regard to 2002, the Central Statistics Office published the fourth quarter and yearly summary report on vital statistics in April 2003. This report showed the number of deaths from suicide which were registered in 2002 as 451. The annual report on vital statistics, released on 31

January 2005, showed the number of deaths from suicide which occurred in 2002 as 478. In the reply to Parliamentary Question No. 339 of 18 May 2004, a footnote stated that figures for 2002 were provisional based on year of registration.

Health Board Services.

178. **Mr. Neville** asked the Tánaiste and Minister for Health and Children her views on the report or investigation carried out by persons (details supplied) regarding clinical and management issues of the clinical care delivery in unit 5B of the Mid-West Regional Hospital. [3388/05]

181. **Mr. Neville** asked the Tánaiste and Minister for Health and Children if she will outline the report or investigation carried out by a person (details supplied) regarding clinical and management issues of the clinical care delivery in unit 5B of the Mid-West Regional Hospital. [3411/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 178 and 181 together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for mental health services in the HSE mid-western area. Accordingly, 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. As the review document referred to by the Deputy was not submitted to my Department, I have no comment to make on the matter.

179. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason, after the closure of speech therapy services on Gracepark Road, Dublin 9, children from Dublin 3, 5 and 9 now have to miss much of school time and travel into Dublin for services; her views on whether it would make more sense to provide speech therapy services locally for local children; and if she will make a statement on the matter. [3409/05]

191. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason speech and language therapy services are being located away from families in the Dublin 3, 5 and 9 areas into a new office on North Great Georges Street, Dublin 1; and if she will reconsider this major disruption to children. [3442/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 179 and 191 together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal

[Mr. T. O'Malley.] social services. This includes responsibility for the provision of speech and language therapy, for people with a physical and/or sensory disability. Accordingly, my Department has requested the chief officer of the executive's eastern regional area to investigate the matters raised and reply to the Deputy.

Ruddle Review Panel Report.

180. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when she will receive the report into the circumstances of the death of a person (details supplied); and if she will make a statement on the matter. [3410/05]

Tánaiste and Minister for Health and Children (Ms Harney): I received the report of the Ruddle review panel yesterday, 7 February. I am making the report available to the family and to the other relevant parties today. It is my intention to publish the report on my Department's website shortly.

Question No. 181 answered with Question No. 178.

Hospital Services.

182. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the plans she has in place to increase the bed capacity of the neurosurgical unit in Beaumont Hospital in view of the fact that this is the only facility for the whole of Ireland, with only 60 beds; if her attention has been drawn to the fact that as of 31 January 2005 there are 50 patients with critical life-threatening illnesses awaiting admission with 700 patients awaiting treatment which cannot be treated under the national treatment purchase scheme; her message to the persons on the waiting list; if she will take immediate action to address this urgent out of control situation; and if she will make a statement on the matter. [3417/05]

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 has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Services at Beaumont Hospital are provided under an arrangement with the executive. My Department has requested the chief officer for the executive's eastern regional area to examine the particular issues raised and to reply to the Deputy directly.

As the Deputy may be aware, Comhairle na nOspidéal was asked, in February 2002, to carry out a review of neurosurgical services, focusing in particular on the provision of adequate capacity and equity of access. I expect the review to be completed in the near future. The development of neurosurgical services will be progressed hav-

ing regard to the recommendations contained in the Comhairle report.

The national treatment purchase fund has arranged, and will continue to arrange, treatment for patients who require certain neurological procedures and who have been waiting longer than three months.

Health Board Services.

183. **Mr. Perry** asked the Tánaiste and Minister for Health and Children her plans to grant funding to an organisation (details supplied) in County Sligo; if her attention has been drawn to the fact that it is unable to advertise its services or have an out-of-hours service and has no refuge house when violent incidents occur at the weekends and at night; if she will sanction additional funding immediately for this sector; if the Finance Bill 2005 will contain a provision for the establishment of distinct budget lines in each Department with responsibility for violence against women; and if she will make a statement on the matter. [3422/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The national steering committee on violence against women was established following the 1997 report of the task force on violence against women. Its purpose is to provide a multi-disciplinary, multi-agency and cohesive response to the problem of violence against women and it is chaired by the Minister of State at the Department of Justice, Equality and Law Reform.

My Department does not directly fund or co-ordinate health and personal social services to victims of abuse. Moneys are made available each year, formerly through the health boards, and now through the Health Service Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now over €12 million is provided annually for the provision of such services. It is now a matter for the Health Service Executive to resource the provision of these services.

184. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the position regarding the application by a person (details supplied) in County Kildare for a hearing aid; and if she will make a statement on the matter. [3424/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for audiology services. Accordingly, my Department has requested the chief officer for the executive's eastern area to investigate the matter raised and to reply directly to the Deputy.

Health Board Staff.

185. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the position regarding funding for additional staff at St. Mary's, Drumcar, County Louth; and if she will make a statement on the recent meeting held in relation to St Mary's. [3425/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, 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.

In this regard, the Health Service Executive's north-eastern area met the St. John of God order's north-east services on 1 February 2005. At that meeting it was agreed to use the existing joint partnership forum to develop a strategy on how best to continue the implementation of the Sale & Oreschnjck report to address the outstanding priority concerns regarding health and safety issues and critical staffing levels at St. Mary's residential services. Both parties are hopeful for a positive outcome.

The Health Service Executive's north-east disability services and St. John of God north-east service will arrange to keep parent representatives abreast of developments.

Clinical Indemnity Scheme.

186. **Ms McManus** asked the Tánaiste and Minister for Health and Children the cover which is provided for doctors for good Samaritan acts in relation to the State medical indemnity scheme; if no cover is provided, the advice which is being given to doctors in an emergency of this type; and if she will make a statement on the matter. [3427/05]

Tánaiste and Minister for Health and Children (Ms Harney): The clinical indemnity scheme covers personal injury claims against staff employed by agencies covered by the scheme who provide care or treatment in emergencies in the Republic of Ireland. The scheme does not extend to informal non-emergency diagnosis, treatment or prescribing for family, friends or colleagues other than in the context of a formal attendance for treatment at an agency covered by the scheme. Professional indemnity cover for good Samaritan acts not covered by the clinical indemnity scheme is provided by the MDU and MPS as a benefit of membership.

General Practitioner Co-operatives.

187. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children when she will approve the implementation of the extension of Westdoc to provide out of hours cover to 41 or more general practitioners in Mayo and Galway;

and if she will make a statement on the matter. [3438/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the development and expansion of out-of-hours general practitioner co-operatives.

Between 2000 and 2004, a total of €72.882 million was allocated to the health boards for out-of-hours co-operatives. Of this sum, €7.57 million was allocated to the western area of the Health Service Executive for its out-of-hours co-operative, Westdoc. For 2005, of the €31.98 million which has been allocated nationally for out-of-hours co-operatives, €3.55 million has been allocated to the executive's western area. This figure includes an additional amount of €800,000, specifically for expansion in 2005.

The geographical areas to be covered by co-operatives and any expansion are decisions for the relevant area of the Health Service Executive to make, having regard to the strategic, financial and other issues involved. The dedicated funding for GP out-of-hours co-operatives is exclusive of the fees paid to participating practitioners for attending patients.

Hospital Services.

188. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the number of beds which are vacant in the orthopaedic units of Mayo General Hospital and Merlin Park Hospital, Galway; if there are vacant beds in these units; the reason for same when there is such a crisis in the State's hospitals; and the number of persons who are on the waiting lists for orthopaedic treatments in both hospitals. [3439/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for Mayo General Hospital and Merlin Park Hospital, Galway. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the issues raised and to reply directly to the Deputy.

189. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the number of persons treated as public and private patients in each acute hospital between 2002 and 2004; and if she will make a statement on the matter. [3440/05]

190. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the percentage of

[Dr. Twomey.]
beds in each acute hospital used for public and private patients between 2002 and 2004; and if she will make a statement on the matter. [3441/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 189 and 190 together.

The information requested is being collated by my Department and will be forwarded to the Deputy directly.

Question No. 191 answered with Question No. 179.

Hospital Waiting Lists..

192. **Mr. Wall** asked the Tánaiste and Minister for Health and Children when a person (details attached) in County Kildare will receive medical treatment; and if she will make a statement on the matter. [3443/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of mental health services. Accordingly, 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.

Mental Health Services.

193. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if it is appropriate to have a hospital on the same grounds as a prison. [3446/05]

208. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the names of the members of the project team for the Central Mental Hospital; the date on which the project team reported its findings to her Department; if she will give the recommendations made by the project team; if she will report on its recommendations in relation to the location of the Central Mental Hospital; if it recommended a greenfield site; and if it recommended that the hospital be located adjacent to a prison; and if she will make a statement on the matter. [3716/05]

214. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if she ever proposed that the Central Mental Hospital be located adjacent to Mountjoy Prison; and if she will make a statement on the matter. [3724/05]

215. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if she opposed the proposal to locate the Central Mental Hospital

adjacent to Mountjoy Prison; and if she will make a statement on the matter. [3725/05]

216. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if an agreement has been reached between her Department and the Office of Public Works in relation to the sale of the Central Mental Hospital; the details of the provision which has been made for investing the balance of funds accruing from the sale of the Dundrum site, after providing for a new hospital, into community mental health facilities; and if she will make a statement on the matter. [3726/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 193, 208 and 214 to 216, inclusive, together.

In 2003, the Minister for Health and Children established a project team, chaired by the East Coast Area Health Board, to progress the re-development of the Central Mental Hospital. This team included representatives from the Department of Health and Children, the Eastern Regional Health Authority, the East Coast Area Health Board, the clinical director, the director of nursing and the hospital manager of the Central Mental Hospital, the Irish Prison Service and a representative of the chief executive officers of the other health boards. I have asked the chairman of the project team, Mr. Martin Gallagher, now chief officer of the Health Service Executive's east coast area, to contact Deputy Kenny directly to supply the details of membership of the project team to him.

The project team's remit was to critically examine all options for the re-development of the hospital, to put together a design brief for the re-development, and to examine various financing options for the project.

There were six options considered by the group as follows: to develop a new facility on a greenfield site in the greater Dublin area; to develop a new facility on a greenfield site outside the greater Dublin area; to refurbish or upgrade the existing facility to accommodate the service; partial new build of the hospital with retention and refurbishment of some of the existing building; to transfer the service to another existing facility; or do nothing.

Several options, including the option of remaining in Dundrum, were examined under the various criteria including clinical quality-strategic fit, cost — capital and revenue, timescale, future demands, integrated services, accessibility and safety and security.

The team reported to the Department of Health and Children via the Eastern Regional Health Authority in May 2004 and recommended that the Central Mental Hospital be relocated to a new purpose-built facility in the greater Dublin area, as this was judged to be the most appropriate option for delivery of patient care.

The project team made no specific recommendation in relation to locating the Central Mental Hospital adjacent to a prison. However,

the majority of admissions to the hospital come from within the prison service.

The new Central Mental Hospital will be a health facility, providing a therapeutic forensic psychiatric service to the highest international standards in a state-of-the-art building. The hospital will remain under the aegis of the Department of Health and Children and will be owned and managed by the Health Service Executive. Furthermore, I have asked my officials to examine the option of providing a separate governance structure for the hospital, by way of its own board, reflecting its importance as a national, tertiary psychiatric service. It is intended to develop the Central Mental Hospital, independently of the prison complex to replace Mountjoy Prison, by means of a separate capital development project, managed and directed by the Health Service Executive. A new central mental hospital on the 150-acre site would have its own grounds with a separate entrance, access road and address to the prison complex.

The lands of the Central Mental Hospital are the property of the Office of Public Works. My Department is preparing detailed proposals for Government in relation to the development of a new hospital and the disposal of the property at Dundrum. It is my intention that the proceeds from the sale of the existing site will go towards the provision of the new hospital in the first instance, with the balance of funds to be invested in health facilities, in particular community mental health facilities.

Medical Cards.

194. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Clare did not qualify for a medical card; and if she will make a statement on the matter. [3457/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, 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.

Nursing Home Subventions.

195. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children her plans for changes in the capital disregard for receipt of nursing home subvention. [3467/05]

Minister of State at the Department of Health and Children (Mr. S. Power): As the Deputy will be aware, the nursing home subvention scheme is governed by the Nursing Home Subvention Regulations 1993. Schedule 2 of the regulations

state that the first €7,618 of any asset or assets available to a person applying for nursing home subvention shall be disregarded.

It should be noted that the placing of a person in a private nursing home is a private matter between that person, or his or her representative and the nursing home. The subvention scheme was introduced to financially assist those who chose this system of care. The regulations including limits on income and assets were introduced to ensure that available resources were directed to those most in need. In a broader context it may be of interest to you to note that a review of the nursing home subvention scheme is ongoing within my Department. The ultimate aim of the review will be the development of a system which will be transparent, provide equity, be less discretionary, be financially sustainable and ensure a high standard of care is on offer to clients.

Health Services.

196. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number and location of public nursing home beds in County Longford. [3468/05]

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 has the responsibility to manage, deliver or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of public nursing home beds in County Longford. Accordingly, my Department has requested the chief officer for the executive's midland area to investigate the matter raised and to reply directly to the Deputy.

Health Service Staff.

197. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo is unable to obtain employment with the health board; and if she will make a statement on the matter. [3470/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for recruitment. As the Deputy may be aware, arising from the settlement of a High Court action, an agreed assessment process has been carried out for persons wishing to provide chiropody services in the public health service.

Following the recent completion of the assessment process and in light of the publication of the Health and Social Care Professionals Bill, which provides for the establishment of a system of

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statutory registration for health and social care professionals, including chiropodists, it will be necessary for the profession to carry out a review of the assessment system in order to inform the grandparenting and registration process to be established for chiropodists under the regulatory system.

Pending the establishment of the system of statutory registration, it is the responsibility of the Health Service Executive to satisfy itself that persons providing chiropody services are appropriately qualified and competent and fit to practise.

Health Services.

198. **Mr. Ó Feargháil** asked the Tánaiste and Minister for Health and Children when speech and language therapy services will be provided to a person (details supplied) in County Kildare. [3488/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of speech and language therapy. Accordingly, my Department has requested the chief officer of the executive's south-western area to investigate the matter raised and reply to the Deputy.

Hospitals Building Programme.

199. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children, further to Question No. 201 of 22 June 2004, the progress which has been made for the provision of a new community hospital for Dingle, County Kerry; the level of funding available for 2005; the construction date for same; and if she will make a statement on the matter. [3494/05]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of a new community hospital for Dingle, County Kerry, will be addressed in the context of the Health Service Executive's national service plan which will indicate its proposed capital plan for the year. I expect this plan will be presented to me shortly.

Health Insurance Companies.

200. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the value of premia paid to and expenditure by health insurance companies. [3517/05]

Tánaiste and Minister for Health and Children (Ms Harney): The most recent figures available, provided by the health insurance authority, are that total premia paid in 2004, including premia paid to restricted membership undertakings, was approximately €1,060 million. Corresponding figures for expenditure are not available.

Ambulance Service.

201. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the concerns of residents in Ashbourne, County Meath, regarding the poor ambulance service available to them due to the fact that they are served by bases in Navan or Drogheda which leads to lengthy delays; if she will give urgent consideration to serving Ashbourne from ambulance bases on the north side of Dublin or alternatively make provision for an ambulance at the fire brigade base adjacent to Ashbourne; and if she will make a statement on the matter. [3518/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for ambulance services in County Meath. Accordingly, my Department has requested the chief officer for the executive's north-eastern area to investigate the matter raised and to reply directly to the Deputy.

Medical Cards.

202. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children when it is proposed to introduce legislation in order that a directive can be issued to the Health Service Executive with regard to doctor visit cards; and if she will make a statement on the matter. [3541/05]

217. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if she will clarify her statement of 18 November 2004 on the publication of the health Estimate that the doctor visit cards would allow persons to access through their general practitioner a range of medical services in the public hospital system; the services she is referring to; and if she will make a statement on the matter. [3727/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 202 and 217 together.

My Department is at present considering the nature of the legislative changes required to enable effect to be given to the decision to introduce doctor visit medical cards. Legislation in this regard will be introduced as soon as possible.

The new doctor visit card will cover visits to general practitioners who hold General Medical Services contracts with the Health Service Executive to treat GMS patients, and to whom these patients have been, or have expressed a wish to be, assigned under the General Medical Services medical card scheme.

As I have stated previously, I wanted to use resources to benefit as many people on lower incomes as possible. Parents on low incomes

should not have to worry about the cost of bringing their child to a doctor. People will now be able to get the advice and reassurance they need from their GP, and in many cases, no additional costs will arise. Persons who hold doctor visit cards will be entitled to avail of drugs and medicines under the drugs payment scheme which provides that no person or family unit must pay in excess of €85 per month in respect of a range of approved prescribed drugs and medicines.

The new card is intended to confer entitlement to free GP visits for certain people with otherwise limited eligibility. The services in respect of the supply of medicines and a range of services provided free of charge under the GMS medical card scheme in the community, such as pharmacy, dental, ophthalmic and aural will not be available to those who hold doctor visit cards.

All those ordinarily resident in the State have eligibility for treatment in a public hospital subject, in the case of those with limited eligibility, to the statutory inpatient and outpatient charge. In relation to the outpatient charge for attendance at accident and emergency and casualty departments, the charge will apply except in circumstances where the person has been referred by a medical practitioner or where the patient's attendance results in admission as an inpatient.

There are a number of exemptions to the statutory charges, including medical card holders with full eligibility, women receiving services in respect of motherhood, children up to the age of six weeks and children referred for treatment from child health clinics and school health examinations. Also exempt from these charges are children receiving treatment for a number of prescribed diseases; and holders of a Health (Amendment) Act card. Under the Out-patient (Amendment) Regulations 2003, persons receiving services for the diagnosis or treatment of infectious diseases prescribed under Part IV of the Public Health Act 1947 are exempt, as are members of the Defence Forces personnel and their dependants. Those holding a doctor visit card will not be exempt from the statutory charges incurred unless they are covered by one of the exemptions specified above.

Hospital Services.

203. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children if her Department will assist a person (details supplied) in Dublin 10; if this person can be considered for the public beds reserved for persons recovering from drug addiction; and if she will make a statement on the matter. [3542/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of

addiction treatment services. Accordingly, 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.

Civil Registration Service.

204. **Mr. Healy** asked the Tánaiste and Minister for Health and Children when she proposes to commence the changes to the Civil Registration Act to allow registrars to officiate at wedding ceremonies at locations other than the registrars office such as hotels; and if she will make a statement on the matter. [3554/05]

Tánaiste and Minister for Health and Children (Ms Harney): The civil registration service has been engaged in a major modernisation programme in recent years, including conversion of historic records to electronic format and implementation of a new computerised registration system. This work, which is key to the implementation of the Civil Registration Act 2004, is being carried out in phases and the stage has been reached when it will soon be possible to begin commencing certain provisions of the Act.

The Civil Registration Act 2004 provides for the commencement of the various provisions of the Act on a gradual basis. It is anticipated that Parts 1, 2, 3, 5 and 8 of the Act, which relate to the restructuring of the service and the registration of births, stillbirths and deaths, will be commenced shortly.

The new procedures for marriage are set out in Part 6 of the Act and include universal procedures for notification, solemnisation and registration of marriages. Before these provisions can be commenced, a substantial body of work needs to be completed, including drafting of regulations, guidelines and detailed procedures; establishment of a register of solemnisers in co-operation with religious bodies; and the further development of the computer system to incorporate the new marriage provisions introduced by the Act.

In addition, the General Register Office is decentralising to Roscommon in April 2005, and this involves considerable effort to ensure the transfer of sufficient skills and corporate knowledge to enable the new team to provide an effective service from the new location. For these reasons, an tArd-Chláraitheoir is unable to give a specific date for implementation of the new marriage procedures, but it is unlikely to be before the end of this year. It is intended to give as much public notice as possible and a comprehensive public information campaign will be undertaken at the appropriate time.

Medical Cards.

205. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if all of the health boards have implemented the new income thresholds for medical cards; if not,

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the health boards which have not done so; and if she will make a statement on the matter.
[3559/05]

206. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if she will elaborate on her commitment given in a statement on the health Estimate 2005 on 18 November 2004 that children with illnesses that persist from year to year will not have to re-apply for a medical card each year; and if she will make a statement on the matter. [3647/05]

218. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if she will clarify her statement of 18 November 2004 on the publication of the health Estimate that approximately 70,000 discretionary medical cards are issued; the way in which this information is obtained and compiled; the timescale she is referring to; if this number of cards is an annual figure; and if she will make a statement on the matter. [3728/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 205, 206 and 218 together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment for medical cards.

The new income guidelines, as agreed by the chief executive officers of the former health boards, have been introduced since January 2005. These guidelines reflect the 7.5% increase on the 2004 figures, as announced by me in November 2004, and also include substantial increases in respect of dependent children. Parents of children with illnesses that persist from year to year can be assured that they will not have to reapply for a medical card each year alleviating the anxiety of wondering if their medical card will continue. The assumption is that this will apply to a small number of children with very serious illnesses, where a review would normally result in automatic renewal of the medical card. An operational group overseeing the medical card scheme has been asked to put processes in place that limit the need for frequent reviews in these cases.

The procedures and arrangements in place locally in respect of the administration of the general medical services scheme are matters for the chief officer of the Health Service Executive's area to decide. This would include the issue of reviews of eligibility of card holders and the frequency of such reviews.

An estimated 70,000 discretionary medical cards reflect the number of cards in the system. This figure is based on data from the former health boards. These cards were issued under the discretionary powers of the chief executive officers under the Health Act 1970. The Health

Service Executive is addressing, in conjunction with my Department, the drawing up of guidelines governing the issue of discretionary medical cards.

207. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if a medical card application for a person (details supplied) will be approved; and if she will make a statement on the matter. [3652/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy

Question No. 208 answered with Question No. 193.

Cancer Screening Programme.

209. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children her views on whether a solution to the need for the urgent expansion of the BreastCheck service into Donegal will be found in a closer development of co-operation with existing and well established practice in Northern Ireland; and if she will make a statement on the matter in view of the fact that much of Donegal is further geographically from Galway than from Dublin and has a close proximity to existing services in the other jurisdiction.
[3717/05]

Tánaiste and Minister for Health and Children (Ms Harney): The rollout of the national breast screening programme to the remaining counties is a major priority in the development of cancer services. This will ensure that all women in the 50 to 64 age group in every county have access to breast screening and follow-up treatment where appropriate.

A capital investment of approximately €21 million has been approved to construct and equip two static clinical units, one in Cork and the other in Galway. In addition, this investment will also ensure that mobile units are available to screen women in the southern, western and north-western counties, including Donegal. Accordingly, BreastCheck will provide local mammography screening services for women in Donegal.

In advance of the rollout of BreastCheck to Donegal, women in Donegal avail of mammography services at Letterkenny General Hospital. I understand that there is considerable co-operation between Letterkenny General Hospital and Altnagelvin Hospital in Derry.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of mammography services. Accordingly, my Department has requested the chief officer for the executive's north western area to examine the particular issues raised and to reply to the Deputy directly.

Health Services.

210. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children if she is satisfied with the level of prevention measures in place in Donegal for both male and female cancers; and if she will make a statement on the procedures being put in place to deal with this, either nationally or on an all-Ireland manner. [3718/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the issues raised by the Deputy. Accordingly, my Department has requested the executive to investigate the matters raised and to reply directly to the Deputy.

Asthma Research.

211. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children if the provision of information will be promoted to sufferers or families of young asthmatics to minimise the risk of attacks in view of the fact that Ireland has the fourth highest rate of asthmatics in the world; and if she will make a statement on whether studies may be initiated here to add to the body of knowledge that exists regarding the causes of asthma. [3719/05]

Tánaiste and Minister for Health and Children (Ms Harney): There are a number of factors which contribute to the development of asthma. It is generally accepted, not only in Ireland but in the western world in general, that there is a requirement for further research on the many causes of asthma, in particular those relating to genetics and the environment. On this basis, Ireland hosted and actively participated in the European Union's joint research council childhood asthma initiative last year which is continuing to provide further research information on asthma and its causes. Ireland also participates in international prevalence studies and additional work is ongoing on the development of further information systems on asthma. In recent years, the Health Research Board has received and funded a number of proposals relating to asthma and respiratory disease. There is scope for further funding when the Health Research Board

announces its project and programme grant scheme in the coming months. There are no plans at present to initiate an information campaign as suggested by the Deputy but I will keep the matter under review.

Mental Health Services.

212. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if the appropriate home supports for a person (details supplied) in County Kilkenny will be put in place; if the SEHB will examine the case again to determine if the person can be referred to a specialised unit for treatment. [3721/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of mental health services. Accordingly, my Department has requested the chief officer for the executive's south eastern area to investigate the matter raised and to reply directly to the Deputy.

Hospital Waiting Lists.

213. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in Dublin 8 will be called for an appointment with a consultant; and if she will make a statement on the matter. [3722/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services to persons residing in Dublin. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matters raised and to reply directly to the Deputy.

Questions Nos. 214 to 216, inclusive, answered with Question No. 193.

Question No. 217 answered with Question No. 202.

Question No. 218 answered with Question No. 205.

219. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the position in regard to an application by a person (details supplied) in County Kildare for a cataract operation; and if she will make a statement on the matter. [3729/05]

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 County Kildare 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.

Health Service Staff.

220. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children if she will report on the difficulties being experienced in the recruitment of social worker assessors for adoption purposes; if her attention has been drawn to the fact that in the Waterford area of the south Health Service Executive there are four vacancies with two on career breaks and two on maternity leave; the steps she is taking to resolve this issue; and if she will make a statement on the matter. [3730/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for adoption assessments. Accordingly, my Department has requested the chief officer for the executive's south-eastern area to investigate the matter raised and to reply directly to the Deputy.

Hospital Services.

221. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children the plans which exist to develop general services and facilities in South Tipperary General Hospital in Clonmel; if she will sanction the opening of the new 23 bed medical unit; and when the €2 million promised in March 2003 to open the unit will become available. [3731/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for services at South Tipperary General Hospital. Accordingly, my Department has requested the chief officer for the executive's south eastern area to investigate the matter raised and to reply directly to the Deputy.

222. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children the plans which exist to develop services and facilities in Our Lady's

Hospital, Cashel; and when funding for such development will become available. [3732/05]

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. This includes responsibility for the provision of services at Our Lady's Hospital, Cashel and South Tipperary General Hospital, Clonmel. To progress the developments and resolve the issues, including staffing issues arising at Cashel and Clonmel, the HSE south-eastern area, formerly the South Eastern Health Board, has carried out an analysis of five options to resolve outstanding difficulties. These options will be the subject of discussions at an early date between the Department and the HSE, in the context of the HSE's service plan for 2005.

Nursing Home Subventions.

223. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the breakdown for the nursing home subvention guidelines in each of the former health board areas; and the lowest and highest amounts paid for each region. [3733/05]

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 has the responsibility to manage, deliver or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of the nursing home subvention scheme in the Health Service Executive. Accordingly, my Department has requested the chief officers for the executive's areas to investigate the matter raised and to reply directly to the Deputy.

Hospital Accommodation.

224. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children the position in relation to having extra beds provided for Letterkenny General Hospital to help ease the pressure on the accident and emergency unit; and if she will make a statement on the matter. [3799/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for services at Letterkenny General Hospital. Accordingly, my Department has requested the chief officer for the executive's north-western area to investigate the matter raised and to reply directly to the Deputy.

I have identified the delivery of accident and emergency services as a priority area for attention. I have announced a ten-point action plan in relation to accident and emergency services which is being financed with €70 million current funding and €10 million capital funding. My Department is liaising with the HSE to progress the implementation of the plan.

Hospital Services.

225. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the position regarding beds for respite care at a hospital (details supplied) in County Clare; and if she will make a statement on the matter. [3805/05]

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 has the responsibility to manage, deliver or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of respite care in County Clare. Accordingly, my Department has requested the chief officer for the executive's mid-western area to investigate the matter raised and to reply direct to the Deputy.

Health Services.

226. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children when it is proposed to commence the construction of a health centre at Westbury, Corbally, County Clare; and if she will make a statement on the matter. [3820/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the HSE, which was established on 1 January 2005. Under the Act the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the construction of a health centre at Westbury, Corbally, County Clare. My Department has requested the chief officer for the executive's mid-western area to investigate the matter raised and reply to the Deputy direct.

Health and Safety Standards.

227. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children if gymnasias and leisure centres are covered under public health legislation that require that they be regularly inspected in the interests of public health and safety; if not, if she has plans to introduce any such legislation; and if she will make a statement on the matter. [3821/05]

Tánaiste and Minister for Health and Children (Ms Harney): While there is no specific public health legislation governing gymnasias and leisure centres, the Environmental Health Officers Association has produced a policy document

entitled *The Environmental Health Standards for Swimming Pools, Spa Pools, Hydrotherapy Pools and Other Multi-user Pools* relating to environmental health standards in leisure facilities. The guidelines outline the standards that are necessary, based on research and professional experience and cover various areas of environmental health, structure and facilities, water quality and treatment, cleaning and maintenance, management systems and health and safety. The guidelines are endorsed by the Institute of Leisure and Amenity Managers, ILAM, which also provided technical assistance.

Under the Safety, Health and Welfare at Work Act 1989, the Health and Safety Authority is the State body charged with overall responsibility for administration, enforcement and promotion of workplace safety and health. Under the Act, gymnasias and leisure centres, in so far as they are workplaces, would be inspected by the authority in the interest of worker safety.

I have no plans at present to introduce legislation as referred to by the Deputy.

Violence Against Women.

228. **Ms McManus** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that for four years running, the Government budget has neglected to increase funding to the violence against women sector, other than cost of living increases and as a result of this, counselling services and other needs cannot be provided; if her attention has further been drawn to the fact that in view of the lack of structure to date and the effective cap on funding since 2002, this sector is in dire need of a once-off leap in funding with immediate effect; if this will be incorporated into the Finance Bill; and if she will make a statement on the matter. [3822/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The national steering committee on violence against women was established following the report of the task force on violence against women published in 1997. Its purpose is to provide a multidisciplinary, multi-agency and cohesive response to the problem of violence against women and it is chaired by the Minister of State at the Department of Justice, Equality and Law Reform.

My Department does not directly fund or coordinate health and personal social services to victims of abuse. Moneys are made available each year, formerly through the health boards, and now through the Health Service Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now over €12 million is provided annually for the provision of such services. The distribution of this funding is now a matter for the Health Service Executive.

I have asked my Department, together with the Health Service Executive, to undertake an analy-

[Mr. S. Power.]
sis of the current level of service provision in this area with a view to planning future service needs.

Hospital Staff.

229. **Ms McManus** asked the Tánaiste and Minister for Health and Children if she has allocated funding for the two neurology consultants and a full complement of support staff for Waterford Regional Hospital as the Comhairle na nOspidéal report endorsed; when the neurologists will be taking up their posts; and if she will make a statement on the matter. [3823/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for services provided at Waterford Regional Hospital. Accordingly, my Department has requested the chief officer for the executive's south-eastern area to investigate the matter raised and reply to the Deputy directly.

Nursing Education.

230. **Ms McManus** asked the Tánaiste and Minister for Health and Children the reason she signed into effect an An Bord Altranais decision to adopt changes which radically alter the qualification requirements leading to registration as a public health nurse without prior consultation or dialogue with public health nurses or their representative bodies; and if she will make a statement on the matter. [3824/05]

Tánaiste and Minister for Health and Children (Ms Harney): Regulation of the nursing and midwifery professions, including the setting of requirements and standards in relation to the education programmes for registration, is the statutory responsibility of An Bord Altranais, a broadly representative body. The 29 members include 17 elected by nurses who are representative of all the divisions of the register. A composite set of rules were approved by the board in November 2004 and included the changes referred to by the Deputy. My approval is required under section 26 of the Nurses Act 1985 and these rules were formally approved by me in December 2004 as soon as they were submitted by the board. In this case it is appropriate to respect the recommendations and advice of the professional regulatory body for nursing.

National Disability Strategy.

231. **Ms McManus** asked the Tánaiste and Minister for Health and Children when the allocation of funding for personal assistance and assisted living hours announced in budget 2005

will be made; and if she will make a statement on the matter. [3825/05]

Tánaiste and Minister for Health and Children (Ms Harney): Officials of my Department will meet with representatives of the Health Service Executive next week to discuss appropriate protocols for the allocation and monitoring of the additional funds which are being made available for services for people with disabilities as part of the national disability strategy. I expect that the relevant allocations will be made following that meeting.

Hospital Services.

232. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if she will investigate the serious capacity problems at Beaumont Hospital, Dublin, which has led to the cancellation of a hysterectomy operation for a person (details supplied) in July, August, October and December 2004 and February 2005 due to the lack of an available bed in the hospital; if an immediate report will issue on this matter from Beaumont Hospital regarding the reason such a serious operation could not be performed in the hospital on any of the scheduled dates; her views on whether this is a totally unacceptable way for a patient to be treated; and the action she proposes to take to address this matter. [3826/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Services at Beaumont Hospital, Dublin are provided under an arrangement with the executive. My Department has requested the chief officer for the executive's eastern regional area to examine the issues raised and to reply to the Deputy directly.

Hospital Staff.

233. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if the nine bed medical assessment unit in the accident and emergency department of the county hospital, Roscommon, will be fully staffed in view of the fact that the funding has been allocated for this purpose; the reason for the delay in opening the unit; the action she is taking to ensure that this unit is operational; and if she will make a statement on the matter. [3852/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes

responsibility for the county hospital, Roscommon. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the issues raised and to reply directly to the Deputy.

234. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the action she is taking to ensure the appointment of a third consultant physician at the county hospital, Roscommon; and if she will make a statement on the matter. [3853/05]

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 has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the county hospital, Roscommon. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the issues raised and to reply directly to the Deputy.

Medicinal Products.

235. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the action she intends to take to restrict the availability of dextromethorphan in over the counter cold medicine in view of the fact that it has become a substance of abuse in the US; and if she will make a statement on the matter. [3854/05]

Minister of State at the Department of Health and Children (Mr. S. Power): As the competent authority for the regulation of medicinal products in Ireland, the Irish Medicines Board assesses the quality, safety and efficacy of medicinal products on an ongoing basis. My Department is informed by the board that it has not received reports of substance abuse relating to products containing dextromethorphan which have been authorised for use in Ireland. The board conducted a review of these products two years ago during which no specific safety issues arose. The board will continue to monitor the safety and efficacy of these products.

Hospital Services.

236. **Ms McManus** asked the Tánaiste and Minister for Health and Children the reason she has cut the 2005 budget for St. Columcille's Hospital by €1 million; if her attention has been drawn to the fact that this hospital treats a higher number of elderly patients and public patients than other hospitals; if this policy puts a hospital in a position to be deemed inefficient if it not also means that the greatest needs are being met; and if she will make a statement on the matter. [3858/05]

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 their unique patients and unique issues, including elderly or other patients with a long length of stay. 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 who have demonstrated that additional funding will result in real benefits. The negative adjustment of €1,055,679 was consequently a reflection of the hospital's true performance *vis-à-vis* its peers following full compensation for its own unique local circumstances and mix of cases.

Decentralisation Programme.

237. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the number of personnel who on applying for promotion in her Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if she will make a statement on the matter. [4066/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department is not one of the Departments earmarked for decentralisation under the Civil Service decentralisation programme. The signing of an agreement by staff to decentralise would not, therefore, arise.

Disabled Drivers.

238. **Mr. O'Dowd** asked the Minister for Finance the progress to date regarding the reconstitution of the disabled driver and disabled passengers medical board of appeal; and if he will make a statement on the matter. [3426/05]

Minister for Finance (Mr. Cowen): The Department of Finance and the Department of Health and Children are reconstituting the medical board of appeal for the disabled drivers and disabled passengers tax concessions scheme. Progress has been made and it is expected that the new arrangements will be put in place shortly. Staffing and administration of the board are being addressed as part of this process.

Tax Code.

239. **Mr. Healy** asked the Minister for Finance

[Mr. Healy.]

if he will introduce amendments to the capital gains tax system to allow a waiver of this tax in cases in which land is compulsorily purchased to provide for new roads and motorway; and if he will make a statement on the matter. [3553/05]

Minister for Finance (Mr. Cowen): Capital gains tax, CGT, is a tax on a capital gain arising on the disposal of assets. A 20% rate of CGT now applies on the gains arising on the disposal of assets, including land which is the subject of a compulsory purchase order, CPO. This is the lowest rate of CGT in recent history. Where compensation is received for land that is compulsorily acquired, any gains arising from the amount paid for the acquisition of land are chargeable to tax. In other words, if there is a sum paid by an authority for the compulsory acquisition of land, then irrespective of its components, for example, disturbance, injurious affection etc, that total sum will be the amount to be assessed for tax. The CGT due on a disposal of land under a CPO is calculated in the same way as any other disposal of land. The consideration for the disposal will be the sum received for the land. There are no plans to make any changes to the legislation in this regard.

240. **Cecilia Keaveney** asked the Minister for Finance if homoeopath visits can be claimed under the Med 1 revenue form; if it has to be cleared first by the general practitioners (details supplied); and if he will make a statement on possible changes that may be needed to ensure that such genuine medical expenses can be recouped in the same manner as other equally expensive treatments. [3720/05]

Minister for Finance (Mr. Cowen): Tax relief for health expenses is provided for under section 469 of the Taxes Consolidation Act 1997. I am informed by the Revenue Commissioners that under the provisions of the section, relief from income tax may not be claimed for the cost of homoeopathic treatment except in the following limited circumstances: where the homoeopath is a qualified medical practitioner registered in the register established under section 26 of the Medical Practitioners Act 1978, or where an individual is referred to a homoeopath by a qualified medical practitioner for a diagnostic procedure to be carried out. In practice, the number of such claims is likely to be very small.

The question of the recognition of homoeopathic treatment generally is a matter in the first instance for the Minister for Health and Children. I have no plans at present to broaden the scope of section 469 of the Taxes Consolidation Act 1997.

Flood Relief.

241. **Mr. N. O'Keeffe** asked the Minister for Finance the position regarding the carrying out of

urgent flood relief measures in respect of properties (details supplied) in County Cork. [3764/05]

Minister of State at the Department of Finance (Mr. Parlon): An engineering report, which included a preferred flood alleviation scheme for the River Blackwater in Fermoy, County Cork, was completed by consultants employed by the Office of Public Works in late 2003. The OPW then requested the consultants to investigate the possibility of phasing the proposed works and following completion of a phasing report a public information day was held on 27 April 2004 outlining the proposed scheme and the proposed phased implementation of the scheme. The proposed scheme will protect properties on Rathealy Road, Fermoy, when implemented. A flood warning system is considered essential before this scheme is implemented and the OPW has commenced work on this as part of phase one of the scheme.

The consultants have now been asked to prepare the documentation necessary to bring the scheme to formal public exhibition. It is hoped to hold the exhibition later on this year. The programme for implementing the works will become clearer when the detailed design of the scheme has begun.

HM Customs and Excise Vessel.

242. **Cecilia Keaveney** asked the Minister for Finance if his attention has been drawn to the fact that a HM Customs and Excise vessel came into a pier (details supplied) on the morning of 30 January 2005; if a statement will be made on the reason for the visit and if the authorities here were made aware of it. [4003/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that HM Customs and Excise have informed them that the customs cutter *HMCC Valiant* left the quay at Lisahally, Derry, Northern Ireland, on Sunday 30 January 2005 at 9.25 a.m. bound for sea. While transiting Lough Foyle, *HMCC Valiant* launched her RHIB, rigid inflatable boat, in the fairway at the end of the maintained channel to diagnose an engine problem on *HMCC Valiant*. The RHIB was launched in the vicinity of Castlecary starboard hand buoy at 10.35 a.m. and recovered at McKinney's port hand buoy at 11 a.m. The fairway is within 400 metres of the Republic of Ireland shore at the closest point, which helped to provide shelter from a westerly wind while checks were carried out. At no time did the RHIB or its occupants land in any area of the shoreline. At all times the above vessel was engaged in innocent passage on a course leading away from the Irish coast.

The Revenue Commissioners also advise me that excellent co-operation exists between the Irish Customs Service and HM Customs and

Excise in dealing with international drug trafficking by sea. HM Customs and Excise vessels occasionally visit Irish ports as part of this collaborative working. The arrangements for such visits are covered in a memorandum of understanding between the two services.

Child Care Services.

243. **Mr. F. McGrath** asked the Minister for Finance if he will consider proposals (details supplied) on funding child care services. [3398/05]

Minister for Finance (Mr. Cowen): The Deputy's question has nine separate proposals for funding child care services. Only some of them fall within the remit of my Department.

Over the past number of years the Government has considered carefully the whole area of child care. It has been decided as a matter of policy that child benefit will be the main instrument through which support will be provided to parents with children. One of the main benefits from this approach is that, whereas tax relief would be of little or no benefit to those with low incomes, the provision of support for parents through the child benefit route means equality of treatment for all recipients.

In line with this policy approach, the Government has substantially increased child benefit since coming into office in 1997. In that year, the rate of payment was €38.09 per month for the first and second child and €49.52 for the third and subsequent children. In accordance with my budget 2005 statement, the rate of payment from April 2005 will be €141.60 per month for the first and second child and €177.30 for the third and subsequent children. This represents a 272% increase in the rate for first and second children over the rate prevailing in 1997 and a 258% increase in the rate for third and subsequent children. By comparison, during this period the increase in the consumer price index was 31%. Overall expenditure on child benefit has increased from €506 million in 1997 to an estimated €1,916 million in 2005.

One of the key drivers of costs in respect of child care has been the limited number of formal child care places available. In addition, the delivery of quality child care is, of necessity, expensive because it is a labour intensive service frequently required by parents for ten or more hours per day. To address the availability of services, the supply of formal child care places is being stimulated through a programme of investment under the national development plan equal opportunities child care programme, EOCP. The EOCP funds capital development to increase places, support staffing costs for facilities targeting disadvantage, and improve child care quality. Over the next five years, 2005-2009, the capital envelope for the planned programme of

continued investment in child care facilities will be €313 million, which is expected to create about 17,000 places — some 3,400 per annum for each of the next five years. The 2005 allocation for the EOCP provides €83.4 million of which €43.8 million is current and €39.6 million is capital funding. In effect, this is all new spending since 1997. Prior to 1997, the only equivalent provision was a pilot scheme which ran from 1994-97 at a total cost over the three years of €1.6 million.

The Government has also undertaken measures to favour the supply of child care by tax incentives to set up facilities and relief from benefit-in-kind taxation for free or subsidised child care provided by employers. Taken together these represent substantial measures to assist with the cost of child care.

Flood Relief.

244. **Mr. McCormack** asked the Minister for Finance if he will accept responsibility for the flooding of the home and farmyard of a person (details supplied) in County Galway on 7 and 8 January 2005 caused for the third time in 10 years by the overflowing of the Owenshree River at Roxboro, Kilchreest, County Galway; and if he will make a statement on the matter. [3524/05]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has no responsibility for the flooding of the Owenshree River at Roxboro, Kilchreest, County Galway. The Kilchreest area forms part of a drainage district and, as such, drainage maintenance for this area is a matter for the local authority. My officials in the OPW have further advised that its engineering services division, as part of its quinquennial inspections of drainage districts, will be inspecting this district later this year with a view to ensuring that the local authority is complying with its maintenance responsibilities.

The Office of Public Works commissioned engineering consultants to prepare a report in relation to the feasibility of providing a flood alleviation scheme at Kilchreest. The report, which was completed in May 2000, outlined three options to alleviate flooding of the Owenshree River, all of which proved to be non-viable. All potential OPW flood relief schemes must be technically feasible, cost-beneficial and meet environmental impact study requirements.

Departmental Properties.

245. **Mr. J. O'Keeffe** asked the Minister for Finance the amount of land which is owned by the State or its agencies in north County Dublin; and if he will make a statement on the matter. [3525/05]

Minister of State at the Department of Finance (Mr. Parlon): The properties owned by the Office

[Mr. Parlon.]
of Public Works in the north County Dublin area are detailed in the reply to Question No. 246.

246. **Mr. J. O’Keeffe** asked the Minister for Finance the amount of land which is owned by the State or its agencies within ten miles of the M50; and if he will make a statement on the matter. [3526/05]

Minister of State at the Department of Finance (Mr. Parlon): The following is a list of properties or land owned or managed by the Commissioners of Public Works in Ireland which appear to be within ten miles of the M50 in Dublin. I will forward a list of properties or land which are managed by the Commissioners of Public Works in Ireland within the other counties which are within a ten mile radius of the M50.

Postal Code	Property Code	Building Code	Property Name	Address	Site Area SqM
Dublin 1	P1230	B1230	Eden Quay 26-27, Mercantile Off	26-27 Eden Quay	318.5
	P1821	B1821	Garden of Remembrance	Parnell Square	0
	P1823	B1823	Gardiner Street Lr SWO	Trinity House, 50 Lower Gardiner Street	1350
	P2534	B4182	Marlborough St Ed HQ	Marlborough Street	5412.755
		B4187			
		B4180			
		B4189			
		B4188			
		B4186			
		B4185			
		B4184			
		B4183			
		B4181			
		B4178			
		B4179			
	P2555	B2555	Meetinghouse Lane St, Marys Abbey	3-5 Meetinghouse Lane, Mary’s Abbey	0
	P2770	B2770	Upper 11-13 O’Connell Street	Hamman Buildings, 13 Upper O’Connell Street	675
	P2771	B2771	O’Connell Street Upper 14-15	14-15 Upper O’Connell Street	1309.8
	P2777	B2777	O’Connell Street Upper 44	44 Upper O’Connell Street	0
	P2780	B2780	O’Connell Street Upper 45	45 Upper O’Connell Street	579.5
	P2781	B2781	O’Connell Street Upper 9-10	Árus Brugha, 9-10 Upper Street O’Connell	711.6
	P2817	B2817	Parnell Sq 22 Municipal Art Gallery	22 Parnell Square	2448
	P34	B34	Store St Áras Mhic Dhiarmada	Store Street	4819
	P3655	B3655	St Columba’s NS	North Strand Road	0
	P3693	B3693	Store Street GS	Store Street	2216
	P3756	B3756	Thomas Lane 1-2	1-2 Thomas Lane, Cathedral Street	0
	P4005	B4005	Cumberland St SWO	19-28 North Cumberland Street	1514.8
	P4006	B4006	Custom House	Beresford Place-Custom House Q	33260
	P8038	B8038	Parnell Square West 38/39	Parnell West Hotel, 38/39 Parnell Square West	0
	P8111	B8112	Custom House Dublin Port	Promenade Road, Dublin Port	
	P847	B2824	Parnell Sq, 24-28 Coláiste Mhuire	24-28 Parnell Square	
		B2826			
		B2821			
		B2819			
		B2823			
Dublin 10	P2037	B2037	Inchicore NS	Sarsfield Road/Grattan Crescent, Inchicore	0
	P251	B251	Ballyfermot SWO	Rossmore Avenue, Ballyfermot	838.8

Postal Code	Property Code	Building Code	Property Name	Address	Site Area SqM
	P4236	B254	Ballyfermot GS+Sorting Office		3500
	P724	B252 B3999 B4122 B4118 B4117 B4116	Jamestown Rd	Jamestown Road, Inchicore	0
Dublin 11	P1222	B1222	Dunsink Observatory	Dunsink Lane, Finglas	42000
	P1315	B1315	Finglas GS	North Road	0
	P1316	B1316	Finglas SWO	Mellowes Road	9439.55
	P1318	B4191 B4190	Finglas Prev Ctr	Kildonan Road, Finglas West	0
	P1840	B1840	Glasnevin NS	Church Avenue, Glasnevin	
	P3908	B3908	Whitehall GS + RAX	Griffith Avenue	1741.5
	P842	B842	Coláiste Caoimhín	St Mobhí Road, Glasnevin	29263
Dublin 12	P3706	B3706	Sundrive Road GS	Sundrive Road	1700
	P968	B968	Crumlin GS	St Agnes Road, Crumlin	1440
Dublin 14	P1181	B5119 B5118	Dundrum GS+Courthse	Kilmacud Road, Dundrum	1786
	P1190	B1190	Dundrum Central Mental Hospital	Dundrum Road	0
	P3198	B3198	Rathfarnham Courthouse	Willbrook Road, Rathfarnham	
	P3199	B3199	Rathfarnham GS	Butterfield Avenue	1410
	P3660	B3660	Clonskeagh (IPA)	Milltown Road, Clonskeagh	0
	P8024	B8024	Clonskeagh, Clonskeagh Square	Unit A2, Block 1, Clonskeagh Square	
Dublin 15	P4067	B4073 B4068 B3685 B4069 B4071 B4077 B4074 B4075 B4078 B4072 B4079 B4076 B4070	Abbotstown Farm	Castleknock	0
	P4241	B407 B405	Blanchardstown F/mer GS+TE	Main Street, Blanchardstown	
	P4693	B4693	Blanchardstown GS + RAX	Blanchardstown	1138
Dublin 16	P3321	B4231 B3321 B4234	Pearse Museum+Park	Grange Road, Rathfarnham	0
Dublin 2	P1031	B1031	Dawson St 19 Royal Irish Acade	19 Dawson Street	0
	P1045	B656 B4056 B4055 B1082 B1075 B4045 B4048 B4046	Dublin Castle	Dublin Castle	10547.48

Postal Code	Property Code	Building Code	Property Name	Address	Site Area SqM
		B1055			
		B1053			
		B4053			
		B1054			
		B1056			
		B1052			
		B1049			
		B4008			
		B4007			
		B1069			
		B1083			
		B1079			
P1328		B1328	Fitzwilliam Pl 31 Linguistic In	31 Fitzwilliam Place	0
P1331		B1331	Fitzwilliam Sq 21 Com on Nursi	21 Fitzwilliam Square	536.8
P1891		B1891	Pearse Street, Goldsmith House	Pearse Street	603.7
P1904		B4228	Government Buildings	Upper Merrion Street	5331.25
		B4229			
		B4226			
		B2345			
P1976		B1976	Harcourt Tce, Butter Testing Stn	Butter Testing Station, Harcourt Terrace	1406
P1979		B6318	Harcourt Tce, GS+F/Cens+16-17	Harcourt Terrace	822.5
		B6319			
		B6320			
P1984		B1984	Hatch Street 17-19	17-19 Hatch St	1072
P1985		B1985	Hawkins Street, Hawkins House	Hawkins Street	3592
P20		B20	Kildare Street, Agriculture House	Kildare Street	3847
P2128		B2128	Kildare Street, 36-42 Setanta	36-42 Kildare Street	0
P2558		B2558	Merrion Row 7-9	7-9 Merrion Row	
P2559		B2559	Merrion Square, 7 Bd na Gaeilge	7 Merrion Square	
P2564		B2564	Merrion Square, 16 Red Cross So	16 Merrion Square	
P2566		B2566	Merrion Square 44-45	44-45 Merrion Square	1451
P2567		B2567	Merrion Square, 5 Inst/Advan St	5 Merrion Square	0
P2570		B2570	Merrion Square 73	73 Merrion Square	765
P2575		B2575	Merrion Street Upper 14-16	14-16 Upper Merrion Street	497.4
P2692		B2692	National Concert Hall	Earlsfort Terrace	0
P2693		B2693	National Gallery of Ireland	Merrion Square	0
P2694		B2694	National Library	Kildare Street	
P2696		B2696	National Museum		
P2697		B2697	Natural History Museum	Merrion Square	1620
P2796		B2796	Little Ship Street Osmond House	Little Ship Street	1529
P3677		B4169	St Stephens Gr Park	St Stephens Green	0
		B4165			
P3848		B3848	Security Hut, Turkish Embassy	Clyde Road	
P3887		B3887	Werburgh Street SWO	Werburgh Street	
P3940		B3940	St Stephens Gr, 78-81 Iveagh Hse	78-81 St Stephens Green	7399
P3948		B3948	St Stephens Gr 52	52 St Stephens Green	2266.75
P4000		B4000	St Stephens Gr, 50-51 OPW HQ	50-51 St Stephens Green	3262.4
P4015		B4018	Kildare Street 1-3	1-3 Kildare Street	0

Postal Code	Property Code	Building Code	Property Name	Address	Site Area SqM
	P4016	B4017	Kildare Street 23-28	23-28 Kildare Street	2098.4
	P4019	B2140	Kildare Street 4-5 Library	4-5 Kildare Street	1165
		B2141			
	P4110	B4112	Leeson St Lr 93-99	Leeson Street	5640
		B2343			
		B4113			
		B4111			
	P6271	B6271	Merrion Square 90	90 Merrion Square	0
	P7707	B7707	Dawson Street 59	59 Dawson Street	430
	P8010	B8010	Hanover Street East 6/7	6/7 Hanover Street East	2117
	P8020	B8020	Castle Street 10/11	10/11 Castle Street	0
	P8141	B8131	Burgh Quay 13-14	13-14 Burgh Quay	1128
Dublin 20	P735	B735	Chapelizod NS	Main Street, Chapelizod	0
Dublin 22	P3251	B3251	Ronanstown GS	Neilstown, Clondalkin	6000
	P4003	B4003	Clondalkin GS	Orchard Lane	14600
Dublin 24	P3716	B3716	Tallaght GS	The Square, Tallaght	7270
	P3717	B3717	Tallaght SWO/FAS /NAHB		2286
Dublin 3	P826	B826	Clontarf GS	Strandville Avenue East, Clontarf Road	3255
Dublin 4	P1104	B1104	Donnybrook GS	Donnybrook Road Donnybrook	2550
	P216	B216	Shelbourne Road UCD Vet Colleg	Shelbourne Road, Ballsbridge	0
	P3710	B3710	Security Hut Swiss Embassy	Clyde Road	
	P4001	B5090	Beggars Bush	Ballsbridge	3442
		B5091			
		B5092			
		B5093			
	P4020	B4020	Lansdowne Road, 2-8 Lansdowne H	2-8 Lansdowne Road	957.27
	P454	B454	Security Hut, British Embassy	Merrion Road, Ballsbridge	0
	P477	B477	Burlington Road 10	Ballsbridge	
	P8012	B8012	Dublin Asylum	Broc House, 53 Nutley Lane	2300
Dublin 5	P2108	B2108	Kilbarrack Naomh Barroág	Naomh Barroág G A A Club, Kilbarrack Road	26500
	P3180	B3180	Raheny GS	Watermill Road, Raheny	2613.8
	P870	B870	Coolock GS	Oscar Traynor Road, Coolock	3221
Dublin 6	P2435	B2435	Rathmines Rd Lr, 41-43 Lissonfie	41-43 Lower Rathmines Road	0
	P3204	B3204	Rathmines GS	152 Rathmines Road	885
	P4240	B3752	Terenure GS + Tel Exch + RAX	28-32 Terenure Road West, Terenure	3800
		B3750			
	P51	B51	Ardee Road 1-A (Ardee House)	1-1A Ardee Road, Rathmines	2450
	P708	B708	Cathal Brugha Barracks	Rathmines	0
	P978	B978	Cullenswood House	Oakley Road, Ranelagh	
Dublin 7	P1333	B4158	Four Courts	Inns Quay	21000
		B2327			
		B3938			
		B2962			
	P1833	B4192	Infirmarý Rd, Def HQ West	Infirmarý Road	2448.4
		B4193			
		B4197			
		B4195			

Postal Code	Property Code	Building Code	Property Name	Address	Site Area SqM
	P1916	B4194 B4196 B1916	Grangegorman Military Cemetery	Blackhorse Avenue	0
	P1926	B1926	Green Street Courthouse	Green Street	2086
	P1928	B1928	Green St F/mer Debtor's Prison	Green Street/Halston Street	0
	P2046	B4199 B4200 B4201 B4198 B4202 B4203 B4204	Infirmary Rd Def HQEast	Infirmary Road	
	P2551	B2551	McKee Barracks	Blackhorse Avenue	
	P2617	B2617	Mountjoy GS	North Circular Road	1550
	P3224	B3224	Henrietta St Registry of Deeds	Henrietta Street	1787.4
Dublin 7	P3401	B3401	Smithfield Childrens Court	Smithfield	1062
	P3995	B3995	Arbour Hill Complex	Arbour Hill	0
	P4004	B4004	Chancery Street District Court	Chancery Street	865
	P445	B445 B8076	Bridewell GS/Crt Hse-Dub		1750
	P544	B544	Navan Road SWO	Navan Road	14061
	P545	B545	Cabra GS	Nepin Road, Cabra	4430
	P853	B853	Collins Barracks	Benburb Street	0
	P952	B952	Crimean Trophy Plot	Wolfe Tone Quay-Parkgate Street	
Dublin 8	P1811	B1820 B1816 B4096 B1818 B4097 B1819 B6309 B1809 B1812 B4098 B1814 B4099 B1810 B1813 B1808 B1817	Ph/Pk Garda HQ	Phoenix Park	49550
	P1949	B1949	Griffith Barracks	South Circular Road	0
	P2036	B857 B858	Inchicore Nth Est	Inchicore/Islandbridge	2043
	P2048	P8091	Infirmary Road Car Compound	Infirmary Road	0
		P2046 P2048			
	P2080	B2080	St John's Road Computer Centre	St John's Road	5293
	P2081	B4131	St John's Rd W/houses		0
	P2081	B4132	St John's Rd W/houses	St John's Road	0
	P2107	B2107	Kevin Street GS	Kevin Street	5480.76
	P2222	B2222	Kilmainham GS	Kilmainham Lane, Kilmainham	2500
	P2223	P2474	Kilmainham Jail	Inchicore Road	0

Postal Code	Property Code	Building Code	Property Name	Address	Site Area SqM
	P2474 P2794	B2223 B2474 B4124 B4125 B4128 B4126 B5122 B5123 B4123 B4127 B5124	Longmeadows Estate Ph/Pk OSO	Islandbridge-Chapelizod Phoenix Park	5211.9
	P3289	B4044 B3230 B4033 B4037 B4036 B3228 B5134 B4035 B4034	RHK	Kilmainham	202350
	P3289	B3234 B3229	RHK	Kilmainham	202350
	P3654 P4093	B3654 B4088 B4085 B4089 B4087 B4086 B4082 B33 B4083 B4084	St Catherines NS Ph/Pk Áras	Donore Avenue Phoenix Park	0
	P4095	B393 B4094	Bishop Street	Bishop Street	5302.3
	P4140	B4141 B5120 B2936 B4148 B4143 B4145 B2934 B4147 B2932 B4142	Ph/Pk	Phoenix Park	43000
	P4140	B4150 B4151 B4153 B2859 B2878 B5121 B2922 B2931 B2887 B2918 B4152 B2877 B2845	Ph/Pk	Phoenix Park	43000

Postal Code	Property Code	Building Code	Property Name	Address	Site Area SqM
	P4140	B2847 B2848 B2851 B2853 B2856 B2863 B2921 B2872 B2881 B2884 B2885 B2886 B2915 B2920 B2869	Ph/Pk	Phoenix Park	43000
Dublin 9	P2581	B2581	Glasnevin Meteorological Office	Glasnevin Hill Glasnevin	2316.6
	P3310	B4176 B4175 B5125	Santry GS+Complex	Shanowen Road, Santry	11650
	P426	B4212 B4220 B4224 B4223 B4222 B4221 B4219 B4218 B4205 B4216 B4211 B4210 B4209 B4208 B4207 B4206 B4217	Botanic Gdns	Botanic Road, Glasnevin	0

247. **Mr. J. O’Keeffe** asked the Minister for Finance the amount of land which is owned by the State or its agencies in north County Dublin and which has been identified as being surplus to requirements; and if he will make a statement on the matter. [3527/05]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works have no lands which have been identified as surplus to requirements in north County Dublin.

248. **Mr. Kenny** asked the Minister for Finance the number of State buildings by county, including Government offices, schools, Garda stations and so on for which surveys and inspections have been carried out to determine the type, form and condition of any asbestos present; the number of inspections per county which have yet to take place; the details of the schedule of work for

removal of asbestos to be undertaken in 2005; and if he will make a statement on the matter. [3785/05]

Minister of State at the Department of Finance (Mr. Parlon): The information regarding the numbers of buildings surveyed and awaiting surveys for asbestos is given in the table. The Commissioners of Public Works are finalising their 2005 programme of removal works in the light of the findings of these ongoing surveys. It is also hoped to complete the survey programme this year.

County	Buildings Surveyed	Buildings to be Surveyed	Total
Carlow	35	37	72
Cavan	27	104	131
Clare	33	141	174

County	Buildings Surveyed	Buildings to be Surveyed	Total
Cork	416	244	660
Donegal	237	77	314
Dublin	683	553	1236
Galway	284	123	407
Kerry	190	85	275
Kildare	154	20	174
Kilkenny	94	27	121
Laois	33	57	90
Leitrim	30	40	70
Limerick	176	84	260
Longford	15	55	70
Louth	97	41	138
Mayo	74	213	287
Meath	113	38	151
Monaghan	19	92	111
Offaly	45	58	103
Roscommon	34	94	128
Sligo	40	65	105
Tipperary	101	167	268
Waterford	94	43	137
Westmeath	36	96	132
Wexford	125	60	185
Wicklow	106	39	145
Totals	3,291	2,653	5,944

Tax Clearance Certificates.

249. **Mr. N. O’Keeffe** asked the Minister for Finance if arrangements will be made for an application form to obtain a C2 certificate to issue to a person (details supplied) in County Cork. [3786/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that a C2 application form and supporting explanatory documentation has issued to the person concerned. These forms are available on-line from Revenue’s website www.revenue.ie or by phoning the 24-hour Revenue form ordering service on 1890 306706.

250. **Mr. N. O’Keeffe** asked the Minister for Finance to have tax details in respect of a person (details supplied) in County Cork amended. [3787/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners have advised me that the amended address details provided for the person concerned have been noted. A duplicate tax credit certificate will shortly issue to the person concerned at the new address provided.

Nursing Homes.

251. **Mr. Ring** asked the Minister for Finance the number of nursing homes which have been built in the State in the past ten years; and the number of those built which benefited from the tax break. [3789/05]

Minister for Finance (Mr. Cowen): Capital allowances for private nursing homes was introduced in Finance Act 1998 with effect from 3 December 1997. The latest information from the Department of Health and Children is that the number of beds in private nursing homes increased from 6,932 at the end of 1997 to 13,178 in December 2003. An estimated 8,527 persons in these nursing homes receive direct Exchequer support of one form or another for their fees. The new capital allowances incentive for nursing homes would have caused some of this increase in bed capacity but the Department of Health and Children does not have information on this matter.

The Revenue Commissioners are not in a position to estimate the number of nursing homes built since 1997 which benefited from this tax incentive. This is because the normal self-assessment tax return form does not distinguish between capital allowances claimed in respect of private nursing homes from those claimed in respect of other buildings entitled to capital allowances. Consequently it is not possible for Revenue to indicate the level of take-up of this specific incentive. With regard to this issue my Department and the Revenue Commissioners have been working closely recently to investigate data capture issues with a view to improving data quality and transparency without overburdening compliant taxpayers. Arising from this work, provisions were included in Finance Act 2004 introducing a number of changes to the tax return forms which will yield additional information regarding the cost of various tax reliefs. The preliminary data should become available from early 2006 after the returns for 2004 are filed in October 2005.

Regarding the number of non-private nursing homes built that would not qualify for capital allowances I am advised by the Department of Health and Children that as the information required is not normally collated in that Department, it has requested the chief officers for each of the Health Service Executive’s areas to investigate the matter raised and to reply directly to the Deputy.

Tax Code.

252. **Mr. Wall** asked the Minister for Finance if a person (details supplied) is due a tax rebate; and if he will make a statement on the matter. [3790/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that following a review of this person’s income tax liability for the years 2003 and 2004, PAYE balancing statements for those years together with cheques for the resultant overpayments will be sent to the taxpayer on 9 February 2005.

Disabled Drivers.

253. **Mr. Crawford** asked the Minister for Fin-

[Mr. Crawford.]
 ance the reason a person (details supplied) in County Monaghan has been refused the primary certificate, disabled drivers-passengers; his views on whether it is fair or realistic that this person should be refused this certificate; and if he will make a statement on the matter. [3806/05]

Minister for Finance (Mr. Cowen): I assume the Deputy is referring to the disabled drivers and disabled passengers tax concessions scheme. The medical criteria for the purposes of the tax concession under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994.

Six different types of disablement are listed under the regulations and a qualifying person must satisfy one or more of them. The six types of disablement are as follows: (a) persons who are wholly or almost wholly without the use of both legs; (b) persons who are wholly without the use of one of their legs and almost wholly without the use of the other leg such that they are severely restricted as to movement of their lower limbs; (c) persons without both hands or without both arms; (d) persons without one or both legs; (e) persons wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; and (f) persons having the medical condition of dwarfism and who have serious difficulties of movement of the lower limbs.

It is a fundamental requirement for admission to the scheme that the applicant meets the specified medical criteria and is in possession of a primary medical certificate to that effect, issued by the appropriate senior area medical officer, who is an official of the local health board. I have no function in deciding whether individual certificates are issued. Where the issue of the required certificate is refused, this can be appealed to the disabled drivers medical board of appeal, an independent body, whose decision is final.

Planning Applications.

254. **Mr. Naughten** asked the Minister for Finance the reason the Office of Public Works has not responded to a request for further information by the planning authorities in County Leitrim concerning the application for the district veterinary office in Drumshanbo; and if he will make a statement on the matter. [3850/05]

Minister of State at the Department of Finance (Mr. Parlon): A request for additional information was received from the planning authorities of Leitrim County Council in regard to the proposed district veterinary office in Drumshanbo on 19 November 2004.

The additional information is substantial in nature and relates to architectural, engineering and site selection issues as well as details concerning the overall land-holdings of the vendor of the site in the area and an indication from the vendor of the proposed future use of these lands.

The Office of Public Works is dealing with these matters and a response will issue as soon as all the necessary information is available.

State Property.

255. **Mr. Kenny** asked the Minister for Finance if he will report on the procedures which must be followed when the State or any of its agencies wish to dispose of real property; if tendering is mandatory in all cases; and if he will make a statement on the matter. [3851/05]

Minister of State at the Department of Finance (Mr. Parlon): The procedures which must be followed when the Office of Public Works disposes of property are set down in the State Property Act 1954 and a number of delegated or specific financial sanctions. Section 10(2) of the State Property Act states: A State authority may, in respect of any State land for the time being vested in that State authority, do all or any of the following things—

(a) sell such State land or any part thereof,

(b) exchange, on such terms (including payment or receipt of money for equality of exchange) as such State authority may determine, such State land or any part thereof for any other land,

(c) make a grant gratuitously of such State land or any part thereof for any specified purpose, (d) make a lease of such State land or any part thereof for any term.

The Act further states in sub sections (3) and (4):

(3) Every sale of State land under paragraph (a) of subsection (2) of this section shall be made for such consideration in money or money's worth as the State authority selling it shall determine.

(4)(a) Every grant of State land under paragraph (c) of subsection (2) of this section shall contain such covenants, conditions and agreements (including a right of re-entry on breach thereof) as the State authority making the grant shall determine and shall agree upon with the person to whom the grant is made.

In cases where land or property has been identified as surplus to requirements, the Commissioners of Public Works preferred option is to dispose of same on the open market; by tendering or public auction.

In certain circumstances the OPW may dispose of property by: sale or grant to a local authority; sale to the neighbouring landowners in the case of a landlocked site; or (3) sale by private treaty to a sitting tenant. The proceeds of sale are generally returned to the Exchequer.

Decentralisation Programme.

256. **Mr. Timmins** asked the Minister for Finance the number of personnel who on applying for promotion in his Department since January

2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if he will make a statement on the matter. [4067/05]

Minister for Finance (Mr. Cowen): In the period since January 2004, the Department of Finance has made six promotional appointments from interdepartmental Civil Service panels; four assistant principal officers, two executive officers. These appointees have agreed to decentralise to Tullamore for three years and two years respectively, where required to do so.

My Department understands from the public appointments service that three people declined the APO posts and 13 people declined the EO posts referred to above. Those people continue to remain on the panel for further offers to other locations.

Communications Masts.

257. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources if he will urgently investigate the health and safety concerns regarding the mobile phone mast overlooking the junior infants classrooms at a school (details supplied) in Dublin 13; and if he will raise with the Department of Health and Children teachers' and parents' serious misgivings regarding this mast. [3465/05]

259. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources if mobile phone masts are allowed in or on school buildings; the procedures and conditions for allowing masts on schools; the number of schools in the State which have mobile phone masts; and if there are any risks to pupils and staff. [3792/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 257 and 259 together.

I am not aware of any national or international health advisory authority which has recommended that the siting of telecommunications masts should result in direct beam falling on school property. It may be that some paper somewhere may have made such a recommendation — if the Deputy can identify any such work I shall have my experts study it and I will make a further statement.

If any of the relevant international bodies to which Ireland belongs were to make such a recommendation, my Department would have to consider an appropriate response; however to date no such recommendation has been made and therefore no such recommendation is being ignored in this State. This is because, in the continuing opinion of all the relevant international bodies, radiofrequency fields around such masts are not considered a health risk.

The Deputy might like to be apprised of a report in *The London Times* dated 13 November 2004 which records a Court of Appeal decision

that mobile phone masts do not pose a risk to public health which would justify a ban on positioning them near schools.

The siting of individual mobile phone masts is a matter for the relevant planning authorities and my Department has no function in the matter. I do, however, acknowledge that real fears exist among certain parts of the community about the health impacts of these masts. I am sympathetic and understanding of these fears and the concerns that underpin them. However, I must point out that I have no scientific data which as yet supports the contention that these masts damage human health.

Marine Safety.

258. **Mr. Gregory** asked the Minister for Communications, Marine and Natural Resources the details of the work carried out on a vessel (details supplied) whilst it was docked at Waterford Belview Port, resulting in a delay of approximately seven days before the ship completed loading with cattle and left the port on 2 October 2004 to travel to Lebanon. [3775/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Safety standards for seagoing passenger and cargo vessels are developed and adopted at international level, principally from the Safety Conventions of the International Maritime Organisation and from initiatives at European level.

Under Irish and international law all cargo vessels trading into and out of Irish ports are required to carry the appropriate certification to demonstrate compliance with International Maritime Organisation and International Labour Organisation requirements.

The surveying staff attached to the Maritime Safety Directorate of the Department carry out regular inspections of all vessels, including unannounced checks, to ensure compliance with the relevant conventions and regulations. Where a vessel is found to be non-compliant it is detained until the matter is rectified.

I am advised that the cargo vessel in question, a foreign vessel registered in the Lebanon, was found to be deficient during a port State control inspection in September 2004. During the inspection a total of 38 deficiencies were noted. Of these, 12 were found to be detainable deficiencies. The details of the actual work carried out to remedy the deficiencies is a matter for the vessel owner. The vessel was reinspected on 29 September 2004, where it was found that the deficiencies were remedied and the vessel was released from detention and permitted to proceed on its voyage.

I believe that the monitoring of vessels by regular inspections is proving to be an effective measure in encouraging compliance and implementation of international safety standards.

Question No. 259 answered with Question No. 257.

Semi-State Sector Remuneration.

260. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he was consulted with regard to a reported pay increase for the chairperson of An Post; if the increase was in the region of 150%, from €19,000 to more than €50,000; if the board of An Post was consulted on this matter; his views on whether An Post should have pleaded inability to pay with regard to this reported increase; and if he will make a statement on the matter. [3856/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The remuneration scale for the chairpersons of State bodies is decided by the Government. Essentially, the remuneration package is dependent on the size of the body. Because of its size and the importance of the services it provides, An Post is a category one State body and the fee level for the chairperson is €19,046 per annum.

However, on occasion a higher fee level than the norm can be approved for individual chairpersons. This tends to arise when a State body is facing particular challenges and the commitment required of the chairperson would be greater than the norm. The board of An Post would have no role in deciding the remuneration package for the chairperson.

In regard to the current chairperson of An Post, the appointment to this post was made in February, 2003 subject to payment of the normal fee for category 1 chairpersons. However, the chairperson in June 2003 sought an increased rate of remuneration arising from the significant time commitment, which the position involved. The fee sought was based on a rate per day which, when aggregated, amounted to an annual package of €50,000 approximately.

This request was comprehensively examined by my Department and the Department of Finance. By this time, it was clear that An Post was facing significant challenges both on the financial and industrial relations fronts and, as a result, the role of chairperson of An Post required a greater time commitment and personal involvement than the norm. The key role of the board was reiterated when my predecessor the Minister, Deputy, Dermot Ahern, met the board in October 2003 and reminded board members of their crucial oversight obligations in regard to the recovery strategy for An Post. To reflect the importance of the role of the chairperson in overseeing the recovery strategy, it was decided that the person in question would be offered a remuneration package of €50,000 per annum which she has accepted.

Payment of remuneration to chairpersons is not linked to national pay agreements and therefore, the inability to pay clause set out in Sustaining Progress would not apply.

Telecommunications Services.

261. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the efforts being made to address excessive roaming charges applied to mobile phone users here; if his attention has been drawn to the new European Commission investigation into the fees that mobile phone firms charge their subscribers when they travel abroad; his views on the recent ComReg-Ofcom report on cross-Border telecommunications issues; and if he will make a statement on the matter. [3857/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in setting of pricing for telephone services.

The regulation of telecommunications operators, including pricing for mobile services, is the responsibility of the Commission for Communications Regulation in accordance with the requirements of the Communications (Regulation) Act 2002 and regulations made under the EU Regulatory Framework for Electronic Communications.

International roaming has been identified by regulators throughout Europe and the European Commission as a significant issue to be addressed. ComReg is actively working with other members of the European Regulators Group in this area.

This co-ordinated approach is necessary, as any action taken by ComReg on international roaming would primarily benefit mobile phone users visiting Ireland and would not, on its own, benefit Irish mobile users travelling abroad.

A European regulators group composed of national regulators, including ComReg, is now examining this area. The national regulators group aims to present preliminary results of its work in this area in May 2005.

On the issues of cross-Border roaming, I welcome the publication of the joint ComReg and Ofcom report on cross-Border telecoms issues. The report covers: cross border mobile telephone roaming; cross border leased line costs; telephone dialling codes; and illegal broadcast radio stations operating in border areas.

I am delighted that ComReg and Ofcom have adopted a common approach to tackle issues of mutual concern to businesses and the general public on both sides of the Border.

On 19 January 2005, I issued a press release with my northern counterpart Minister, Barry Gardiner, MP, who welcomed the publication of this report and expressed concern at mobile phone customers being caught by roaming mobile signals along the Border and incurring international charges for what they believe are national calls.

I support the report's call for clearer information for customers on all-island tariff options and how to minimise roaming costs. I also support the report's call for the mobile operators to enter into joint arrangements on a cross-Border basis to offer customers all-island tariffs. While I

acknowledge that a number of operators already offer all-island tariff options, it is disappointing that where these are available they are limited to bill-paying customers and business contracts. I would like to see all-island rates extended to pay-as-you-go mobile users, who represent approximately 70% of the mobile customer base. I appreciate that entering into such arrangements would involve business decisions which are a matter for the operators. For my part, I have already taken the opportunity, in meetings with the operators, to raise this issue and will continue to do so.

I look forward to the market's response to the report and to ComReg and Ofcom continuing to co-operate on this issue.

Digital Hub Project.

262. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to replace the anchor tenant at the digital hub; the total cost in terms of expenditure by the State in the project to date; if any moneys spent to date are recoverable; his plans for the digital hub project; and if he will make a statement on the matter. [3875/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): MediaLab Europe was formed by an agreement between the State and the Massachusetts Institute of Technology 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. The Government has met all its contractual obligations arising from the venture.

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 significantly 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, made up of Departments with an interest in the MLE operation, wrote to the board of 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. This included detailed independent assessment of MLE's strategic plan and its progress towards achieving its high level objectives; in-depth discussions with the relevant Government Departments; in-depth discussions with the research and

educational agencies and third-level institutions; in-depth discussions with the business and development agencies; and direct negotiations with MIT and discussions with MLE.

However, a package 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, improved corporate governance in accordance with general State bodies guidelines and effective management.

Considering the importance of the ICT sector to the Irish economy, and 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 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.

Broadcasting Policy.

263. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his proposals for the development of the broadcasting industry; if he has examined the extent to which the State and private sectors are likely to be affected by his proposals; his views on whether it is opportune to proceed with the relevant discussions or legislation on the issue at an early date; and if he will make a statement on the matter. [3876/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My core broadcasting policy objectives are detailed in my Department's Statement of Strategy, 2003 — 2005. These objectives are: to create an environment that encourages the maintenance of high quality Irish radio and television services by both independent broadcasters and RTE; to secure a viable future for high quality public service broadcasting; to seek to retain access to a range of high quality programming in analogue and digital form, on a universal and free-to-air basis.

My key priorities for achieving these objectives include the following: developing the regulatory framework by bringing forward a Bill to provide for the establishment of a single content regulator

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for both public and private broadcasters and to establish RTE on the lines of a company under the Companies Acts; taking steps to examine the issues relating to the establishment of TG4 as an independent entity; ensuring adequate public funding for RTE and TG4 so that they can deliver on their statutory mandate; building on progress made in maximising the effectiveness of television licence fee collection; developing proposals to ensure that in a digital era Irish viewers continue to enjoy access to a range of high quality programming; bringing forward proposals for the future licensing of radio services in Ireland.

I am of the opinion that Irish viewers will be best served by a broadcasting environment that includes a strong public service broadcasting presence in the form of RTE and an independent TG4, together with private broadcasters. Digital television offers opportunities for Irish viewers to avail of an increased number of broadcasting services, including new services of particular relevance or interest to Irish audiences.

An indication of this is the fact that the Broadcasting Commission of Ireland has licensed a number of new television services in the past few months.

Industrial Relations.

264. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources his views on the recent breakdown in talks between ESB management and unions on a new pay agreement, staff shareholding in the company and pension rights; his further views on whether these talks can be restarted in the immediate future; the efforts he is making to ensure that agreement between staff and management is reached, including at board level; and if he will make a statement on the matter. [3883/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I do not have primary responsibility within the Government for industrial relations issues. The present difficulties between ESB management and the ESB group of unions are matters to be resolved by the parties within the context of the industrial relations machinery available to them. This includes the process established by the Labour Court currently being facilitated by Mr. Peter Cassells.

That said, it is my understanding that there is a willingness on both sides to find a way forward and that Mr. Cassells is engaged in efforts to bring the two sides together again. Given the importance of industrial peace in this sector for the economy in general, it is my sincere hope that these efforts will be successful.

In regard to the matters at issue, it is public knowledge that the claim of the ESB group of unions includes an increase in the employees' current 5% shareholding in the company to 19.9%, an 18.5% pay increase and a resolution of the company's pension deficit. All of this is separate

from and additional to increases under Sustaining Progress. Considerations of national competitiveness, the partnership approach to pay in the economy and even the long-term future of the ESB itself raise serious questions about the appropriateness of these claims.

The question of shares is one for the Government as shareholder and they are not within the gift of the company. While I note from the ESB group of unions statement of 14 January that they now appear to have reduced their additional shareholding claim from 14.9% to 9.9%, I restate that Government policy on employee shareholding is clear and does not allow of a shareholding beyond 5% in the absence of a wider transaction affecting the company.

While my Department is keeping in touch with developments, I do not believe that intervention by me at any level is appropriate at present.

Harbours and Piers.

265. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources if an application is with his Department requesting funding (details supplied) in County Donegal; and if he will make a statement on the matter. [3384/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The pier in question is owned by Donegal County Council and its repair and maintenance is the responsibility of the local authority in the first instance.

Funding of €624,057 was provided to Donegal County Council by the Department in 2000 to 2003 for pier improvement works at Portmore Pier, Malin Head.

The county council has submitted an application for further funding for pier improvement and this will be considered in the context of the multi-annual fishery harbour development programme.

Postal Services.

266. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans to fund An Post's public service obligations (details supplied); and if he will make a statement on the matter. [3421/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The universal service obligation which, includes nationwide delivery requirements, is enshrined in EU and Irish law and therefore, it is a statutory requirement for An Post, as the designated universal service provider. Furthermore, the European Communities (Postal Services) Regulations 2002 sets out the area of the postal market solely reserved for An Post to allow the company fulfil universal service obligations.

In addition, the Government provided €12.7 million in funding in 2003 to support the post office network, and the network also benefits

from significant contracts with the Department of Social and Family Affairs for social welfare payments, and the National Treasury Management Agency for Government savings products.

It is not envisaged at this stage, that public funding will be provided to An Post to meet its universal service obligations. In other countries, postal services not only provide such universal services but also are commercially successful and not dependent on any form of State support.

Question No. 267 answered with Question No. 144.

Pension Provisions.

268. **Mr. Healy** asked the Minister for Communications, Marine and Natural Resources if An Post will ensure that its pensioners are treated properly and fairly and are awarded the pension increases which they have been denied by An Post management for the past two years; and if he will make a statement on the matter. [3548/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The authority to implement pension increases was delegated to An Post, subject to certain conditions, as this activity was considered part of the day-to-day operations of the company. In practice this allowed the company to implement pension increases following pay increases to employees. However, decisions outside the scope of the original delegated authority still require the consent of both the Minister for Communications, Marine and Natural Resources and the Minister for Finance.

Following a proposal from the board of An Post to amend the existing pension increase terms of An Post, in this instance, my Department and the Department of Finance undertook a review of the situation. While I fully empathise with An Post pensioners for the position they find themselves in due to the failure of An Post management and unions to reach agreement on implementation of the recovery strategy, the wider overall policy issues raised by the proposal from An Post also need to be considered.

By way of background and as you may be aware, the existing terms of the An Post superannuation scheme provide for 'pay parity' that is, that pensions are increased in line with the pay of serving staff. This is in accordance with public service defined benefit pension increase policy generally, 'pay parity' being an integral and well established practice which is widely applied in public service defined benefit pension schemes.

Unfortunately, following examination of the issue and taking into consideration the implications of providing a precedent which could impact adversely on the cost of pensions in the wider public sector and the existing practice of pay parity, increases to pensioners of An Post, linked to increases under Sustaining Progress, are not possible at this time.

While I understand the current frustration of An Post pensioners with the situation, agreement in partnership with An Post unions to the restructuring plan aimed at securing the future of the company and indeed providing sustainable long-term employment for An Post workers is the way forward.

With this in mind, I have urged both the unions and the management of An Post to fully engage with the industrial relations mechanisms of the State to agree a way forward for the future of the company and all stakeholders in this matter.

Post Office Network.

269. **Mr. Healy** asked the Minister for Communications, Marine and Natural Resources if An Post will reverse its decision to sell Cahir post office, County Tipperary, and put the franchise out to tender; and if he will make a statement on the matter. [3549/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no statutory function in relation to this matter. It is an operational issue for the board and management of An Post.

Harbours and Piers.

270. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that the proposed pontoon to be built in Rossaveal Harbour and funded by his Department does not present safety danger; and if he will make a statement on the matter. [33269/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. P. Gallagher): During 2001 and 2002 the Department, with the assistance of consultants, developed proposals for a deepwater quay and ferry terminal at Rossaveal Fishery Harbour Centre. The project was brought to planning stage at that time but was shelved due to budgetary constraints. In 2004, the Department of Community, Rural and Gaeltacht Affairs and this Department agreed to co-fund the ferry terminal aspect of the overall development.

In assessing the various options for the proposed ferry terminal, consideration was given to solid quay versus pontoon construction and, in terms of layout, marginal quay, quay orientated parallel to road, versus finger pier arrangement. After extensive computer modelling of the inner harbour, involving simulation of wave and tidal conditions and assessment of impacts of new structures on the wave climate, as well as the use of ship simulation studies, it was concluded that a finger pier arrangement of pontoon type construction was the optimum solution for the ferry terminal in Rossaveal.

The use of pontoons offers the following advantages over a solid quay construction: in practical terms, for a particular ferry, the relationship between the ferry deck and doors and pon-

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toon deck can be fixed thus ensuring ease of access for all passengers including hospital patients and disabled persons; the ferry does not need to provide its own fenders and can berth immediately adjacent to rubbing strips on the pontoon, thus minimising the gap between the pontoon and the ferry side entrance doors; the associated access walkway from the quayside can be modified to suit increases in sea levels; there are no significant currents or wave conditions to consider, making a pontoon solution viable. Fabrication of the pontoon and access walkway can be carried out away from Rossaveal thus minimising impacts on existing port operations and the community in general.

In terms of layout, the principal advantages of using the pontoons in a finger pier configuration are that the berthing arrangement is optimised and the ferries are approximately berthed in line with the longest fetch direction.

The advice of the Department's consultants is that the use of pontoons for the ferry terminal in Rossaveal does not present any significant safety danger over that of a solid quay wall construction. In terms of access, pontoons offer a safer and easier option as the relationship between the ferry deck and the pontoon deck is constant, and in particular wheelchair access is easier with this arrangement.

Acmhainní do TG4.

271. D'fhiafraigh **Mr. McGinley** den Aire Cumarsáide, Mara agus Acmhainní Nádurtha an bhfuil géarghá le hacmhainní breise a chur ar fáil do TG4 sa chaoi gur féidir leis an stáisiún leanúint ar aghaidh ag gníomhú go héifeachtach sna blianta amach romhainn. [33481/04]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Is mian liom aird an Teachta a dhiriú ar an bhfreagra a thug mé ar cheist uimhir 147 ar 9 Nollaig 2004.

Question No. 272 answered with Question No. 118.

Question No. 273 answered with Question No. 78.

Question No. 274 answered with Question No. 81.

Electricity Supply Board.

275. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if the board of the ESB has expressed an opinion in regard to the future role of the company; and if he will make a statement on the matter. [3760/05]

318. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which discussions are ongoing with or within the ESB in regard to the future of the

company and issues have arisen which could have a fundamental effect on the company's future; and if he will make a statement on the matter. [4056/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 275 and 318 together.

Five-year rolling corporate plans show the medium-term thinking of State-owned companies. I am aware of views expressed on how the company sees itself being positioned going forward, including its stated desire to retain its vertically integrated structure. I have been informed by the chairman that the question of privatisation is not on the company's agenda. Furthermore, within the context of full electricity market opening later this month, ESB has declared its intention to reduce its market share to 60%. This is a significant target and one which is critical in the context of dealing with ESB's dominance and the development of a competitive electricity market. The company also views it as important for it to maintain sufficient scale to compete with other large energy companies, to match peer performance, expand internationally and ultimately secure sufficient economies of scale and scope to remain a major Irish company in the longer term.

The company will have an opportunity to put forward its views on its future during the consultation phase of the review of the electricity sector which I am proposing to instigate shortly. I confirm it is my intention that the review should examine all options in regard to the future shape of the ESB and, in particular, on how to deal with the company's dominance in the power generation market. I also intend to require the relevant consultants to identify a range of alternative institutional arrangements and company structures, including ownership models, for the ESB and, to the extent appropriate, for the electricity sector in general. The consultants' recommendations will serve to inform future policy decisions in regard to the future of the electricity sector. Given the scale of the review, it is likely to be the end of the year before the final report is available.

Broadband Infrastructure.

276. **Mr. Walsh** asked the Minister for Communications, Marine and Natural Resources if broadband will be rolled out to each of the towns in west Cork; and if he will make a statement on the matter. [3761/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under the second and third phases of my Department's regional broadband programme, high-speed, open-access broadband infrastructure is being provided in a further 94 towns countrywide in association with the local and regional authorities. My officials are in discussions with Cork County Council regarding the design and technical details for the broadband networks for Bantry and Skibbereen in west Cork. Dunmanway will

be included in the next phase which I hope to announce shortly.

The county and group broadband scheme offers smaller towns and rural communities funding assistance towards provision of broadband in their own areas in association with the service providers. Up to 55% funding on capital costs is available under the scheme for projects in west Cork. To date, no community from west Cork has drawn on the available funding. To improve take-up, my Department is establishing a GBS co-ordinator in the south west regional authority, which covers Cork and Kerry, with the aims of promoting the CGBS initiative and providing advice to communities on how to secure funding under the scheme. The co-ordinator will be appointed by mid-February.

ESB Contracts.

277. **Ms F. O'Malley** asked the Minister for Communications, Marine and Natural Resources the position regarding the offer of contracts to the offshore section of AER VI; if, in view of the fact that State aids clearance from the EU was granted in August 2004, and the way was therefore cleared for offers to be made, if his Department has instructed the ESB to make an offer to a consortium (details supplied) for a 50 MW contract; and if so, if this consortium has accepted the offer. [3773/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I allocated additional capacity in the AER VI competition on 13 December last.

This announcement also confirmed the offer of contracts to two separate offshore wind demonstration projects of 25 MW each. Conditional offers of contracts have been accepted in respect of the winning projects in the offshore wind category.

The formal contracts, in the form of power purchase agreements, are issued by ESB customer service. However, ESB customer service will not be in a position to execute the power purchase agreements until a related order under section 39 of the Electricity Regulation Act 1999 is published. My Department is awaiting additional information in respect of a small number of projects which were announced in December last in order to facilitate the maximum number of projects in the order. My Department is seeking to expedite this matter.

Question No. 278 answered with Question No. 77.

Question No. 279 answered with Question No. 130.

Question No. 280 answered with Question No. 82.

Question No. 281 answered with Question No. 91.

Question No. 282 answered with Question No. 128.

Question No. 283 answered with Question No. 109.

Question No. 284 answered with Question No. 70.

Question No. 285 answered with Question No. 101.

Question No. 286 answered with Question No. 131.

Question No. 287 answered with Question No. 85.

Question No. 288 answered with Question No. 154.

Questions Nos. 289 and 290 answered with Question No. 96.

Question No. 291 answered with Question No. 147.

Question No. 292 answered with Question No. 158.

Question No. 293 answered with Question No. 86.

Question No. 294 answered with Question No. 92.

Question No. 295 answered with Question No. 166.

Question No. 296 answered with Question No. 132.

Question No. 297 answered with Question No. 133.

Question No. 298 answered with Question No. 78.

Question No. 299 answered with Question No. 133.

Question No. 300 answered with Question No. 142.

Question No. 301 answered with Question No. 96.

Question No. 302 answered with Question No. 147.

Question No. 303 answered with Question No. 72.

Question No. 304 answered with Question No. 156.

Question No. 305 answered with Question No. 141.

Question No. 306 answered with Question No. 71.

Question No. 307 answered with Question No. 72.

Question No. 308 answered with Question No. 87.

Question No. 309 answered with Question No. 75.

Question No. 310 answered with Question No. 80.

Questions Nos. 311 to 313, inclusive answered with Question No. 119.

Question No. 314 answered with Question No. 73.

Question No. 315 answered with Question No. 108.

Question No. 316 answered with Question No. 78.

Telecommunications Services.

317. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if the proper climate exists for the development of competition in the provision of modern telecommunication facilities with particular reference to broadband, mobile and fixed line telephone technology services; and if he will make a statement on the matter. [4053/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The telecoms market is fully liberalised and regulated by the Commission for Communications Regulation, ComReg, which is independent in the exercise of its functions. ComReg has as one of its key objectives under the Communications Regulation Act 2002, the promotion of competition in the exercise of its functions. Competition is now demonstrably higher in the fixed, mobile and broadband markets than two years ago, reflecting the success of pro-competition policies adopted by the Government.

Question No. 318 answered with Question No. 275.

Decentralisation Programme.

319. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources the number of personnel who on applying for promotion in his Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted

on their promotion or otherwise; and if he will make a statement on the matter. [4068/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department has not, to date, required candidates for internal promotion competitions to sign a specific agreement to relocate under the decentralisation programme. The matter is being kept under review in light of central developments.

Northern Ireland Issues.

320. **Mr. P. McGrath** asked the Minister for Foreign Affairs if he will provide figures for violent crimes, including shootings and attacks on the person, in Northern Ireland for 2003 and 2004. [3867/05]

Minister for Foreign Affairs (Mr. D. Ahern): Violent crime is categorised by the Police Service of Northern Ireland as being one of three separate classes: class 1 relates to offences against the person and includes shootings and assaults; class 2 relates to sexual offences and class 4 relates to robbery. Class 3 relates to burglary and is not categorised as violent crime. As the PSNI provide these statistics on a financial year basis, rather than calendar year, the 2004-05 figures are unavailable at this time. The most pertinent statistics with regard to the Deputy's question are set out below:

	2002-03	2003-04
Class 1	28,455	28,982
Class 2	1,469	1,780
Class 4	2,497	1,973
Total:	32,421	32,735

Decentralisation Programme.

321. **Mr. Timmins** asked the Minister for Foreign Affairs the number of personnel who on applying for promotion in his Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if he will make a statement on the matter. [4069/05]

Minister for Foreign Affairs (Mr. D. Ahern): Under the Government's decentralisation programme, the development co-operation directorate of the Department of Foreign Affairs is scheduled to decentralise to Limerick. This will involve the relocation to Limerick of some 130 posts, most likely during the first quarter of 2007. A decentralisation committee within the Department is planning all aspects of the move in close consultation with the Department of Finance. To date, the Department has not made any offer of promotion contingent on the officer taking a post being decentralised.

Sports Funding.

322. **Mr. Healy** asked the Minister for Arts, Sport and Tourism if he will approve the roll-out of the sports partnerships scheme to allow the Irish Sports Council to approve new applications, including the application from South Tipperary Vocational Education Committee; and if he will make a statement on the matter. [3552/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As the Deputy is aware, the Irish Sports Council is the statutory body with responsibility for the development of sport, including initiatives to promote sport in local areas. The provision in funding for the Irish Sports Council in the 2005 Estimates is more than €34 million, in comparison to slightly more than €13 million in 2000.

The Programme for Prosperity and Fairness committed the Government to the introduction of local sport partnerships to help promote and develop sport at local level. In its first strategy document, *A New Era for Irish Sport 2000-2002*, the Irish Sports Council included the establishment of local sports partnerships as one of its main priorities. The Sports Council, following the receipt of proposals from local bodies, approved and funded the establishment of eight partnerships in May 2001 and a further four were established in early 2002. These are located in Clare, Donegal, Fingal, Kildare, Laois, Roscommon, Sligo, Tipperary North, Cork, Limerick, Meath and Waterford.

At my Department's request the Sports Council commissioned a review of the operation of four of the original eight partnerships. Following the completion and consideration of this review, I gave approval in 2003 to the Irish Sports Council to extend the network of local sports partnerships by a further four, bringing the total number of local sports partnerships to 16. The four partnerships in question have been established and are located in Kerry, Westmeath, Kilkenny and Mayo. A sum of €2.45 million has been allocated to the local sports partnerships in 2005. Since 2001, a total of more than €9 million has been allocated to the local sports partnerships by the Irish Sports Council.

My Department is in the process of engaging consultants to carry out an independent appraisal and review of the entire local partnership process to obtain confirmation that this element of sport policy continues to have an impact at local level. The question of extending the partnerships to further areas will be considered in light of the outcome of that appraisal.

Swimming Pool Projects.

323. **Mr. Lowry** asked the Minister for Arts, Sport and Tourism, further to Questions Nos. 547 of 7 December 2004 and 502 of 26 January 2005, the criteria he uses in deciding funding allocations under the local authority swimming pool

programme; and if he will make a statement on the matter. [3841/05]

324. **Mr. Lowry** asked the Minister for Arts, Sport and Tourism the number of pools funded to date under the local authority swimming pool programme; the location of these pools; the number of applications which remain under consideration; when the programme will be completed; the number of pools which will be funded during the entire life of the programme; and if he will make a statement on the matter. [3842/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 323 and 324 together.

Under the local authority swimming pool programme administered by my Department, projects are considered on a case-by-case basis and consideration is given to such issues as whether the area is classified as disadvantaged, the number and geographical spread of projects within and between counties, the viability of the project, particularly with regard to operational and maintenance issues, the overall funding package for the project, technical details and the Department's annual Estimates provision for the programme.

Fifty-five projects are being dealt with under the current programme which closed for applications on 31 July 2000. Of these, 25 projects have been grant aided, of which 15 have been completed. They are located in Arklow, Courtown-Gorey, Dundalk, Ennis, Enniscorthy, Monaghan, Navan, Wicklow, Roscommon, two in Tralee, Ballinasloe, Finglas in Dublin, Grove Island in Limerick city and Clonmel. Ten projects are under construction and are located in Ballymun and Ballyfermot in Dublin, Cobh and Youghal in County Cork, Churchfield in Cork City, Drogheda, Letterkenny, Jobstown in south County Dublin, Monaghan town and Tuam.

Thirty projects are at various stages of the programme, with two at tender stage in Killarney and Ballybunion and 13 at contract document stage in Askeaton, Athy, Claremorris, Clondalkin in south County Dublin, Dunmanway, Glenalbyn in Dún Laoghaire-Rathdown, Longford, Naas, Portarlinton, Portlaoise, Skerries, Thurles and Tullamore. A further 15 are at preliminary stages in Ballaghaderreen, Ballybofey, Birr, Buncrana, Bray, Castlebar, Clara in County Offaly, Dundrum in Dún Laoghaire-Rathdown, Edenderry, Ferrybank in Wexford, Greystones, Kilkenny, Loughrea, New Ross and Roscrea.

The priority of the programme is to support the proposals in hand. New proposals for swimming pools are not being considered at this time. However, my Department is carrying out an expenditure review on the swimming pool programme, which is examining, among other things, how the programme has worked to date, the benefits which have accrued to the areas where pools have been built through the existing programme and what amendments, if any, are required to ensure the effective and efficient

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delivery of the programme. This review is expected to be completed by mid-year. On completion of this review, the question of re-opening the programme can be considered.

Decentralisation Programme.

325. **Mr. Timmins** asked the Minister for Arts, Sport and Tourism the number of personnel who on applying for promotion in his Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if he will make a statement on the matter. [4070/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): There have been no competitions for promotion in my Department since January 2004. Two appointments have been made from interdepartmental panels, one at assistant principal and one at executive officer level and in each case the persons appointed have been requested, and have agreed, to sign an undertaking that they are prepared to decentralise to Killarney.

326. **Mr. Nolan** asked the Minister for Enterprise, Trade and Employment if he will consider the renting of temporary accommodation in Carlow to accommodate staff wishing to transfer from Dublin to Carlow under the decentralisation programme pending the provision of permanent accommodation in the town; and if he will make a statement on the matter. [3383/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department has been making good progress in implementing its decentralisation programme and has been selected for inclusion among the organisations listed as the potential "early movers" of the decentralisation programme. Under the decentralisation programme, approximately 300 core staff from my Department will be relocated to Carlow.

As required by the third report of the decentralisation group, my Department is updating its decentralisation implementation plan, which sets out how the staffing, training, customer service, business continuity and risk assessment issues associated with this major undertaking will be addressed over the coming months. In addition, a number of the decentralising business units are in the process of upgrading systems and work processes to ensure a smooth transition during the relocation process.

My Department is working closely with the Office of Public Works on the procurement of a site in Carlow. In this regard, we understand that OPW is at an advanced stage in the site acquisition process. At this stage in the process, the Department does not envisage renting temporary accommodation in Carlow.

Economic Competitiveness.

327. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment if he will develop research and development models similar to the Malmo region of Sweden to ensure better potential innovation for companies here and more employment prospects arising from these developments; and if he will make a statement on the matter. [3394/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Programmes to promote innovation and industrial employment have been operating for many years, notably the programmes of the industrial development agencies, but also broader measures to promote competitiveness, entrepreneurship and productivity and a business-friendly environment in general. They have been instrumental in achieving the strong employment growth of recent years. This includes programmes in the area of research and development. A notable increase in Government spending on research and development programmes is being implemented under the National Development Plan 2000 to 2006, with €2.5 billion to be spent across a number of Departments, as compared to €500 million in the 1994 to 1999 period.

In developing our research and development policies and programmes, we are informed by good practice in other countries and regions. It is also necessary, however, to take account of the industrial structure and level of economic development at any particular time in deciding the precise measures to apply. Accordingly, while our programmes reflect good international practice, it would not be appropriate to imitate any specific national model. Two key developments in recent years which draw on good international practice are the establishment of Science Foundation Ireland to promote world class research in ICT and biotechnology and, most recently, the introduction of an incremental research and development tax credit.

In the context of the enterprise strategy group report and the national research and development action plan, it is intended to continue to develop our research and development policies and programmes with the aim of significantly increasing investment on research and development and translating that investment into competitiveness and high quality jobs.

Redundancy Payments.

328. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment when a redundancy payment will be made to a person (details supplied) in County Wexford in respect of a company; and if he will make a statement on the matter. [3395/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): From inquiries made in the redundancy section of my Department, the position is that no claim for statutory redundancy has been received

in respect of the person concerned. When a redundancy arises in an employment, the employer pays the employee statutory redundancy in the first instance. If the person concerned feels he or she is entitled to a statutory redundancy payment, he or she should apply to his or her former employer for a redundancy payment. If his or her former employer cannot afford to pay but gives him or her the necessary statutory forms showing that he or she paid him or her a nil amount, I can arrange for payment of his or her statutory redundancy entitlement to be made to him or her direct from the social insurance fund. If, however, the employer refuses to give him or her the necessary forms to claim his or her lump sum, it is open to him or her to bring a claim against his or her employer before the Employment Appeals Tribunal for a decision in the matter. I have arranged to have the appropriate form for bringing a claim before the tribunal sent to the person in question. If the tribunal awards him a statutory redundancy payment, again, I can arrange for payment to be made out of the social insurance fund on foot of the tribunal order.

Job Creation.

329. **Mr. Crawford** asked the Minister for Enterprise, Trade and Employment the number of IDA jobs created in each of the counties of Cavan and Monaghan in each of the past ten years; his views on whether, with the better road structure, especially into Monaghan and the improved broadband availability, now is the time to make an effort to secure high-tech employment for these two Border counties; and if he will make a statement on the matter in view of the recent job losses in the Virginia factory. [3415/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment, FDI, to Ireland and its regions. While I may give general policy directives to IDA Ireland, I am precluded under the Industrial Development Acts from giving directives regarding individual undertakings or giving preference to one area over others.

Data on job creation are compiled from an annual employment survey carried on by Fórfas. County data for 2004 will not be available until mid 2005. The number of jobs created by IDA supported companies in counties Cavan and Monaghan in the period 1994 to 2003 is as set out in the following table. IDA Ireland, through its network of local and overseas offices, is actively marketing counties Cavan and Monaghan on an ongoing basis as a location for FDI. The agency believes recent infrastructural developments such as those referred to by the Deputy will enhance the attractiveness of both counties for new investments. However, it also points out that decisions regarding where to locate a project, including what areas to visit as potential locations, are ultimately taken by investors.

The job losses in Virginia are very much regrettable. However, I am confident the strategies and policies being pursued by the IDA Ireland, together with the ongoing commitment of Government to regional development, will bear fruit in terms of additional sustainable investment and jobs.

Year	New Jobs in IDA Supported Companies in County Cavan	New Jobs in IDA Supported Companies in County Monaghan
1994	58	112
1995	60	33
1996	13	4
1997	116	28
1998	49	24
1999	35	0
2000	34	1
2001	68	22
2002	47	57
2003	9	10

Job Losses.

330. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the date on which he can visit Ballyshannon in County Donegal to discuss a strategy to create employment in the region in view of the significant numbers of job losses, in particular the closure of a company (details supplied); and if he will make a statement on the matter. [3431/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The announcement by the company that it is to close its Donegal Parian facility is disappointing and particularly devastating for the workers and families directly affected. The role of FÁS, the State training agency, will be particularly important in assisting those who are to lose their jobs. FÁS will make its full range of services available to the workforce, including advice and training opportunities.

On 2 December last, I visited north Donegal and met a number of groups and companies. I undertook this visit in recognition of the relatively difficult employment position in Donegal. It is also my intention, in the very near future, to visit south Donegal, including Ballyshannon, and meet local interest groups to discuss the employment position.

IDA Ireland is actively marketing all areas of Donegal for new investment and jobs and has invested significant moneys in developing a business park to international standards in Letterkenny. In Ballyshannon IDA Ireland has obtained planning permission for a new facility and a significant amount of site development work has been recently completed. Also in Ballyshannon, Enterprise Ireland has recently partnered with the local community development company, Erne Enterprise, to develop new high quality enterprise space. Enterprise Ireland is providing €300,000 in support to this new 10,000

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sq. ft. enterprise centre. I assure the Deputy that tackling the difficulties in Donegal is a particular priority for me and I have reiterated this point to the State development agencies operating in Donegal.

331. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment if he is considering taking action that would lead to employment opportunities for north Cork, particularly Mitchelstown and Mallow, in view of recent job losses; and if he will make a statement on the matter. [3432/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The issue of job creation is a day-to-day operational matter for the industrial development agencies and relevant county enterprise boards and not one in which I have a direct role. IDA Ireland informs me that it is actively marketing north Cork as a potential location for new foreign direct investment, FDI, through its network of local and overseas offices to secure new investment and additional jobs for the region, including the towns of Mitchelstown and Mallow. Specifically, IDA Ireland has been marketing a new business expansion scheme supported building in Mitchelstown of 2,072 sq. m., with the vacant advance factory in Mallow. However, it is important to bear in mind that ultimately decisions regarding where to locate a project are taken by the overseas investors.

Enterprise Ireland works with companies in its portfolio in north Cork to assist them increase their sales and exports and improve innovation in order that they can compete on world markets. The agency is encouraging companies to adopt new technologies to add value to their products and services. In 2004 Enterprise Ireland invested more than €9 million in its client companies in County Cork, of which €1.53 million was for client companies in the region, including Mitchelstown and Mallow. This investment was primarily to support new business employment, research and development, capital investment and staff training.

Enterprise Ireland is also actively involved with the provision of infrastructure to facilitate business development and employment in the region. In 2003 it approved a capital grant of €200,000 for a food enterprise centre on the industrial estate in Mitchelstown under its community enterprise centre 2002 scheme. I understand the project is at planning stage.

In addition, Enterprise Ireland supports the development of business incubation workspace as part of its ongoing commitment to fostering links between colleges and industry. In this regard, Enterprise Ireland has provided support of €2.54 million for incubation facilities in Cork Institute of Technology and €750,000 at University College Cork bio-transfer unit to develop an incubation centre specifically for food biotechnology start-up companies.

The Cork North County Enterprise Board, CEB, provides a range of supports for existing and potential entrepreneurs who are starting or expanding their business. In the recent past the board has conducted 270 one-to-one consultations with clients from the Mitchelstown and Mallow region. In addition, following a joint initiative by Cork County Council, Cork North CEB and Mitchelstown Credit Union, four small advance industrial units are being provided at a cost of €350,000 to facilitate the emergence of new small businesses in the town. From 1993 to date the CEB has paid more than €2 million in grant aid to 178 projects and assisted in the creation of 374 full-time jobs in the north Cork district.

I am confident the strategies and policies being pursued by IDA Ireland, Enterprise Ireland and the Cork County Enterprise Board will bear fruit in terms of delivering the maximum possible level of additional jobs for north Cork, including the towns of Mitchelstown and Mallow.

Job Creation.

332. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment if he has proposals to create employment opportunities at a vacant IDA advance factory in Youghal, County Cork; and if he will make a statement on the matter. [3433/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment, FDI, to Ireland and its regions. While I may give general policy directives to the agency, I am precluded under the Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

I understand the agency is actively marketing Youghal, including the vacant advance factory, for additional investment and jobs to potential overseas investors via its network of overseas offices and project divisions. In particular, they are targeting sectors such as pharmaceuticals, medical technologies, information and communications technologies and internationally traded services. Ultimately, decisions regarding where to locate a project, including what areas to visit as potential locations, are taken by investors.

I am confident the strategies and policies being pursued by IDA Ireland, together with the ongoing commitment of Government to regional development, will bear fruit in terms of additional sustainable investment and jobs for the people of east Cork.

Regional Development.

333. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment his plans for the future of Shannon Development. [3490/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): There have been a number of

developments that will impact on the mid-west region and the roles of the respective State agencies operating there, the most significant of which are: the proposed relocation of the headquarters of Enterprise Ireland, involving 300 of the agency's Dublin based staff to Shannon, as part of the Government decentralisation programme; the establishment of an independent Shannon Airport Authority; and the enterprise strategy group recommendation that Shannon Development should disengage from industrial development functions which should be left to the national agencies, that is, Enterprise Ireland and the IDA.

Other developments such as the removal of the need for operating licences for companies setting up in the Shannon free zone, the transfer of responsibility for Shannon town from Shannon Development to Clare County Council and the transfer of the tourism development function for north Kerry from Shannon Development to Cork Kerry Tourism impact on the future role of Shannon Development, in particular.

Shannon Development fully supports the decision to establish an independent airport authority which it sees as vital to the economic development of the region. It has also further agreed that the company should refocus its activities on the airport with a view to generating business for the airport and that the company's assets should be used to support the airport authority particularly in its early, vulnerable years. The issue of the organisational structure best fitted to achieve these objectives is still under review and no decision has been taken.

Companies Investigations.

334. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Question Nos. 23 and 28 of 16 December 2004, the reasons for the Tánaiste giving her authorised officer a direction to cease investigative work under section 19 in regard to three companies and to commence writing up his reports; if she and her officer were in agreement that the officer's work should be concluded; if the report of the authorised officer has been completed; the person to whom the report will be sent; and if he will make a statement on the matter. [3801/05]

335. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Question Nos. 23 and 28 of 16 December 2004, the statutory power that was exercised by the Tánaiste in giving a direction to her authorised officer to cease investigative work under section 19 of the Companies Act in regard to three companies; and if he will make a statement on the matter. [3802/05]

336. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Questions Nos. 23 and 28 of 16 December 2004, the steps which were taken in order to transfer responsibility for the investi-

gation of these matters to the tribunals; if the relevant books and documents were transferred; if so, when; if there is a proposal to amend the tribunals terms of reference in order to include these matters; the way in which the decision to have these matters pursued by the tribunals is compatible with the Government decision to reduce the remit and shorten the lifetime of the Mahon tribunal; and if he will make a statement on the matter. [3803/05]

337. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment if and when SI 524 of 2001, the Company Law Enforcement Act 2001 (Section 34) Regulations, 2001, was annulled or withdrawn; and if he will make a statement on the matter. [3804/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 334 to 337, inclusive, together.

Section 19 of the Companies Act 1990 empowered the Minister, then Minister for Industry and Commerce, or an authorised officer of the Minister to require the production of books and documents by companies and other bodies in certain circumstances. This type of investigative procedure is normally viewed as preliminary in nature in that it may lead to further and more serious regulatory action such as a full investigation under the control of the courts. In exercise of those powers, my predecessor, the Tánaiste, authorised an officer of the Department to require the production of books and documents by five named companies. In the case of two of the five, the investigations were concluded and follow-up action has been, or is being, taken by the appropriate authorities. The other three investigations are not yet concluded and are being brought to completion by the authorised officer. These three investigations concern Guinness and Mahon (Ireland) Ltd., Hamilton Ross Co. Ltd. and College Trustees Ltd. and the authorisations were made on 8 January 1998, 23 January 1998 and 10 March 1999, respectively.

Significant changes to our company law enforcement arrangements were made under the Company Law Enforcement Act 2001. These included the establishment of a Director of Corporate Enforcement and the transfer to the director of company law enforcement functions of the Minister. The functions transferred from the Minister to the director included those under section 19 of the 1990 Act with the exception of functions relating to section 19 investigations which were then current. This was carried out pursuant to section 34 of the Company Law Enforcement Act 2001 and by S.I. No. 524 of 2001 made thereunder. This instrument, which remains in full force and has not been amended, prescribed five companies in respect of which the powers conferred on the Minister and the authorised officer by sections 19 to 23 of the 1990 Act, as amended by the 2001 Act, continued to be available. This was to facilitate the efficient continuation and conclusion of those investigations.

[Mr. Martin.]

The progress of these investigations was monitored by my predecessor and by the Department over the course of the past seven years. It was the expectation that the investigations would be concluded within a reasonable period following the coming into operation of the new statutory arrangements in November 2001. Over time concerns developed on the part of the Tánaiste and the Department in relation to the time-frame of the investigations and these were conveyed at various times to the authorised officer. These concerns culminated in the issue of a formal direction on 29 July 2004 to the authorised officer to cease investigative work and to commence writing up the reports with a view to facilitating appropriate follow-up action as soon as possible by relevant authorities. I am informed and understand that this direction was based solely on concerns relating to the length of time which the investigations were taking and to the consequential possibility that any meaningful substantive follow-up action, if such were deemed necessary, would be rendered more difficult.

The statutory basis for the direction given by the Tánaiste to the authorised officer is that it is implicit in the terms of section 19 that the carrying out of an investigation under that section by an officer authorised by the Minister, remains under the control and direction of the Minister. I understand that the authorised officer was not in agreement with the Tánaiste in relation to the direction but undertook to comply with it.

The authorised officer has taken steps to ensure that any information disclosed by the investigations which was, or might be, relevant to the work of the Moriarty or Mahon tribunals was brought to the attention of the relevant tribunal at the earliest opportunity. The Tánaiste confirmed this approach and issued a specific direction to the authorised officer in March 2004 in relation to the Moriarty tribunal and in July 2004 in relation to the Mahon tribunal. The authorised officer has complied, and is complying, with the Tánaiste's instructions. My Department has no responsibility for the terms of reference of either tribunal or any changes in those terms.

I recently received a briefing note on the up to date position on the section 19 investigations from the authorised officer. I am considering that briefing with the object of ensuring that the reports of the authorised officer on his investigations into the three companies are completed by him as quickly and as comprehensively as possible and that they are made available to the relevant authorities for any action they consider appropriate, as soon as feasible.

Section 19 investigations are of their nature confidential and matters investigated cannot be revealed to anyone other than the appropriate authorities recognised in company law.

Health and Safety Information.

338. **Mr. Stanton** asked the Minister for

Enterprise, Trade and Employment if non-nationals will receive health and safety information in their own language; and if he will make a statement on the matter. [4042/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):

Under the Safety, Health and Welfare at Work Act 1989, the Health and Safety Authority is the State body charged with overall responsibility for administration, enforcement and promotion of workplace safety and health. Matters arising from this responsibility are, therefore, a day to day function of the authority.

Under the 1989 Act, there is a duty on employers relating to the provision of information, instruction, training and supervision to ensure the safety and health of workers. The Health and Safety Authority recognises the new challenges that the growth of non-English speaking people within the workforce brings. This is evidenced by the launch recently of a new authority initiative, safe system of work plan, SSWP, aimed at reducing injuries and deaths on construction sites.

The initiative relies heavily on pictograms to explain and clarify hazards and controls, thereby creating a wordless document where safety can be communicated to all workers regardless of literacy or language skills. The safe system of work plan aims to focus on those in the construction industry who are most at risk allowing them to ensure that all necessary safety controls are in place prior to the commencement of planned work. In addition, work is currently under way to produce the safe system of work plan in a number of different languages.

In April 2004, the authority in conjunction with Bord Glas, recognised the multicultural nature of the horticultural workforce, with the launch of The Essential Health and Safety Guide for Horticulture, which aims to promote health and safety awareness and accident prevention in the workplace. As a labour intensive industry, horticulture is an established employer of migrant workers and 30% of these originate from then accession states, including Latvia, Lithuania, Estonia and Poland. The guide is available in five different languages English, Latvian, Lithuanian, Polish and Russian.

The Government's commitment to ensuring appropriate standards of health and safety in Irish workplaces, for all workers, national and non-national, is illustrated in the Safety, Health and Welfare at Work Bill 2004, which is currently before the House. The Bill, when enacted, will update, repeal and replace the Safety, Health and Welfare at Work Act 1989 and will provide a modern legal framework to guarantee best international practice in regard to health and safety in Irish workplaces.

Section 9 of the Safety, Health and Welfare at Work Bill 2004 sets out the type of information on safety health and welfare required to be given by employers to employees. The information

must be in a form, manner and language that can be understood. It must include information on hazards, risks and measures taken as regards safety, health and welfare and the names of emergency staff and safety representatives.

Furthermore, under section 20 of the Bill, an employer is obliged to prepare a written safety statement, based on the identification of hazards and an assessment of risks. This statement, which sets out how the safety, health and welfare of the employees will be secured and managed, also must be in a form, manner and, as appropriate, language that can be understood. The new provisions are intended to provide for the fact that new challenges are evolving in our economy due to the changing nature of the workforce.

Decentralisation Programme.

339. **Mr. Timmins** asked the Minister for Enterprise, Trade and Employment the number of personnel who on applying for promotion in his Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if he will make a statement on the matter. [4071/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): There have been no internal promotions undertaken in the Department of Enterprise, Trade and Employment in the period concerned that relate to decentralisation.

Social Welfare Benefits.

340. **Mr. Ring** asked the Minister for Social and Family Affairs the reason payment of the disability allowance was discontinued for a person (details supplied) in County Mayo; the action which is being taken to rectify the situation; when payment will be restored; the person who assessed the claim and dealt with this person. [3367/05]

Minister for Social and Family Affairs (Mr. Brennan): Continued entitlement to disability allowance is subject to the person satisfying a means test and the medical eligibility criteria that apply. Legislation provides that all income which the claimant and his or her spouse or partner have is assessable for means purposes subject to certain exemptions.

Following a review, the disability allowance claim of the person concerned was disallowed by a deciding officer from 19 January 2005 on the grounds that he had failed to show that his income from self-employment did not exceed the statutory limit for receipt of the allowance. He was notified of this decision on 24 January 2005, the reason for it and of his right of appeal to the social welfare appeals office. He is currently in receipt of supplementary welfare allowance. If the person concerned provides full details of his income, his entitlement to disability allowance

will be assessed and payment of any moneys he may be due will be made without delay.

Under social welfare legislation, decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in making such decisions.

341. **Dr. Upton** asked the Minister for Social and Family Affairs the position regarding extending the respite care grant to pensioners and others not claiming the carer's allowance. [3369/05]

347. **Mr. Haughey** asked the Minister for Social and Family Affairs the details of the changes announced in budget 2005 the respite care grant; the way in which eligibility for this grant will now be determined; and if he will make a statement on the matter. [3543/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 341 and 347 together.

The conditions for receipt of the extended respite care grant will be set out in the forthcoming Social Welfare Bill and regulations. As set out in my speech at budget time, the following broad conditions will apply: the carer must be providing full-time care to a person who is in need of such care; as is the case with recipients of carer's allowance, a full-time carer must not be engaged in employment for more than ten hours per week; and those who are on unemployment payments will be excluded since they are required to be available for and actively seeking full-time work. Full details of the conditions for receipt of the extended respite care grant will be widely publicised in advance of the payment date.

342. **Mr. Kehoe** asked the Minister for Social and Family Affairs the reason the pension of persons (details supplied) in County Wexford was reduced; the payment they are in receipt of; the options available to them; and if he will make a statement on the matter. [3370/05]

Minister for Social and Family Affairs (Mr. Brennan): A person age 66 years or over may qualify for an old age non-contributory pension if his or her weekly means do not exceed €171.10. All income is taken into account in calculating the means including the value of any property owned, but excluding a person's own home.

Each of the couple concerned is getting an old age non-contributory pension of €38.50 per week based upon weekly means of €133.05 which were assessed in January 2002. However, following a recent review of their circumstances by a social welfare inspector, their weekly means had increased to €185.23.

As the means of each of the couple are currently in excess of the maximum statutory limit, their pensions are due to be revoked. However, before a formal decision is made on this matter, a deciding officer of my Department wrote to the

[Mr. Brennan.] couple in January 2005 affording them a period of 21 days in which to supply any evidence which might indicate that their means assessment is incorrect. If no reply is received to this letter, a decision on their entitlement to pension will be made based upon the facts currently available.

Under social welfare legislation, decisions relating to claims are made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Child Support.

343. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if he will work with the Department of Finance on child care proposals (details supplied). [3397/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department administers a number of child income support measures, including child benefit which delivers standard rates of payment in respect of all qualified children in a family regardless of income levels or employment status. Child benefit supports all children but delivers proportionately more assistance to those on low incomes and with larger families. It is not intended primarily to meet child care costs. However, the very substantial increases in benefit in recent years can make a significant contribution to meeting those and other child-rearing costs.

The question of specific support for the costs of child care is a matter for my colleague, the Minister for Justice, Equality and Law Reform, through whose Department the equal opportunities child care programme under the national development plan is administered.

The Deputy has asked me to consider in particular the following issues with the Minister for Finance: introducing 18 weeks paid parental leave for parents of children under the age of five, to be paid at the same rate as maternity benefit; extending maternity benefit from 18 weeks to one year; alternatively, allowing an element of paternity leave where the father could share the final four months of leave with the child's mother; establishing paid part-time parental benefit for parents of children under the age of 11; and introducing a means-tested parental allowance payment for parents with a child under the age of five.

The legislation which specifies the circumstances under which parental and maternity leave can be taken lies within the responsibility of the Minister for Justice, Equality and Law Reform.

Any change in the current provisions for maternity benefit, such as extending the duration of leave from 18 weeks currently to one year, would require changes to that legislation. My Department provides maternity benefit payments to employees only where entitlement to maternity leave has been established.

Similarly, it is likely that any entitlement to paid parental benefit would be contingent on an underlying entitlement to parental leave. Responsibility for the current provisions in relation to parental leave rests primarily with the Minister for Justice, Equality and Law Reform and once entitlement to unpaid leave is established, my Department can award credits to protect the social insurance record of the person taking the leave.

The legislation underwriting both maternity leave and parental leave provisions were considered under separate working groups established under the Programme for Prosperity and Fairness. The report of the working group on the review and improvement of the maternity protection legislation 2001 recommended an extra four weeks paid maternity leave, bringing the total entitlement to 18 weeks and four extra weeks additional unpaid maternity leave being the total entitlement to eight weeks. These recommendations have since been implemented.

The report of the working group on the review of the Parental Leave Act was published in 2002 and dealt with the principle of paid parental leave. In its report, the working group said it could not reach a consensus on the issue and therefore no specific proposals for paid parental leave were advanced.

The working group did not specifically address the issue of a payment in respect of part-time parental leave for children under the age of 11 years. It would be necessary to work out both the practical and financial implications of such a measure in a broader framework probably involving the social partners before detailed consideration could be given to this proposal.

The introduction of a means-tested parental allowance payment for parents with a child under the age of five would represent a very significant departure from the current approach in relation to child income support which is based for the most part on the provision of child benefit. Such a measure would in the first instance require a shift in the current approach based largely on universal payments to a more selective approach and second would imply a shift in support toward families with younger children.

In relation to a move in the direction of more targeted child income support such as a means-tested child benefit supplement, following its identification as an issue in the Sustaining Progress national agreement, the National Economic and Social Council, NESC, has undertaken a review of child income support and in particular the possible merging of family income supplement and child dependant allowances into a second-tier child income support payment. This review, which NESC expects to complete during 2005, will inform the development of future policy in this area.

The introduction of an age-related child benefit payment structure has been proposed on a number of occasions in the past and the argu-

ments for specific age related payments are far from clear-cut. Whereas it is recognised that child care expenses might be higher for pre-school children, research has shown that other expenses rise with age.

In recognition of the increased expense encountered by larger families with younger and older children, rates have been structured towards payment of the higher rate in respect of third and subsequent children. This policy provides a consistent level of support to parents regardless of the age of the child.

Social Welfare Benefits.

344. **Mr. O'Dowd** asked the Minister for Social and Family Affairs if his Department plans to review the earnings disregard for persons with disabilities who are in rehabilitative employment; and if he will make a statement on the matter. [3435/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department aims, through the provision of a range of supports, to encourage and assist people with disabilities and long-term illnesses who are in receipt of social welfare payments to identify and take up available employment, training and other self-development opportunities, where appropriate. This is achieved through a number of measures, which include: exemptions from the general "no work" conditions which apply to the contributory illness and disability payments. With the prior approval of the Department, a person may be exempted from these conditions so as to engage in employment or training of up to 20 hours per week which is considered to be rehabilitative or therapeutic in nature; earnings disregards in the case of means-tested payments, disability allowance and blind pension, for those engaging in rehabilitative employment or self-employment and rehabilitative training; participation in the back to work scheme, whereby people on long-term illness and disability payments can retain those payments on a sliding scale for three years where they take up full-time employment in the open labour market, four years where engaged in self-employment; the jobs facilitator network, which assists people to return to work, training and education by advising them of the options available, encouraging them to take up these options and providing supports, where necessary; and exemptions from liability for employer and employee PRSI contributions, in certain instances.

The earnings disregard for those in receipt of means-tested payments engaging in rehabilitative employment has been increased on a number of occasions since the transfer of the then disabled person's maintenance allowance, DPMA, from the health boards to my Department as disability allowance in 1996.

At that time, the disregard was £35.20, equivalent of €44.69, increased to £36.30, €46.09, from 4 June 1997 and to £50, €63.49, from 3 June 1998. It was then increased to £75, €95.23, from 5 April

2000 and also extended to self-employment and to its current level of €120 from 3 April 2002. Any further change to this disregard would have budgetary implications and would have to be considered in the context of overall available resources.

As part of the Government's expenditure review initiative, a working group established in my Department reviewed the range of existing illness and disability schemes and identified a number of areas where employment support could be strengthened within the social welfare system and across Departments generally.

The review considered that there is no single approach which could offer a complete solution to the barriers which people with disabilities may experience in finding and taking up employment, but rather that a combination of measures is required which should include: a recognition of the fact that some people's medical and other circumstances may mean that they have some capacity for work, but may never achieve full-time work. A review of the rehabilitative earnings disregard could be considered in this context; ensuring that whatever employment support measures are adopted do not act as a disincentive for people with disabilities and long-term illnesses in maximising their potential; retaining a range of employment supports for different client groups, and ensuring that clients are referred to the most suitable option, having regard to the nature of their illness-disability, age and social circumstances; and the introduction of early intervention measures which are aimed at re-integrating people who sustain serious illnesses, injuries and disabilities back into the workforce before they become long-term dependent on social welfare payments.

The review sets out a strategic direction for policy in relation to the illness and disability schemes and its recommendations will be taken on board in the context of future development of employment support activities. My Department is actively considering how the many recommendations of the report might be implemented.

345. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs if he will review the case of a person (details supplied) in Dublin 12; and if, in the circumstances, the exemption will be continued for a further six months to allow the person to prepare for work. [3447/05]

Minister for Social and Family Affairs (Mr. Brennan): A person is not permitted, as a general rule, to engage in work while receiving disability benefit. Legislation provides, however, that a person may be granted an exemption from this rule where she-he is engaged in part-time work in the nature of rehabilitation or occupational therapy, with a view to return to full-time employment.

The person concerned has been in receipt of disability benefit since 20 January 2003. In March 2004, an exemption was approved for a period of six months from June 2004.

[Mr. Brennan.]

An extension to the exemption period was refused on 13 December 2004 following consultation with the Department's medical adviser who advised that the rehabilitative and occupational therapeutic value of the work had been exhausted, and that the exemption was unlikely to lead to return to full-time employment.

The person concerned sought a review of the decision and her case was sent to the chief medical adviser of the Department for his advice. The reviewing officer, after examining all the facts and taking into consideration the advice of the chief medical advisor, upheld the original decision.

If the person concerned wishes to continue with the part-time work, she will have to submit a final certificate to the Department. Alternatively, if the person concerned wishes to continue to claim disability benefit she could cease the part-time work but her entitlement to disability benefit would be subject to reassessment on medical grounds.

If the person concerned continues with her part-time job, she may be entitled to unemployment assistance but that is subject to her meeting the relevant conditions, including that she was seeking work either for those periods not covered by her current part-time job or an alternative full-time job. The person concerned may also claim supplementary welfare allowance on a short-term basis while awaiting a decision on a claim for unemployment assistance.

346. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the number of recipients of the carer's allowance at the full rate, the carer's allowance at a reduced rate and carer's benefit; and if he will compare these figures with the total estimated number of carers. [3466/05]

Minister for Social and Family Affairs (Mr. Brennan): There are now 23,915 people in total receiving either carer's allowance or carers benefit. Some 21,001 of these are in receipt of carer's allowance at the maximum rate and another 2,233 are on reduced rates. A further 681 people are currently in receipt of carer's benefit.

The Central Statistics Office, CSO, included a question in the 2002 census to identify the number of persons providing unpaid personal care for a friend or family member with a long-term illness, health problem or disability. The analysis of this section of the census found that: 40,526 people provide 43 hours or more unpaid personal help per week, or over six hours per day; 23,366 people provide 15 to 42 hours unpaid personal help per week, or between two and six hours per day; and 84,862 people provide one to 14 hours unpaid personal help per week, or up to two hours per day.

There are currently approximately 24,000 carers in receipt of carer's allowance or carer's benefit. This equates to 59% of the 40,500 or so people found by the CSO to be caring for six hours or more each day. It equates to 37% of the 64,000

or so carers found by the CSO to be caring for more than two hours per day. People providing lower levels of care would not necessarily meet the qualifying conditions for receipt of a payment because the carer must be providing full-time care and attention and the care recipient must be in need of full-time care and attention. In the case of carer's allowance, the carer must also satisfy a means test.

Support of carers has been a priority of Government since 1997. Payments to carers have been greatly improved over that period and qualifying conditions for carers allowance have been significantly eased, coverage of the scheme been extended and new schemes such as carers benefit and the respite care payment have been introduced. The further development of support for carers continues to be a priority for me and for Government.

Provision has been made in successive budgets for substantial increases in the income disregards. From April 2005, the weekly income disregards will increase to €270 for a single carer and to €540 for a couple.

The effect of this increase will ensure that a couple with two children, earning a joint income of up to €30,700 can qualify for the maximum rate of carer's allowance while the same couple, if they had an income of €49,200, could still qualify for the minimum carer's allowance, the free schemes and the respite care grant. The carer's allowance means test is one of the more flexible tests in terms of the assessment of household incomes.

In addition and with effect from June 2005 I have made provision for the introduction of a universal respite care grant payment of €1,000 payable to all carers providing full-time care to an older person or a person with a disability subject to certain employment related conditions. This grant may be made in respect of each care recipient and is not subject to a means test. These measure will continue to enhance the provision of supports for carers.

Question No. 347 answered with Question No. 341.

348. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the number of recipients of the fuel allowance; the estimated annual cost of increasing the allowance to €12 and to €15; the estimated annual cost of extending the allowance to the remainder of the year; the estimated annual cost of paying a half-rate allowance for those months during which the allowance is not currently awarded; and if he will make a statement on the matter. [3555/05]

Minister for Social and Family Affairs (Mr. Brennan): The estimated cost of social welfare fuel allowances in 2004 is €84 million, benefiting some 270,000 households. The estimated additional cost of increasing the allowance to €12 and to €15 per week for the 29-week winter heat-

ing season would be approximately €23 million and €47 million, giving a total scheme cost of €107 million or €131 million, respectively.

The estimated additional cost in 2005 terms of extending the fuel allowances to a full year would be approximately €66 million, giving a total scheme cost of €150 million. The estimated additional cost of paying half-rate allowance for those months during that the allowance is not paid currently would be approximately €33 million, giving a total cost of €117 million.

Fuel allowances are an assistance towards a person's extra heating expenses in the colder months, and have never been intended to cover the entire cost of fuel in that period. Significant real increases in recent years in primary social welfare payment pension, benefit and assistance rates have improved the income position for people who depend on the social welfare system to meet their day to day living costs, including heating. In addition, more than 300,000 households also qualify for electricity and gas allowances throughout the year under the household benefits package.

Any increase in fuel allowance payment levels or duration would have significant cost implications and is a matter for consideration in a budgetary context.

349. **Mr. Ring** asked the Minister for Social and Family Affairs the way in which means were assessed for a person (details supplied) in County Mayo in regard to the carer's allowance. [3557/05]

Minister for Social and Family Affairs (Mr. Brennan): Under the legislative provisions that apply to carer's allowance all income which the claimant and his/her spouse have is assessable for means purposes. In the case of carer's allowance income disregards of €250 for a single person and €500 for a married couple apply. Any means in excess of the disregards are assessable.

The person concerned has been in receipt of carer's allowance since 2000. She applied for an increase in her carer's allowance in respect of a second carer on 29 July 2004. She was awarded carers allowance at €209.40 per week with effect from 15 July 2004. This represented the maximum personal rate payable to a person providing care to two persons. The means which, at that time, were derived from her spouse's earnings were below the disregard.

Due to a change in her spouse's employment and earnings two revised decisions have been made in respect of her entitlement. Income from her spouse's employment was re-assessed at €607.89 per week net of allowable deductions in respect of PRSI, superannuation, travel, etc.

Following the application of the €500 income disregard that applies, her weekly means were assessed as half of the balance, or €53.94 per week. Accordingly, her weekly rate of allowance was reduced to €161.90. She was notified of this

decision and the reasons for it, including a breakdown of the means assessed.

Additional information regarding her spouse's employment was subsequently received by my Department on 1 February 2005. A further revised decision has been completed and income from employment was assessed as €703.92. Following application of the income disregard, the weekly means equate to €101.96. The rate of payment will be reduced accordingly from 3 March 2005 to €135.40.

Her case will, however, be automatically reviewed arising from improvements to the income disregards made in the context of the budget. These are being increased to €540 with effect from April 2005 for a married or co-habiting couple. In cases where there are no other changes in circumstances, this will result in an increase of €20 per week in the rate of carers allowance payable.

Under social welfare legislation decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

With effect from June 2005, I have made provision for the annual respite care grant of €1,000 to be payable in respect of each care recipient.

350. **Dr. Upton** asked the Minister for Social and Family Affairs his plans to extend the free travel pass to cover all services operated by Dublin Bus; and if he will make a statement on the matter. [3833/05]

Minister for Social and Family Affairs (Mr. Brennan): I understand that the Deputy's question refers to the possibility of removing the time restrictions from the free travel scheme.

Time restrictions have been a feature of the free travel scheme since its inception. The central issue in regard to time restrictions is that of capacity constraints and the pressure on the transport system from commuters travelling to and from work and school in the morning and evening.

Time restrictions do not apply on any transport services in the case of people with learning disabilities, people attending long-term rehabilitation courses or certain work experience programmes and certain other people with disabilities or visual impairment.

These people are issued with an unrestricted free travel pass which enables them to travel during the normally restricted travel times. Also, there are no peak time travel restrictions on luas, DART, suburban rail services, and on services provided by private transport operators in other parts of the country.

In exceptional circumstances, where hospital appointments cannot be arranged out of peak travel time, my Department can issue a temporary unrestricted free travel pass. Requests for such passes are considered on a case by case basis.

[Mr. Brennan.]

I understand that any general lifting of the existing time restrictions at this time could cause capacity problems for transport operators. However, my officials are keeping the matter under review.

351. **Mr. McGuinness** asked the Minister for Social and Family Affairs if the maximum rent allowance will be awarded in the case of persons (details supplied) in County Carlow; the reason these persons are being asked to repay his Department; and if a decision will be expedited in this case. [3834/05]

Minister for Social and Family Affairs (Mr. Brennan): Subject to certain conditions, including a means test, rent supplements are available through the supplementary welfare allowance scheme administered on my behalf by the community welfare staff of the Health Service Executive, HSE.

The southern region of the HSE has advised that an overpayment of rent supplement occurred in this case owing to the failure of the person concerned to notify the community welfare officer that he had taken up part-time employment. The HSE has further advised that the person concerned is no longer in part-time employment and that payment of the appropriate amount of rent supplement has been restored to him.

The HSE is obliged to make all reasonable efforts to recoup the overpayment. In doing so, it will have full regard to the circumstances of the couple concerned to ensure that no hardship occurs. The community welfare officer will notify the person shortly of the amount of the overpayment and will seek his proposals for repayment of the sum due.

Child Poverty.

352. **Mr. Stanton** asked the Minister for Social and Family Affairs his views on the recent EU-SILC report which indicated that nearly 15% of children under 15 were living in consistent poverty; the action he intends to take as a result; the timescale for same; and if he will make a statement on the matter. [3873/05]

Minister for Social and Family Affairs (Mr. Brennan): The Deputy is referring to the first results from the 2003 EU survey of income and living conditions, EU-SILC, which were released by the Central Statistics Office, CSO, last month. The findings of this survey are a valuable contribution to the comprehensive research already undertaken into income, living standards and the extent of poverty in Ireland. A key message from the survey is that, despite the extremely positive and targeted action taken by the Government and the record levels of spending on social welfare, there continue to exist vulnerable groups, including children, who struggle on the margins of society. It is, therefore, necessary to intensify the efforts to eradicate poverty and social

exclusion, particularly in relation to persons in these vulnerable groups. The EU-SILC survey is a new survey that uses a different methodology to that employed in earlier surveys. It is a fact that different surveys give different results. Therefore, the apparent differences that emerged in the “consistent poverty measure” between the new EU-SILC results and the earlier 2001 Living in Ireland survey do not suggest any radical increase in poverty rates in Ireland between 2001 and 2003. Both the CSO and the Economic and Social Research Institute, ESRI, have assured me that the figures are not comparable and that it is therefore not possible to conclude from them whether the rates for consistent poverty went up or down or remained unchanged. Nevertheless, what is not in question are the groups who are identified as being most at risk. The EU-SILC survey confirms the findings of earlier analyses in this regard.

In my initial response to the launch of these figures, I stressed my commitment to taking swift and decisive action on child poverty. Serious consideration is now being given to the introduction of a second tier of supports — in addition to the child benefit and other support entitlements — aimed specifically at addressing those children most at risk. Linked to this are the vulnerable circumstances of many lone parents. The existing support systems will be scrutinised over the coming months and changes considered that more adequately reflect the needs of this group, and society in general, in a 21st century Ireland.

My Department is also involved in efforts to develop a strategy to eliminate obstacles to employment for lone parents. Tackling child poverty has been and continues to be among the Government’s key priorities. Strategies to address child poverty and the measures to give effect to them are set out in the revised National Anti-Poverty Strategy, the national children’s strategy and in the national action plan against poverty and social exclusion. The importance of tackling child poverty is also reflected in the fact that ending child poverty was identified as one of ten special initiatives being undertaken under Sustaining Progress. Under this initiative, key policy issues are being addressed including: child income support arrangements; the development of a strategy for strengthening families in a changing society; initiation of a longitudinal study of children; barriers to employment, particularly for lone parents and larger families. The work being undertaken under the special initiative will further enhance the capacity to tackle the issue of child poverty.

This Government continues to make significant progress in its programme of increases in the levels of child benefit. From April 2005 child benefit payments will amount to €141.60 for the first and second children and €177.30 for the third and subsequent children. Between the 2001 and 2005, the child benefit rate increased by 65. Furthermore, the national action plan against poverty

and social exclusion set a target for child benefit and child dependant allowances to be set at 33 to 35 of the minimum adult social welfare payment rate by 2007. Following budget 2005 the combined child income support, that is, child benefit and child dependant allowance, for those on social welfare will be at 33 of the lowest social welfare rate in 2005. The causes of poverty among children and its effects are multi-faceted and require a multi-policy approach and the results of the EU-SILC survey will be examined in greater detail over the coming weeks with a view to facilitating a more effective such approach.

Income Support.

353. **Ms Shortall** asked the Minister for Social and Family Affairs if an examination will be carried out on the income supports for mature students in view of the case of a person (details supplied) in Dublin 9; and if he will make a statement on the matter. [4006/05]

Minister for Social and Family Affairs (Mr. Brennan): The back to education allowance is a second chance education opportunities programme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force.

At present, to qualify for participation in the scheme an applicant must be, *inter alia*, in receipt of a relevant social welfare payment for at least six months if pursuing a second level course of study, currently 15 months is to be reduced to 12 months from September 2005.

The requirement to be in receipt of a relevant social welfare payment for a minimum period of time has always been a feature of the back to education allowance scheme and is considered reasonable and necessary to ensure that resources are targeted at those who are most in need. The issue of income supports for students, whether mature students or otherwise, is not a matter for the social welfare system.

Prior to commencing a course of study in September 2004, the person concerned, was in employment and not, therefore, within the target group for the scheme. I am satisfied that, overall, the current arrangements ensure that the scheme supports those people who are most distant from the labour market and whose need is greatest. As I have undertaken to the Dáil and the Oireachtas Joint Committee on Social Affairs, I will continue to keep the qualifying period for this scheme under regular review.

Decentralisation Programme.

354. **Mr. Timmins** asked the Minister for Social and Family Affairs the number of personnel who, on applying for promotion in his Department

since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if he will make a statement on the matter. [4072/05]

Minister for Social and Family Affairs (Mr. Brennan): Under the Government's decentralisation programme for the Civil Service and public service, my Department's headquarter sections and the social welfare appeals office are scheduled to re-locate to six locations, Sligo, Carrick-on-Shannon, Donegal, Buncrana, Carrickmacross and Drogheda. In addition, the Combat Poverty Agency and Comhairle, which operate under the aegis of my Department, are scheduled to re-locate to Monaghan and Drogheda, respectively, under the programme.

To date, no employee in my Department has refused to sign an agreement on assignment or when offered promotion. Since January 2004, five employees have been requested on assignment to sign an agreement that they are willing to decentralise to a provincial location in accordance with the decentralisation programme. Four of the assignments were within the grade of specialist IT posts, carrying an allowance, which are designated for decentralisation to Drogheda. Three of these were from a public appointments service, PAS, interdepartmental panel and one was from an internal departmental competition. The fifth assignment was on promotion from a PAS interdepartmental panel to a post which is also due to re-locate to Drogheda under the programme. Each of these employees signed the undertaking.

Three employees have indicated they were unable to participate in competition because of the requirement to agree to re-locate in the event of their being offered promotion as a result of the competition.

Airport Development Projects.

355. **Mr. Stanton** asked the Minister for Transport if he will clarify his comments, as reported in the local press, made during his recent visit to Cork regarding the provision of airbridges in Cork Airport; if he will report on the responsibility of the Cork Airport Authority and the Dublin Airport Authority in this matter; and if he will make a statement on the matter. [3866/05]

Minister for Transport (Mr. Cullen): Until the relevant assets are vested in the Cork and Shannon Airport Authorities, in accordance with the framework provided for in the State Airports Act 2004, overall stewardship of Cork Airport, including the major development programme under way at that airport, remains with the Dublin Airport Authority subject to any agreed

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delegated arrangements made with the new Cork Airport Authority.

I understand from the Dublin Airport Authority that the main airline customers using Cork Airport do not support the provision of airbridges as originally envisaged in the plans for the airport development programme and, accordingly, the current works do not provide for airbridges. The Cork Airport development project has a substantial budget assigned to it. It is a matter for the airport authorities concerned to decide how best to use the available budget to ensure the continued growth and success of Cork Airport.

Driving Tests.

356. **Mr. Kehoe** asked the Minister for Transport the action that can be taken to assist following the new regulations introduced regarding the gear boxes in lorries being used by a driving school (details supplied); and if he will make a statement on the matter. [3381/05]

Minister for Transport (Mr. Cullen): EU Directive 2000/56/EC provides for changes in the type of vehicle that may be presented for test. These changes only apply in respect of truck, bus or car with trailer tests. The Road Traffic (Licensing of Drivers) (Amendment) Regulations 2004, SI 705 of 2004, give effect to the provisions of the directive.

These regulations require that a vehicle used for a driving test in licence category C, trucks, which was registered on or after 1 January 2004, must have passenger accommodation for not more than eight persons, a gross vehicle weight of at least 12,000 kg., a length of at least 8 m, a width of at least 2.4 m, and be capable of a speed of at least 80 km/h. The vehicle must also be fitted with anti-lock brakes, be equipped with a gearbox having at least eight forward gears, and recording equipment, tachograph. The cargo compartment must also consist of a closed box body, which is at least as wide and as high as the cab. Vehicles registered before 1 January 2004 are not subject to these requirements and may be used for driving test purposes until 2013.

In February 2002, representative bodies of driving instructors were advised, by letter, of the directive. In the course of information sessions held at most test centres in both 2003 and 2004, regional supervisors from my Department advised driving instructors that changes were to be introduced to the representative vehicles that could be presented for driving tests. I am not aware of any situation where a supervisor offered advice on the purchase of a vehicle by a driving instructor.

Pillion Passengers.

357. **Mr. Hogan** asked the Minister for Transport his views on whether there should be no pil-

lion passenger allowed in respect of provisionally licensed motorcyclists; and if he will make a statement on the matter. [3390/05]

Minister for Transport (Mr. Cullen): The Road Traffic (Licensing of Drivers) Regulations 1999 provide that a person provisionally licensed to drive a category A, A1 or M vehicle, that is a motorcycle or moped, may not carry a passenger. I have no proposals to change this requirement.

Road Safety.

358. **Mr. Hogan** asked the Minister for Transport if he will consider the introduction of compulsory private tuition programmes for inexperienced drivers; and if he will make a statement on the matter. [3391/05]

Minister for Transport (Mr. Cullen): The Government's strategy for road safety for 2004 to 2006 identified speed, seat-belt wearing, driving while intoxicated, engineering measures and vulnerable road users as the key priority areas to be addressed over the coming years in terms of yielding road safety benefits. As regards motorcyclists, it is the intention over the course of the strategy to introduce compulsory initial practical training for motorcyclists before they are permitted to drive alone on a public road.

There are no proposals to introduce such compulsory training for other learner drivers. Proposals being developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors and will ensure the availability of a high standard of instruction to learner drivers.

Speed Limits.

359. **Mr. Hogan** asked the Minister for Transport if he plans to change the present speed limit for large public service vehicles in view of the establishment of a speed limit of 80 km/h for coaches; and if he will make a statement on the matter. [3393/05]

371. **Mr. Penrose** asked the Minister for Transport the reason his Department has not changed the speed limits for large public service vehicles, such as coaches and buses, in line with those recommended in the report of the working group on the review of speed limits; and if he will make a statement on the matter. [3830/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 359 and 371 together.

As I indicated in reply to Parliamentary Question No. 209 of 1 February 2005, I made regulations on 12 January 2005 to prescribe a maximum speed limit for certain classes of vehicles from 20 January 2005. A limit of 80 km/h limit was set for vehicles with accommodation for more than eight passengers.

In setting the metric speed limit for this class of large vehicle, I made no change to the speed limit policy that had applied since 1992 other than converting the previous maximum limit of 50 mph to the nearest equivalent metric value of 80 km/h. I have, however, made it clear that I will revisit the matter of maximum speed limits for these and other specified classes of vehicles later this year.

Road Accidents.

360. **Mr. Crawford** asked the Minister for Transport the number of fatal accidents which occurred in each of the past three years on regional roads outside the 30 to 40 mph speed limit; the number which occurred on national secondary roads for the same period and on national primary roads; if he has satisfied himself that all regional roads are unsafe for 100 km/h speed limits; and if he will make a statement on the matter. [3414/05]

Minister for Transport (Mr. Cullen): Statistics on road accidents, based on information provided

Year	Number of fatal accidents outside built-up areas on national primary routes	Number of fatal accidents outside built-up areas on national secondary routes	Number of fatal accidents outside built-up area on non-national roads	Total number of fatal accidents for the year
2000	84	41	122	362
2001	85	41	135	360
2002	84	41	123	346

Over the three-year period, the number of fatal accidents on national primary and secondary roads accounted for 35% of the total.

The working group established in 2003 to review speed limit structures and policies recommended that the general speed limit that applied in respect of rural roads other than motorways should be replaced by separate default speed limits for the rural national and rural regional and local roads. The provisions in the Road Traffic Act 2004 establishing the default speed limits for roads generally reflects that recommendation by providing for the introduction of a default speed limit of 100 km/h for rural national roads and 80 km/h for rural regional and local roads.

The determination of different default maximum speed limits for national and non-national roads in rural areas is based on the premise that the regional and local road network is of a lower infrastructural standard in terms of design, road engineering and maintenance than is the case with the national network. This is supported by the engineering advice from the Department of the Environment, Heritage and Local Government to the effect that 80 km/h is the most appropriate maximum speed limit for the greatest part of the regional and local road network.

The Road Traffic Act 2004 empowers county and city councils to make special speed limit by-laws for the purpose of applying special speed

by the Garda Síochána, are published by the National Roads Authority in its annual Road Accident Facts reports. The most recent report for 2002, along with those relating to previous years, are available in the Oireachtas Library.

The road accident reports include data relating to the number of fatal accidents on each of the national primary and secondary routes. The report also includes details relating to the number of fatal accidents inside and outside built-up areas on these roads. For the purpose of the report, a built-up area is regarded as an area with a 30 mph or 40 mph speed limit. Data relating to the number of fatal accidents inside and outside built-up areas on non-national roads is available from the report but no breakdown is available as between regional and local roads.

The following table gives the breakdown of the number of fatal accidents outside built-up areas on national primary and secondary routes along with the number of fatal accidents outside built-up areas on non-national roads in 2000, 2001 and 2002.

limits. Where a county council determines that a speed limit of 100 km/h can be deployed on a regional or local road, it may facilitate that determination through the inclusion of an appropriate provision in by-laws. Equally, a county council may apply a maximum speed limit lower than the default speed limit in respect of a regional and local road and, subject to the consent of the National Roads Authority, in the case of a national road, where they consider it would be the best road safety match.

Integrated Ticketing System.

361. **Ms O. Mitchell** asked the Minister for Transport the progress to date with regard to the introduction of integrated ticketing by the Railway Procurement Agency; the amount which has been granted for this project; if this money has been ring-fenced by the RPA solely for this project; and if he will make a statement on the matter. [3423/05]

Minister for Transport (Mr. Cullen): In March 2002, the Railway Procurement Agency, RPA, was given statutory responsibility under the Transport (Railway Infrastructure) Act 2001 (Additional Functions) (Integrated Ticketing) Order 2002 for the delivery of an integrated ticketing system. The contactless smartcard-based integrated ticketing system, which will enable a passenger to use a single ticket on one or more

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scheduled public transport services, by road and by rail, irrespective of the transport operator involved, is being developed by the RPA and will be introduced on a phased basis, initially in the Dublin area.

A first step was the launch in April 2004, in conjunction with the RPA, of smartcards by a private operator, Morton's Coaches, on its services. Another important step will be the launch of smartcards on Luas services which, I have been informed by the RPA, will take place shortly. The RPA expect that Dublin Bus and possibly some additional private operators will follow with smartcards on services this year, with the DART expected to follow next year. By early 2006, passengers will be able to travel on both bus and Luas services in Dublin using one smartcard. Integration using smartcards with other operators is projected to follow shortly thereafter.

The delivery costs of the fully integrated ticketing project are currently estimated to be €29.6 million for the total project including a 10% contingency cost. This funding is included in my Department's capital envelope. Procurement procedures and processes are matters solely for the RPA.

Road Accidents.

362. **Mr. Quinn** asked the Minister for Transport the number of road accidents and road fatalities recorded in County Meath in 2004; the way in which these compare with similar figures for 2003; and if he will make a statement on the matter. [3464/05]

Minister for Transport (Mr. Cullen): Statistics relating to road accidents, based on information provided by the Garda Síochána, are published by the National Roads Authority in its annual Road Accident Facts reports. The most recent report for 2002, along with those relating to previous years, are available in the Oireachtas Library. Reports contain details of the number of road deaths in each county. Figures relating to specific counties for 2003 and 2004 will not be available until the NRA has fully analysed and authenticated the 2003 and 2004 statistics. The 2003 Road Accident Facts report will be published shortly.

Driving Tests.

363. **Ms B. Moynihan-Cronin** asked the Minister for Transport the average waiting times for a driving test at each of the country's test centres; and the number of testers operating in each centre. [3493/05]

Minister for Transport (Mr. Cullen): The following table sets out the average waiting times at 4 February 2005 for each driving test centre and the number of driver testers assigned to headquarter centres within each region. Driver testers are in turn assigned from headquarter centres to meet the demand in other test centres. In

addition to the driver testers, a chief tester and ten supervisory testers are employed by my Department.

Driving Test Centres	Average weeks waiting at 4 February 05	Number of testers headquartered in centre
<i>Nth. Leinster Region</i>		
Finglas	27	17
Raheny	36	9
Dundalk	26	—
Mullingar	25	—
Navan	37	1
<i>Sth. Leinster Region</i>		
Churchtown/Rathgar	29	15
Tallaght	31	11
Gorey	30	—
Naas	41	2
Tullamore	22	—
Wicklow	25	—
<i>West Region</i>		
Athlone	25	2
Birr	28	—
Castlebar	28	3.5
Clifden	14	—
Ennis	18	3
Galway	28	6
Loughrea	22	2
Roscommon	19	—
Tuam	24	—
<i>North West Region</i>		
Ballina	27	—
Buncrana	30	—
Ck-on-Shannon	29	1
Cavan	32	2
Donegal	33	—
Letterkenny	25	3
Longford	32	—
Monaghan	29	1
Sligo	23	3
<i>South East Region</i>		
Carlow	42	1
Clonmel	31	2
Dungarvan	39	—
Kilkenny	32	2
Nenagh	42	—
Portlaoise	31	1
Thurles	43	—
Tipperary	38	—
Waterford	35	3
Wexford	32	4
<i>South West Region</i>		
Cork	18	13.5
Killarney	40	1
Kilrush	26	—
Limerick	36	4
Mallow	28	—
Newcastle West	27	—

Driving Test Centres	Average weeks waiting at 4 February 05	Number of testers headquartered in centre
Shannon	36	—
Skibereen	38	—
Tralee	27	3

Rail Services.

364. **Ms O. Mitchell** asked the Minister for Transport the level of State capital investment made in Irish Rail's freight business each year from 1997 to date; the areas in which these allocations have been spent in terms of the options for freight, which were set out in the strategic rail review being pursued by Irish Rail; and if he will make a statement on the matter. [3658/05]

Minister for Transport (Mr. Cullen): While no direct Exchequer capital has been provided to Iarnród Éireann for its freight operations during the period in question, the company has invested approximately €4.5 million from its own resources in container wagons and €3 million in depot cranes. The purchase of this equipment is broadly in line with the relevant recommendations of the strategic rail review.

Since the publication of that review in 2003, the environment in which Iarnród Éireann operates its rail freight has changed radically and the company was obliged to examine its entire rail freight operation. The outcome of this examination was the decision of the company to concentrate on the more profitable elements of the business and generate new business in areas in which it could compete with the highly competitive road freight transport industry.

365. **Mr. Deasy** asked the Minister for Transport if his recent announcement regarding the purchase of new rail carriages will ensure a non-stop service from Waterford to Dublin and return which will make it possible to travel from Waterford to Dublin in approximately an hour and a half; and if he will make a statement on the matter. [3768/05]

Minister for Transport (Mr. Cullen): I have been informed by Iarnród Éireann that it is planning to utilise the recently ordered 120 InterCity railcars to provide a much-improved service on all InterCity routes, including the Waterford line, when these trains are delivered in 2007. Its proposals include the provision of a two-hourly each-way service between Dublin and Waterford. The total number of daily services will increase from the current level of five to seven, with all services being operated by the new rolling stock.

Iarnród Éireann has statutory responsibility for the operation of rail services and it is a matter for the company to decide on the scheduling and timetabling of Waterford-Dublin services. However, I understand that Iarnród Éireann is

looking at the possibility of introducing a direct Waterford-Dublin service following the introduction of the new rolling stock.

Toll Charges.

366. **Mr. O'Connor** asked the Minister for Transport if legislation is to be introduced to deal with the issues preventing the control of toll charges at the West Link Bridge; and if he will make a statement on the matter. [3770/05]

Minister for Transport (Mr. Cullen): The statutory power to levy tolls on national roads, to make toll by-laws specifying toll charges, and to enter into toll agreements with private investors is vested in the National Roads Authority, NRA, under part V of the Roads Act 1993, as amended by the Planning and Development Act 2000.

Departmental Advertising.

367. **Ms Shortall** asked the Minister for Transport if he will report on the number of "Go Metric" newspaper inserts which were produced in the recent public information campaigns; the cost of producing same; the publications in which these inserts were carried and the dates of same; the number which were distributed as inserts; if there were instances of newspapers unable to carry these inserts; if costs accrued to the State for these; and if he will make a statement on the matter. [3771/05]

Minister for Transport (Mr. Cullen): The metrication changeover board oversaw the implementation of the changeover to metric speed limits on 20 January 2005. Major elements of the overall programme to support the changeover to metric speed limits were the public information and public relations campaigns undertaken on behalf of the metrication changeover board by the National Safety Council. The overall cost of those elements of the programme was €2.5 million.

A significant part of the public information campaign featured the production of some 5,322,000 "Go Metric" information leaflets. Of that number, a total of 2,592,409 were distributed as newspaper inserts. The remainder were either distributed by post to all households in the State or made available through Garda stations, libraries, petrol stations, NCT centres and other outlets.

The total cost for distribution of the information leaflets as newspaper inserts was €178,298. The following table details the publications in which these inserts were carried, the numbers distributed through each title and the dates on which the inserts were carried. There were three instances in which newspapers were unable to carry the leaflets as inserts. No costs were incurred where newspapers failed to carry the inserts and alternative arrangements were

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made for distribution. In one instance, a free display advertisement was given where the insert

was rejected after the newspaper had initially agreed to carry it.

Press Inserts — Titles and Circulation

Title	Distribution	Insertion Date
<i>Sundays</i>		
Ireland on Sunday	151,899	16 January
Sunday Star	60,000	16 January
News of the World	195,000	16 January
Sunday Business Post	72,000	16 January
Sunday Independent	300,000	9 January
Sunday Mirror	60,000	16 January
Sunday People	70,000	16 January
Sunday Tribune	87,000	January
Sunday World	206,010,	January
Sunday Times	120,000	16 January
Total	1,321,909	
<i>Dailies</i>		
Daily Star	120, 000	week commencing 10 January
The Irish Sun	154, 000	week commencing 10 January
Irish Examiner	80,000	week commencing 10 January
Total	354,000	
<i>Others</i>		
Irish Farmers Journal	85,000	week commencing 10 January
Foinse (Irish Language)	5,500	22 January
La (Irish Language)	10,000	week commencing 10 January
RTE Guide	135,000	week commencing 10 January
Total	235,500	
<i>Weekly Press</i>		
Anglo Celt	18,000	week commencing 10 January
Connaught Telegraph	15,000	week commencing 10 January
Corkman	10,000	week commencing 10 January
Donegal Democrat	19,000	week commencing 10 January
Donegal People's Press	15,000	week commencing 10 January
Drogheda Independent	18,500	week commencing 10 January
Dundalk Argus	13,500	week commencing 10 January
Dundalk Democrat	10,500	week commencing 10 January
Kerryman	32,000	week commencing 10 January
Kilkenny People	19,500	week commencing 10 January
Leitrim Observer	10,000	week commencing 10 January
Longford Leader	14,000	week commencing 10 January
Longford News	9,000	week commencing 10 January
Lucan & Blanch Gazette	13,000	week commencing 10 January
Mayo News	10,500	week commencing 10 January
Munster Express	16,000	week commencing 10 January
Nationalist & Leinster Times	19,000	week commencing 10 January
Nationalist Clonmel	18,000	week commencing 10 January
Nenagh Guardian	9,500	week commencing 10 January
Northern Standard	14,500	week commencing 10 January
People Group	60,000	week commencing 10 January
Roscommon Champion	9,000	week commencing 10 January
Tipperary Star	13,000	week commencing 10 January
Tuam Herald	11,000	week commencing 10 January
Westmeath Examiner	13,000	week commencing 10 January

Title	Distribution	Insertion Date
Carlow Nationalist	13,000	week commencing 10 January
Kildare Nationalist	9,000	week commencing 10 January
Laois Nationalist	5,500	week commencing 10 January
Waterford News and Star	17,000	week commencing 10 January
Western People	22,500	week commencing 10 January
The Kingdom	17,000	week commencing 10 January
Sligo Weekender	9,500	week commencing 10 January
Total	504,000	
<i>Weekly Free Press</i>		
Inside Cork	20,000	week commencing 10 January
Kildare Times (Nth/Sth)	35,000,	week commencing 10 January
Limerick Post	44,000	week commencing 10 January
Northside People (East)		week commencing 10 January
Northside People (West)		week commencing 10 January
Southside People	29,000	week commencing 10 January
Waterford Today	16,000	week commencing 10 January
Local News	33, 000	week commencing 10 January
Total	177,000	

Speed Limits.

368. **Mr. Lowry** asked the Minister for Transport if his attention has been drawn to correspondence (details supplied); his views on the project proposed; if he will consider facilitating the project and providing the necessary funds; and if he will make a statement on the matter. [3827/05]

Minister for Transport (Mr. Cullen): The working group that carried out a review of speed limit structures and policies in 2003 noted in its report of September 2003 that particular road safety issues may arise at school locations at certain times during school term time. The group recognised that these concerns could not be addressed through the speed limit policies that were available for deployment at that time. The group recommended that a regime to allow for the application of special speed limits to be applied at critical times when children are entering or leaving school where there is a recognised safety risk should be considered.

The group also expressed the view that the application of special speed limits might lead to the deployment of a 30 km/h speed limit at selected locations but cautioned that great care must be exercised with the deployment of that speed limit, especially on roads in rural areas, as the application of such a low speed threshold over a short stretch of road could of itself compromise safety.

The Road Traffic Act 2004 responds to those recommendations by the inclusion of provisions that allow both for the deployment of special speed limits of 30 km/h and the use of speed limits for particular periods. The Road Traffic Act 2004 also provides that the Minister for Transport may issue guidelines to county and city councils in respect of the making of speed limit by-laws. The use of the 30 km/h speed limit must

be in accordance with provisions in such guidelines. A consultation process involving county and city councils generally in regard to draft guidelines is being pursued in advance of their completion.

It is a matter for county and city councils to decide whether to apply such speed limit arrangements in their areas through the inclusion of appropriate provisions in speed limit by-laws made for the purpose of applying special speed limits generally. The councils must consult with the Garda Commissioner and with minor local authorities in their administrative area in regard to special speed limit proposals and, in the case of national roads, must obtain the consent of the National Roads Authority.

Road Safety.

369. **Cecilia Keaveney** asked the Minister for Transport if there has been an improvement in the level of seat belt usage from the figures given for the period 1996 to 2000 which revealed that 77% of child fatalities were found not to be wearing a seat belt; and his views on the fact that 79% of child rear seat passengers were not strapped in. [3828/05]

Minister of State at the Department of Transport (Mr. Callely): Official statistics relating to seat belt wearing, including occupants of cars involved in fatal and injury accidents, are published by the National Road Authority. The NRA accident data in regard to occupants of cars involved in fatal and injury accidents by seat belt usage relates to drivers and front seat passengers only. The data in respect of child passengers is not separately identified.

The most recent report for seat belt usage relates to surveys carried out in 2003 by the NRA. The report shows that the overall usage rate,

[Mr. Callely.] driver and front passenger, was 85% in 2003, which compares to 72% in 2002 and 52% in 1991. The 2003 surveys were the first time that the wearing of seat belts by children was specifically measured. The report also covers the seat belt wearing habits of schoolgoers. It found that front seat belt usage rates averaged 68% for primary-going school children and 62% for secondary school goers. The figures for rear seat belt usage by primary and secondary school goers was 48% and 44% respectively. This 2003 data will provide a useful baseline to measure the effectiveness of a number of initiatives designed to increase seat belt usage.

Seat belt usage has been identified as a key item in the road safety strategy for 2004 to 2006 with target levels of 90% for front seat belt wearing and 60% for rear seat belts to be achieved by 2006. The recently published National Safety Council guide on child safety in cars, which provides vital information to parents and all those charged with the responsibility of transporting children on all aspects of safety systems for children, should make a useful contribution in bringing about higher levels of usage of child safety restraint systems.

Road Network.

370. **Ms O. Mitchell** asked the Minister for Transport the cost, as given in the Atkins report, of adjusting the backfill in the Port Tunnel in order to give a 4.9 m clearance for trucks. [3829/05]

Minister for Transport (Mr. Cullen): The cost of options outlined in the Atkins report to achieve a 4.9 m operational height ranged from €59 million to €111 million. The full Atkins report is available on my Department's website at www.transport.ie.

Question No. 371 answered with Question No. 359.

Public Transport.

372. **Mr. Gilmore** asked the Minister for Transport if he has received any request from Bus Átha Cliath for approval or for funding for additional buses to serve the rapidly developing areas around Kiltiernan, Stepside and Sandyford, County Dublin, especially those housing estates which are located off the Enniskerry Road; if he will report on his response to the request; and if he will make a statement on the matter. [3831/05]

Minister for Transport (Mr. Cullen): The day-to-day timetabling, scheduling of services and the deployment of its fleet is the statutory responsibility of Dublin Bus. I understand the management of Dublin Bus is currently examining ways of maximising the utilisation of the existing bus fleet in light of the significant investment made to date under the national development plan and

the ongoing changes in demand patterns for Dublin.

It would be premature to make any decisions on investment in additional capacity until my Department is satisfied that existing resources are being utilised in the most efficient and effective manner.

Road Safety.

373. **Cecilia Keaveney** asked the Minister for Transport if he has any role in regard to road safety and the development of policy for same; the need for the introduction of a mandatory code to ensure that all traffic islands located on roads have reflective strips attached as well as regularly checked lights; and if he will make a statement on the need for legislation or regulation on this matter. [3998/05]

Minister for Transport (Mr. Cullen): As Minister for Transport, my remit includes responsibility for road safety policy. My Department recently published the road safety strategy for 2004 to 2006 which outlines a range of road safety measures that will be pursued over the period in question.

In overall terms, measures will focus on the areas of education, enforcement, engineering and legislation and will target the key areas of speeding, driving while intoxicated and seat-belt wearing. The strategy was developed by the high-level group on road safety which is chaired by my Department and comprises representatives of all the road safety agencies and Departments. The agencies and Departments represented on the high-level group on road safety are responsible for implementing specific measures in the strategy which are within the remit of each organisation.

Responsibility for traffic management, including the provision and maintenance of traffic islands on the public road network, is a matter for the road authorities. Guidelines regarding lighting and signing of traffic islands are contained in the traffic management guidelines issued in May 2003 jointly by my Department, the Department of the Environment, Heritage and Local Government and the Dublin Transportation Office.

I understand from the NRA that in late 2004 it awarded two contracts for the maintenance of traffic calming installations on national roads. As part of these contracts, all traffic calming islands will be routinely cleaned. Kerbs facing traffic will be painted with reflective black and yellow paint. Bulbs will be checked in lighting columns and bollards and will be replaced where necessary. In addition to this, there is a facility for local authorities to call out the contractor who covers their area if repairs are needed between the routine visits.

My Department is carrying out a review of the traffic signs manual in conjunction with the NRA and the Department of the Environment, Heritage and Local Government. The current signing

of traffic islands on national and non-national roads will be considered in the course of this review. Copies of the guidelines and manual to which I have referred are available in the Oireachtas Library. It would be premature to make any decisions on investment in additional capacity until my Department is satisfied that existing resources are being utilised in the most efficient and effective manner.

Public Transport.

374. **Mr. P. McGrath** asked the Minister for Transport the list of applications currently on file with the Department for a new bus route license in Dublin; the details of the operator, the route, the date of application, the decision and the length of time taken to come to a decision in each case of application; and if he will make a statement on the matter. [4011/05]

Minister for Transport (Mr. Cullen): The Road Transport Act 1932 provides the legislative basis for entry to the public transport market by private bus operators. In accordance with this legislation, private bus operators apply to my Department for passenger licences to operate coach and bus services within the State. However, to protect the commercial interests of applicants for licences, their names and routes sought remain confidential until a decision is made.

Under section 24 of the Transport Act 1958, Dublin Bus is not required to hold a licence under the Road Transport Act 1932. However, Dublin Bus is required by ministerial direction to make notifications to my Department of proposed new services or proposed changes to existing services, at least four weeks prior to their introduction.

My Department has on hand two applications from private bus operators for new bus routes in the Dublin area. These were received on 10 June 2004 and 21 December 2004, respectively. There are also on hand three notifications from Dublin Bus for new bus routes. Two were received on 21 December 2004 and one was received on 25 January 2005. The applications and notifications indicated above are being processed by my Department.

Decentralisation Programme.

375. **Mr. Timmins** asked the Minister for Transport the number of personnel who on applying for promotion in his Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if he will make a statement on the matter. [4073/05]

Minister for Transport (Mr. Cullen): As there have been no promotions in my Department since January 2004 that would have necessitated the signing of such an agreement, this issue does not arise.

Inland Waterways.

376. **Mr. P. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the moneys allocated for the necessary works to make the Royal Canal navigable through County Longford; and the expenditure on this project in Longford for each of the past five years. [3492/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The matter raised by the Deputy is the responsibility of Waterways Ireland, one of the six North-South implementation bodies established under the British-Irish Agreement Act 1999. The body has responsibility for the management, maintenance and development of inland waterways, principally for recreational purposes. I understand from Waterways Ireland that the allocation for the restoration of the Royal Canal under the National Development Plan 2000 — 2006 was IR£12 million, €15.3 million, in 1999 terms.

For the year 2005, €3.42 million has been allocated for the restoration of the Royal Canal and it is envisaged by Waterways Ireland that €2.99 million will be spent on projects in County Longford. Expenditure in the past five years on this project in County Longford was as follows:

Year	Spend
	€
2000	836,526
2001	1,839,682
2002	2,449,328
2003	595,119
2004	1,545,307

National Anti-Poverty Networks.

377. **Mr. Healy** asked the Minister for Community, Rural and Gaeltacht Affairs if the community workers co-operative will be able to continue its important work addressing the causes of poverty, inequality and injustice in society by restoring its funding through the national anti-poverty programme; and if he will make a statement on the matter. [3550/05]

378. **Mr. Deasy** asked the Minister for Community, Rural and Gaeltacht Affairs if funding has been withdrawn from the community workers co-operative in view of the key support it gives to local groups to combat poverty in the community; if he will reconsider this decision; and if he will make a statement on the matter. [3783/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 377 and 378 together.

I refer the Deputies to my reply to Questions Nos. 216 to 224, inclusive, 226 and 227 of 1 February 2005.

Security of the Elderly.

379. **Dr. Upton** asked the Minister for Community, Rural and Gaeltacht Affairs if he will comment on his decision to limit the amount awarded per group applying under the scheme of community support for older people to €30,000; what measures he proposes to take to provide security measures to applicants who cannot be assisted by groups, following this limit on funding; and if he will make a statement on the matter. [3784/05]

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 in 2004 the maximum funding available to any individual participant voluntary organisation was set at €30,000. In previous years a small number of organisations received sums in excess of €30,000; however, the vast majority of applicants were small community-based voluntary groups which received average amounts of less than €10,000.

The purpose of this change is to refocus the scheme on community groups and to redirect resources towards smaller groups, which have direct personal links with older people in their area, and who are therefore better placed to understand and appreciate their needs. This change has no implications for the overall funding available for the scheme.

Analysis of the grants awarded under the 2004 scheme shows that less than 5% of groups were approved for the maximum grant of €30,000. The average amount awarded to groups was less than €6,000. This would indicate that co-operation between groups in the same area could overcome difficulties presented by the €30,000 limit. For the 2005 scheme, my Department will be encouraging groups to take advantage of this flexibility. A list of organisations funded under the scheme in 2004 is available on the Department's website at www.pobail.ie or by contacting the Department directly. Individuals seeking assistance under the scheme should contact one of these groups to make an application on their behalf.

National Anti-Poverty Networks.

380. **Mr. Gregory** asked the Minister for Community, Rural and Gaeltacht Affairs further to Parliamentary Question No. 220 of 1 February 2005, if the Government White Paper, Supporting Voluntary Activity, confirmed that the community workers co-operative meets the criteria of the anti-poverty networks programme; if there are now new criteria involved; if the anti-poverty networks were informed of any change in criteria; if there has been an assessment process regarding the eligibility or otherwise of the CWC for the anti-poverty networks programme; and the provision which has been made for core funding for the peace project. [3835/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N.

Ahern): I refer the Deputy to my reply to Question No. 220 and others of 1 February 2005 on this matter and to my response to the Adjournment Debate on this matter on 26 January 2005.

The decision to discontinue funding of the community workers co-operative was taken in a context where I have been progressively concentrating the focus of my Department's resources directly on communities experiencing disadvantage and isolation. As I indicated in the Adjournment Debate, my view is that the CWC differs from the other groups funded under the national anti-poverty networks in that those other groups, in the main, deal with specific target groups. The other nine anti-poverty networks, which will continue to receive funding, have a specific focus on Travellers, unemployment, refugees, rural poverty, lone parents, older people and disabled people. I believe that the CWC is the voice of community workers rather than of disadvantaged communities and that it overlaps with the functions of other networks. As such it fails to meet a number of the key criteria suggested by the White Paper on supporting voluntary activity.

I also advised the Deputy that funding of the CWC projects in the amount of €358,413 under the peace programme is not affected by this decision.

Departmental Correspondence.

381. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs if he received correspondence from a person (details supplied); if, in respect thereof, a resolution can be achieved; and if he will make a statement on the matter. [3836/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Documentation necessary to enable the matter to be progressed is required from the person and is still awaited. The matter is under consideration by the office of the Ombudsman.

Inland Waterways.

382. **Mr. McGuinness** asked the Minister for Community, Rural and Gaeltacht Affairs if funds are available for the construction of a lock at Inistioge, County Kilkenny; if Waterways Ireland will consider such a project; and if he will make a statement on the matter. [3837/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy will be aware, Waterways Ireland — one of the six North-South implementation bodies — was established under the British-Irish Agreement Act 1999. The body has responsibility for the management, maintenance and development, principally for recreational purposes, of the Shannon, the Shannon-Erne Waterway, the Royal and Grand Canals, and the Barrow navigation in the South and the River Bann and Lough Erne in the North. As Waterways Ireland has no responsibility for the River Nore, it is not

in a position to consider a request for the construction of a lock at Inistioge.

Decentralisation Programme.

383. **Mr. Timmins** asked the Minister for Community, Rural and Gaeltacht Affairs the number of personnel who on applying for promotion in his Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if he will make a statement on the matter. [4074/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy is aware my Department has offices both in Dublin and in a decentralised location in Na Forbacha in Galway, and will decentralise to Knock Airport under the decentralisation programme.

No persons in my Department have been required to sign, on applying for internal promotion, an agreement that they are willing to decentralise. The other questions raised by the Deputy do not, therefore, arise. Only one internal promotion was made early in 2004 in my Department's Dublin office and the candidates applying for that position were not required to sign up for decentralisation as the vacancy arose before the announcement of decentralisation. Subsequent internal promotions in 2004 were all in Na Forbacha offices.

For the sake of completeness, I should add that four officers have accepted appointments to my Department's Dublin office on the understanding that they are willing to decentralise. These appointments are as a result of either open or interdepartmental competitions.

Grant Payments.

384. **Mr. Deenihan** asked the Minister for Agriculture and Food when a decision will be made on the application by a person (details supplied) in County Kerry to be accepted as a *force majeure* case; and if she will make a statement on the matter. [3382/05]

Minister for Agriculture and Food (Mary Coughlan): The person named applied for consideration of *force majeure* or exceptional circumstances on 21 January 2004 on the grounds of an outbreak of TB and brucellosis during the reference period. Having fully examined the circumstances outlined by the person named, my Department is satisfied that *force majeure* circumstances should apply in this case. The year 2000 will be excluded and the years 2001 and 2002 only, will be used in the calculation of the provisional single payment entitlements in this case. The person named was notified of this decision on 31 January 2005.

Proposed Legislation.

385. **Mr. Perry** asked the Minister for Agri-

culture and Food if, with regard to the Veterinary Practice Bill 2004, she has accepted the recommendations from Veterinary Ireland, with particular reference to definition of emergency, membership of veterinary council, limited registration, definition of the practice of veterinary medicine, non-registered persons, education committee, fitness to practice, veterinary nurses and veterinary premises; the steps she has in place to address these issues; and if she will make a statement on the matter. [3420/05]

Minister for Agriculture and Food (Mary Coughlan): I presented the Veterinary Practice Bill 2004 to Seanad Éireann on 27 October 2004. The Second Stage of the Bill was taken in the Seanad on 4 November 2004 during which Senators made a number of useful contributions. I am reflecting on a number of amendments suggested by Senators and on recommendations made to me by interested parties including those from Veterinary Ireland. It is my intention to introduce a number of amendments to the Bill during the forthcoming Committee Stage discussions in the Seanad.

Farm Retirement Scheme.

386. **Mr. Connolly** asked the Minister for Agriculture and Food if she proposes to review the farm retirement scheme with a view to resolving and correcting its inconsistencies; and if she will make a statement on the matter. [3437/05]

Minister for Agriculture and Food (Mary Coughlan): My Department is currently completing a review of the scheme of early retirement from farming under the expenditure review process established by the Department of Finance in 1997 in the context of the Strategic Management Initiative. The review, when completed, will be laid before the House. The purpose of the review is to analyse systematically whether the scheme is meeting its objectives and inform future decisions regarding priorities on expenditure programmes.

Registration of Title.

387. **Ms Cooper-Flynn** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Mayo is unable to register his interest in a commonage. [3476/05]

Minister for Agriculture and Food (Mary Coughlan): My Department has no function in this matter. Matters relating to the registration of title are dealt with by the Land Registry.

Farm Retirement Scheme.

388. **Mr. P. McGrath** asked the Minister for Agriculture and Food the number of retired farmers in County Longford who were in receipt of the early farm retirement scheme for each of the past five years. [3477/05]

Minister for Agriculture and Food (Mary Coughlan): Details of the number of participants from County Longford in the scheme of early

[Mary Coughlan.] retirement from farming, ERS1, which closed to new applicants on 31 December 1999, and the current scheme, ERS2, introduced in November 2000, for each of the past five years is set out in the following table.

Year ended	No. of participants in payment ERS1	No. of participants in payment ERS2
31 December 2000	119	0
31 December 2001	111	6
31 December 2002	106	13
31 December 2003	94	25
31 December 2004	85	29

Grant Payments.

389. **Mr. P. Breen** asked the Minister for Agriculture and Food if she will assist young full time farmers who have taken over land from relatives in cases in which there are few entitlements on the farm and who cannot avail of the national reserve for the first time entitlements; and if she will make a statement on the matter. [3478/05]

Minister for Agriculture and Food (Mary Coughlan): A young farmer who has commenced farming, having inherited land, will automatically inherit any entitlements established for the farmer from whom the land was inherited. If the young farmer commenced farming in 2001 or 2002 he or she may apply to be treated as a new entrant, during the reference years, in which case his or her own entitlements would be based on one or two years rather than on the three-year average as is normally the case. In such circumstances, the farmer will receive either the inherited entitlements or those based on the new entrant calculation, whichever is more beneficial to him or her.

Where a young farmer commenced a farming activity after the reference period of 2000 to 2002 using land that is leased in, he or she also has the option of leasing in before 16 May 2005 any entitlements established for the farmer from whom the land is leased.

EU regulations provide that member states may provide payment entitlements from the national reserve to young farmers who commenced farming after 31 December 2002 or who, while farming in 2002 did not receive any direct payments in that year. In other words young farmers may be included as a non-mandatory category in the national reserve and the member state is entitled to use objective criteria such as income, farming qualifications etc. in determining eligibility. The single payment advisory committee, comprising representatives of the farming organisations and Teagasc recommended that Ireland cater for this category in the 2005 national reserve. I have accepted this recommendation and have made provisions to include a special category, category D in the reserve for farmers who

commenced their farming activities after 31 December 2002 or during 2002 without having received a direct payment in that year.

Young farmers who benefited from the new entrant measures during the reference period or who inherited entitlements may also be eligible, in certain circumstances, for an allocation of entitlements from the reserve by way of a top-up of existing entitlements under the investment category, category B, provided they had made a qualifying investment by 19 October 2003.

Milk Quota.

390. **Mr. Kenny** asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo is entitled to extra milk quota from the national reserve; and if she will make a statement on the matter. [3504/05]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the milk quota national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal was established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system.

The named person has submitted an application for additional quota on the grounds of hardship in the current 2004-05 milk quota year. The tribunal examined this application at a recent meeting and an allocation of additional quota was recommended. This allocation has now been approved and notification is being issued to the person and his co-operative.

391. **Mr. Neville** asked the Minister for Agriculture and Food if a 10,000-gallon milk quota applied for under the hardship clause will be made available to a person (details supplied) in County Limerick. [3505/05]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the milk quota national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal was established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system.

The husband of the named person has submitted an application for additional quota on the grounds of hardship in the current 2004-05 milk quota year. The tribunal will endeavour to examine all applications before the end of the quota year. All applicants will be notified of the outcome as soon as their case has been considered.

Farm Retirement Scheme.

392. **Mr. P. Breen** asked the Minister for Agriculture and Food the reason the early retirement pension of a person (details supplied) in County

Clare has been reduced; and if she will make a statement on the matter. [3506/05]

Minister for Agriculture and Food (Mary Coughlan): The person named is a participant in the 2000 early retirement scheme introduced under EU Council Regulation 1257/1999, which she entered in joint management with her husband. It is a requirement of this Council regulation that any national retirement pension to which a scheme participant — and his or her spouse or partner in a joint management arrangement — becomes entitled must be deducted from the early retirement pension.

The husband of the person named was awarded a contributory old age pension with effect from 18 June 2004. In accordance with the requirements of the scheme and the governing regulation, therefore, the amount of his old age pension must be deducted from his wife's early retirement pension.

Transportation of Animals.

393. **Mr. Kenny** asked the Minister for Agriculture and Food if she will report on the terms of the EU Council Regulation (EC) No. 1/2005; if the need for certificates of competence for drivers and attendants, and certificates of approval for vehicles applies only to transport in excess of eight hours and journeys above 65 kilometres; and if she will make a statement on the matter. [3545/05]

Minister for Agriculture and Food (Mary Coughlan): Most of the provisions of Council Regulation (EC) No 1/2005 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 to transport in excess of 8 hours. My Department is considering the arrangements and requirements for the operation of the new regime for the transport of animals both 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.

Milk Quota.

394. **Mr. Perry** asked the Minister for Agriculture and Food if assistance will be given to a

person (details supplied) in his appeal for milk quota on hardship grounds. [3649/05]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal was established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system.

The person named submitted an application for additional quota on the grounds of hardship in the current 2004-05 milk quota year. The tribunal examined his application recently and having done so, did not recommend making an allocation on that occasion. Notification of this outcome is being issued to the person and his co-operative. While every application to the tribunal is treated in a fair and sympathetic manner, it has not been possible, within the constraints of the limited amount of quota available and the sizeable number of applications received, to meet the demands for quota from all applicants.

Grant Payments.

395. **Mr. Perry** asked the Minister for Agriculture and Food the position on the single payments scheme appeal of a person (details supplied). [3655/05]

Minister for Agriculture and Food (Mary Coughlan): The person named, having been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure* or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee.

Following a full examination of the circumstances outlined in the appeal, the independent single payment appeals committee made a recommendation and a letter issued to the person named on 8 November 2004. The findings of the appeals committee were that the original decision taken by my Department should be upheld on the grounds that the circumstances outlined occurred a significant number of years prior to the reference period. On 24 November 2004 the person named requested that the decision taken in his case be re-examined. My Department is undertaking this review and a response will issue shortly to the person named.

Farm Retirement Scheme.

396. **Mr. Perry** asked the Minister for Agriculture and Food the position in relation to the early retirement scheme of a person (details supplied) in County Sligo; and if she will make a statement on the matter. [3656/05]

Minister for Agriculture and Food (Mary Coughlan): The person in question joined the scheme of early retirement from farming in

[Mary Coughlan.]

March 1995 and received payment until his 70th birthday on 20 June 2003, when his participation in the scheme ended. A pension cannot be paid beyond a participant's 70th birthday.

The mid-term review of the Common Agricultural Policy has implications for farmers involved in the early retirement scheme. The new single payment scheme introduced in Ireland from 1 January 2005 applies to farmers who actively farmed during the reference years of 2000, 2001 and 2002, who were paid livestock premia or arable aid in one or more of the reference years and who will continue to farm in 2005. Farmers such as the person named, who joined the 1994 early retirement scheme, did not farm during the reference period and cannot establish entitlements under the single payment scheme. If they transferred their holdings by lease, the transferees were actively farming during the reference years and will have entitlements established for them. Entitlements relate to the farmer who was actively farming during the reference period and not to the land.

During negotiations with the European Commission on the single payment scheme, Ireland secured agreement to an arrangement that will benefit family members or others who take over holdings that were farmed by third parties who 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.

Grant Payments.

397. **Mr. Neville** asked the Minister for Agriculture and Food the outcome of an appeal against the decision not to grant *force majeure* exceptional circumstances in relation to the single payment scheme to a person (details supplied) in County Limerick. [3772/05]

Minister for Agriculture and Food (Mary Coughlan): The person in question has been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure* or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision, the person submitted an appeal to the independent single payment appeals committee. A full review of the circumstances of the case will be carried out by the committee and the person will be notified shortly of the outcome.

Live Exports.

398. **Mr. Gregory** asked the Minister for Agriculture and Food the action she has taken with regard to three Irish livestock export companies that were fined a total of €18,000 in December 2004 for serious breaches of EU animal transport law after failing to give cattle travelling in four livestock vehicles the required number of hours'

rest in France; and if these companies have been suspended from the register of approved transporters. [3774/05]

Minister for Agriculture and Food (Mary Coughlan): The Department of Agriculture and Food is investigating the matter referred to by the Deputy. A report about the incident has been requested from the French veterinary authorities. Submissions on behalf of the operators are also being examined. Any action which might be taken in respect of the transporter will be considered after all the circumstances of the case have been established.

Milk Quota.

399. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food if an application for a person (details supplied) in County Cork for the transfer of a milk quota will be expedited and approved. [3776/05]

Minister for Agriculture and Food (Mary Coughlan): The person in question, who is a participant in the scheme of early retirement from farming, applied under regulation 11(1) of the EC (Milk Quota) Regulations 2000, as amended, for ministerial approval to seek a new lessee of land and milk quota. Approval was granted and a letter to that effect issued to the applicant on 28 January 2005. The approval is subject to the new lessee being approved as an eligible transferee in the early retirement scheme. The person in question was sent a letter, dated 14 January 2005, requesting the documentation required to process her application for the installation of the new lessee in accordance with the requirements of the early retirement scheme. The application can be processed when the documentation has been received.

Farm Retirement Scheme.

400. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food the position regarding an application by a person (details supplied) in County Cork for the early retirement pension. [3777/05]

Minister for Agriculture and Food (Mary Coughlan): The Department of Agriculture and Food has not received an application from the person in question under the early retirement scheme. On the basis of the information supplied by the Deputy, however, the person is not eligible under the current scheme because she will not reach the minimum age of 55 until November 2007.

Grant Payments.

401. **Mr. Murphy** asked the Minister for Agriculture and Food the outstanding payments which will issue to a person (details supplied) in County Cork. [3778/05]

Minister for Agriculture and Food (Mary Coughlan): The person in question lodged two

applications under the 2004 EU special beef premium scheme, on 7 January 2004 in respect of 14 animals and on 13 December 2004 in respect of 19 animals. The 60% advance payment in respect of the first application issued on 20 October 2004. The 60% advance payments for December applications cannot commence before March 2005, following the expiry of the regulatory two-month retention period. Balancing payments on all applications are scheduled to commence in April.

Afforestation Programme.

402. **Mr. Sargent** asked the Minister for Agriculture and Food the number and extent of forestry grant applications approved in the past five years; the percentage of all approved applications this represents; in cases in which the application form states that the site is within an area recorded by the county or district development plans or the inventory of outstanding landscape; and if the information is not readily available, if she will analyse the application forms in order to answer this question. [3779/05]

403. **Mr. Sargent** asked the Minister for Agriculture and Food if she has performed any checks to assess the level of accuracy of the forestry grant applications in relation to the question which requires applicants to state whether it is within an area recorded by the county district development plans or the inventory of outstanding landscape; and if he will perform such checks in a representative number of cases. [3780/05]

404. **Mr. Sargent** asked the Minister for Agriculture and Food if the forestry grant application form will be altered to ensure that any sites which may impact on a view protected in the relevant county development plan is identified and so avoided. [3781/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 402 to 404, inclusive, together.

An examination of records held by the Department of Agriculture and Food indicates that 92,580 hectares, relating to 8,488 applicants, were approved for afforestation grant aid over the past five years. The Department's main recording system relates to planting rather than approvals, many of which are never activated by applicants. Some 65,049 hectares were planted during the past five years, involving 6,630 applicants. This figure represents approximately 40% of the area and the client base in receipt of annual forestry premiums. It amounts to approximately 9% of the entire national forest estate.

Information on the number of cases in which the application form states that the site is within an area recorded by the county or district development plans, or the inventory of outstanding landscape, is not readily available. It is not among the various data fields which are captured on the forestry service's computer system, which is primarily a payment system. The Department is developing a major new IT system, which will

allow for more detailed reporting and will extend to the subject of this question.

All applications for grant aid received by the Department are thoroughly examined by the forestry service in respect of the suitability of the proposed afforestation sites. County development plans are taken into account, statutory designations and available landscape datasets. Applications are forwarded to an inspector with direct local knowledge of the area in question for his report. That ensures that the accuracy of all statements made in support of applications is assessed. Any application for planting within a prime scenic area listed in the county development plan or the inventory of outstanding landscapes is automatically submitted for full public consultation.

The forestry service retains professionals in the fields of archaeology, ecology and landscaping to whom applications are referred as required for comments and recommendations. Any application in respect of an area over 2.5 hectares is submitted for public information by way of notice in the local press, while all sites over 25 hectares are specifically referred to the relevant local authority for comment. The Department places great emphasis on the careful evaluation of the environmental implications of any afforestation proposal. Any application that might give rise to environmental concern is dealt with in the context of the extensive consultation process I have described. The redesign of the application form is being examined as part of the project I mentioned.

Sugar Industry.

405. **Mr. Lowry** asked the Minister for Agriculture and Food her views on the national sugar quota and on the national sugar beet quota; the steps she will take to bring both national quotas under State ownership; and if she will make a statement on the matter. [4057/05]

Minister for Agriculture and Food (Mary Coughlan): Each member state has a quota for manufactured sugar under the EU sugar regime. There is no quota for sugar beet and there is no quota at farm level. EU regulations stipulate that the quota must be made available to sugar manufacturing enterprises in the member state. Accordingly, in Ireland the entire sugar quota is processed by Irish Sugar Limited, which is the only sugar manufacturer here. That company places annual contracts with farmers to grow a specific tonnage of sugar beet, sufficient to manufacture the sugar quota. The EU regulations do not provide for the buying and selling of the quota for manufactured sugar. The Commission has raised the possibility of cross-Border quota mobility in the context of the proposed reform of the EU sugar regime, but several member states including Ireland are strongly opposed to the idea.

Decentralisation Programme.

406. **Mr. Timmins** asked the Minister for Agriculture and Food the number of personnel who on applying for promotion in her Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if she will make a statement on the matter. [4075/05]

Minister for Agriculture and Food (Mary Coughlan): The Deputy is aware that the Department of Agriculture and Food is scheduled to be decentralised to Portlaoise in the first phase of the decentralisation programme. Nine officers have accepted promotion on the understanding that they will have to decentralise to Portlaoise. Eight of the officers were appointed from inter-departmental public appointments service panels. I have no information about any officers who refused to accept promotion on the basis of having to decentralise. No officer from our internal promotion panels has yet refused to accept promotion on those terms.

Proposed Legislation.

407. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he intends introducing privacy rules or legislation in relation to the electronic or print media; and if he will make a statement on the matter. [3980/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am preparing proposals to bring to the Government which will provide for extensive reform of the law concerning defamation, taking into account the work of the Law Reform Commission, the Commission on the Newspaper Industry, the legal advisory group on defamation and the public consultation process I initiated on publication of the group's report.

Most of the responses received during the consultation process addressed the recommendations put forward by the legal advisory group about the establishment of a statutory press council. The recommendation was made on foot of one of the group's more specific terms of reference, which was to consider the nature and extent of statutory intervention that might attach to the establishment of an entity concerned with the regulation of the press. There is some divergence of views on the optimum approach to this matter. The group recommended the establishment of a statutory Government-appointed press council with functions such as the preparation of a press code of conduct and the investigation of complaints about alleged breaches of the code. The report set out in some detail the main features of such a council, including matters pertaining to its operation and structure.

On a number of occasions, I argued that the model examined by the advisory group is not the only or the most obvious model for a press council. My stated preference is for a body com-

posed of persons representative of civic society, with minority representation from media interests including journalists. Appropriate recognition which could bring certain privileges could be conferred by statute on such a press council. I envisage that the central focus of such a council would be a press code of standards supported by and subscribed to by all print media organisations with operations in the State. I envisage that such a code could provide an added protection to citizens from media intrusion and harassment.

Regarding a tort of invasion of privacy, the area is one that already offers potential redress under our law, including the Constitution and the European Convention on Human Rights. I am keeping the law under review in the light of developments in the jurisprudence of our courts and in the European Court of Human Rights.

Ground Rents.

408. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the proposals he has to simplify the buy-out by tenants of ground rent, in particular as applies to places of business; and if he will make a statement on the matter. [3379/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy is aware that the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 provides for a statutory scheme for the acquisition of the fee simple by the owners of dwelling houses. Part III of the Act provides a special procedure, operated at low cost by the Land Registry, whereby owner occupiers of dwelling houses may acquire readily and relatively inexpensively the fee simple in their property. The Act also contains provision for the determination of applications for the purchase of the fee simple in cases where the consent of all the necessary parties is not forthcoming. In such cases, the registrar of titles determines the application by arbitration.

While Part III of the Landlord and Tenants (Ground Rents) (No. 2) Act 1978 does not apply to business premises, the fee simple in such cases may be acquired by the lessee in accordance with the notice procedure set out in the Landlord and Tenants (Ground Rents) Act 1967. Under this procedure, parties are free to fix a purchase price for the fee simple. The matter may be referred to the county registrar for arbitration in the absence of such an agreement. Under section 7 of the Landlord and Tenant (Amendment) Act 1984, the purchase price determined by arbitration shall be the sum which, in the opinion of the arbitrator, a willing purchaser would give and a willing vendor would take for the fee simple being acquired, having regard to the various factors listed in that section.

Child Care Services.

409. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform when an ADM

grant will be awarded to a playschool (details supplied) in County Galway; and if he will make a statement on the matter. [3428/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy may be aware that the equal opportunities child care programme provides grant assistance towards the staffing costs of community and not-for-profit child care services which have a clear focus on disadvantage. I have been informed by the child care directorate of the Department of Justice, Equality and Law Reform that the group in question has been awarded two separate annual staffing grants of €12,000, totalling €24,000, under the programme to date. The group has submitted an additional application for further funding for another year.

The day-to-day administration of the programme is undertaken by Area Development Management Limited, which has been engaged by the Department of Justice, Equality and Law Reform to conduct, on my behalf, thorough assessments against the programme criteria of all applications for grant assistance. The staffing grant application in question is in the final stages of the assessment process and I expect to make a final decision on it within days. In the interim, it would be premature of me to comment further on the application.

Departmental Strategy Statements.

410. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform asked the Minister for Justice, Equality and Law Reform the details of the extent of the involvement of staff of his Department in compiling, publishing, disseminating or in preparing for the compilation, publishing or dissemination a document entitled Justice, Equality and Law Reform: Implementation and Progress Report November 2004; and if he will make a statement on the matter. [3430/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The implementation and progress report of November 2004 was prepared by the programme manager in the Department of Justice, Equality and Law Reform. No other member of staff in the Department was directly involved in compiling the report, which consolidates progress reports in each area of responsibility under my remit as Minister for Justice, Equality and Law Reform. The vast majority of material in the report was already in the public domain. The report was published on the Department’s website in the usual manner and is available there for public consultation.

Family Law.

411. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform his views on the best cost effective method to ensure that fathers pay agreed maintenance payments to the children in divorce cases and on the way to

ensure that these payments are made on a regular basis. [3429/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Family Law (Divorce) Act 1996 provides a range of measures to ensure that proper provision is made for the maintenance of spouses and any dependent children of the family. The Act encourages couples to think in terms of agreeing the key elements of their divorce in advance of any court proceedings. The court may order the attachment of earnings at the same time as it makes a maintenance order. It may specify that the payments should be secured by reference to a particular asset, for example. It may make an order for the payment of lump sum maintenance which can be paid in instalments which are themselves secured.

If a spouse defaults in making agreed payments of maintenance or payments ordered by the court, the court has at its disposal a system of enforcement of payments. The court can make an attachment of earnings order and, ultimately, committal for refusal to obey a court order to pay, the means having been assessed by the court. District Court clerks are empowered, using a special mechanism contained in maintenance cases generally, to prosecute a case for arrears of maintenance. The Legal Aid Board makes the services of solicitors and, where necessary, barristers available to persons of modest means seeking redress in civil law, including family law cases.

Registration of Title.

412. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if the Land Registry office will expedite the applications on a folio for persons (details supplied) in County Mayo. [3444/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the registrar of titles that an application for subdivision in this case was lodged on 13 December 2004, dealing number D2004SM011130M refers. I have been further informed that a query issued to the lodging solicitor on 7 February 2005 and that the application cannot proceed until the query has been satisfactorily resolved. I assure the Deputy that the matter will receive further attention in the Land Registry on receipt of a satisfactory reply.

413. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if the Land Registry office will expedite a dealing for a person (details supplied) in County Mayo. [3445/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the registrar of titles that there is no record of an application pending on the folio in question at present. If the Deputy can provide me with the date of lodgment of the application and a Land Registry application number, I will make further enquiries on his behalf.

Prison Building Programme.

414. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will give an update on the plans to build a prison in the north Dublin area. [3446/05]

446. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the nature and extent of the advice given to him and to the committee engaged in the selection of the new site for the relocation of Mountjoy Prison; and if he will make a statement on the matter. [4026/05]

447. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the level of consultation which the expert committee or his Department had with the community in the Thorntown area of County Dublin; and if he will make a statement on the matter. [4027/05]

448. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if contracts have been signed on the proposed acquisition of lands at Thorntown, County Dublin; the amount paid to date in respect of a deposit or other outlay; and if he will make a statement on the matter. [4028/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 414 and 446 to 448, inclusive, together.

At the start of 2004, I announced my intention to replace the facilities in the Mountjoy Prison complex with a new prison facility on a greenfield site in the greater Dublin area. In February 2004, advertisements were placed in the print media inviting interested persons to put forward potentially suitable sites for consideration. A committee comprising representatives from the Office of Public Works, the Prison Service and the Department of Justice, Equality and Law Reform was subsequently established to review all potential sites and to make recommendations. In addition to its own expertise and experience, the committee benefited from the advice of a property expert from CB Richard Ellis Gunne who supported the committee in an advisory capacity. Professional planning and engineering advice was obtained as appropriate. Details of the process are contained in the reports of the committee available on the website of the Department of Justice, Equality and Law Reform.

The committee recommended the purchase of a particular site. The recommendation was accepted and on 26 January 2005 a contract was signed for the purchase of a 150 acre site at Thornton Hall, The Ward, County Dublin, at a cost of €29.9 million. An initial payment of €2.9 million has been made. While the final plans for the site have not been settled, it will allow a state-of-the-art male adult prison with full facilities to be constructed to replace the crowded and antiquated facilities in Mountjoy. The practice of slopping out, for example, will be brought to an end. The existing Dóchas centre cannot cope with the increase in the number of female prisoners

and a new women’s facility, of a standard on a par with the Dóchas centre, will be constructed on the site.

The new site opens up a number of possibilities regarding the construction or relocation of other prison facilities, but such options are still being explored. It is intended that the prison facilities on the new site will be developed under a public private partnership approach. When the new facilities are available, the prisoners and facilities will be transferred and the Mountjoy site will become available for redevelopment in that area of the north inner city of Dublin. The facilities on the new site are not expected to be ready before 2008.

There was no consultation with local communities in any of the areas in which potential sites were located prior to the purchase of the land. Following the announcement of the purchase of the site and the proposal for its development, the Prison Service wrote to residents in the immediate vicinity of the site to assure them that “the highest priority will be given to allaying, in so far as possible, the genuine concerns of local residents”. The letter was followed up by the Prison Service offering to meet concerned groups. Two such meetings, which were arranged for last week, were postponed at the request of the local representatives. It is hoped that the meetings can be rearranged. In the interim, the Prison Service has forwarded documentation about the site acquisition process to the local community action group.

The director general of the Prison Service, along with other officials, had a preliminary meeting with Fingal County Council to discuss the development of the site. When the planning process is initiated pursuant to part 9 of the Planning and Development Regulations 2001, SI 600 of 2001, formal notice of the proposed development will be given and persons and bodies will have an opportunity to make submissions or observations on the proposed development.

Visa Applications.

415. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the reason for the denials of work visas to persons (details supplied); the conditions of the visa which these persons may fail to observe; and the reason they may do so. [3449/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa applications referred to by the Deputy were refused on 23 November 2004. The applicants have been notified in writing by the Department of Justice, Equality and Law Reform of the reasons for the refusal; namely, that the visa officer was unable to conclude that the applicants would observe the conditions of the visa and that insufficient supporting documentation was supplied.

In assessing any visa application, the visa officer considers various matters, including whether it is reasonable in the circumstances to

conclude that the applicant will fully honour the conditions of the visa. The officer considers whether it is unlikely that the applicant will overstay the length of time applied for. In all cases, the onus is on the applicant to demonstrate to the satisfaction of the officer that he or she will observe the conditions of any visa issued to him or her. The applications in question were refused because the officer could not reasonably be satisfied, on the basis of the documentation supplied to the Department, that the applicants would observe the conditions of the visa. The officer examining the applications determined that the level of documentation supplied was insufficient to warrant the granting of the visas applied for. Specifically, details of the applicants' previous employers and certificates of their qualifications were not provided.

An appeal was received in respect of both applications on 4 January 2005. The appeals officer was unable to conclude, based on the additional documentation supplied, that the initial decision to refuse the visas should be overturned.

Garda Investigations.

416. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if gardaí are actively investigating slashing of tyres of cars belonging to two persons (details supplied) in Dublin 12. [3450/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the Garda Síochána at Kilmainham Garda station is aware of the incident and that an investigation has commenced. I understand that no person has been made amenable at this time.

Garda Strength.

417. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed at each Garda station in County Meath; the level of increase in Garda numbers that has taken place at all of these stations since 1995; if he has further plans to increase numbers at these stations; and if he will make a statement on the matter. [3462/05]

453. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí in County Meath; the number of Garda stations in County Meath; if the construction of new stations or the expansion of existing stations is planned; and if he will make a statement on the matter. [4033/05]

454. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself with the number of gardaí in County Meath in view of the high level of crime; and if he will make a statement on the matter. [4034/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 417, 453 and 454 together.

I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength — all ranks — of each of the 17 Garda stations in County Meath as at 31 January 1997 and 3 February 2005 was as set out in the following table:

Station	1997	2005
Laytown	6	8
Ashbourne	22	40
Dunboyne	14	12
Dunshaughlin	11	10
Kells	31	31
Athboy	4	6
Oldcastle	3	4
Nobber	3	2
Trim	24	26
Crossakeel	2	0
Summerhill	2	2
Enfield	18	15
Ballivor	2	3
Navan	47	46
Duleek	4	4
Slane	3	4
Kilmessan	1	0

The information requested on the personnel strength of each Garda station in County Meath in 1995 is not readily available and can only be obtained by the expenditure of a disproportionate amount of Garda time and resources relative to the information sought. The most up-to-date statistics in this regard refer back as far as 1997.

As regards the number of stations in Meath, all Garda accommodation is continually under review to ensure that it meets the operational requirements of the Garda Síochána. Where it does not meet them, the required refurbishment, or construction, works are completed by the Office of Public Works with all due urgency, and in accordance with overall priorities within the Garda building programme and the availability of financial and other resources.

While county boundaries do not correlate to Garda divisional boundaries, the Garda stations in County Meath form part of the Louth-Meath division. The personnel strength, including all ranks, of the Louth-Meath division as at 3 February 2005 was 532. This compares to a figure of 470 on 31 December 1995 and represents an increase of 62, or 13%, since that date. The allocation of personnel within a division is a matter for the local chief superintendent. I am advised that local Garda management is satisfied that the best possible use is being made of existing resources in County Meath.

[Mr. McDowell.]

On Garda resources generally, I am very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with a commitment in An Agreed Programme for Government in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will now draw up plans on how best to distribute and manage these additional resources. In this context, the needs of the Meath district will be fully considered within the context of the needs of Garda divisions throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as envisaged in the programme for Government. The programme identifies, in particular, areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities also, such as the need to increase very significantly the number

of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

Crime Levels.

418. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the breakdown of crime figures in respect of robberies, motor offences, serious and violent crimes for County Meath in 2004; the way in which these figures compare with similar figures for 2003; and if he will make a statement on the matter. [3463/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the Garda districts covering County Meath do not have the same administrative boundaries as the county, but that the number of headline offences recorded in the four Garda districts during 2003 and 2004 covering County Meath are as set out in the following table.

	*2004	2003
Murder	0	1
Manslaughter	0	0
Rape of a Female	12	11
Rape — Section 4	1	4
Aggravated Sexual Assault	1	0
Aggravated Burglary	4	6
Robbery of an Establishment/institution	37	17
Robbery of Cash/Goods in Transit	2	2
Robbery from the Person	17	14
Other Headline Offences	2,149	1,964
Total Headline Offences	2,223	2,019

*Statistics for 2004 are provisional/operational and liable to change.

I am further informed that the numbers of road traffic proceedings commenced in the Garda division of Louth-Meath was 14,023 in 2003 and 11,097 in 2004. All statistics for 2004 are provisional and liable to change. Road traffic offence proceedings at district level are not readily available and could only be obtained through disproportional expenditure of Garda time and resources.

Censorship Laws.

419. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform if he will report on the laws that govern the sale and distribution of games (details supplied); his views on whether some of these games are extremely violent and unsuitable for children; his plans to limit their distribution; and if he will make a statement on the matter. [3483/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The legislation dealing with the sale and/or distribution of video games is the

Video Recordings Act 1989. In accordance with this legislation, video games are exempted works for classification purposes unless they fall within the terms specified in paragraphs (a) or (b) of section 3(1) of the Act, which covers the grounds for prohibition of works.

The Republic of Ireland is part of the Pan European Game Information, PEGI, a European-wide rating system with regard to video games. Its website is www.pegi.org. Games are classified by PEGI as being suitable for the following age ratings: three plus, seven plus, 12+, 16+ and 18+.

I am informed by the film censor that it is now normal practice to view games rated as 18+ and, in some cases, 16+ to allow it to form an opinion as to whether such games fall within the terms specified in paragraphs (a) or (b) of section 3(1) of the Video Recordings Act 1989.

I am considering a review of the law in respect of this matter. Any such review will take account of issues surrounding the classification, supply and sale of computer and video games. Any pro-

posals for changes to the legislation that might result from such a review would be brought before the Government and announced in the usual manner.

420. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform the basis on which the film censor allows certain films to be distributed as videos while others can only be viewed in the cinema; if he intends to review this legislation; and if he will make a statement on the matter. [3484/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The legislation governing the censorship of films and videos includes the Censorship of Films Act 1923, the Video Recordings Act 1989 and subsequent legislation. This legislation provides for the certification, classification and, in certain circumstances, the prohibition of films and videos.

The decision as to which films are submitted for cinema classification and which films go straight to video is a commercial one and as such is a matter for the distributors concerned. I am considering a review of the law on this matter. Any proposals for changes to the legislation that might result from such a review would be brought before the Government and announced in the usual manner.

Public Order Offences.

421. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 277 of 6 October 2004, the steps that have been taken since his last reply; the progress that has been made to address the issues involved in view of the concerns of a person (details supplied); and if he will make a statement on the matter. [3485/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities have informed me that they continue to liaise closely with Dublin City Council regarding the area in question. Two families have been brought before the courts under the Housing (Miscellaneous Provisions) Act 1997. The courts have confirmed the eviction in one instance and papers are again being served in the second case.

I have been further informed that, shortly before Christmas 2004, a working group consisting of young people, the Garda Síochána and Dublin City Council was set up through the Garda youth diversion project operating in the area. I understand that the outcome from meetings of the group has been positive and initiatives are now being put in place to involve young persons in the area in activities funded by the Garda youth diversion project. These initiatives will be managed by the sports development officer from Dublin City Council.

In October 2004 a special Garda operation was put in place in the evenings in and around the area in question, with special emphasis on public

order and active patrolling. This operation proved successful and the area has received regular patrolling since then. I have also been informed that efforts are being made to encourage the residents to form a residents' association and that these efforts will continue.

Prison Building Programme.

422. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if he will report on the option to purchase lands at Newlands Cross, County Dublin; the size and nature of the site; the amount of money lost by the State on the expiry of that option; the amount of money which the acquisition of the lands would have cost; and if he will make a statement on the matter. [3529/05]

449. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the reason the option to purchase a site at Newlands Cross, County Dublin was not taken up or was abandoned; and if he will make a statement on the matter. [4029/05]

450. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the nature and extent of submissions or objections which he received regarding plans to locate a detention centre at Newlands Cross; and if he will make a statement on the matter. [4030/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 422, 449 and 450 together.

An option to purchase the site referred to by the Deputy at Newlands Cross was purchased in October 2002. The site was selected as a possible location for a new detention centre for juveniles aged 16 to 17 years in accordance with the requirements of the Children Act 2001, and for the location of a prison service headquarters building. The site comprised of 32.1 acres of land. An option to acquire the site was negotiated with the owners and was completed in October 2002 at a cost of €250,000. The option would have enabled the completion of the purchase of the site within one year for a further €15,750,000. This would have worked out at approximately €500,000 per acre.

In addition to the cost of the option at €250,000 approximately, €50,000 was expended on fees and surveys in connection with the site. Having considered a report by the Commissioner of Public Works and after further consideration by the Irish Prison Service it was decided not to proceed with a development on that site and no contract was entered into in respect of the site. The Government also decided to decentralise the prison service headquarters to Longford and that project is now proceeding. Representations and observations were made by residents, local elected representatives and South Dublin County Council.

Proposed Legislation.

423. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform if he has plans to update the law that governs the running and procedures of co-operatives; and if he will make a statement on the matter. [3530/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has no responsibilities regarding the subject matter of this question.

Residency Permits.

424. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application for permission to remain here on the basis of marriage to an Irish national by a person (details supplied) in County Cork. [3531/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application made by the person in question for permission to reside in the State is currently under active consideration. It is expected that a decision on the matter will be made in the near future.

Proposed Legislation.

425. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if there is any proposal to reform the existing ward of court procedure. [3539/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised that the Courts Service, mindful of the need for a comprehensive reform of the law relating to the protection of intellectually incapacitated individuals, and in the context of a relevant consultation paper published by the Law Reform Commission in 2003, is currently engaged in a review of the operation of the wardship jurisdiction. I will consider any proposals for changes in legislation within my area of functional responsibility which emanate from the review and from the final report of the Law Reform Commission.

Criminal Prosecutions.

426. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of prosecutions for offences under section 31 of the Intoxicating Liquor Act 1988, as amended, in each of the years 2001, 2002, 2003 and 2004; and if he will make a statement on the matter. [3540/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The number of proceedings commenced and convictions under section 31 of the Intoxicating Liquor Act 1988 are set out in the following table. Comparable statistics for 2001 are unavailable as they were not compiled on PULSE and could only be obtained through the expenditure of a disproportionate amount of Garda time and resources.

Numbers of proceedings commenced and convictions under section 31 of the Intoxicating Liquor Act 1988.

Year	Proceedings commenced	Convictions
2002	135	69
2003	126	75
2004*	42	24

* Statistics for 2004 are provisional and are, therefore, subject to change.

Garda Strength.

427. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the Garda strength, including all personnel at each Garda station in the Mayo division as of 20 January 2005; his views in respect of the 3,000 overtime hours allocated to County Mayo in the recent high-profile policing operation; and if he will make a statement on the matter. [3556/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength, of all ranks, of each Garda station in the Mayo division as at 20 January 2005 was as follows:

Station	Strength
Castlebar	57
Ballyvary	1
Ballyglass	1
Balla	2
Partry	2
Glenisland	1
Tourmakeady	1
Ballina	36
Killala	2
Ballycastle	1
Bonniconlon	1
Crossmolina	2
Lahardane	1
Enniscrone	3
Easkey	3
Belmullet	19
Blacksod	1
Bellacorick	1
Bangor Erris	3
Ballycroy	1
Glenamoy	2
Claremorris	21
Kilmaine	1
Ballindane	1
Knock	4
Ballinrobe	11
Cong	1
Shrule	1
Hollymount	1

Station	Strength
Swinford	24
Kiltimagh	4
Charlestown	4
Kilkelly	2
Ballyhaunis	9
Foxford	1
Westport	27
Newport	2
Achill Sound	4
Mulranny	1
Louisburgh	2
Keel	1

On Garda resources generally, I am very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with a commitment in An Agreed Programme for Government in this regard. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will now draw up plans on how best to distribute and manage these additional resources. In this context, the needs of the Mayo division will be fully considered within the context of the needs of Garda divisions throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities also, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

In November of last year, I announced that due to careful financial management within the Votes pertaining to the Department of Justice, Equality and Law Reform as a whole, I had made an additional €4 million available to the Garda Commissioner to be expended on targeted Garda operations. This funding provided for, *inter alia*, an additional 140,000 hours of overtime for the Garda Síochána between November and the end of the year in respect of high-visibility Garda operations. The Mayo division received an allocation of 3,000 overtime hours, out of the additional 140,000 hours, in respect of this new high-profile policing operation. The additional 3,000 hours enabled the delivery of additional operations in areas such as crime patrols and burglary prevention patrols and in additional high-visibility operations in areas such as uniform mobile patrols, traffic management and road safety operations.

Residency Permits.

428. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will allow all the former Kosovar programme refugee parents who gave birth to children during their stay here between 1999 and 2000 to return to reside here with their Irish-born children; and if he will make a statement on the matter. [3640/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The scheme I have introduced for making applications for permission to remain on the basis of parentage of an Irish-born child applies only in cases where the parents are resident in the State. It does not apply in respect of parents who are not resident in the State, nor have I any plans to introduce such a scheme. However, given the limited number of parents involved, the unique nature of their presence in the State at the time of birth of their children here and the specific circumstances of their departure, I am prepared to consider applications on a case-by-case basis subject to the requirements of the common good.

Visa Applications.

429. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform when a holiday visa will be processed for a person (details supplied). [3644/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has no record of a visa application from a person with the same name or a similar name to the person referred to by the Deputy. The reference number does not relate to a visa application number. If the Deputy wishes to forward the appropriate visa application number, my Department will examine this issue as a matter of urgency.

Asylum Applications.

430. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of the application by a person (details supplied) to stay here; and if a decision in the case will be expedited. [3734/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 24 November 2002 and applied for a declaration as a refugee on 25 November 2002. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, he was informed by letter, dated 27 February 2004, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons he should be allowed to remain tempor-

[Mr. McDowell.]

arily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and under section 5 of the Refugee Act 1996, as amended, which pertains to prohibition of refoulement. I expect the file to be passed to me for decision shortly.

Visa Applications.

431. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the current status of the visa application for a person (details supplied); the further time it will take before a decision is made; and if he will make a statement on the matter. [3735/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application in question was refused on 3 February 2005 and this decision will be communicated to the applicant as soon as possible via the Irish mission in the person's country of origin.

The application referred to by the Deputy was to allow a non-EEA national reside in the State with her grandson. In assessing any visa application, the visa officer will consider various matters, including whether it is reasonable in all the circumstances to conclude that the applicant would fully honour the conditions of the visa — for example, it is unlikely that the applicant would overstay the length of time applied for. The visa officer will also have regard to information provided and to such factors as the applicant's ties and general circumstances in her country of origin. The application was refused because the visa officer could not reasonably be satisfied, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa applied for. In particular, it was felt that the applicant had not displayed evidence of her obligations to return home following the proposed visit. It did not appear from the details supplied with the application that the visit was intended to be short-term in nature.

No documentation was supplied in respect of the applicant's reference in Ireland, namely the applicant's grandson. Therefore the immigration status of the reference in Ireland could not be determined, nor could the availability of sufficient finances to enable the support of the applicant without recourse to public funds, be established.

It is open to the applicant to appeal the decision to refuse the visa application. An appeal should be accompanied by any additional supporting documentation that the applicant feels will address the reasons for refusal, as stated above.

Hospitals Building Programme.

432. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the details of communications and nature of communications received from the Department of Health and Children requesting that the Central Mental Hospital be located on the same site as the proposed new prison to replace Mountjoy; and if he will make a statement on the matter. [3736/05]

433. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if, in assessing the suitability of sites, his departmental expert committee was requested to give consideration to the relocation of the Central Mental Hospital on the same site as the new proposed prison or in proximity of the new prison; and if he will make a statement on the matter. [3737/05]

434. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the reason he favours the location of the Central Mental Hospital on the same site as the proposed new prison; and if he will make a statement on the matter. [3738/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 432 to 434, inclusive, together.

While the location of the Central Mental Hospital is a matter, in the first instance, for the Department of Health and Children, I am strongly of the view that a prisoner with a severe mental illness should be treated in an appropriately secure therapeutic environment and not in a prison. I must also recognise that we have prisoners who suffer from mental illness and it is in their interest and in the interests of the Irish Prison Service that a suitable facility be readily accessible to prisoners.

When the issue of selecting a site for a new prison facility was being put before the Government in November 2004, the question of siting the Central Mental Hospital in the same locality was raised by the relevant Departments. The Government decided, in principle, subject to further study, that the Central Mental Hospital should be transferred from Dundrum to the same site as the new prison facility. It was clear that the relocated Central Mental Hospital was to be separate and distinct from any prison facility.

I, as a member of the Government, fully support that decision. There are considerable potential benefits to the taxpayer and to the patients of the Central Mental Hospital. In particular, it will allow significant new resources to be allocated to the Central Mental Hospital and the construction of a state-of-the-art mental hospital. The question of further study and progressing the relocation of the Central Mental Hospital is a matter for the Department of Health and Children.

The committee that reviewed potential sites for a prison facility to replace the Mountjoy complex had no specific brief regarding the Central Mental Hospital and there was no written correspondence with the Department of Health and Chil-

dren on the matter. However, the committee was aware of the proposal to relocate the Central Mental Hospital and that one option that would have to be considered was the relocation of the Central Mental Hospital to a site close or adjacent to the new prison complex.

As regards communications other than those referred to, my Department received a copy of correspondence dated 11 May 2004 in which the Eastern Regional Health Authority had proposed that the Central Mental Hospital be relocated to a new greenfield site with ready access to the M50 motorway. At a later stage, it was consulted by the Department of Health and Children regarding proposals on the redevelopment of the Central Mental Hospital at a new site. My Department supported the proposal and expressed the view that while the redeveloped Central Mental Hospital should be separate and distinct from any prison, accessibility from prisons was an important issue and should be taken into account in the selection of sites for the new prison facility and the Central Mental Hospital.

Communications Masts.

435. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the location of each of the mobile phone masts in use by a company (details supplied) at Garda stations in Dublin; the number of masts that have planning permission; and if he will make a statement on the matter. [3739/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): By agreement with the company specified by the Deputy, the following Garda communications masts are utilised by the company in Dublin.

Garda Headquarters	Howth
Bray	Kevin Street
Ballyfermot	Lucan
Cabinteely	Kill O'Grange
Ballymun	Malahide
Crumlin	Kilmainham
Blanchardstown	Mountjoy
Dalkey	Pearse Street
Bridewell (DMA North)	Raheny
Donnybrook	Rathfarnham
Cabra	Ronanstown
Dundrum (DMR East)	Rathmines
Clondalkin	Santry
Dunlaoire	Shankill
Clontarf	Store Street
Enniskerry	Stepaside
Coolock	Swords

Greystones	Sundrive Road
Finglas	Whitehall
Harcourt Tce.	Terenure
Fitzgibbon Street	Blackrock (DMR East)
Irishtown	Balbriggan

I am informed by the Garda authorities that as all of these masts were erected prior to 1994, they were exempt from planning permission, and that any mast replaced since then under the terms of the agreement was replaced in accordance with the planning process.

The Deputy will note that the number of locations referred to in the table is 44. In response to Question No. 697 of 26 January 2005, the number quoted for the county of Dublin was 45. This latter figure included Ashbourne station, which, although part of the Dublin metropolitan district, should have been included in the figures for County Meath.

Capital Funding.

436. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform if there is an appeal system whereby unsuccessful applicants for capital funding for a community child care facility can have their case reviewed (details supplied); and if he will make a statement on the matter. [3740/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In December 2004, I announced a further allocation of almost €35 million in capital funding to community-based not-for-profit groups for the development of child care services. At the same time, my Department wrote to all applicants whose projects are still under consideration to advise them that the allocation of further capital funding would be announced in 2005 and 2006 on the basis of further appraisal of local need and the quality of applications on hand. This project received such a letter.

I understand an application for capital grant assistance under the Equal Opportunities Child-care Programme 2000-2006, EOCP, 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 to 2009 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.

[Mr. McDowell.]

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.

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 respect of the current guidelines on building costs. In the light of this, the group in question has been advised that whilst its 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 on the project in question is completed, the application will then be considered by the programme appraisal committee, 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.

Film Censorship.

437. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that the film censor is fulfilling his role as censor of films rather than classifier of films; and if he has had discussions with the film censor on this matter. [3838/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Irish Film Censor's Office was created by the Censorship of Films Act 1923. The film censor is appointed to undertake the functions provided for in this, and subsequent, legislation, including the Video Recordings Act 1989. The Deputy will appreciate that, as such, the film censor is independent in the exercise of his official functions. However, I am considering a review of the censorship legislation. Any proposals for changes to the legislation that might result from such a review would be brought before the Government and announced in the usual manner.

438. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform if the censorship of films legislation obliges the film censor to refuse a certificate to any film which is indecent, obscene or blasphemous or which tends to incorporate principles contrary to public morality. [3839/05]

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(Mr. McDowell): The office of Film Censor was created by the Censorship of Films Act 1923. The Film Censor is appointed to undertake the functions provided for in this, and subsequent legislation, including the Video Recordings Act 1989. The legislation provides that no film shall be exhibited in public unless it is certified as fit for public exhibition by the Film Censor.

The legislation gives the Film Censor the power to certify films and to impose conditions or restrictions upon their exhibition. It also provides for the prohibition of films where the Film Censor forms the opinion that such film or some part thereof is unfit for general exhibition in public by reason of its being indecent, obscene or blasphemous or because the exhibition thereof in public would tend to inculcate principles contrary to public morality or would be otherwise subversive of public morality.

Child Care Facilities.

439. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if an application (details supplied) for funding for child care facilities will be considered as part of the ongoing programme of funding in the area. [3845/05]

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(Mr. McDowell): I understand that an application for capital grant assistance under the equal opportunities child care programme 2000-06, was submitted by the group to my Department some time ago. This 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 programme. 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 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 child care service gaps and where the project proposal represents good value for money when con-

sidered in respect of the guidelines on building costs. In the light of this, the group in question has been advised that whilst its 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 of the project in question is completed, the application will then be considered by the programme appraisal committee, 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.

Paternity Leave.

440. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the paternity leave which is provided for in law, from employers to fathers, prior to, during and after maternity confinement; and if he will make a statement on the matter. [3860/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): While there is no statutory entitlement to paternity leave, many employers in both the public and private sectors have arrangements in place providing short periods of paid paternity leave. Section 16 of the Maternity Protection Act 1994 (as amended) entitles the employed father of a child to leave in the event of the death of the mother within 24 weeks of the birth of a living child.

Paternity leave was considered in the context of a review of the Parental Leave Act 1998 conducted by a working group chaired by my Department. The working group comprised the social partners, relevant Departments and the Equality Authority. The report of the working group on the review of the Parental Leave Act 1998 was published on 29 April 2002.

The working group considered paternity leave taking into account the following issues: reconciliation of work and family life and balanced participation of men and women in work and family life; cost to employers; comparative situation in EU member states. While acknowledging that a statutory arrangement to provide an entitlement to time off for fathers at the time of childbirth would enhance arrangements for the reconciliation of work and family life, the working group could not reach consensus on the issue.

Subsequently, no agreement was reached on paternity leave by the social partners in the context of the negotiations on the Sustaining Progress partnership agreement. In the absence of a consensus among the social partners the Government does not propose to provide for a statutory entitlement to paternity leave.

Prison Accommodation.

441. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform when he expects to utilise the unit adjoining St. Patrick's Institution at Mountjoy Prison; the number of persons who were employed to work in that building and the number who are still in the employ of his Department; and the way in which he justifies the capital cost of providing this, as yet unused, unit in view of plans to relocate Mountjoy Prison. [3861/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The unit to which the Deputy refers is located at St. Patrick's Institution. It comprises the refurbished cellular accommodation in 'B' wing of the institution and a new adjoining building which houses an education unit and other facilities. The cellular accommodation is being fully utilised at present and parts of the new building are in use. The intention is to bring all of the cellular accommodation and the new building into full and exclusive use for 16 and 17 year old boys but arrangements to do so have to have regard to the outcome of ongoing negotiations on the major organisational change programme in the Irish Prison Service. As I indicated in reply to Questions Nos. 692 on 26 January 2005, discussions with the Prison Officers Association are continuing in this matter following receipt of an arbitration report.

I am satisfied that substantial benefit will be obtained from use of the new unit over the coming years for as long as young people continue to be accommodated in the Mountjoy complex at its current location. In particular, I am satisfied that exclusive use of the unit for 16 and 17 year old boys will represent important progress pending the provision of new children detention centres under the Children Act, 2001 and, that the experience gained from such use will help inform the planning of those new centres.

Two persons have been assigned to work at the new unit. One of them, who had accepted a contract psychologist post, has since vacated it following appointment to a psychologist post in the Irish Prison Service from a competition organised by the Public Appointments Service. The second person, who has been assigned by the City of Dublin Vocational Education Committee as head teacher of the education unit, has been assisting in preparations for its opening.

442. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the details of the tender process, applicants and applications considered, including details of the successful applicant, when commissioning the building of the vacant unit at Mountjoy Prison. [3862/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There is no vacant unit at Mountjoy Prison. There is a unit which is not yet fully utilised in St. Patrick's Institution which is the subject of a separate question by the Deputy.

Legal Aid Service.

443. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the measures which have been put in place to ensure the ongoing and adequate funding of the private practitioners scheme, and that the service provided by this scheme is offered to any and all qualifying applicants facing interim custody and maintenance hearings, throughout the State, as a matter of course rather than simply withdrawing the service from availability when funding runs low; and if he will make a statement on the matter. [3863/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The allocation for the Legal Aid Board has been increased from €18.388 million in 2004 to €21.362 million in 2005, an increase of 16%. The operation of the civil legal aid scheme is a matter for the Legal Aid Board, including continuing to provide adequate service to clients either through their law centres or through the use of private practitioners.

444. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the number of applications monthly for the private practitioners scheme throughout the State in 2002, 2003 and 2004 by area, together with the number of applications granted by area and monthly; and if he will make a statement on the matter. [3864/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that 27,241 legal aid certificates were granted in 2002 and 30,060 legal aid certificates were granted in 2003 under the Criminal Legal Aid Scheme. The figure for 2004 is not available at this stage and the number of applications made is not recorded.

The Legal Aid Board operates a private practitioner scheme in the District Court for civil legal aid. While the board does not maintain statistical information in respect of the number of applications or the number of legal aid certificates granted on a monthly or location basis, it maintains statistics on the number of legal aid certificates granted under the scheme on an annual basis. The number of legal aid certificates granted under the scheme for 2002 and 2003, as published in the board's annual reports for those years, were 1,604 and 895, respectively. Statistics for the year 2004 are not yet compiled and will be included in the board's annual report in due course.

The Legal Aid Board operated a private practitioner scheme in the Circuit Court on a pilot basis during 2002. A total of 145 legal aid certificates were granted under the scheme in 2002, broken down by location as follows: Dublin, 50; Donegal, eight; Cork South, 21; Kerry, 14; Kildare, one; Wexford, 49; Tipperary, 2.

Crime Levels.

445. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the number of

shootings and attacks on the person during 2003 and 2004 in the Dublin 15 area; and if he will make a statement on the matter. [3865/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities inform me that the crime statistics compiled by the Garda Síochána do not relate to postal areas. Blanchardstown district covers the Dublin 15 area. The number of offences recorded in Blanchardstown district where a firearm was used was 58 in 2003 and 79 in 2004. It has not been possible in the time available to provide all the information requested by the Deputy. The remaining information is being prepared and I will revert to the Deputy in due course.

Questions Nos. 446 to 448, inclusive, answered with Question No. 414.

Questions Nos. 449 and 450 answered with Question No. 422.

Detention Centres.

451. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the position regarding the planned location of the detention centre for young offenders; and if he will make a statement on the matter. [4031/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): No final decision has been made with regard to the location of the detention centre for young offenders.

Garda Stations.

452. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of Garda stations which have been identified as being in a state of poor repair or dilapidation or have otherwise been deemed unsuitable or inadequate accommodation for the number of gardaí stationed in same; and if he will make a statement on the matter. [4032/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Most Garda properties are vested in the Office of Public Works. A survey of the Garda property portfolio was carried out on behalf of the Office of Public Works to determine which Garda properties were considered economically maintainable and which uneconomic to repair. Following that survey, the Office of Public Works last year ran a pilot equity exchange programme of eight Garda stations in Counties Limerick and Tipperary selected by that office, following consultation with my Department and the Garda authorities. The programme was developed to test the feasibility of exchanging clusters of small Garda stations which cannot be viably maintained for new modern station facilities.

The Office of Public Works reports that the level of interest expressed was not adequate to meet the requirements of the programme and that the Commissioners of Public Works are con-

sidering how best to progress matters. In the meantime, the Commissioners of Public Works will undertake any essential maintenance works necessary to stations.

Separate from the equity exchange programme, significant funding is provided each year by the Office of Public Works for the Garda capital building programme with an estimated €10 million provided in 2005.

This does not include additional funding to provide new accommodation requirements for the Garda College in Templemore arising from the increased number of recruits to bring the strength of the force up to 14,000. The building programme in many cases addresses sub-standard accommodation as well as meeting additional and new requirements. Major projects under way include Ballyshannon, Bantry, and Ballina.

There is a provision of more than €7 million in the Garda Vote in 2005 to meet ongoing maintenance of Garda stations such as painting and minor repairs.

Questions Nos. 453 and 454 answered with Question No. 417.

Garda Strength.

455. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí in County Kildare; the number of Garda stations in County Kildare; if the construction of new stations or the expansion of existing stations is planned; and if he will make a statement on the matter. [4035/05]

456. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself with the level of Garda numbers in County Kildare in view of the high level of crime; and if he will make a statement on the matter. [4036/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 455 and 456.

The Garda authorities, who are responsible for the detailed allocation of resources, including personnel, inform me that the personnel strength of each of the 18 Garda stations (all ranks) in County Kildare as at 7 February 2005, is set out in the following table.

Station	Strength
Naas	77
Clane	6
Kill	3
Celbridge	19
Maynooth	16
Kildare	27
Newbridge	29
Robertstown	3
Kilcullen	3
Carbury	2

Station	Strength
Monasterevin	3
Rathangan	3
Athy	16
Castledermot	2
Ballytore	1
Ballymore Eustace	1
Leixlip	26
Kilcock	5

There has been an increase of 40 officers — from 202 to 242 — in Kildare Garda stations since 31 December 1997. Local Garda management is satisfied that the policing resources in the Carlow and Kildare division are adequate to meet the policing needs of the division.

I am very pleased the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with An Agreed Programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will draw up plans on how best to distribute and manage these additional resources. The needs of the Kildare district will be fully considered within the context of the needs of Garda divisions throughout the country. The additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government which identifies particular areas with a significant drugs problem and a high number of public order offences, but it will be possible to address other priorities as well, such as the need to increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into front-line, operational, high-visibility policing and will have a real impact.

The accommodation needs of the force are continually under review to ensure that operational requirements are met. Where such requirements are not being met, then the required refurbishment, or construction, works are completed by the Office of Public Works with all due urgency, and in accordance with overall priorities within the Garda building programme and the availability of financial and other resources.

Crime Levels.

457. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the large numbers of offences of sexual assault, aggravated sexual assault and rape reported annually as opposed to the low level of convictions recorded; the reasons for this situation; and the steps he proposes to deal with the matter. [4045/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The recently published provisional headline crime statistics for 2004 show sexual offences generally decreased by 17% or 329 cases when compared to 2003; there was a decrease of 28% or 403 cases in sexual assaults. There is an increase in the number of cases of rape of a female and rape section 4. There is a high attrition rate in rape cases in Ireland, and many cases reported to the gardaí do not reach prosecution stage for a variety of reasons. The Director of Public Prosecutions is statutorily independent in the performance of his function and it would, therefore, be inappropriate for me to comment on his decisions.

In 2003 my Department approved joint funding for comprehensive research into attrition rates in rape cases. The research, which is entitled *The Understanding of Attrition, Early Withdrawal, the Trial Process and Identifying Possible Changes to Support Complainants in Rape Cases*, is being carried out by the Department of Law at the National University of Ireland, Galway and the Rape Crisis Network Ireland and is expected to be completed in 2006.

This research should provide a greater understanding as to why some victims choose not to report cases to the Garda, what can be done about under reporting and why, of the cases that are reported, only a relatively small percentage result in a court hearing. Following this, action will, as appropriate, be taken to resolve any issue which may arise.

Sentencing Policy.

458. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the apparent inconsistency in court sentencing and in regard to cases of sexual assault, aggravated sexual assault and rape; and if he has proposals in this regard. [4047/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I refer the Deputy to my detailed reply to Questions Nos. 190, 192 and 193 of 16 December 2004.

I have nothing further to add to that reply other than to say that, in general, the penalties for sexual offences are very severe. Life imprisonment is the maximum penalty for rape and other serious sexual offences. The maximum sentence for sexual assault was increased to allow for situations where there were several assaults over an extended period of time. The Sex Offenders Act, 2001 provides for a maximum sentence of 10 years for sexual assault of a person over 17, and 14 years where the victim is under 17.

In so far as consistency of sentencing is concerned, the Criminal Justice Act 1993 provides that the Director of Public Prosecutions may, where it appears to him that a sentence imposed by a court is unduly lenient, apply to the Court of Criminal Appeal to review the sentence. The Director of Public Prosecutions is totally independent in the carrying out of his functions.

Victim Support.

459. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if the level of support available to the victims of crime, in particular the victims of sexual assault, aggravated sexual assault and rape, are inadequate; and if he has proposals in this regard. [4050/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The rights and entitlements of victims of crime in Ireland are set out in the victims charter which was published by my Department in 1999 following extensive consultation with all relevant agencies including the courts, Garda Síochána, the Prison Service, the probation and welfare service, the State prosecution service and the Victim Support organisation.

A guiding principle of the victims charter is a commitment to giving victims of crime a central place in the criminal justice system. The charter makes specific provision for particularly vulnerable victims such as victims of sexual offences, domestic violence, elderly victims, victims with disabilities, and children. It also contains specific provisions on keeping victims informed of the outcome of their complaints, the progress of any criminal proceedings, and the outcome of these proceedings. The Victim Support organisation has received in excess of €5 million from my Department over the last five years.

On victims of rape and sexual assault, the Deputy will be aware that the key services required by people who have been victims of a rape or a sexual assault are medical treatment and counselling and that the provision of these services are the responsibility of the relevant health board. As the Deputy will appreciate, the services required by such victims, for which my Department has responsibility, relate mainly to the civil and criminal justice systems. In this regard, any incident of rape or sexual assault reported to the Garda Síochána is fully investigated and, subsequently, a file is forwarded to the Director of Public Prosecutions for a direction as to whether a prosecution should proceed.

In relation to any need the victim might have for legal advice, The Legal Aid Board offers legal advice and, in certain circumstances, representation to complainants in cases of serious sexual assault. In addition, my Department has also provided funding to the Rape Crisis Network for work of this nature. Following recent discussions with the Rape Crisis Network and other victims’ organisations, other initiatives are also under consideration.

Decentralisation Programme.

460. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the number of personnel who, on applying for promotion in his Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their

promotion or otherwise; and if he will make a statement on the matter. [4076/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Five officers have been required to sign an agreement, which along with other relevant clauses, includes one indicating a willingness to decentralise on being offered appointment to posts within my Department. Three officers have signed the agreement and two are awaiting clarification of issues other than decentralisation prior to signature of the document.

Child Care Services.

461. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will consider proposals (details supplied) on funding child care services. [4481/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Proposals Nos. 1, 2 and 5 come within my Department's remit. I propose to deal with proposals Nos. 1 and 2 together. A review of the maternity protection legislation was carried out in 2000 by a working group, chaired by my Department, which comprised the social partners and relevant Departments and agencies. The working group was set up in accordance with commitments in the Government action programme for the millennium and the Programme for Prosperity and Fairness. The report of the working group on the review and improvement of the maternity protection legislation was published in February 2001.

Among its recommendations, the working group recommended an increase in the maternity leave entitlement, which attracts a payment from the Department of Social and Family Affairs, from 14 weeks to 18 weeks and an increase in the unpaid additional maternity leave entitlement from four weeks to eight weeks. These increases were announced in budget 2001 and implemented by means of the Maternity Protection Act 1994 (Extension of Periods of Leave) Order 2001 (S.I. No. 29 of 2001) with effect from 8 March 2001. Identical increases were simultaneously applied to the adoptive leave entitlement.

During its deliberations on the increase in the maternity leave periods, the working group considered both the benefits and costs to employers and to the economy generally. The benefit to employers and industry to the extent that increased maternity leave periods facilitates the increased participation and retention of women in the labour force was among the factors considered. The Irish Business and Employers Confederation, the Department of Finance and the Health Service Employers' Agency were represented on the group, and took costs into account, in their agreement to the recommendations.

The Maternity Protection (Amendment) Act 2004, which was commenced on 18 October last, implemented the outstanding recommendations

of the maternity protection review group and fulfilled a statutory component of the Work/Life Balance Programmes to which the Government is committed under Sustaining Progress. The 2004 Act makes no provision for a further extension of the maternity leave periods beyond the improvements implemented in 2001.

Proposals on the transfer of maternity leave to fathers were considered by the maternity working group who considered that "maternity leave is linked to a mother's welfare, and that as such, it is not appropriate to make any portion of maternity leave optionally transferable to fathers". The group also agreed that the issue of paternity leave would be considered in the context of a subsequent review of the Parental Leave Act 1998.

Proposals on the extension of the duration of parental leave, payment of parental leave and statutory paternity leave were considered in the context of the review of the Parental Leave Act 1998 which was conducted by a working group chaired by my Department. The working group comprised the social partners, relevant Departments and the Equality Authority. The report of the working group on the review of the Parental Leave Act 1998 was published on 29 April 2002.

During working group discussions the arguments, both for and against the proposals for extended parental leave, paid parental leave and paid paternity leave, were strong and the merits of each were enunciated in some depth in the report of the working group. In the course of their deliberations, the cost implications for employers of these proposals were considered by the working group. Concern was expressed by some members of the working group in relation to the adoption of any new measures which would result in increased costs for employers in view of the economic climate at that time and the need to maintain international competitiveness. Consequently, the group did not reach consensus on paid parental leave, paid paternity leave and increased duration of parental leave.

Subsequently, no agreement was reached on the extension of the duration of parental leave, the introduction of paid parental leave and paternity leave by the social partners in the context of the negotiations on the Sustaining Progress partnership agreement. In the absence of a consensus among the social partners the Government does not propose to provide for the extension of the duration of parental leave, paid parental leave or paternity leave.

The Government is committed as part of the Sustaining Progress partnership agreement to strengthen the parental leave scheme in accordance with the recommendations agreed in the Programme for Prosperity and Fairness report of the working group on the review and improvement of the Parental Leave Act 1998. In this regard, the Parental Leave (Amendment) Bill 2004 was published and initiated in Seanad Éireann on 16 December, 2004. The Bill is sched-

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uled for Committee Stage consideration in the Seanad tomorrow, 9 February.

The main provisions of the Bill include the following: raising the maximum age of the eligible child from five to eight years; an increase in the maximum age of the eligible child to 16 years in the case of children with disabilities; extension of parental leave entitlements to persons acting *in loco parentis* in respect of an eligible child; a statutory entitlement to take the 14 weeks parental leave in separate blocks.

On proposal No. 5, the Government has already significantly increased the funding available to the equal opportunities child care programme 2000-2006, EOCP, since its launch in April 2000 and, following the EOCP's good performance in the mid-term review of the NDP, a further €12 million in the level of EU funding has been made available. Taken together this has meant that the funding available to the EOCP has risen by almost 60% from an original allocation of €317 million to €499 million for the period to the end of the NDP. This includes an increase of €50 million in capital funding which was announced in the most recent budget. The Government has also committed €40 million in capital funds for the next phase of child care funding up to 2009, demonstrating its commitment to developing child care services across the country and into the future.

The equal opportunities child care programme 2000 -2006 provides grant aid for capital, staffing and quality improvement projects in the child care sector. It is intended that the EOCP will increase the number of child care places and services nationwide, support the introduction of a co-ordinated approach to the delivery of child care services and improve the quality of child care in Ireland. To date the EOCP has committed over €313 million which will lead to the creation of over 33,500 new child care places, of which 20,500 are already in place as of June 2004, and the support of almost 30,000 existing child care places.

Departmental Responsibility.

462. **Mr. Kehoe** asked the Minister for Education and Science if she has responsibility for the Institute of Chartered Accountants; if she can intervene when a person has a complaint about same; and if she will make a statement on the matter. [3371/05]

Minister for Education and Science (Ms Hanafin): My Department has responsibility for co-ordination of the implementation of EU directives on mutual recognition of professional qualifications under the general system insofar as regulated professions are concerned. The Institute of Chartered Accountants in Ireland is one of a number of bodies prescribed as a designated authority under the directives for the purpose of the profession and professional activities of auditing company accounts. It is also a desig-

nated authority for the regulation of the title of chartered accountant. Under the directives, a designated authority is a body empowered to receive applications and make decisions, within the framework provided by the directives, on the regulation of title or the recognition of qualifications for a regulated profession.

My Department has no role in complaints concerning the institute, except insofar as the implementation of the EU directives on mutual recognition of professional qualifications is concerned.

Schools Building Projects.

463. **Dr. Upton** asked the Minister for Education and Science her views on class sizes at a school (details supplied) in Dublin 8 of over 30 students; and the position regarding the school buildings application for this school. [3404/05]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is finalised for a particular year following discussions with the education partners. The guidelines can only be deviated from where a school experiences rapid growth in its enrolment. In such cases, an additional post, referred to as a developing school post, may be sanctioned occasionally where the projected enrolment at 30 September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30 September, sanction for the post is withdrawn.

The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils. School authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and the smallest classes is kept to a minimum.

The mainstream staffing of the school referred to by the Deputy for the current school year is a principal and five mainstream class teachers based on an enrolment of 155 pupils on 30 September 2003. The school was also granted a developing post for the 2004-05 school year on the basis of a projected enrolment of 180 pupils. In addition, the school has a resource post and a language support post.

According to data submitted to my Department by the board of management the enrolment on 30 September 2004 was 180 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure in accordance with the agreed staffing schedule which is expected to be notified to boards of management in February-March 2005.

With regard to the proposed building project for the school in question, this has been assessed in accordance with the published prioritisation criteria, which were revised following consul-

tation with the education partners and its progress is being considered in the context of 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 on 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.

464. **Mr. Neville** asked the Minister for Education and Science the position regarding the completion of the extension to a school (details supplied) in County Limerick. [3405/05]

Minister for Education and Science (Ms Hanafin): An extension and refurbishment project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners and the project is being considered for 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 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; schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning.

465. **Mr. Cregan** asked the Minister for Education and Science the situation and the reason for the delay in relation to the opening of a school for autistic children (details supplied); the capital funds which have been supplied for the project; the funds towards rent to the landlord of the existing national school which have been paid by her Department; the reason and the person on whose behalf the landlord is seeking a higher rent; and if her Department will broker a deal,

and make extra funds available in order to open this badly needed facility. [3408/05]

Minister for Education and Science (Ms Hanafin): I wish to inform the Deputy that the unit to which he refers is currently operating and receives an annual funding allocation from my Department. The unit currently caters for 24 children on the autistic spectrum and wishes to put additional accommodation in place to cater for a further six children. As the Deputy is aware the unit is located on the grounds of a primary school but operates separately from that school.

The school building section of my Department sanctioned a grant of €78,769 in July 2004 to the school in which the unit is located to enable it to provide the additional required accommodation. This amount was 100% of the total cost of the building work involved to cater for these additional children. To date this grant has not been drawn down by the school. When the additional accommodation is in place, the unit will be able to cater for 30 children.

The school in which the unit is located has sought a financial contribution from the Department in consideration of its allowing the unit to operate on the school site. In this regard my Department has recently written to the chairperson of the board of management of the school with proposals to address the issue raised by the school. My officials are awaiting a response from the school to the proposals that have been made.

466. **Mr. Perry** asked the Minister for Education and Science when the much needed extra classroom will be sanctioned for a school (details supplied) in County Sligo; if she will report on the negotiations that have taken place; the amount of funding that will be granted; when work will commence; and if she will make a statement on the matter. [3418/05]

Minister for Education and Science (Ms Hanafin): An extension project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners and the project is being considered for 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 on 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

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scheme; schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning.

467. **Mr. Perry** asked the Minister for Education and Science if her attention has been drawn to the fact that there are 111 pupils in a school (details supplied) who are in totally inadequate facilities; when she will authorise work to commence on the new school; the timescale involved; and if she will make a statement on the matter. [3419/05]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. I recently announced details of 122 major school building projects that will progress to tender and construction phase over the next 12 to 15 months under the €3.4 billion multi-annual funding secured for the years 2005-09.

I am anxious to ensure that a consistent flow of projects to tender and construction can be sustained into the future. I plan to make a number of announcements in the near future on the 2005 schools building and modernisation programme including details of those school projects which will further progress through the design process. All projects in architectural planning, including the school in question, will be considered as part of this process.

468. **Mr. Quinn** asked the Minister for Education and Science the number of primary and post primary schools in County Meath which have applications for consideration at her Department for building improvements and repairs and for building extensions; the number of schools in County Meath which will receive grant assistance in 2005 for building improvements and repairs and for extensions; and if she will make a statement on the matter. [3458/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available in my Department. However, if the Deputy has a query about a specific school, I would be happy to provide the information for him.

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 on 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.

School Class Sizes.

469. **Mr. Quinn** asked the Minister for Education and Science if she will identify the 20 biggest primary and post-primary classes in the country; her plans to address big class sizes; and if she will make a statement on the matter. [3459/05]

Minister for Education and Science (Ms Hanafin): The 2004 statistical returns from primary schools to my Department indicate that there were five classes with in excess of 40 pupils and 22 classes with between 38 and 39 pupils in the 2003-04 school year.

The system for allocating teachers to primary schools is based on ensuring an overall maximum class in the school size of 29. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes.

The Deputy should note that significant improvements have been made in this area in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996-97. The pupil teacher ratio, which includes all the teachers in the school including resource teachers, has fallen from 22.2 to 1 in the 1996-97 school year to 17.44 to 1 in 2003-04. More than 4,000 additional teachers, including nearly 2,500 resource teachers have been employed in our primary schools since 1997. These additional teaching posts have been used to reduce class sizes, to tackle educational disadvantage and to provide additional resources for children with special needs.

Significantly smaller class sizes have been introduced in disadvantaged schools involved in the giving children an even break-breaking the cycle programme, with approximately 47,700 pupils in 243 participating schools availing of reduced class sizes of either 15 or 20 pupils per class. In line with the programme for Government commitment, class sizes for the under-nines will continue to be reduced further.

The specific information requested in relation to class size at post-primary level is not readily available within my Department. It is clear that class size at second level is influenced by a combination of factors such as school size, timetabling decisions, teacher allocation, subject expertise and the length of the school day, in addition to decisions made at individual school level of the basis of enrolments, the ability levels of pupils and the programmes offered. In practice, schools are accorded a considerable local discretion in the way in which they organise matters of subject choice, teacher allocation and class size.

The Deputy will be aware that significant improvements have also occurred in the pupil:-

teacher ratio at second level in recent years. At second level, there was one teacher for every 14 pupils in 2004, down from one for every 16 pupils in 1996-97.

Pre-school Services.

470. **Mr. Quinn** asked the Minister for Education and Science the number of publicly funded pre-school places in County Meath; the way in which this per capita proportion of pre-school places compares with the rest of the country. [3460/05]

Minister for Education and Science (Ms Hanafin): My Department funds pre-school places, primarily under schemes aimed at tackling educational disadvantage and for children with special needs.

In 1994-95, the early start pre-school project was established in 40 primary schools in designated areas of urban disadvantage in Dublin, Cork, Limerick, Waterford, Galway, Drogheda and Dundalk. There are no early start pre-schools in County Meath. In addition, my Department currently funds approximately 380 Traveller pre-school places throughout the country, of which 19 places are in County Meath. One Traveller pre-school currently has an application lodged with my Department to offer another 12 places. This application is being examined by officials in my Department at present. The provision of Traveller pre-school places in County Meath compares favourably with provision elsewhere in the country.

My Department has also sanctioned on a pilot basis a facility, which provides an applied behavioural analysis model, ABA, of response to children with autism in County Meath. This facility caters for up to 24 children ranging from three to ten years of age. The Deputy should note that the Departments of Justice, Equality and Law Reform and Health and Children also provide significant funding for pre-school places across the country.

School Enrolments.

471. **Mr. Quinn** asked the Minister for Education and Science the breakdown of the waiting lists for entry to primary and post-primary schools in Counties Meath, Louth, Kildare and Wicklow; and if she will make a statement on the matter. [3461/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available in my Department. Pre-enrolment lists are compiled by schools locally. There is no general requirement to file them with my Department. However, the information can be made available to my Department to support requests for additional resources as such requests arise.

Physical Education Facilities.

472. **Mr. P. McGrath** asked the Minister for Education and Science the details of the provision in her Department for each of the past five years for physical education equipment in primary schools and post-primary schools; and her views on the need for physical education equipment in schools (details supplied). [3469/05]

Minister for Education and Science (Ms Hanafin): My Department's records are held on a project by project basis and this information is not sub-divided in the format requested by the Deputy.

My Department fully recognises the crucial role of physical exercise within the school environment and continues to respond to the need to improve sporting facilities and in particular indoor facilities. It is the policy of my Department to consider the provision for physical education facilities in the design brief for new schools and major extensions to existing schools. A comprehensive equipment schedule is included in the funding package for such facilities, ranging from table-tennis sets to netball and indoor soccer equipment.

In addition, all primary schools receive an annual minor works grant from my Department and it is open to these school management authorities to use this devolved grant for the purchase of physical education equipment provided it is not required for more urgent works.

Student Support Schemes.

473. **Ms Shortall** asked the Minister for Education and Science further to Parliamentary Question No. 1120 of 26 January 2005 (details supplied), the location in the guidelines for the scheme of a requirement on third level institutions to assess the extent of demand based on student numbers, the need for rented accommodation, existing supply issues and related factors; the reason there are no guidelines setting out the criteria for carrying out such assessment if it was intended that third level institutions be required to assess the supply and demand, which presumably would also deal with adequacy, standard and price of existing and proposed accommodation in the catchment area; the way in which she has ensured that a consistent, fair and transparent approach has been adopted by all third level institutions in the assessment, particularly those which have a commercial interest as accommodation providers in the market in view of the fact that there are no guidelines setting out the assessment criteria; the stage at which a third level institution should decide to intervene in the market and control the amount of competition in view of the fact that the market, based on price and quality, normally regulates the balance between supply and demand and encourages healthy competition, which is in the interests of students; her views on the obvious conflict of interest that exists when a third level institution is both a provider and regu-

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latter; the way in which the implementation of this scheme is being monitored in order to ensure it is achieving its objectives in all areas as similar tax incentive schemes are very transparently monitored by the local authorities; and if that all current proposals will be certified by third level institutions pending revised guidelines being drafted and proper need assessments being undertaken in view of the obvious serious deficiencies in the existing guidelines. [3481/05]

Minister for Education and Science (Ms Hanafin): The student accommodation tax incentive scheme is designed to address difficulties in the student accommodation market. Accordingly, the primary focus of the scheme is student welfare by providing an adequate supply of rented accommodation through a tax designated scheme. The guidelines that underpin the scheme require third level institutions to approve of development plans. In paragraph 4 of the guidelines, the rationale for this certification is explained as being in the interest of orderly development. It is appropriate that third level institutions should be quite rigorous in assessing need in order to prevent an oversupply situation. An oversupplied market, partly funded through a tax designated scheme, would certainly not serve the interest of taxpayers or indeed developers.

Third level institutions must work to promote the best interest and welfare of students and the role bestowed on them under the section 50 tax scheme, and the rationale for that role, is consistent with that objective. Their participatory role in providing accommodation is not incongruous with their function of safeguarding and promoting the best interest of students.

Clearly, any inference of non-adherence to these core principles would be a cause of disquiet. Accordingly, any evidence of non-compliance with the guidelines or alleged irregularity should be brought to the attention of my Department.

Psychological Service.

474. **Mr. P. McGrath** asked the Minister for Education and Science when an appointment with a child psychologist will be confirmed for a person (details supplied) currently on a waiting list. [3489/05]

Minister for Education and Science (Ms Hanafin): I understand that the person referred to has already had an educational psychological assessment and that his parents are now waiting for a clinical appointment for him. This is therefore a matter for the relevant health board rather than for my Department.

However, to try to expedite matters, a psychologist from the national educational psychological service, NEPS, has been in touch with the school attended by the person. She has supplied contact details for the local community care psychological service to the school for transmission to the person's parents.

Teachers' Remuneration.

475. **Mr. Neville** asked the Minister for Education and Science if a person (details supplied) in County Limerick will be recognised for incremental credit in their salary in relation to their time teaching in the private sector on their return to working in public sector teaching. [3507/05]

Minister for Education and Science (Ms Hanafin): In accordance with the terms of agreed reports of the conciliation council for teachers, incremental credit may be awarded to second level teachers in respect of approved teaching service. For the purpose of the award of incremental credit, approved teaching service is defined as service given in a fully qualified whole-time capacity in a school that is recognised by my Department. Teaching service given in schools outside of Ireland that is demonstrated to the satisfaction of my Department to be equivalent to approved teaching service may also be considered as acceptable service for credit purposes. Service given in a private second level school, such as the one referred to by the Deputy, is not covered by the terms of the agreed report and therefore does not qualify for the award of incremental credit.

Schools Building Projects.

476. **Mr. Hogan** asked the Minister for Education and Science when finance will be provided for an extension and refurbishment work on a school (details supplied) in County Wexford; and if she will make a statement on the matter. [3508/05]

Minister for Education and Science (Ms Hanafin): My Department has no current application for capital funding from the school to which the Deputy refers. In 2001, however, my Department provided grant aid of almost €43,000 to facilitate an extension project at the school comprising a classroom and ancillary accommodation.

Educational Disadvantage.

477. **Mr. Allen** asked the Minister for Education and Science the parameters used in deciding on the persons who should qualify under the access programme operated in schools in Cork for admission to third level education. [3509/05]

Minister for Education and Science (Ms Hanafin): Students in second level schools in Cork linked to the access programmes of University College Cork and Cork Institute of Technology are encouraged and supported in applying for admission to third level education through the Central Applications Office. Applicants to the CAO are assessed for entry on the basis of performance in the leaving certificate examination and the meeting of admission requirements of individual higher education institutions and courses.

Students in schools linked to the access programmes of UCC as well as those in schools linked to the access programmes of six other higher education institutions — UCD, NUIM, TCD, UL, DCU and DIT — may also apply for a number of third level places through a collaborative entry scheme operated between those institutions. Applications for entry through this scheme are assessed on the basis of attendance at linked schools as well as the achievement of minimum academic entry requirements. A number of socio-economic criteria are also considered which are family income, parental occupation and parental education levels. The motivation of an applicant in studying at third level is also assessed. Numbers entering the seven participant institutions through this scheme have grown from 300 in 2001 to 700 in the current academic year, 2004-05.

Third Level Education.

478. **Mr. Bruton** asked the Minister for Education and Science the estimated number of students attending private third level institutes of education; and the nature of the relationship which these colleges have with her Department. [3510/05]

Minister for Education and Science (Ms Hanafin): My Department does not regulate provision in private colleges, except insofar as the functions set out below are concerned. The data submitted for statistical purposes to my Department indicates that in 2002/03 6899 students attend courses in non-aided third level colleges, but this information is submitted on a voluntary basis and does not necessarily cover all activity in the private sector.

The Qualifications (Education and Training) Act 1999, provides that the Higher Education and Training Awards Council and the Further Education and Training Awards Council may approve the quality assurance arrangements of institutions in the private sector, validate programmes and make or recognise awards, in compliance with quality criteria. Under section 43 of the Act, the awards councils may not carry out this function unless they are satisfied, in the case of providers offering programmes of at least three month's duration on a commercial or profit making basis, that there are adequate arrangements for protection of learners in place, in the event of that provider ceasing operations. Such protection for learners may be secured under the Act either by having an agreement in place with at least two other providers to enable learners to transfer to continue their programmes should the provider cease operation, or a provision for a refund of fees. It is not obligatory, however, for providers of education and training in the private sector to seek national recognition for their awards.

The schemes of financial assistance for students attending post leaving certificate and higher education courses confine eligibility for grants to students attending approved full time courses in

recognised State funded institutions, and to courses in other colleges which are recognised third level courses for the CAO system of entry and are validated by the Higher Education and Training Awards Council. Similarly, eligibility for tax relief for third level fees for students attending courses in private colleges is also confined to courses approved under a code of standards by the Higher Education and Training Awards Council for this purpose.

A further role in relation to private colleges will arise as from 18 April 2005 under revised arrangements announced recently by the Department of Justice, Equality and Law Reform for the granting of access to work to students from countries outside the EU-EEA and Switzerland. This will confine access to work to students attending full time courses of at least one year's duration leading to qualifications recognised by my Department. At present criteria are being developed by my Department for the purpose of inclusion on the register of recognised courses for this purpose. These arrangements will include private sector providers who satisfy the quality criteria.

In addition, I recently launched a report on the internationalisation of Irish education services which sets out a strategy for promoting Ireland as a centre of excellence for international students. The report proposes the development of a quality mark and code of practice, and a mandatory licensing scheme, for colleges in the public and private sector offering courses of more than three month's duration aimed at international students.

My Department is the designated authority for the recognition of courses for the regulated profession of primary school teacher, and as such has a role in the approval of courses in certain private colleges for entry to employment as a national school teacher. In the context of these functions, my Department is in continuing contact with HECA, the Higher Education Colleges Association, which represents third level colleges in the private sector.

Physical Education Facilities.

479. **Mr. Deenihan** asked the Minister for Education and Science the position regarding the provision of a sports hall and other sporting facilities at the north campus of the Institute of Technology, Tralee, County Kerry; and if she will make a statement on the matter. [3558/05]

Minister for Education and Science (Ms Hanafin): The institute of technology in Tralee is currently commencing construction of a grass pitch and all-weather pitch on their north campus. This project, which is due for completion in 2005/06, has been partly funded by my Department.

The recent third level capital review, chaired by Mr Kevin Kelly, has recommended the provision of a new health and leisure studies building in Institute of Technology, Tralee, in the period 2006-08. In November 2004, I announced the end

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of the freeze on third level capital funding when I gave immediate approval for key projects in the third level sector. The projects selected have been identified as being of a high national priority and include a number of new facilities to support the provision of additional health skills places and the expansion of teacher training places. I also announced the re-introduction of a devolved grant scheme for minor capital works in the institutes of technology sector and I am pleased to advise you that IT Tralee received funding under the scheme.

These announcements are the first steps in the process of addressing the infrastructural deficit in the third level sector. There are many further higher education projects recommended for funding in the Kelly report, including projects at IT Tralee, and I will be considering how best to advance a number of these projects in the context of the capital envelope of funding available to me.

Schools Building Projects.

480. **Mr. Kenny** asked the Minister for Education and Science if approval has been given to provide a new school to replace a school (details supplied) in County Mayo; when official recognition was given to this school; if her attention has been drawn to a situation whereby €60,000 in rent is being paid per year for existing buildings; if her attention has further been drawn to the inadequate facilities that exist and of the availability of suitable sites; and if she will make a statement on the matter. [3642/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy opened in September 1998 with provisional recognition and was granted permanent recognition in 2002. My Department is currently providing grant aid towards the rental of temporary accommodation for the school, at a rate of 95% of the rental costs.

The acquisition of a site for the school referred to by the Deputy is being considered in the context of the schools building and modernisation programme and the Deputy will be aware that I recently announced the first phase of this programme, providing details of 122 major school building projects which will prepare tenders and move to construction during 2005. This is the first in a series of announcements, I plan to make in the coming period that will include the following: 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.

481. **Mr. J. O’Keeffe** asked the Minister for Education and Science the situation regarding a new school extension (details supplied). [3643/05]

Minister for Education and Science (Ms Hanafin): Aghinagh national school has been offered devolved funding by my Department for a new school building. Discussions between the Department and the board of management of the school are ongoing and an official from the building unit in the Department is visiting the school this week to see if agreement can be reached with regard to the offer of devolved funding.

482. **Mr. J. O’Keeffe** asked the Minister for Education and Science the situation regarding proposed extensions to schools (details supplied) in County Cork. [3791/05]

Minister for Education and Science (Ms Hanafin): The proposed extensions at the schools to which the Deputy refers have been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners and the project is being considered for 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 the following: 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.

483. **Mr. Kenny** asked the Minister for Education and Science the position regarding funding for provision of proper toilet facilities at a school (details supplied) in County Mayo; when such work can commence this year; and if she will make a statement on the matter. [3793/05]

Minister for Education and Science (Ms Hanafin): An extension and refurbishment project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners and the project is being considered for 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 the following: 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.

Education Schemes.

484. **Ms O'Sullivan** asked the Minister for Education and Science if she has a role in limiting the number of students who participate in teachers education courses (details supplied); if not, if any State body has such a role; and if she will make a statement on the matter. [3794/05]

Minister for Education and Science (Ms Hanafin): The college referred to by the Deputy is a privately-owned institution providing a privately run course which has been accredited by the Higher Education and Training Awards Council, HETAC.

Neither my Department nor any other State body has a role in regulating the number of students enrolled by this privately run college. In order for the course to secure HETAC accreditation, the college complied with HETAC's quality assurance and validation requirements. The graduate diploma conferred at the end of this course is recognised by my Department for the purposes of primary teaching.

Schools Building Projects.

485. **Mr. Walsh** asked the Minister for Education and Science if the commencement of work on an extension to a school (details supplied) in County Cork will be sanctioned; and if she will make a statement on the matter. [3795/05]

Minister for Education and Science (Ms Hanafin): An extension and refurbishment project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners and the project is being considered for 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 the following: 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.

486. **Mr. Walsh** asked the Minister for Education and Science if the commencement of work on a much needed extension to a school (details supplied) in County Cork will be sanctioned; and if she will make a statement on the matter. [3796/05]

Minister for Education and Science (Ms Hanafin): An extension and refurbishment project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners and the project is being considered for 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 the following: 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.

Special Educational Needs.

487. **Mr. Stanton** asked the Minister for Education and Science if a blind child (details supplied) who had the assistance of a full time special needs assistant in primary school will continue to have this essential support in her current second level school; the reason it took from March 2004 to December 2005 for her Department to partially respond to the urgent needs of this student; if she will ensure that a full time assistant is now made available as a matter of extreme urgency; and if she will make a statement on the matter. [3797/05]

Minister for Education and Science (Ms Hanafin): Where a pupil with special educational needs enrolls in a post-primary school, it is open to the school to apply for additional teaching sup-

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port and-or special needs assistant support for the pupil.

My Department allocates additional teaching support and special needs assistant support to second level schools and vocational education committees to cater for pupils with special educational needs. Each application is considered on the basis of the assessed needs of the pupil(s) involved and having regard to a range of factors including the overall resources available to the school. An application for additional teaching support and special needs assistant support for a number of pupils including the pupil referred to by the Deputy was received in my Department on 21 June 2004. The school authority was notified of the outcome of this application on 24 September 2004. Subsequently an appeal was received in my Department on 12 October 2004 and the school authority was notified of the outcome of this appeal on 1 November 2004.

My Department has approved an allocation of 75.62 hours teaching support per week and 45 hours special needs assistant support per week to the school in question to cater for the special educational needs of a number of pupils, including the pupil to which the Deputy refers. The level of support allocated was determined after detailed consideration of the school's application, the supporting documentation provided and having regard to the overall level of resources already available to the school to address special needs issues.

If the school authority is of the view that the existing approved allocation is incapable of addressing the current level of assessed special needs within the school and additional information to that already submitted becomes available, my Department will be prepared to reconsider the case.

Higher Education Grants.

488. **Mr. N. O'Keeffe** asked the Minister for Education and Science the additional financial support which is available to parents (details supplied) in County Cork who have three children in third level education. [3798/05]

Minister for Education and Science (Ms Hanafin): Financial assistance is available to students under the higher education grants scheme, which is administered by the local authorities under the aegis of my Department. The position is that, generally speaking, students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. An approved course for the purpose of the higher education grants scheme means a full-time undergraduate course of not less than two years duration and a full-time postgraduate course of not less than one years duration pursued in an approved institution.

I understand that two of the students in question are in receipt of a higher education grant from Cork County Council, while the third student is in receipt of a vocational education scholarship grant from County Cork VEC. Apart from the funding provided through the student support maintenance grant schemes, financial assistance is also available from the Department through the student assistance fund. The objective of the fund is to assist students, in a sensitive and compassionate manner, who might otherwise, due to their financial circumstances, be unable to continue their third level studies. Further information on this fund is available from the student access officer at the relevant college.

Another initiative under the third level access fund is the millennium partnership fund for disadvantage. The objective of this fund is to support students from disadvantaged areas with regard to retention and participation in further or higher education courses. Partnership companies and community groups manage the fund locally. Area Development Management manages the fund for the Department of Education and Science. Under the fund, eligible actions may include the following but will be dependent on the individual partnership or community.

Vocational Education Committees.

489. **Mr. Ó Fearcháil** asked the Minister for Education and Science the number of vocational education committees that have not yet been fully reconstituted in the aftermath of the 2004 local elections; the reason for the delay; and if she will make a statement on the matter. [3815/05]

Minister for Education and Science (Ms Hanafin): Pursuant to section 7 of the Vocational Education (Amendment) Act 2001, the revised composition of the new vocational education committees provides, for the first time, for the election of members by parents and VEC staff. In addition to members elected by the local authority from among the members of the local authority concerned, the Act provides for the appointment by the local authority of a further four members from among nominated representatives of community, voluntary and other interests as set out in the Act.

The first meeting of the new committees have been held or have been fixed in the case of all VECs except in the case of County Kildare VEC and County Meath VEC. I understand that the reasons for delay is due to the finalising of the appointment process by the local authorities of the further four members referred to above. It is expected that this appointment process will be completed shortly and that the first meeting with the new committees concerned can take place in February.

Schools Building Projects.

490. **Mr. Howlin** asked the Minister for Education and Science the position in relation to the

application of a school (details supplied) in County Wexford for an extension and refurbishment to the existing school premises; and if she will make a statement on the matter. [3816/05]

Minister for Education and Science (Ms Hanafin): My Department has no current application for capital funding from the school to which the Deputy refers. In 2001, however, my Department provided grant aid of almost €43,000 to facilitate an extension project at the school comprising a classroom and ancillary accommodation.

School Staffing.

491. **Mr. Lowry** asked the Minister for Education and Science if her attention has been drawn to the potential staffing crisis in a primary school (details supplied) in County Tipperary; the reason for allowing such a crisis develop in view of the projected enrolment figures in 2005-06; and if she will make a statement on the matter. [3817/05]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular year following discussions with the education partners. The mainstream staffing of the school referred to by the Deputy for the current school year is a principal and three mainstream class teacher posts based on the enrolment of 85 pupils on 30 September, 2003.

According to data submitted to my Department by the board of management, the enrolment on 30 September 2004 was 75 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the agreed staffing schedule which is expected to be notified to boards of management in February-March 2005.

As outlined in primary Circular 19/02, an independent appeals board was established to adjudicate on appeals from boards of management on mainstream staffing allocations in primary schools. The appeals board operates independently of the Minister and my Department and its decision is final. Appeals must be submitted to primary payments section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made.

I am sure the Deputy will appreciate that it is not appropriate for me to intervene in the operation of the independent appeals board.

Schools Building Projects.

492. **Mr. Lowry** asked the Minister for Education and Science if she will consider granting the additional funds necessary to a primary

school (details supplied) in County Tipperary; and if she will make a statement on the matter. [3818/05]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works a grant of €100,000 was sanctioned to enable the management authorities of the school in question to provide an additional classroom.

The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of Management control of the building project. My Department does not intend increasing the amount of grant offered to the school. This is because a central tenet of the devolved scheme is that the school, granted discretion and funding, must equally accept responsibility for prioritisation, control of costs and ensuring value for money.

493. **Mr. Gregory** asked the Minister for Education and Science if a school (details supplied) in Dublin 3 has requested funding under the summer works scheme for 2005; the nature of the work for which funding is requested; if this type of work is normally covered by the scheme; when a decision will be made; and if she will make a statement on the matter. [3819/05]

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 an upgrade of toilet facilities. The scope of the scheme covers this work type. 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.

School Transport.

494. **Mr. Naughten** asked the Minister for Education and Science if she will furnish a final reply to a query raised with the school transport section of her Department in September 2004 (details supplied). [3848/05]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that the pupil referred to in the details supplied has been facilitated with transport to the school in question since September 2004.

Vocational Training Opportunities Scheme.

495. **Mr. Naughten** asked the Minister for Education and Science her plans to restructure the VTOS training scheme; if she plans to review the content of the courses; and if she will make a statement on the matter. [3849/05]

Minister for Education and Science (Ms Hanafin): The vocational training opportunities scheme, VTOS, is a second chance education and training programme of up to two years duration, for adults aged 21 years and older who have been

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unemployed for at least six months. The scheme is one element of my Department's provision for further and adult education, delivered by the vocational education committees. Course content is decided upon by the VECs in response to participant and local needs. The scheme is education-led, vocationally-oriented and progression-focused. Courses offered concentrate on the development of participants' employment-related skills, including technological and business skills, as well as personal and social skills. Certification is available at a range of levels, including the junior and leaving certificates, and levels 3, 4 and 5 on the national framework of qualifications.

I have no plans to restructure the scheme at the present time.

Site Acquisitions.

496. **Mr. P. McGrath** asked the Minister for Education and Science the progress to date in purchasing a site for a school (details supplied) in Dublin 15; the progress in providing a new secondary school at Phibblestown, Dublin 15; and if she will make a statement on the matter. [3868/05]

Minister for Education and Science (Ms Hanafin): The property management section of the Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally, is in negotiations for the purchase of a site for the primary school referred to by the Deputy. A new post primary school to serve emerging needs in the Dublin 15 area will be located at Phibblestown. Negotiations regarding the acquisition of a site are ongoing.

Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed. Plans for the delivery of the school buildings will be made when the sites has been acquired.

Schools Refurbishment.

497. **Mr. P. McGrath** asked the Minister for Education and Science her views on whether a school (details supplied) in Dublin 15 is in need of a major refurbishment; and if she will make a statement on the matter. [3869/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers has applied to my Department for capital grant aid for a major refurbishment project. Its application has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners. Progress on this project is being considered in the context of the school building programme.

In this regard, 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; schools whose projects will further progress through the design process; schools that will be authorised to commence architectural planning.

Schools Building Projects.

498. **Mr. P. McGrath** asked the Minister for Education and Science if she will report on the commencement date for the construction of a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [3870/05]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that construction is expected to commence in the coming weeks on the new school in question.

Third Level Fees.

499. **Ms Shortall** asked the Minister for Education and Science if an examination will be carried out on the case of a person (details supplied) in Dublin 9, as an example of the total inadequacy of income support for mature students with low income; her plans to improve such supports; her views on whether a total of €120 per month in income support is completely inadequate for a mature student to live on; if she will address the continuing inequity that mature students with little income but who are not resident in partnership areas experience; and if she will make a statement on the matter. [4005/05]

Minister for Education and Science (Ms Hanafin): My Department operates four student maintenance grant schemes which comprise the post leaving certificate scheme and three schemes which relate to third level courses. The schemes are administered by the VECs and local authorities on behalf of my Department. Under the prescribed conditions of all four schemes maintenance grants are payable at either the adjacent or the non-adjacent rate.

The adjacent rate of maintenance grant is payable where the grantholder's normal residence is 15 miles or less from the college or PLC centre which he-she is attending. The non-adjacent rate of maintenance grant is payable in all other cases, with the exception of all eligible mature students who, with effect from the 1999-2000 academic year, qualify for the higher non-adjacent rate of grant.

My Department understands from City of Dublin VEC, the administering body in this case, that the student in question does not meet the definition of a mature student, that is, was not at least 23 years of age on 1 January of the year of entry or re-entry to an approved course. The Department also understands that the student resides within 15 miles of the PLC centre which she is attending. The student has correctly been awarded the full adjacent rate of ordinary maintenance grant.

The Deputy will be also be aware of the special rate of maintenance which is targeted at disadvantaged students.

Eligibility is determined by reference to an income threshold and receipt of a long-term social welfare payment as set out below: applicant must qualify for the ordinary maintenance grant for the relevant academic year; total reckonable income limit in the relevant tax year must not exceed a specified lower income threshold, which is net of standard exclusion, as set out in the maintenance grant schemes and, where applicable, net of the social welfare child dependants allowance payments; as at 31 December of the relevant tax year the source of income must include one of the specified eligible social welfare payments. It is understood that the candidate in question does not meet these conditions.

The Deputy will be aware that my Department has in place, through the National Office for Equity of Access to Third Level Education, a third level access fund which includes the following initiatives: the fund for students with disabilities, the student assistance fund and the millennium partnership fund. The fund for students with disabilities is available to both third level students and students attending approved PLC courses.

The student assistance fund, SAF, is available to students attending approved third level institutions. The objective of the SAF is to assist students in a sensitive and compassionate manner who might otherwise, because of financial reasons, suffer severe hardship or be unable to continue their third level studies.

The final initiative under the third level access fund is the millennium partnership fund for disadvantage. The objective of this fund is to support students from disadvantaged areas with regard to retention and participation in further or higher education courses. Partnership companies and community groups manage the fund locally. Area Development Management, ADM, manages the fund for the Department of Education and Science. Under the fund, eligible actions may include the following but will be dependent on the individual partnership or community group: financial supports to meet student participation costs; provision of information, for example, guidance and mentoring; and study supports including tuition, study skills.

A National Office for Equity of Access to Higher Education has been established within the Higher Education Authority and this will promote improved participation by students from socio-economically disadvantaged backgrounds, students with a disability and mature 'second chance' students. A number of senior staff have been recruited, including head of office, and the office is now operational, taking over the administration of a number of access measures from my Department — the student assistance fund, the fund for students with disabilities and the millennium partnership fund for disadvantage as well as the access element of the Higher Education Authority's targeted initiatives.

Departmental Properties.

500. **Mr. F. McGrath** asked the Minister for Education and Science her views on correspondence (details supplied) on the Grangegorman Development Agency Bill; and if the maximum support and assistance will be given to the Dublin inner city partnership on this issue. [4007/05]

Minister for Education and Science (Ms Hanafin): The Dáil Select Committee on Education and Science concluded Committee Stage of the Grangegorman Development Agency Bill on 16 December 2004. The purpose of this Bill is to establish an agency whose function, in the first instance, is to prepare a strategic planning scheme for the Grangegorman site. The plan must provide for the needs of the Dublin Institute of Technology, the Health Service Executive and the Ministers for Education and Science and Health and Children. The Bill provides for wide-ranging consultation with all the parties that may have an involvement in the site. This ranges from those who are directly concerned, including local residents, DIT, Health Service Executive and Dublin City Council, to those parties whose future involvement may have a bearing on the site reaching its full potential such as IDA Ireland and Dublin Bus. The Department of Transport will also have a major input because of the public transport requirements of the developed site. In addition the Bill provides for a local resident to be nominated to the agency.

While the legislation concerns the development of the site at Grangegorman as an educational and health facility, provision has been made to facilitate consultation, participation and involvement of the local community in the development of the site. I am satisfied that adequate provision has been made for consultation with all relevant interested parties and to make provision for one such party above the interests of all others would be counter productive in the context of the development of the site.

Bullying in Schools.

501. **Mr. Timmins** asked the Minister for Edu-

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cation and Science if there is a requirement on schools to have a bullying statement; the level of compliance with the requirement; the way in which it is monitored; and if she will make a statement on the matter. [4043/05]

Minister for Education and Science (Ms Hanafin): Under my Department's guidelines on countering bullying behaviour in schools, all schools are recommended to have in place a policy which includes specific measures to deal with bullying behaviour, within the framework of an overall school code of behaviour and discipline. Such a code, properly devised and implemented, can be the most influential measure in countering bullying behaviour in schools. Schools are not required to report to my Department on the implementation of the guidelines. However, in the course of whole school evaluations, my Department's inspectors have noted that the vast majority of schools have such policies in place. In addition, my Department funds a number of support services which provide direct assistance to schools in developing such policies.

Decentralisation Programme.

502. **Mr. Timmins** asked the Minister for Education and Science the number of personnel who, on applying for promotion in her Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if she will make a statement on the matter. [4077/05]

Minister for Education and Science (Ms Hanafin): With regard to internal promotion for administrative grades in my Department, since December 2003 all office notices inviting applications for promotion have referred to the Government's decentralisation programme and have stated that the acceptance of an offer of promotion from the competition may be conditional on the outcome of discussions taking place between the Department of Finance and the staff unions regarding promotion in the context of decentralisation. To date, no officers who have accepted substantive promotions from internal competitions have been required to give an undertaking with regard to decentralisation.

Since September 2004, 13 officers appointed from the Public Appointments Service and promoted and assigned to my Department have accepted decentralisation to either Mullingar or Athlone as a condition of same.

Defence Forces Equipment.

503. **Mr. Kenny** asked the Minister for Defence if, under the Irish Red Cross Society, Directions as to Ambulance Service, Order 1955, Red Cross

ambulances are not to be used for commercial hire or offered for commercial hire; his views on such service now being provided at a location (details supplied) in County Mayo; if this service is for hire. [3757/05]

Minister for Defence (Mr. O'Dea): The Irish Red Cross Society, Directions as to Ambulance Service, Order 1955 — SI 251 of 1955 — imposes certain constraints on the use of Red Cross ambulances for hire. Thereafter, the matter is an operational matter for the Irish Red Cross and I have no role in its executive decisions.

Defence Forces Personnel.

504. **Mr. Stanton** asked the Minister for Defence the number of Defence Force personnel who have been hospitalised in 2004, 2003 and 2002; the number of these that have been senior officers, junior officers and other ranks respectively; and if he will make a statement on the matter. [4010/05]

Minister for Defence (Mr. O'Dea): The information requested by the Deputy is being compiled and will be forwarded to him at a later date.

Defence Forces Property.

505. **Mr. Timmins** asked the Minister for Defence the acreage of lands belonging to the Department of Defence at Gormanston, County Meath which were sold; what funding was received for this; and if he will make a statement on the matter. [4044/05]

Minister for Defence (Mr. O'Dea): The Government decided on 1 July 2003 that lands at Gormanston, County Meath would be among the State lands released for inclusion in the Sustaining Progress affordable housing initiative.

The modalities for the transfer of lands at Gormanston to the relevant local authority are under active consideration and my Department is in ongoing communication with the Department of Environment, Heritage and Local Government in this regard.

Decentralisation Programme.

506. **Mr. Timmins** asked the Minister for Defence the number of personnel who, on applying for promotion in his Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if he will make a statement on the matter. [4078/05]

Minister for Defence (Mr. O'Dea): Since January 2004 there have been three personnel, who on being promoted in my Department were required to sign an undertaking that they would relocate to Newbridge under the decentralisation

programme. To date, no one has refused to sign the undertaking.

Fisheries Protection.

507. **Mr. Perry** asked the Minister for Defence the reason he stated that Irish fishing vessels are more likely to be in breach of fisheries legislation than foreign vessels when a number of European Commission reports have stated that vessels here make up only 1% of EU infringements (details supplied); and if he will make a statement on the matter. [4086/05]

Minister for Defence (Mr. O'Dea): I assume the Deputy is referring to my answer to a parliamentary question on 26 January 2005, concerning the proportion of inspections carried out by the Naval Service while on fishery protection duties which relate to Irish fishing vessels. The statistics on hand demonstrate that Irish fishing vessels inspected by the Naval Service in the Irish patrol area are more likely to be in breach of fisheries legislation than foreign vessels inspected. For example, in 2003, only 44% of vessels boarded and inspected by the Naval Service were Irish. However, 63% of all warnings issued were issued to Irish vessels and 77% of vessels detained were Irish. Similarly, in 2002, 46% of vessels boarded and inspected were Irish. Some 81% of all warnings issued were issued to Irish vessels and 61% of all vessels detained were Irish. Therefore it can be seen that while the percentage of foreign vessels in the patrol area boarded and inspected by the Naval Service was greater than the percentage of Irish vessels so inspected, the percentage of inspections which gave rise to warnings or detentions was significantly higher in the case of Irish vessels.

The European Commission report referred to by the Deputy documents serious infringements of the Common Fisheries Policy as reported by 15 member states and any queries in this regard are a matter for my colleague, the Minister for Communications, Marine and Natural Resources.

Water and Sewerage Schemes.

508. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government when his Department will approve the tender documents concerning the design, build and operation of a sewerage plant; when his Department will approve the tender recommendation report regarding the civil works and sewage network element of the scheme at Dunmore, County Galway; when it is envisaged construction of the works will commence; and if he will make a statement on the matter. [4329/05]

532. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government when he will approve the tender documents concerning the design, build and operation of a

sewerage plant at a location (details supplied) in County Galway; when construction of the works will commence; and if he will make a statement on the matter. [4087/05]

533. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government when he will approve the tender recommendation report regarding the civil work and sewerage network element of the scheme at a location (details supplied) in County Galway; when construction of the works will commence; and if he will make a statement on the matter. [4088/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 508, 532 and 533 together.

The Dunmore sewerage scheme has been approved for construction in my Department's Water Services Investment Programme 2004-2006 under the rural towns and villages initiative.

Galway County Council's tender documents for the wastewater treatment plant for this and a number of other locations in the county being advanced as a grouped design, build and operate contract are being examined in my Department and will be dealt with as quickly as possible. The council's tender recommendation in respect of the collection system for the Dunmore and Kilkerrin sewerage schemes is under examination in my Department on foot of additional information received from the council in December 2004.

Local Authority Housing.

509. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if he has received an application from Sligo Borough Council for the provision of central heating in houses; when a decision will be made as this is a basic requirement; and if he will make a statement on the matter. [3374/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): In July 2004 my Department introduced a special programme for the installation of central heating in existing local authority rented dwellings. The closing date for receipt of applications under last year's scheme was 31 August 2004. The programme has recently been extended for a further period with the objective of ensuring that all local authority rented dwellings have central heating. Details of the terms and conditions of the current year's scheme have recently been issued to local authorities. Proposals were submitted to my Department by Sligo Borough Council in December 2004. It is now a matter for the council to revise the proposals having regard to the current terms and conditions of the scheme including compliance with a competitive tendering process in accordance with normal practice and requirements.

510. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that up to 500 new homes are required by Sligo County Council for local authority housing; his plans to address this need urgently; and if he will make a statement on the matter. [3375/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Government has been conscious of the increased level of social housing need and has responded actively to this situation by expanding social and affordable housing output. My Department is allocating record levels of funding to local authorities for their social and affordable housing programmes in 2005. The total Exchequer capital funding available for social and affordable housing in 2005, taking account of the additional resources announced in the budget, will be almost €1.18 billion which represents an increase of 17% on the likely outcome in 2004.

In association with this funding, my Department has initiated the development by local authorities of new five year action plans for social and affordable housing, to ensure a systematic and integrated approach to the effective use of these resources. I consider that given the nature of continual housing need, the preparation of these action plans is beneficial to local authorities in identifying priority needs over the coming years and providing a coherent and co-ordinated response across all housing services, including delivery of housing by the voluntary and co-operative housing sector. Two thirds of these plans, including the action plan for Sligo County and Borough Councils have already been approved by my Department and the remainder are likely to be approved within a matter of weeks.

Local Authority Funding.

511. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if he has received an application for designation of funding under the remedial works scheme by Sligo Borough Council; when the funding will be allocated; and if he will make a statement on the matter. [3376/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): There are no current applications with my Department from Sligo Borough Council for the designation of an estate for refurbishment under the remedial works scheme. However, I understand that the borough council intends to submit proposals shortly to my Department to undertake refurbishment work on houses in an estate which has already been designated for funding under the scheme.

Fire Stations.

512. **Mr. Perry** asked the Minister for the

Environment, Heritage and Local Government when he will make a decision on the application for funding for the refurbishment and extension of Sligo fire station to accommodate the size of the fire engine given the urgent need for the facility; the amount of funding that will be granted; when work will commence; and if he will make a statement on the matter. [3377/05]

513. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the progress made on the provision of a new fire station in Ballymote, County Sligo; the reason for the delay in releasing the authorisation; the amount of funding that will be granted; when work will commence; and if he will make a statement on the matter. [3378/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): I propose to take Questions Nos. 512 and 513 together.

An application from Sligo County Council for funding for improvement works to Sligo HQ fire station is being considered in my Department in the context of the fire services capital programme having regard to the overall availability of resources and priorities under the programme. There is no formal application before my Department at present for a new fire station in Ballymote.

Waste Management.

514. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government concerning waste management, the amount of revenue allocated to prevention and minimisation of waste, to reusing, to recycling, to composting and to the landfilling of waste in each of the past five years. [3412/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Government policy is premised on the promotion of the sustainable use of natural resources and the reduction of negative environmental impacts. This process is not confined to the waste phase but also relates to such areas as the use of raw materials, production processes, energy efficiency and the application of more ecologically efficient methods as well as the sound environmental management of products at the end of their lives. Thus, waste management is a shared responsibility and embraces a broad perspective and range of responsibilities, including financial, on stakeholders, both public and private.

The Government's approach is based on the internationally recognised waste management hierarchy of prevention and minimisation, significantly increased levels of recycling, energy recovery and finally, utilising landfill as the last resort for residual waste that cannot otherwise be recovered.

Detailed national policy on waste management is outlined in three Government policy statements on waste management: Changing Our

Ways, 1998; Delivering Change, 2002; and Taking Stock, Moving Forward, 2004. These publications are available in the Oireachtas Library.

My Department's allocations towards the prevention and minimisation of waste including com-

posting, re-use and recycling each of the last five years which are set out in the following table:

Description	2000	2001	2002	2003	2004
	€000	€000	€000	€000	€000
Environment awareness, including the race against waste campaign	1,775	1,778	1,901	3,927	3,707
National waste prevention, market development and recycling programmes				3,800	3,947
North-South Ministerial Council waste management, including North-South scheme for the management of waste fridges and freezers and INTERREG		76	80	1,580	2,646
Subvention of local authority recycling operational costs.				5,000	7,000
Waste management, including recycling projects, 2000 to 2002; waste management infrastructure 2003 and 2004.	10,437	13,937	31,110	29,000	40,000

These supplemented significant own source expenditure by local authorities and Repak, the industry-based producer responsibility initiative for packaging waste recycling. My Department does not fund or subsidised landfill operations. These are the responsibility of local authorities and are based on charges applied in accordance with the polluter pays principle. Annual allocations include committed funding not drawn down in the previous year. Allocations for 2005 will be announced shortly.

Environmental Policy.

515. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the breakdown of all moneys collected from the environmental levy since its introduction, along with a detailed account of the areas to which the money has been allocated. [3413/05]

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

Environmental levies on plastic bags were introduced by the Waste Management (Environmental Levy) (Plastic Bag) Regulations 2001 and on landfill by the Waste Management (Landfill Levy) Regulations 2002. Levies remitted to my Department and lodged in the environment fund up to 31 December 2004 amounted to €33.3 million in respect of plastic bags and €67.8 million in respect of landfilled waste.

Section 74(9) of the Waste Management Act 1996 (as inserted by Section 12 of the Waste Management (Amendment) Act 2001) and the Waste Management (Environment Fund) (Prescribed Payments) Regulations 2003, specify the purposes for which payments may be made from the environment fund.

Up until 31 December 2004, annual allocations from the environment fund were as follows:

Description	2002	2003	2004
	€000	€000	€000
Air quality		107	114
Blue flag scheme		87	90
Contributions to international organisations		2,203	2,478
Environment awareness, including the race against waste campaign		3,927	3,707
Environmental levy start up and collection costs	1,558	350	1,000
Litter initiatives		1,044	1,207
Local authority enforcement initiatives		5,000	7,098
Miscellaneous — printing publishing consultancies etc.		300	1,182
National waste prevention, market development and recycling programmes		3,800	3,947
North-South Ministerial Council waste management, including North-South scheme for the management of waste fridges and freezers and INTERREG		1,580	2,646
Office of Environmental Enforcement		750	2,500
Producer responsibility Initiatives		1,000	1,493
Research & Development — Environmental Protection Agency			7,250
Reserves		500	600
Subvention of local authority recycling operational costs		5,000	7,000
Sustainable development		250	228
Waste management Infrastructure	2,084	29,000	40,000
Water quality, protection & improvement & research		73	76

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Annual allocations include committed funding not drawn down in the previous year. Allocations for 2005 will be announced shortly.

Election Management System.

516. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number of electronic machines which were purchased by his Department for electronic voting; the locations at which these machines are stored and the numbers at each location; the tendering process that was entered into in order to find warehouse storage for these machines; the name and location of the successful persons or

companies for their storage facilities; the annual cost per location for these storage facilities; and if he will make a statement on the matter. [3471/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The procurement of appropriate secure storage accommodation for electronic voting machines and ancillary equipment is the responsibility of returning officers, who are statutorily charged with conducting elections and referenda. Details in relation to voting machines and information provided to my Department by returning officers concerning storage arrangements, are set out in the following table.

Constituency	No. of voting machines	Location of storage premises	Annual storage costs (rent, insurance, service charges, rates etc.)
			€
Carlow	115	Mortarstown	28,506
Kilkenny	135		
Cavan	148	Monaghan Town	25,828
Monaghan	140		
Clare	200	Ennis	10,800
Cork County	425	Togher	37,609
Cork City	505	Ballygarvan	27,208
Donegal	295	Letterkenny	9,293
Dublin City	777	Ballycoolin	65,000
Dublin County	768	Finglas	62,939
Galway	310	Galway City	5,253
Kerry	310	Tralee	26,125
Kildare	275	Clane	27,126
Laois	100	Portlaoise	28,178
Offaly	120		
Limerick	335	Limerick City	57,676
Longford	90	Longford Town	2,995
Roscommon	142	Roscommon Town	10,375
Louth	180	Dundalk	298
Mayo	370	Castlebar	34,930
Meath	265	Navan	20,366
Sligo	130	Sligo Town	Nil
Leitrim	100	Carrick on Shannon	Nil
Tipperary North and South	408	Clonmel	42,700
Waterford	195	Waterford City	52,888
Westmeath	175	Mullingar	22,805
Wexford	240	Drinagh	16,875
Wicklow	245	Kilcoole	42,456
DoEHLG	6	Custom House, Dublin	Nil
Total	7,504		658,229

My Department did not seek detailed information on ownership of premises used by returning officers for storage purposes and does not have this information on a comprehensive basis. However, a number of returning officers have also included such information and this is

set out in the following table. In the future, it will be important to ensure that the necessary storage facilities are provided as economically and cost efficiently as possible, and my Department will work with the relevant interests to this end.

Constituency	Location of Storage Premises	Owners
Donegal	Letterkenny	Secure Storage
Dublin City	Ballycoolin	Mr. Brendan Walsh Ms. Cara Walsh
Dublin County	Finglas	Mr. John Fitzpatrick
Limerick	Limerick City	Ashling Microsystems Ltd.
Waterford	Waterford City	Johnstown Properties Ltd.
Westmeath	Mullingar	Mr. Peadar Conlon

Local Authority Housing.

517. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number of persons on the council waiting list for housing in County Longford. [3472/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The most recent statutory assessment of local authority housing need was undertaken by local authorities in March 2002. The number of households in need of housing in the two local authorities in County Longford at that time is set out in the following table.

Local authority	No. of households on the waiting list at end March 2002
Longford County Council	374
Longford Town Council	159

Local authority housing completions-acquisitions

Local authority	2000	2001	2002	2003	2004 (end September)
Longford County Council	49	138	93	74	19
Longford Town Council	18	8	34	2	0

Completions-acquisitions figures for the full year 2004 will be available in the 2004 annual Housing Statistics Bulletin which will be published in due course.

Social and Affordable Housing.

519. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number of affordable houses built in County Longford in each of the past five years. [3474/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Information on activity under the various affordable housing schemes in each local authority area is published in my Department's Housing Statistics Bulletins, copies of which are available in the Oireachtas Library.

Election Management System.

520. **Mr. P. McGrath** asked the Minister for the

Detailed information on the results of the 2002 assessment was published in my Department's September 2002 quarterly edition of the Housing Statistics Bulletin, copies of which are available in the Oireachtas Library. The next statutory assessment of need is due to be undertaken by local authorities in March 2005.

518. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number of council houses built in County Longford in each of the past five years. [3473/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Information on the number of houses completed by the two local authorities in County Longford for each of the past five years under the local authority housing construction-acquisition programme is set out in the following table.

Environment, Heritage and Local Government the ancillary equipment, as distinct from the electronic machines, that was procured in relation to the equipment to facilitate e-voting here; the nature of this equipment; the parts that were sourced here; if there was a tendering process for the provision of this ancillary equipment; the names of the contractors who were awarded these contracts; the location of the warehousing or storage at which this equipment is housed; if there was a tendering process for the provision of this storage; the name of the successful tenderer; and the annual cost of providing this storage space. [3475/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Information requested on ancillary equipment procured as part of the electronic voting and counting project is set out in the following table. No detailed information is available in my Department on the sourcing of the parts concerned:

[Mr. P. McGrath.]

Ancillary Equipment	Procurement	Organised By	Contract Awarded To
Customised Tilt Tables for Voting Machines (for access by disabled voters)	Open Tender Competition	OPW on behalf of the Department of the Environment, Heritage and Local Government.	Peter Cahill Engineering Ltd., Merrywell Business Park, Ballymount Road, Dublin 22.
Transport Trolleys for Voting Machines	Open Tender Competition	OPW on behalf of the Department of the Environment, Heritage and Local Government.	Loreda Ltd., Unit 120, Ashbourne Industrial Estate, Ashbourne, Co. Meath.
Hand Trucks for Voting Machines	Open Tender Competition	OPW on behalf of the Department of the Environment, Heritage and Local Government.	Farrell O'Brien Service Ltd., Killeen Road, Dublin 12.
Back-up Batteries for Voting Machines	Open Tender Competition	Department of the Environment, Heritage and Local Government.	Hi-Volt Ireland Ltd., Ballyduff, Thurles, Co. Tipperary.
Storage Cases for Ballot Modules and Programme Reading Units	Open Tender Competition	OPW on behalf of the Department of the Environment, Heritage and Local Government.	Topper Cases Ltd., St. Peter's Hill, Huntingdon, Cambridgeshire, PE29 7DX, England.

Regarding storage arrangements, I refer to the reply to Question No. 516 on today's Order Paper.

Social and Affordable Housing.

521. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the position regarding a social housing scheme application (details supplied) in County Donegal; and if he will make a statement on the matter. [3480/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I assume that the question refers to assistance from my Department under the voluntary housing capital assistance and communal facilities grant schemes. My Department's involvement with the voluntary housing schemes relates primarily to the provision of funds for individual projects. The administration of the scheme, and the certification that particular projects comply with the terms of the scheme, are the responsibility of the local authority. An application for funding under the voluntary housing capital assistance grant scheme has been received from Donegal County Council and additional information sought from the council is awaited. When this is to hand, the application will be further considered by my Department and the council will be advised of the outcome as soon as possible.

522. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the position regarding a social housing scheme application (details supplied) in County Donegal; and if he will make a statement on the matter. [3482/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I assume that the question refers to assistance from my Department under the voluntary housing capital assistance and communal facilities grant schemes.

My Department's involvement with the voluntary housing schemes relates primarily to the provision of funds for individual projects. The administration of the scheme, and the certification that particular projects comply with the terms of the scheme, are the responsibility of the local authority.

An application for funding under the voluntary housing capital assistance grant scheme has been received from Donegal County Council and is under consideration. The council will be advised of the outcome as soon as possible.

Private Rented Accommodation.

523. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of units of private rented accommodation in use or available for use; and the number of these which are registered with the appropriate authority as required by law. [3511/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Residential Tenancies Act 2004 provides the legislative underpinning to a modernised private rental sector. Key features of the legislation are provision for a new centralised system of tenancy registration and the establishment of the Private Residential Tenancies Board as an independent body with a range of specific statutory functions. These include responsibility for the administration of tenancy registration and for the provision of information on registration and the operation of the private rented sector generally. Requests for information relating to these matters may appropriately be directed to the Private Residential Tenancies Board at Canal House, Canal Road, Ranelagh, Dublin 6. I under-

stand that the board is currently processing a large volume of applications for registration from which the statutory tenancy register will be compiled and that until this work is completed it will not be possible for the board to provide comprehensive data.

Information regarding the number of units of private rented accommodation currently in use or available for use is not available to me. When the statutory tenancy register is completed, this will enable the board to provide a range of enhanced information relating to the private rented sector. The register will not, however, provide data on units available for renting, as dwellings that are not let at any given time would not legally be liable for registration.

Planning Issues.

524. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government if there are plans to change the retail planning guidelines in respect of food outlets; and if he will make a statement on the matter. [3533/05]

528. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government if, in relation to his decision to change the retail planning guidelines for superstores here, he has given due consideration to the role in rural parts of all local retail outlets and the purpose they serve in maintaining a healthy local environment; and if he will make a statement on the matter. [3766/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 524 and 528 together.

I have no plans to review retail planning guidelines in respect of food stores. I recently announced the decision to amend the retail planning guidelines, with effect from 1 February 2005, to provide that the floor space cap on retail warehouses will no longer apply within the functional areas of the four Dublin local authorities and in the other national spatial strategy gateways. The gateway towns and cities are Athlone-Tullamore-Mullingar, Cork, Dublin, Dundalk, Galway, Letterkenny, Limerick-Shannon, Sligo and Waterford. This modification to the guidelines will only apply in areas subject to integrated area plans, IAPs, under the Urban Renewal Act 1998.

The changes introduced relate solely to retail warehouses which sell bulky durable household goods and do not affect the existing caps on the size of supermarkets/grocery outlets. The existing cap of 3,000 m² net retail floorspace on large foodstores, except in the greater Dublin area, where the cap is 3,500 m², continues to apply.

The changes to the guidelines are further limited in that they are confined to integrated area plan areas in the gateways designated by the national spatial strategy. The overall policy objectives of the retail planning guidelines including normal planning requirements, will continue to apply to any proposals for the development of

retail warehouses in excess of 6,000 square metres. I do not consider in the circumstances outlined that the changes to the guidelines have any implications for local retail outlets in rural parts of Ireland.

The revised guidelines clearly indicate that any proposal for an individual retail warehouse with a floorspace in excess of 6,000 square metres gross in order to be acceptable from a planning viewpoint would need, *inter alia*, to be accompanied by a detailed traffic impact assessment and be supported by the necessary infrastructure. It will be a matter for the development management process to apply the relevant criteria to any planning application that may come forward from the private sector.

The amendment to the retail planning guidelines will facilitate wider consumer choice and greater competition. It will also ensure that any such development entering the market does so on a basis which contributes to the economic and social objectives of the Government's urban renewal programme and national spatial strategy.

Food Industry.

525. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if he intends to compel manufacturers to market food and food products in biodegradable containers; and if he will make a statement on the matter. [3536/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Article 18 of European Parliament and Council Directive 94/62/EC on packaging and packaging waste prohibits member states from impeding the placing on the market of packaging which satisfies the provisions of the directive, namely, which is in accordance with the essential requirements specified in Annex II of the directive as to the composition and the reusable and recoverable nature of packaging. On foot of these provisions, the introduction of controls restricting the packaging of food and food products to biodegradable containers is not under consideration. However, on foot of a study carried out for my Department, I will be engaging with the fast-food sector to seek their co-operation in addressing the use of non-biodegradable fast-food packaging.

The packaging directive is premised on the principle of producer responsibility which requires waste producers to contribute to the waste management costs of products which they have placed on the market at end-of-life. Under the directive, Ireland was required to achieve a 25% recovery rate of packaging waste by 1 July 2001, increasing to a 50% recovery rate by 31 December 2005. Practical implementation of the directive in Ireland is by way of a producer responsibility initiative, underpinned by the Waste Management (Packaging) Regulations 2003, as amended, which replaced earlier regulations introduced in 1997. Under the regulations, producers are required to take steps to recover

[Mr. Roche.]

packaging waste or alternatively to contribute to, and participate in, compliance schemes set up to recover packaging waste.

Packaging waste recovery is organised mainly through a collective industry-based compliance scheme operated by Repak Limited — established by Irish industry in 1997 to promote, co-ordinate and finance the collection and recovery of packaging waste with a view to achieving Ireland's packaging waste recovery and recycling targets under Directive 1994/62/EC on packaging and packaging waste — which is the only such approved compliance scheme. Significant progress has been made in the recovery of packaging waste and in 2001, Ireland assisted by Repak, met the target of 25% packaging waste recovery target required by the directive.

The latest indications are that Ireland is on course to meet the higher recovery and recycling

targets specified for end 2005. The EPA has reported in its national waste database interim report for 2003 — published in December 2004 — that packaging waste recovery increased to an estimated 42% in that year up from 33% in 2002.

Environmental Protection Agency.

526. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the names of the current membership or directors of the Environmental Protection Agency; the date each was appointed; the nominating bodies, associations or organisations they were associated with or worked for; and if he will make a statement on the matter. [3538/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested is set out in the following table:

Board of EPA Directors	Date appointed by Government	Employment prior to appointment as EPA Director
Dr. Mary Kelly, Director General	April 2002	Assistant Director, IBEC
Padraic Larkin	April 2003 (for second term of 5 years)	Programme Manager, EPA
Larry Stapleton	June 2003	Programme Manager, EPA
Laura Burke	July 2004	Project / Operations Manager, Indaver Ireland
Dara Lynott	July 2004	Programme Manager, EPA

The directors of the Environmental Protection Agency are appointed by the Government following a statutory selection process which is set out in the Environmental Protection Agency Act 1992. The Act provides for the establishment of a statutory selection committee whose function is to select not more than three suitable candidates from which the Government will make an appointment to the appropriate director post. The Environmental Protection Agency (Selected Procedures) Regulations 2004 require the selection committee to advertise publicly for applicants. In the case of the two most recent appointments to the board of the agency, the Civil Service Commission provided assistance to the selection committee in the recruitment process.

Solid Fuels.

527. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the results of the negotiated agreement on a reduction in the sulphur content of bituminous coal and petcoke and the extension of the ban on the marketing, sale and distribution of solid fuels (details supplied); his views on the findings of the report; the action he proposes to take as a consequence; the programme of such action for 2005; and if he will make a statement on the matter. [3763/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): The June 2002 voluntary agreement between my Department and the solid

fuel trade group, which represents the principal importers and distributors of solid fuel in Ireland, provided, *inter alia*, for the delivery of significantly cleaner standards for bituminous coal and petcoke on a phased basis. The agreement also encompassed the extension of the coal ban to four new areas from October 2003 and an increase in market penetration of smokeless fuel in a further four areas. It was agreed that the Department would not seek to designate further coal ban areas during the life of the agreement except where required to ensure adherence to air quality standards. The agreement also provided for an initial review by end 2003 and a final review by end 2004, with the ambition of setting further targets from 2005 onwards.

My Department reviewed the operation of the voluntary agreement with the solid fuel trade group in 2003 but the final review due by the end December 2004 was postponed following the granting of a moratorium on the step down to 2004 sulphur levels in petcoke for the 2004/2005 heating season. This moratorium was requested by the trade group and was granted to help the industry through a difficult interim supply period, triggered by exceptional levels of demand for petcoke tonnages internationally which made the sourcing of lower sulphur fuels problematic for the industry.

It is intended to undertake the final review when the 2004-05 heating season is concluded. At that stage, all parties will be in a better position to assess both the effect of the agreement over

three heating seasons and the future market supply situation, and to explore further how to maximise environmental benefits from the solid fuel sector.

The 2003 review and discussions to date with the solid fuel trade group indicate that on balance the agreement is environmentally advantageous. Four additional coal bans are in place and the group's sales figures indicate at least 75% of total sales in Athlone, Carlow, Clonmel and Ennis by 1 October 2004 were of smokeless fuels. The industry has overachieved the required maximum sulphur limit in bituminous coal of 0.7% with a weighted average up to end June 2004 of 0.48%; this was the case also for the same period in 2003. The maximum sulphur limit in petcoke of 2.75% was met for the period to end June 2004 and while the weighted average reduced from 2.69% to 2.55% between end June 2003 and end June 2004, it remains above the required average of 2.3%. Given pre-agreement sulphur levels in petcoke of 4% to 5%, this is still a significant reduction particularly in view of the global market supply issue mentioned above.

The reduced sulphur levels in coal and petcoke, together with reduced petcoke tonnages over the last two heating seasons, are contributing to reduced emissions of sulphur dioxide, SO₂, from this sector. EPA emission inventories indicate a reduction of c. 6,500 tonnes of SO₂ for the residential-commercial sector as a whole from all fuel sources between 2001 and 2002. Final inventory data for 2003 is not yet available but provisional indications are of a continued downward trend in the sector compared to pre-agreement emissions.

Question No. 528 answered with Question No. 524.

Waste Disposal.

529. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government if, in view of the urgent need to meet the needs of Arklow, he will provide investment out of Exchequer resources to build the long-delayed sewage treatment plant at Arklow, County Wicklow; and if he will make a statement on the matter. [3843/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Arklow main drainage scheme has been approved for funding in my Department's Water Services Investment Programme 2004-2006 as a scheme to start construction this year at an estimated cost of €15.6 million.

This scheme has been the subject of detailed public, technical and legal scrutiny that has extended over many years, together with third party appeals to An Bord Pleanála, the most recent of which was determined last month. An Bord Pleanála's decision of 21 January 2005 to uphold Wicklow County Council's grant of planning permission for the proposal has cleared the way for the scheme to be advanced to construc-

tion stage. The council has, accordingly, now placed the contract for site investigation along the route of the sewer network and has also invited expressions of interest from suitable contractors wishing to tender for the construction of the wastewater treatment plant. An Bord Pleanála's recent decision prescribes exacting standards for the construction and subsequent management of the proposed wastewater treatment plant. The plant will be professionally operated on the council's behalf under a formal contract that will incorporate severe financial penalties for any operational failures by the contractor. I have made it clear in a number of public statements that the interests of the Arklow community are best served at this stage by moving ahead as quickly as possible with the scheme approved by An Bord Pleanála and eliminating the present untreated wastewater discharges that are adversely affecting the local environment and restricting the economic growth and development of the town.

Water Quality.

530. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government when he proposes to provide funding for the upgrade of the Galway County Council water pumping and treatment facility at Lomonagh, Corrandulla, County Galway; the present capacity for the facility; the capacity which will be achieved by any new improvement works; the capital cost of such works; if funding will be made available in 2005; and if he will make a statement on the matter. [4009/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The extension of the Tuam regional water supply scheme to Headford has been approved for funding in my Department's Water Services Investment Programme 2004-2006. This scheme, which has an estimated cost of €27.9 million, includes proposals to increase the treatment and pumping capacity of Galway County Council's water treatment plant at Luimnagh from approximately 23,000m³ to 48,000m³ per day. My Department is awaiting submission of Galway County Council's tender recommendations for the scheme.

Decentralisation Programme.

531. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the number of personnel who on applying for promotion in his Department since January 2004, have been required to sign an agreement that they are willing to decentralise; how many of them refused to sign the agreement; if this impacted on their promotion or otherwise; and if he will make a statement on the matter. [4080/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has made a number of appointments from the interdepartmental Civil Service panels since

[Mr. Roche.]

January 2004. Appointments of three principal officers, six assistant principal officers and two higher executive officers were conditional that an agreement be signed that they were willing to decentralise. None of these appointees has refused to sign the relevant agreement to decentralise for three years and two years, respectively.

The Public Appointments Service administers the process of appointments to Departments, and therefore, my Department would not normally be aware of the number of refusals of offers of promotion, or the reasons for such refusals. However, one individual who was assigned from the interdepartmental Civil Service panel as an assistant principal to my Department opted not to sign the relevant form of undertaking and declined the offer of appointment with this Department.

Questions Nos. 532 and 533 answered with Question No. 508.

Waste Disposal.

534. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government his views on the statement by Race Against Waste that uncontrolled burning of waste is one of the biggest threats to the Irish environment today due to the fact that it releases dioxins; the steps he has taken to ensure that this practice, which is widespread, is discontinued; the number of prosecutions that have taken place nationally; and if he will make a statement on the matter. [3715/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Backyard burning of domestic waste is now considered to contribute significantly to dioxin emissions, more so than any planned use of thermal treatment. It is my view that the best way to tackle this phenomenon is to develop awareness of the environmental and health consequences, while also ensuring that there is a strong and effective regulatory regime in place.

As part of the very successful Race Against Waste Campaign, a series of leaflets dealing with different strands of waste management has been published. The feedback to date has been extremely positive and backed up by exceptional demand.

Turning to the current regulatory regime, under the Air Pollution Act 1987, the occupier of any premises, other than a private dwelling, is required to use the best practicable means to limit and, if possible to prevent, an emission of a pollutant into the atmosphere from such premises. In addition, the occupier of any premises is prohibited from causing or permitting an emission in such a quantity or manner as to be a nuisance. The Act empowers a local authority to serve a notice on the occupier of any premises from which there is an emission specifying the measures necessary to prevent or limit air pollution.

The Waste Management Act 1996 also places a general duty on the holder of waste not to hold, transport, recover or dispose of waste in a manner that causes or is likely to cause environmental pollution. Local authorities have specific powers under the Act to require measures to be taken to prevent or limit environmental pollution caused by the holding or disposal of waste, and mitigate or remedy the effects on the environment of any such activity.

In addition, section 20(5) of the Fire Services Act 1981 provides that a fire authority may serve a fire safety notice on the owner or occupier of land on which a flammable, explosive or potentially explosive substance is used, stored or deposited adjacent to buildings in such a manner as to represent a serious danger to life. The fire safety notice may require that specified measures be taken to reduce the level of danger.

Finally, under Part VII of the Local Government Act 1994, it is open to a local authority to make by-laws in the interests of the common good of the local community that any activity should be regulated or controlled.

Details on the number of prosecutions taken by local authorities in relation to backyard burning are not available in my Department.