



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Wednesday, 9 February 2005.

Leaders' Questions	621
Ceisteanna—Questions	
Taoiseach	629
Requests to move Adjournment of Dáil under Standing Order 31	643
Order of Business	644
Finance Bill 2005: Report Stage (<i>resumed</i>)	651
Ceisteanna—Questions (<i>resumed</i>)	
Minister for Environment and Local Government	
Priority Questions	671
Other Questions	684
Adjournment Debate Matters	696
Finance Bill 2005: Second Stage (<i>resumed</i>)	697
Referral to Select Committee	749
Private Members' Business	
Northern Ireland Issues: Motion (<i>resumed</i>)	749
Adjournment Debate	
Hospital Services	780
Health Board Services	782
Cancer Screening Programme	785
Job Losses	788
Questions: Written Answers	793

DÁIL ÉIREANN

Dé Céadaoin, 9 Feabhra 2005.
Wednesday, 9 February 2005.

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

Paidir.
Prayer

Leaders' Questions.

Mr. Kenny: Last night up to 700 people with disabilities, their families, their carers and their advocates attended at the RDS to express their anger and frustration at what they perceive to be shortcomings in the Disability Bill 2004. In addition to the anger and frustration they expressed, there was a distinct feeling of having been through this previously. They thought, when the 2001 Bill was withdrawn and the Disability Legislation Consultation Group was set up, that the Government was involved in genuine dialogue with the various groups and the representatives of the disability sector. The legislation produced in September 2004 bears little resemblance to what the members of the group thought they were helping to frame in consultation with the Government.

This Bill has been described as fundamentally flawed by many groups, including the Human Rights Commission. The definition of disability is so restrictive that it almost certainly excludes from its provisions persons with mental illness and those with disability who need episodic as distinct from continuous service. What should have been landmark and progressive legislation is now perceived as regressive and excluding.

In the *The Irish Times* this morning, the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, stated he would be happy to respond in writing to submissions. Given that the Disability Legislation Consultation Group sent recommendations to the Department last October, why has it taken the Department until now to give an answer? Will the Taoiseach see to it that the correspondence is comprehensively and fully dealt with?

The Second Stage speeches, particularly of Government representatives, were largely self-congratulatory in tone. The Taoiseach did a good day's work yesterday in dealing with the issue of the release of the killers of Detective Garda McCabe. We discussed at some length in this House the breach of trust by the republican movement. What has dragged on here for seven years in terms of the disability sector is a national

breach of trust by the Government and the Taoiseach has a responsibility and the authority to ensure that it is sorted out in the interests of that sector.

The Taoiseach: The Bill is still before the House. It has not yet passed Second Stage. Discussions are ongoing. The Disability Legislation Consultation Group has been very much involved in the process over a number of years. I have attended a number of meetings with the leadership of the movement and we have discussed the framework for the Bill extensively. The remaining issue of concern prior to Christmas was funding and how we would roll that out on a multi-annual basis. We have dealt with that.

In our discussions the groups involved, who I find to be reasonable people, put forward various cases. I will examine the issue of the letters which was raised by Deputy Kenny. However, it is good legislation. In framing it we examined models in other parts of the world, in Australia, Canada, New Zealand, the United States of America, the UK and in different parts of Europe, and our legislation is very progressive.

There are demands from some people for some kind of rights based legislation that is lawyer driven, but such legislation does not exist anywhere in the organised world and neither would it be appropriate. Our strategy is rights based but it is not lawyer driven. Under the approach we have adopted people are entitled to an independent assessment of their needs, for which they have fought for many years, and I totally understand why they did that. There is a statement of services to which they are entitled. There is access to an appeal system to deal with complaints regarding the assessment of the service. If a service statement is laid out and people are not getting the service, there is an appeals process to deal with it. There is ultimate access to the courts to enforce the decisions of an independent appeals process. That is a very strong and significant power. There are transparent multi-annual funding commitments for current and capital spending and, most important, there is a clear and transparent sectoral commitment to provide for the needs of people with disabilities.

The Government's approach has been to develop a really good, powerful, strong, well resourced and clear Bill, which is welcomed by everybody. There is also the Comhairle (Amendment) Bill 2004 and the six outline sectoral plans in the key departmental areas, something for which the disability lobby groups and organisations have fought for over many years. There is also a commitment to funding not only for this year but until the end of the decade.

I accept there are still issues the relevant groups want considered when we are amending the Bill. The Minister of State, Deputy Fahey, has already discussed these matters with me and with the Minister for Finance and we will respond on them.

Mr. Kenny: The Taoiseach could not have been at last night's meeting but I am sure he had representatives there. If all of the matters the Taoiseach has mentioned are included, why is there so much frustration, so much anger and a feeling of having been let down on the part of so many of the people who are involved with disability groups, who are carers or advocates, or who have family members who are affected?

Is it correct that the Taoiseach stated he does not favour rights based legislation?

The Taoiseach: I do not favour rights based legislation that is lawyer driven.

Ms O. Mitchell: Is there another kind?

Mr. Kenny: Most things in this country are lawyer driven. Does the Taoiseach favour rights based legislation that is not lawyer driven?

The Taoiseach: Yes.

Mr. Kenny: The definition being accorded to disability is not clear. Does it mean that episodic treatment, or treatment on an occasional basis as distinct from continuous treatment, will be available to persons who require it? Can the Taoiseach confirm that the entire mental health area will be included? It appears as if the legislation excludes thousands of people who feel they should be included in legislation of this nature. I understand the Irish Human Rights Commission issued a statement some time ago to the effect it does not support the Bill. Perhaps the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, would be good enough to call in the different groups for a face to face interaction on their concerns and frustrations. I am sure he is sufficiently concerned to do that.

The Taoiseach: On the issue of episodic treatment, if the assessment of needs say it is required that is covered. The Deputy asked me to clarify the rights based issue. We have said all along that the strategy is a rights based approach but it is wrong that the ultimate system is to get a person who has a disability into court in order to get his or her assessment of need. I have met many of the groups——

Mr. J. O'Keeffe: They have rights but they are not enforced.

An Ceann Comhairle: The Taoiseach without interruption, please.

The Taoiseach: The strategy is rights based.

Mr. J. O'Keeffe: They are not enforced.

An Ceann Comhairle: This is Leaders' Questions. The Taoiseach is entitled to be heard in silence in the same way as Deputy Kenny when he was putting the question.

Mr. F. McGrath: We are fed up of the courts. I was there last night.

An Ceann Comhairle: The Deputy will leave the House if he does not behave himself.

The Taoiseach: Deputy McGrath is right because that is the issue. What we are endeavouring to do in the legislation is to provide for an independent assessment of needs where a disabled person can be assessed independent of the system.

Ms Lynch: They can go and go and go.

The Taoiseach: When I want to give an answer the Deputies will not listen. There is a statement of services to which they are entitled, there is access to an appeals process to deal with complaints about the assessment of service, there is ultimate access to the courts if that is required——

Mr. Stanton: There is not, they are barred.

The Taoiseach: Yes, there is.

An Ceann Comhairle: I ask Deputies to remain silent.

The Taoiseach: In regard to the transfer of the multi-annual programme, we have given €2.5 billion in the period up to the end of the decade. Deputy Kenny asked what was the objective of the Bill. The Bill puts in place a framework for the provision of health and personal social services for people with a disability. That is what it is endeavouring to do. It allows for systematic development and improvement to these services, it requires that public services and buildings are made accessible for them, it also obliges public bodies to be proactive in employing people with disabilities, it restricts the use of information from genetic testing and establishes centres for excellence. All of those issues are contained in the Bill, they were all of the demands. I accept that there are still some issues of concern with which the Minister of State, Deputy Fahey, is dealing with the groups. He will continue to meet with the groups and we will continue to try to address those issues on Committee Stage.

Mr. Stanton: He does not want to meet them.

Mr. Rabbitte: The Taoiseach is on public record as is the Minister for Justice, Equality and Law Reform in deploring the lack of co-operation by the British authorities in the matter of the Dublin-Monaghan bombings. We share that regret on this side of the House but it should be noted in passing that, for example, some of the documents being sought are of the highest sensitivity in terms of intelligence and security considerations. I raise the separate matter where civil litigation is taking place, arising from the single worst atrocity of the last almost 30 years of viol-

ence in Northern Ireland. I refer to the case being taken by the Omagh families for civil compensation against persons suspected of involvement or being complicit in that atrocity. In this case, the co-operation of the Irish State is being sought by the families concerned and so far it is not forthcoming. The families have already suffered one setback in the courts here where a conviction was quashed because of the manner of handling of that case by some gardaí. Earlier this week, the Special Criminal Court felt it had to refuse to release the transcripts of certain trials. The Special Criminal Court felt it did not have jurisdiction to release these papers. These papers and proceedings are the verbatim account of what transpired in public court. The Northern Ireland courts have made clear that they want to evaluate what transpired for themselves and they are not prepared to make an order against the Irish authorities.

An Ceann Comhairle: Deputy Rabbitte—

Mr. Rabbitte: They are looking for co-operation. The transcripts to which I have referred can be transferred to the National Archives in the normal way after 30 years but, under section 8 of the relevant legislation, the Minister for Justice, Equality and Law Reform, may transfer them earlier than that to the National Archives which is directly within the responsibility of the Taoiseach. We are talking about documents that are now inaccessible for, perhaps, arcane reasons which can be transferred to a place where they may be accessed and be beneficial to the efforts of the Omagh families to prosecute the civil actions concerned.

The Taoiseach: The issue of the transfer of the documents has not been brought to my attention within the Administration. There was no question of the Government being asked for these papers or of my involvement in these issues. It is totally a matter for the courts but I understand the point the Deputy is making that they cannot deal with this issue but if they had these papers they could be of assistance to them. The only way I could look at that issue would be to take legal advice. To date and in the process of the case no request has been made to me even though I deal regularly with the families and the different groups related to Omagh. In this case no request has been made and we would have to take legal advice on whether those papers can be made available, or made available in the way the Deputy has stated by putting them into the archives early, under section 8 of the 1975 Act. I have not discussed this issue with the Attorney General. Given that the Deputy has raised the issue I will check the legal position.

Mr. Rabbitte: I do not want to press the Taoiseach further on this issue. It is a critically important matter for the Omagh families concerned who have not merely endured such an

atrocity but other setbacks. The decision appears to be a procedural one of the Special Criminal Court that it feels unable to release these documents although, I repeat, they are no more than a verbatim account of what transpired in public court. It has decided it does not have jurisdiction and has suggested that the only court that might have jurisdiction would be the High Court but legal opinion is divided. The High Court may well say these are papers proper to another court. What is at issue is that lawyers on behalf of the Omagh families need access to these documents. The Northern Ireland courts have made it clear they need access to the documents. I am suggesting a route which I am advised would allow access to documents that are not otherwise accessible whereby the Minister for Justice, Equality and Law Reform has the power, as an exception to the 30 year rule, to cause them to be transferred to the National Archives where they can be accessed by anybody.

The Taoiseach: I take the point. I appreciate the importance of the papers. I have read the newspaper reports on it but as I said I have had no request within the system. I have not discussed the matter with either the Minister or the Attorney General. I am not aware of the legal complexities. Perhaps the Deputy's suggestion is a way around it but the best course of action for me is to consult with the Attorney General and the Minister for Justice, Equality and Law Reform.

Mr. Sargent: Will the Taoiseach explain why the Government, and he as Taoiseach, is refusing to grasp the opportunity to save and create jobs in Carlow and other places around the country affected by the closure of the Carlow sugar factory? Why is he refusing to realise the potential of the biofuels sector? Does he understand why so many people such as farmers and economists are quite baffled at the Government's failure to seize the opportunity? This is an opportunity which is available to turn around a decline in agriculture as well as helping the lives of thousands of people affected by the Greencore decision. It could help reduce dependence on fossil fuels. The country spends €100 million a week on fuel imports. It could reduce greenhouse gas emissions and improve the balance of payments. The country is currently paying approximately €35 million a year on carbon credits.

Is the Taoiseach aware of the EU directives since May 2003 which require Ireland to have a minimum of 2% of transport fuel sourced from biofuel by this year and 5.75% by 2010? Is he aware that other member states have worked and achieved considerable progress? Finland has granted a 100% exemption from CO₂ tax to biofuel as has the Czech Republic on its use as motor fuel. Austria also operates a tax exemption for biofuels as has the UK with a 20% exemption per litre. Germany offers a full exemption on biofuels from 1 January, and there are also such exemp-

[Mr. Sargent.]
tions in France and Italy. Why is Ireland dragging its feet on this matter?

In the words of the Government backbencher, Deputy Fiona O'Malley, Ireland is currently stuck at zero. This is an appalling indictment of the failure to realise a potential. We are not even asking for what was originally proposed but simply that best practice be followed. I note that today the Minister for Agriculture and Food is meeting the IFA president to discuss the Carlow sugar factory. Will the Taoiseach indicate that the Government has a plan for the biofuel sector? The Finance Bill makes no provisions in this regard. Will the Taoiseach at least say the Finance Bill will be amended to allow Ireland catch up on other countries which are streets ahead of us in this area?

The Taoiseach: It was provided for in last year's Finance Bill.

Mr. Sargent: Nothing happened.

Mr. Boyle: It has not been implemented.

An Ceann Comhairle: Allow the Taoiseach without interruption.

The Taoiseach: The provisions are in last year's Finance Act so it is not necessary to include them in this year's Bill. For some time the Government has been in discussions with the European Union on the State-aid issue and the methods which we can use to input resources. The Minister informs me that those discussions are ongoing and it is hoped they will be completed. The Minister of State at the Department of Agriculture and Food, Deputy Browne and the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, are preparing a package which is under discussion with the Department of Finance. The question whether this plan can be implemented is based on the State-aid issue. If this issue is resolved positively, the Ministers have the plan ready to present to the Department of Finance. The Government is in a position to move on this issue but we must first await the resolution of the question of the ability of the State to put in resources.

Mr. Sargent: I am baffled why the Taoiseach regards Ireland as being so much in the doghouse with the European Commission. Finland, the Czech Republic, Austria, the UK, Germany, France and Italy can all move ahead whereas Ireland is waiting patiently. There is more energy and interest from this Government in the stallion tax than in the livelihoods of people who are affected by an economic downturn in agriculture. I ask the Taoiseach to give this matter his full attention. There is catching up to be done. There is no quota for biofuel. The Carlow sugar factory is processing 660,000 tonnes per annum. Those farmers are looking at a very bleak future while the Taoiseach talks about waiting in the wings for

the European Commission to do something about it while other countries have managed to garner huge—

Mr. O'Dea: There is a precedent.

Mr. N. Dempsey: The Deputy cannot have it both ways.

Mr. Sargent: It seems the Minister for Defence is suddenly some kind of expert.

An Ceann Comhairle: Allow Deputy Sargent without interruption.

Mr. Sargent: I suggest he talks to his Taoiseach if he is interested in the procedure because other countries have followed the procedure and have managed to win out and achieve considerable employment potential.

Mr. O'Dea: The other countries got permission.

Mr. Sargent: People are asking why this Government is so much more loyal to the oil sheikhs of OPEC than it is to the farmers struggling in this country when the potential of the oil fields of Ireland — which is effectively what is under discussion — are not being realised. In the interests of farmers, factory workers, motorists and every taxpayer, will the Taoiseach give this matter the priority it has not received and develop the sector, as has been done by other law-abiding countries which have followed procedure? There needs to be movement from the Government on this issue. It needs to stop thinking about the stallion tax and start thinking about exemption on biofuels.

Mr. O'Dea: The old tax shelters.

The Taoiseach: As the Deputy is familiar with the situation in the other countries he will be aware they have gone through precisely the same procedure.

Mr. Boyle: It did not take them a whole year.

Mr. M. Ahern: Has the Deputy any evidence of that?

An Ceann Comhairle: I remind Deputies it is Leaders' Questions.

Mr. F. McGrath: They are all looking for evidence now.

The Taoiseach: It is a question of approval for State aid. It is an EU State-aid issue. This process must be followed before the Government can invest resources. The other countries have followed this process and Ireland is in the process of doing it. Both the Department of Agriculture and Food and the Department of Communications, Marine and Natural Resources have a

plan. The power to implement it is contained in the Finance Act and it is a question of obtaining State-aid approval. Other countries have been given approval but the Government cannot proceed without that approval. Otherwise I would be answering questions in this House on the reasons Ireland was before the European Court of Justice for its failure to follow procedure, which is an issue that is raised regularly. The Minister for Communications, Marine and Natural Resources has already stated that the Government is committed to the implementation of the plan in this area.

Mr. Boyle: The stallion tax will be before that.

Ceisteanna — Questions.

Social Partnership Agreement.

1. **Mr. Boyle** asked the Taoiseach the measures which will be put in place at the expiration of the current Sustaining Progress partnership agreement to ensure that community and voluntary sector representation in this process will be strengthened and increased. [33287/04]

2. **Mr. Kenny** asked the Taoiseach when he next expects to meet with the social partners; and if he will make a statement on the matter. [33292/04]

3. **Mr. Rabbitte** asked the Taoiseach when the next quarterly meeting of the social partners under the Sustaining Progress agreement will be held; the details of the likely agenda; and if he will make a statement on the matter. [34260/04]

4. **Mr. Rabbitte** asked the Taoiseach his views on whether there should be another national agreement when the terms of Sustaining Progress expire; and if he will make a statement on the matter. [34261/04]

5. **Mr. Sargent** asked the Taoiseach when he will next meet with the social partners; and if he will make a statement on the matter. [34613/04]

6. **Caoimhghín Ó Caoláin** asked the Taoiseach when he will next meet the parties to the Sustaining Progress agreement; the priorities for the meeting; and if he will make a statement on the matter. [1387/05]

7. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the social partners; and if he will make a statement on the matter. [1469/05]

8. **Mr. J. Higgins** asked the Taoiseach when he next expects to meet with the social partners; and if he will make a statement on the matter. [1470/05]

9. **Mr. Sargent** asked the Taoiseach the details of the likely agenda for his next meeting with the social partners; and if he will make a statement on the matter. [3560/05]

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

Social partnership has been of enormous benefit to Ireland both socially and economically. Since the programme for national recovery in 1987, the stability it provides has allowed for record levels of growth and enhanced social inclusion. In recent times of more moderate growth, the processes of social partnership have helped maintain competitiveness and a pro-jobs environment while enhancing a co-ordinated and comprehensive approach to inclusiveness issues. I assure the House that I am committed to the implementation of Sustaining Progress which is operative to the end of 2005 and to the development of further national agreements in future.

I attended a meeting of the social partners in Government Buildings on 13 December 2004, to mark the publication of two important reports, the second progress report on the implementation of the affordable housing initiative, by Mr. Des Geraghty, former president of SIPTU and the social trends report, Women and Men in Ireland, 2004 by the Central Statistics Office. Copies of both reports have been laid before the Houses of the Oireachtas.

The next quarterly plenary meeting of the social partners is set to take place on 18 February. While the agenda remains to be finalised, a presentation by my Department on the EU Commission's response to the second Wim Kok report and to national inputs will be a key feature. Formal meetings such as these complement the meetings which I hold with representatives of the social partners on a regular basis. I will continue to meet with the social partners regularly and as required over the remainder of the lifetime of Sustaining Progress.

As Deputies will be aware, the membership of the community and voluntary pillar of social partnership was expanded following ratification of Sustaining Progress. The pillar now has 15 member organisations which have endorsed Sustaining Progress, six on an individual basis and nine organisations in the strands of older people, disability, housing, children, rural, local, voluntary and care. The membership of the pillar changed both as a result of the review of participation in social partnership, which included an examination of ways in which to maximise the potential contribution of the community and voluntary pillar, and the decision of two organisations not to accept Sustaining Progress.

In regard to the community and voluntary organisations which have not ratified Sustaining Progress, Departments were advised that they should continue to be consulted in areas in which their expertise or that of their constituent members would be relevant to the policy-making and implementation process. The organisations in question have, on occasion, been invited to participate on particular committees or working groups in light of their particular expertise. This is determined by the nature of the task or issue

[The Taoiseach.]
in question and is primarily a matter for each Department.

Any further applications for membership of the community and voluntary pillar will be considered in consultation with that pillar and in the context of future negotiations on a successor agreement.

Mr. Boyle: Does the Taoiseach accept that the community and voluntary pillar is far from fully representative and that the change he mentioned, which took place at the end of the previous agreement, the Programme for Prosperity and Fairness, resulted in the exclusion of significant actors from future deliberations in the social partnership process? These include the community platform, which consists of organisations such as the Community Workers Co-operative, the Irish Travellers Movement, and the National Women's Council, a significant actor in its own right. Is it Government policy to extend its punitive approach to the community and voluntary sector to the granting of funding to such bodies, as decisions made by other Departments appear to indicate? Will NGOs receive funding on the basis of whether they criticise Government policy?

To what extent are environmental NGOs adequately represented in the community and voluntary pillar, given that they do not appear to be represented at all? While the addition of groups representing older people and people with disabilities is welcome, what plans, if any, has the Government to ensure the community and voluntary pillar will be treated in exactly the same way as the other pillars when Sustaining Progress is, I hope, replaced by another agreement? If IBEC, ICTU or the IFA were to disagree with the eventual agreement, the organisation in question would not be excluded from future partnership talks.

The Taoiseach: The community and voluntary pillar is larger now than it was but some groups are not involved. Some years ago, for example, the ICMSA did not approve the programme and left the process. On another occasion, the IFA pulled out for a period. In social partnership the people on the group are obviously the people who sign up for the agreement. If one does not sign up, one is automatically not part of it. One cannot have it both ways.

There is no linkage in funding. People make their funding applications to the Departments and there is no relationship to social partnership. As I stated, many of the groups which opted not to participate in social partnership continue to participate with Government, Departments and agencies in different working groups.

As regards the Deputy's question on the next programme, a review is held at the end of each programme with the individual pillar about new members and changing members. This will take place in the second half of this year. People who were not in the process previously may come

back in again and this has happened in many areas. It is a matter for them and how they judge the report.

From a Government point of view, I like the process to be as inclusive as possible because it is far better from an administrative point of view to have one process than individual processes. That is a matter for the individual groups.

From dealing with the community and voluntary pillar, it is my view that it is far more representative and stronger this time than it has ever been because the groups have a broad range of people. I have not seen it as strong over the years as in Sustaining Progress.

Mr. Boyle: Will the Taoiseach answer my question on environmental NGOs?

The Taoiseach: Again, on that issue the environmental groups have traditionally come in under sustainability issues. Deputy Sargent raised this issue before and, as I understand it, some of the groups are making or are about to make applications to come in in the next round.

Mr. Sargent: Will the Taoiseach favour their applications?

The Taoiseach: Yes, I would rather the process to be inclusive because it makes it easier for the system in engaging with them.

Mr. J. Higgins: An important element of Sustaining Progress is its commitments on transport, which have major implications for workers in terms of accessing work and their living conditions generally. When the Taoiseach was in Adamstown the day before yesterday disguised as a construction worker and giving commitments that the new town would have all the elements of transport infrastructure put in place——

An Ceann Comhairle: We are dealing with Questions Nos. 1 to 9 on the Order Paper.

Mr. J. Higgins: Yes.

An Ceann Comhairle: The Deputy's question is not related to them.

Mr. J. Higgins: My questions relate to Sustaining Progress.

An Ceann Comhairle: The Deputy's questions, Nos. 2 and 7, relate to——

Mr. J. Higgins: I will bring the matter to a point quickly. I live in a town of 100,000 people, which has massive transport problems. A recent report indicated that reopening the old rail line to Dunboyne is a viable proposition. Will the Government invest in the line as part of Sustaining Progress?

An Ceann Comhairle: Specific questions should be directed to the Minister responsible.

Mr. J. Higgins: I will do that but my question is put in the general context of the importance of transport in Sustaining Progress.

The Taoiseach: Sustaining Progress is not really about transport. On the general issue, I have to comply with the Act I introduced in 1989 on safety at work, which requires one to wear protective gear on sites. It is good practice to do so.

Mr. J. Higgins: The Taoiseach may have incinerated material on his forehead but he is not wearing sackcloth.

The Taoiseach: My suit could be sackcloth.

Mr. J. Higgins: In that case, he is wearing expensive sackcloth.

The Taoiseach: It does not look as good as the Deputy's suit.

Mr. J. Higgins: Appearances can be deceptive.

The Taoiseach: At least the Deputy's tie, with its Dublin county colour, is the right colour. He is moving away from the Kerry people.

An Ceann Comhairle: We have gone well beyond Questions Nos. 1 to 9.

Mr. Kenny: Deputy Higgins is all right.

The Taoiseach: He is. Generally, we examine any improvements we can make in the transport area, including the particular transport issue the Deputy mentioned, namely, the improvement of some of the line closed since 1961 in the area he mentioned. I understand the strategic rail review did not look at the whole line but a section from Clonsilla to Dunboyne. I believe it is supportive of opening it and the issue is being examined.

Mr. Kenny: Social partnership seems to be drowning in cotton wool. Is the Taoiseach satisfied that the current social partnership structure is capable of dealing with our economic problems, given that it is a producer-led as distinct from a consumer-led forum?

The national action plan against racism made a specific recommendation that funding would be put in place for a system to prevent racist remarks and so forth during elections. How will this apply in the forthcoming by-elections which must be held at some point?

In respect of educational disadvantage, the number of young people who are not moving from primary to secondary education is increasing by approximately 1,000 per annum. How will social partnership be able to cater for this given the U-turn on the reduction in class sizes? Will the Government be able to meet its commitments in dealing with child poverty and early school leaving made in Sustaining Progress, given that zero progress has been made in coping with the number of early school leavers?

An Ceann Comhairle: Detailed questions are more appropriate to the line Minister.

Mr. Kenny: As the Ceann Comhairle will agree, all three questions are relevant.

The Taoiseach: In regard to consumers, Deputy Kenny has made this point before and I do not disagree with it. Social partnership is based around all the organisations. They do not have a particular consumer role but, as the Deputy knows, under Sustaining Progress and the last agreement, the social partners worked together collectively on inflationary issues and inflationary trends. Therefore, indirectly they help to try to keep the interests of their members, which are the interests of the consumers, to the fore. While they are not consumer organisations, they take a general interest in this.

On the racism programme, as I said yesterday, the national plan has been published. It provides strategic direction to combat racism and to develop a more inclusive intercultural society. That is set out in the plan. The strategic monitoring group has been established to oversee the implementation of the plan. Elections will also be covered so that there are no racism elements. As the Deputy will know, at the last election we all signed up to a code on this issue. That is now part of the plan and the chairperson of the implementation group will bring it forward. I presume the group will issue, where necessary, guidelines and practices which we must follow, although that is already happening in respect of elections. We signed up to a code at the last election but I do not know whether we need to sign up again because we signed it as political parties. However, we should put into practice what we have done.

On education, the Government continues to make progress on class size. However, I think Deputy Kenny knows that often the problem is not class size. In some inner city and poorer areas, the issue is not class size as they are quite low. For example, in my area of the inner city, class sizes are very low but that still does not prevent drop outs. While child poverty has decreased and consistent poverty has dropped from somewhere in the region of 15% to 6%, recent reports show the areas we must target. All of the resources must be put into those areas.

The Minister for Education and Science has the figures but what is being done for those who drop out is good. Home liaison teachers work in conjunction with the school and visit families. They are addressing the underlying causes of why children drop out and are consulting the families. That is one of the best things. Children drop out of school but there is always a reason. The home liaison teachers are working very effectively and the families are being consulted.

There are other issues too — there is no point denying it. There are issues in respect of pre-school, after school and school meals. I saw surveys last year in regard to schools providing breakfast and how that got children to go to

[The Taoiseach.]
school. There are real problems in some areas. If there are family problems, they must be addressed.

I said to the Minister that is where we should target resources. Everyone cannot say they are disadvantaged, as tends to happen in the system. We must focus on the areas where there is real disadvantage. I accept there is real disadvantage, as has been shown in the recent National Economic and Social Council report and the report on living conditions. We must target resources.

The social partners should not ask us to have the same rules in all areas. If we are to make a real impact on areas with difficulties, we should not be asked to have the same guidelines in the poorest places, whether rural or urban, although they tend to be mainly urban. We must put the resources into these areas and should not say that if we do so in one area, we must do so in all areas. I do not think that is a sustainable argument.

Mr. Rabbitte: In regard to Question No. 1 and the community pillar, I put it to the Taoiseach that it was a vindictive decision to excise the Community Workers Co-operative. What criteria did the Minister, Deputy Ó Cuív, use to deprive it of funding for the first time since 1993 and slice it out of the action? I have heard no explanation and it has arisen on Question Time.

An Ceann Comhairle: That is really a question for the line Minister.

Mr. Rabbitte: It may be but, as the Ceann Comhairle knows, the line Minister does not answer in a language any of us understand. Question No. 1 is pretty clear in terms of community and voluntary sector representation. Why should an organisation, albeit occasionally critical of the Government, which has been doing such productive work in the anti-poverty area be cut off from funding for the first time since 1993?

An Ceann Comhairle: That does not arise. Even the first question refers specifically to representation and the Sustaining Progress partnership agreement. Funding is a matter entirely for the Minister.

Mr. Rabbitte: This involves representation in the most practical and pragmatic sense. The Ceann Comhairle and I have had this discussion before. If he had his way he would not let us ask anything and would only let us read out the question.

An Ceann Comhairle: That is not correct, and the Deputy knows it.

Mr. Rabbitte: I take it back then — it is not correct.

An Ceann Comhairle: The reality is that the Chair must live within Standing Orders, the same as everyone else.

Mr. Rabbitte: You do Sir, and I know how repressive that can be. Will funding be reinstated to the CWC?

The Taoiseach: Which organisation?

Mr. Rabbitte: The Community Workers Co-operative.

The Taoiseach: I do not know why funding was withdrawn, to be quite frank. As I said earlier to Deputy Boyle, there is no relationship between who is involved in the pillars and the Departments which provide grants. My Department makes no effort to stop funding. In fact, we continue to operate alongside organisations which pulled out and did not agree to Sustaining Progress in other fora and committees. The Minister, Deputy Ó Cuív, and the Minister of State, Deputy Noel Ahern, have been reviewing community grants in many areas but the amount of money is increasing, not decreasing. I do not know why the Community Workers Co-operative did not get grants.

Mr. Rabbitte: Perhaps the Taoiseach would be good enough to try to establish the answer. I do not say this lightly but it seems to have been a vindictive decision by the line Minister.

On the future of social partnership, is the Taoiseach concerned about the manner of decision making in some employments recently but, most disturbingly in the former State company, Irish Sugar, now Greencore? The Carlow factory was closed without any the consultation, even that required by EU directive, with the trade unions or the representatives of the workers concerned. The Minister for Agriculture and Food is on record denying she discussed the issue with Greencore when she met it shortly before the closure. I am sure the Minister is telling the truth but it beggars belief that Greencore met the Minister for Agriculture and Food just before it was to announce the closure of the plant and did not tell her.

An Ceann Comhairle: That is a question for the line Minister.

Mr. Rabbitte: It goes to the heart of social partnership.

An Ceann Comhairle: It may well but, under Standing Orders, it is still a question for the line Minister.

Mr. Rabbitte: No. The Taoiseach leads the talks on social partnership and these nine parliamentary questions relate to that in one fashion or another. Does the Taoiseach deplore the fact there was no consultation with the trade unions? He is as familiar with EU directives on communication, consultation and so on as I am.

The Taoiseach: I certainly will not defend the position. The consultation process is clear. When

companies are making strategic decisions — neither I nor Deputy Rabbitte are questioning their decisions, which they have right to make — they should follow the directive and normal good industrial relations practice. In fairness to the trade union movement in this country, it is not unreasonable in that it understands companies must make strategic decisions but they should consult it. The Minister informed me that the company did not raise the issue earlier in the autumn when dealing with the sugar quota issue. State companies, former State companies and other companies should enter into these discussions as early as possible because if that is not done, it leads to industrial relations difficulties. We should always try to follow best practice. I am sure I will find an appropriate time to say that directly to the company.

Mr. Rabbitte: Does the Taoiseach agree this is a reasonable proposition? Will he ask the Minister to intervene on the basis that the IFA has requested that the plant be kept open for a year while we have time to discuss the issue of quotas and so on?

An Ceann Comhairle: Deputy Rabbitte's question should be addressed to the line Minister.

Mr. Rabbitte: It would be helpful—

An Ceann Comhairle: I appreciate it would be helpful but the Deputy has other ways of raising his question.

Mr. Rabbitte: —if the Taoiseach would indicate that this might be a reasonable route.

An Ceann Comhairle: If I allow the Deputy to put this question to the Taoiseach, every Deputy will want to raise issues that are the responsibility of Ministers.

The Taoiseach: I wish to respond briefly to Deputy Rabbitte's question. The Minister met representatives of Greencore yesterday. She will also meet the IFA and will discuss the issue with an Oireachtas committee today.

Mr. Sargent: My question relates to the likely agenda for the next meeting with the social partners. It is in order to ask whether the Carlow sugar factory and the funding of the Community Workers Co-operative will be on that agenda. These are issues which are pertinent to the social partnership process.

A bugbear we have regularly raised in this House is the non-delivery of the promised 100,000 additional affordable houses. How do matters stand in this regard and will it be on the agenda in any developed form?

Given that next week, on 16 February, the Kyoto Protocol comes into effect, has it been explained to the social partners the degree to which the Government will be using taxpayers' money to compensate for not having taken suf-

ficient action to address the requirements of it? What is the latest estimate in this regard? Figures of €35 million, €50 million and €200 million a year in terms of carbon credits have been mentioned. Have the social partners discussed this and are they taking into account that payment in the overall plans?

The Taoiseach: The Kyoto Protocol is not on the agenda for social partnership.

Mr. Sargent: I understood it was.

The Taoiseach: If the Deputy tables a question for the Minister he will receive the latest information on the issue, which was recently before the Cabinet.

Regarding the Carlow sugar factory, the Minister is dealing with a committee of the House today and will provide information on that matter.

Mr. Sargent: I take it the issue is not on the agenda.

The Taoiseach: On affordable housing, the total potential yield of housing units under the affordable housing initiative is over 10,000. This is positive as it represents a greater figure than that originally set out. There is now an injection of extra State resources for the purpose of moving the scheme on as quickly as we can. Mr. Des Geraghty has issued his second report which has been helpful in this endeavour. The mortgage market has been opened up. Bank of Ireland has already made an announcement in this regard and other institutions will follow. This will help first-time buyers by minimising the amount of the deposit required, which was one of the difficulties.

Public investment in the affordable housing scheme will now be supported by legislation giving effect to a claw-back arrangement designed to prevent profiteering and facilitating direct sale. The issue now is to move ahead and get the houses built. The planning process for a number of developments has begun. Those at Finglas Road, Flemington in Balbriggan, Blessington, St. James's Road, Infirmary Road and Brickens are at an advanced stage in the procurement process and will start this year.

We are also considering the possibility of land swaps because an issue we are encountering is that a number of housing units are available in the private sector. Advertisements have been placed for the Harcourt Street site, which is the most advanced. The developer or builder will get that site in return for a specific number of completed houses, which will be assigned to designated people through the local authority system. I have been encouraging this imaginative approach which avoids the delay necessitated by the planning process and so on.

By this means, instead of undergoing a process which generally takes a number of years, we can

[The Taoiseach.]
obtain units that are already built. The land is then transferred to the builder in exchange and he or she then takes responsibility for the planning process in regard to private dwellings to be constructed on that land. In this way, the units go straight to the people. Proper procedures and rules must be adhered to, but it is the fast way of dealing with this.

Mr. Geraghty's third report will monitor the effectiveness of the delivery mechanism structure employed by the local authorities and the alternative fast-tracking strategies and communications strategies applied both centrally and within each local authority area. He is also engaged with the relevant bodies in regard to other direct costs incurred by affordable housing applicants, such as conveyance costs. The delivery of units through the planning and construction process takes time and may encounter difficulties. The contact group which is overseeing the initiative has been examining alternative strategies that can be used to expedite the delivery of units. I have mentioned one of these but other approaches are under consideration.

I understand all local authorities which have sites under this initiative are examining them to determine the feasibility of their use as land-swap options. Hopefully this will speed up the process as against undergoing the lengthy and sometimes painful ways of dealing with these issues.

Caoimhghín Ó Caoláin: Will the proposed increase in the national minimum wage form part of the Taoiseach's discussions with the social partners? What is his view on the recommendation of the Labour Court for an increase from €7 per hour to €7.65? Does he agree that for many on the minimum wage this increase is clearly inadequate in terms of what they must strive to cater to in today's—

An Ceann Comhairle: Detailed questions should be put to the line Minister.

Caoimhghín Ó Caoláin: My question relates to Sustaining Progress and whether this issue will be addressed by the Taoiseach. He can simply answer "yes" or "no" and give an opinion if he chooses.

Will the plight of immigrant workers be addressed in the Taoiseach's engagement with the social partners? We have all had representations on behalf of immigrant workers and are aware of the worker whose situation was highlighted on RTE last week. His case is but the tip of the iceberg. Will the Taoiseach put the issue of the plight of immigrant workers high on his agenda for those talks? Will he agree with employers and unions a new system whereby work permits are issued to the worker rather than the employer, thereby affording workers such as the man featured on RTE the opportunity of movement within their employment sector? This is an important measure.

Does the Taoiseach recognise that the exploitation of immigrant workers is absolutely objectionable in its own right and also undermines—

An Ceann Comhairle: The Deputy may address general questions to the Taoiseach but detailed questions should be put to the line Minister.

Caoimhghín Ó Caoláin: —the hard-won terms of Irish workers, achieved through many years of campaigning, struggling and great hardship?

An Ceann Comhairle: Deputy Ó Caoláin is making a statement.

Caoimhghín Ó Caoláin: No, I am asking the Taoiseach's opinion on the issues I have raised and will be grateful for his reply.

Finally, will the Taoiseach tell us the exact status of progress in regard to the package of 10,000 affordable houses, as agreed under Sustaining Progress? How many have been completed and how many, if any, are occupied? I know there are some but I hope the Taoiseach has some further statistics.

The Taoiseach: Some 500 affordable housing units have been completed and a further 1,500 completions will be achieved this year. The land is available, initiatives are under way and local authorities are working with the contact group and the implementation group. Des Geraghty's second report and the efforts of the entire system are focused on moving as quickly as possible, having identified the sites, whether they are land swaps or other initiatives. It is up and running and hopefully it will be delivered as quickly as possible. I have mentioned the legislation to help the scheme and make the finances available.

On the minimum wage, as part of the process the Labour Court makes the call. We now have by far the highest minimum wage in Europe. We also have the lowest tax on low-paid workers anywhere. The combination of those factors significantly helps low-paid people and we need to stay in favour of those initiatives, which are good.

As regards immigrant workers, yesterday during Leaders' Questions I answered this question. It is an important issue. The social partners have addressed it and obviously will continue to do so if there are abuses. Labour law applies to everybody and everybody must be protected. Obviously, the potential for abuses exists. We have a high minimum wage in contrast to the average wage in other countries, even in EU member states. A recent newspaper report highlighted that our minimum wage is €7.50 or €7.60, whereas one country had an average wage of less than €3. It is possible to see the reasons why people will try to exploit these matters. I said yesterday and repeat today that I accept that our labour inspectorate must be very vigilant on these issues. With the social partners we must ensure

abuses do not occur. People should not try to find scams to bring people here and then abuse them.

On the issue of permits, I am not certain where this matter lies at the moment. I understand from a briefing I got prior to Christmas that the issue of moving towards the individual holding the permit is fairly well advanced, which should address the issue. It also has the benefit of allowing people to change workplace and not be trapped, as has been the case for a long time, especially considering the danger associated with them being outside the country. This will be a significant move. While I am not sure whether this change requires legislation, it is certainly being examined.

Caoimhghín Ó Caoláin: I look forward to its early implementation.

Mr. Kenny: What does the Taoiseach envisage as the future for Sustaining Progress and social partnership? In 1987 when the Programme for National Recovery was introduced its aims were fairly simple, namely industrial peace and job creation traded for tax reform and wages. It has now become a much-expanded series of documents. For instance one of the key principles, referred to in an article in *The Irish Times* this week, precludes:

strikes or other forms of industrial action by trade unions, employees or employers in respect of any matters covered by this agreement, where the employer or trade union concerned is acting in accordance with the provisions of this agreement.

Another key principle was as follows:

It is accepted that the rapid pace of change in the business environment demands ongoing adaptation and the parties are committed to full co-operation with normal ongoing change and the need for continued adaptation and flexibility.

This year we have had a series of threatened strikes, which would lead to the disruption of power supplies, postal services and air transport. It seems those issues would have been covered under the social agreement. Minimum wages, pay increases and ESOTs have all come about as a consequence of social partnership. Everybody across the political spectrum accepts these have been very beneficial in the national interest. When will the next round start? Where does the Taoiseach see this process heading? When matters such as social housing and others are included in the social partnership agreements, does it not mean the documents pertaining to the agreements can often become so convoluted and woolly that they become meaningless? How will it evolve in the future?

The Taoiseach: The Deputy is right. The first agreement was fairly simple as it tried to recover the country from seven years of negative growth,

control the finances and have low pay agreements in return for reducing taxes and trying to stabilise the economy. Every agreement in the 18 years has been different in nature and each time we look at new challenges. This year a broad range of issues were covered under the special initiatives, including tackling education disadvantage, tackling child poverty, looking at issues on the social agenda, migration, interculturalism and trying to deal with waste and housing issues. All these issues became special initiatives under social partnership, in which the social partners could have a view, make an input and influence change.

Of course, social partnership does not eliminate industrial issues. All companies need to undergo a process of change. Managements are looking for new flexibility and new ways of doing things. Technology moves on apace. These all bring their own friction. In organisations like An Post, where the figures are unfavourable, these issues need to be addressed. At least social partnership gives a process for dealing with these issues. The benefit is that the country loses very few days due to strikes. The past few years have been very good in terms of industrial unrest and disputes. While they happen, at least in many cases they are resolved.

New challenges lie in the future. Obviously there are issues relating to competition, infrastructure and higher educational standards, in addition to issues relating to pay, sustainability of employment, continuing to generate new employment and, in particular, holding on to what we have, which is almost full employment. These issues are hugely important. When we can, we look at what we can do on taxation, welfare and health, as we did in the budget for 2005, while taking into account the issues for workers. All these matters are included and I have no doubt new issues will arise in the discussions.

In terms of timing, as always, the Minister for Finance and I will take the lead in these discussions later in the year. In the second half of the year we will put our minds to considering the basis for social partnership. Obviously, we will also deal with the issues relating small employers, farmers and major employers. All these issues will need to be taken into the mix.

Departmental Staff.

10. **Mr. Kenny** asked the Taoiseach the projected costs in 2005 of the communications unit in his Department; and if he will make a statement on the matter. [34097/04]

The Taoiseach: The projected total cost of the communications unit for 2005 is €319,934. Some €129,250 is a direct cost to my Department with on average €38,137 being borne by the five other Departments, which have staff seconded to the unit. The cost for the unit in 2004 was €300,277.

The unit provides a media information service to Ministers and their Departments. It furnishes news updates and transcripts, which ensure that

[The Taoiseach.]

Departments are kept informed in a fast and efficient manner of any relevant news developments. In this way, Departments are able to provide a better service to the public. Staff in the communications unit work an 18-hour day based on a flexible rota of three working shifts. The unit is staffed by six established civil servants, five of whom are seconded from other Departments. The work of the unit means that Departments have greatly reduced their use of external companies and ensure they no longer duplicate work such as transcripts and tapes. The communications unit is estimated to save Departments in excess of €200,000 per annum.

Mr. Kenny: I note a reduction in the number of PR people available to Departments in recent days. In 1999 the Office of the Information Commissioner upheld a refusal by the Department of the Taoiseach to release some records sought under the Freedom of Information Act. In making that finding the commissioner said the requested records were created by the communications unit for the Taoiseach in his capacity as a member of a political party and not in his role as head of Government. He found that the records were partly political in nature and were concerned with the public's perception of members of the Government in their party political roles. If that is the case in respect of some elements of what is produced in the communications unit, how can the Taoiseach justify the use of public servants, who are paid from the public purse, to do work that the information commissioner deems to be partly political and to be relevant to the Taoiseach as a member of a political party, as distinct from the Head of Government? Perhaps the Taoiseach would like to comment on that.

The Taoiseach: Deputy Kenny is correct to state that a ruling was made at that time based on a report that had been given to me at that stage. The document had been prepared by an advisor. When that person left, we immediately ceased the presentation of the report in that form, on the ruling of the then information commissioner. We ceased the use of the person who was there and we did not fill the individual post at that stage. We took corrective action based on the report and never produced reports again. That was the right decision to make.

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.

Mr. Morgan: I propose the adjournment of the Dáil under Standing Order 31 to raise a matter of public concern, namely, the need for this House to discuss how best to commemorate the male and female freedom fighters who took part

in the 1916 uprising against the British occupation of our country on the 90th anniversary of that uprising next year and to honour in a suitable manner the male and female IRA volunteers who heroically participated in the War of Independence.

Mr. Connolly: I propose the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent public and national concern, namely, the funding crisis that has existed at St. John of God's north-east services at St. Mary's in Drumcar, Dunleer, County Louth for many years, particularly since 2000, which has been exacerbated by serious under-staffing and financial cut-backs which have threatened respite care programmes from 28 February next, the filling of current and future vacancies at St. Mary's and the provision of the entire range of services to the community.

Mr. Neville: I propose the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent importance, namely, the report of the review of the Ruddle panel, which examined the death of Róisín Ruddle on 1 July 2003 at Our Lady's Hospital for Sick Children in Crumlin, and the need to introduce, as a matter of urgency, the improvement plan that was outlined for the children's hospital in Crumlin.

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 — Second Stage (resumed); and No. 1, Garda Síochána Bill 2004 [*Seanad*] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 4 shall, if not previously concluded, be brought to a conclusion at 7 p.m. Private Members' business shall be No. 40, motion re Northern Ireland (resumed), to be taken at 7 p.m., or on the conclusion of No. 4, whichever is the later, and to be brought to a conclusion after 90 minutes.

An Ceann Comhairle: There are two proposals to be put to the House. Is the proposal for dealing with No. 4, the conclusion of Second Stage of the Finance Bill 2005, agreed?

Caoimhghín Ó Caoláin: It is not agreed.

Mr. Sargent: The Finance Bill is a considerable body of work. It should not be curtailed in this fashion, in fairness to those who prepared it and considering the needs it is supposed to address. I asked earlier that several issues, such as the bio-fuels sector, be given far more consideration. I hope a more extensive debate will help the Government to introduce more informed and relevant amendments on Committee Stage. Such

amendments are not in the Bill as it stands and it does not look like the Government is prepared to introduce them. We need more discussion on the Bill to tease out the matters it is not addressing at present.

Caoimhghín Ó Caoláin: While I appreciate that a certain amount of time has been provided to debate this important legislation last evening and this evening, the imposition of a guillotine is an unacceptable mechanism. The Finance Bill is introduced every year to implement the budget proposals — this Bill relates to budget 2005. I cannot predict how much additional time will be required to debate the Bill after 7 p.m. I do not think the debate on the Bill should be brought to an end in such a fashion. All Members should be allowed to participate in a discussion on legis-

lation of such critical importance. The Government should have provided for an open-ended debate. The Whips could have gauged how much time was required, but they did not do so. A guillotine is being imposed on the legislation on Second Stage, in effect, and it is likely that it will be repeated on further Stages. I strongly object to that because this Bill is of huge importance. All Members should have the chance to participate in the debate. I know all the Sinn Féin Members will not be able to do so because of the time restrictions being proposed.

Mr. Cowen: It was not even raised at the Whips' meeting.

Question put: "That the proposal for dealing with No. 4 be agreed."

The Dáil divided: Tá, 75; Níl, 13.

Tá

Ahern, Bertie.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Browne, John.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Cooper-Flynn, Beverley.
 Coughlan, Mary.
 Cowen, Brian.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 Davern, Noel.
 Dempsey, Noel.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fahey, Frank.
 Fitzpatrick, Dermot.
 Fox, Mildred.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.

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

Níl

Boyle, Dan.
 Ferris, Martin.
 Gormley, John.
 Harkin, Marian.
 Healy, Seamus.
 Higgins, Joe.
 McGrath, Finian.

McHugh, Paddy.
 Morgan, Arthur.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 Ryan, Eamon.
 Sargent, Trevor.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Boyle and Morgan.

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with Private Members' business agreed to? Agreed.

On the Order of Business I call Deputy Kenny.

Mr. Kenny: I was interested in Deputy Morgan's question on section 31 and the way he spoke about IRA volunteers. Now that Sinn Féin is no longer an interpreter for the IRA it might withdraw the advertisement on its website for T-shirts carrying the slogan "Undefeated Army — IRA". Maybe he was speaking about the old IRA.

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

Mr. Kenny: It seemed appropriate in the light of the Deputy's comment on section 31 that the party no longer interprets statements from the IRA.

Caoimhghín Ó Caoláin: The request was under Standing Order 31.

(Interruptions).

Mr. Walsh: The Deputy must wait for the chief of staff.

Mr. Kenny: Deputy Ó Caoláin will have his opportunity to speak this evening on Private Members' business. I heard him on RTE television last night ask that Fine Gael give him time. He has the proper time according to his mandate.

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

Caoimhghín Ó Caoláin: The Deputy would like to see section 31 reinstated.

Mr. Kenny: Will the Taoiseach say when we are likely to see the broadcasting authority Bill?

Deputy Ó Caoláin will get his five minutes in accordance with his mandate.

Mr. Connaughton: That is too much time.

Caoimhghín Ó Caoláin: I will use it effectively.

Mr. Kenny: The Deputy should use it appropriately and for once stand up and speak the truth.

Caoimhghín Ó Caoláin: Deputy Kenny need not worry.

The Taoiseach: The broadcasting authority Bill will come before the House this year.

Ms McManus: Yesterday a large cohort of children was subject to a most scurrilous and abusive attack. The most surprising aspect of this attack

was that it took place in a national newspaper of good repute.

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

Ms McManus: Yes. Does the Taoiseach share my concern, and that of all Members of this House, that such abuse is levelled at children who cannot defend themselves?

An Ceann Comhairle: The Deputy must find another way of raising this matter.

Ms McManus: Will he ensure that under promised legislation, whether by way of the defamation Bill or the promised press council, or by revisiting the incitement to hatred legislation, we protect children from this kind of attack?

An Ceann Comhairle: The Deputy knows she is out of order.

Ms McManus: I have asked a legitimate question. Will the Taoiseach respond?

The Taoiseach: The defamation Bill is scheduled for later this year.

Mr. Sargent: Publication of the electoral (amendment) (no. 2) Bill is expected in this session. Given that there are court proceedings on this matter has the date of publication been revised or will it be on the schedule for this session?

The energy (miscellaneous provisions) Bill will give the Minister power to give general policy directions to the Commission for Energy Regulation. Will the remit of the Bill cover non-traditional forms of energy and relieve our dependency on fossil fuels, particularly in the area of biofuels?

The Taoiseach: The electoral (amendment) (no. 2) Bill will be taken in the coming weeks. The energy (miscellaneous provisions) Bill will be taken later this year.

Ms O. Mitchell: Regulations to increase parking fines were promised for early January under the Road Traffic Act 2004. These refer specifically to fines for people using parking spaces reserved for the disabled. When will that regulation be brought forward?

The Taoiseach: I will check that for the Deputy and inform her about it during the day.

Mr. Broughan: Does the Taoiseach have any sense of shame? He was wearing a hard hat a couple of nights ago—

An Ceann Comhairle: If the Deputy has a question appropriate to the Order of Business we will listen to it.

Mr. Broughan: Has he considered, with the Minister for Health and Children, bringing forward any kind of emergency legislation or regulation to cover the problems in accident and emergency units? Last night, for example, in Beaumont Hospital—

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

Mr. Broughan: It is the Taoiseach's responsibility. He runs the country. He comes in here every day and we have lengthy discussions about God knows what but perhaps the most important issue in the country is not discussed.

An Ceann Comhairle: If the Deputy has a question for the line Minister he should submit it to that Minister. If he has a question appropriate to the Order of Business we will listen to it here.

Mr. Broughan: The Taoiseach is not putting forward the kind of resources we need.

An Ceann Comhairle: The Deputy should resume his seat.

Mr. Broughan: The intolerable situation that existed in Beaumont Hospital last night is not acceptable. It is shameful and disgraceful. When will the Taoiseach take some action?

An Ceann Comhairle: It appears to the Chair that Deputy Broughan wishes to leave the House and if so the Chair will facilitate him. Does the Deputy wish to leave the House?

Mr. Broughan: I want an answer from the Taoiseach.

An Ceann Comhairle: The Deputy knows how to submit a question according to Standing Orders.

Mr. Broughan: I have submitted them in the past.

An Ceann Comhairle: Does the Deputy wish to leave the House?

Mr. Broughan: I will leave the House.

Mr. O'Dea: That was what the Deputy wanted so that he could get a cheap headline.

Mr. G. Mitchell: Is it intended to circulate the EU constitutional treaty referendum Bill in this session? When is it likely to be passed by the House and when will the referendum be held?

The Taoiseach: The Government is engaged in the preparation of the Bill. We are considering the many legal issues surrounding it and hope to discuss those with the parties during this session. We may not have the legislation but we will discuss the issues.

Caoimhghín Ó Caoláin: A Bill to amend the Misuse of Drugs Acts 1977 and 1984, the Irish Medicines Board Act 1995 and the Clinical Trials Act, namely the Irish Medicines Board (miscellaneous provisions) Bill is promised for this session before the summer recess. Will the Taoiseach indicate whether that Bill will be presented during this session and how soon it will be published?

The Taoiseach: The heads of the Irish Medicines Board (miscellaneous provisions) Bill were approved last autumn and the Bill will come before the House in this session.

Mr. Crawford: ESB charges increase regularly yet it is difficult to get the ESB to bring power for which payment has been made to new houses. Will the Taoiseach advise us when the electricity Bill will come before the House so we can discuss these issues?

An Ceann Comhairle: Deputy Durkan raised that question yesterday and received an answer.

The Taoiseach: It will be next year.

Mr. Crawford: We must wait another year.

Mr. Sherlock: The Taoiseach and the Minister for Finance, to both of whom I have sent letters, are present today. Will they advise me as to which High Court proceedings are preventing them from bringing in the ground rents Bill as—

An Ceann Comhairle: The Deputy should address that question to the line Minister. It is not appropriate under Standing Order 26.

Mr. Sherlock: I will put the question to the Taoiseach. What type of issue in the High Court is preventing the introduction of this Bill?

Minister for Finance (Deputy Cowen): It is in the Supreme Court but I do not know exactly what is happening. I will communicate with the Deputy on this matter.

Ms Cooper-Flynn: When can we have a debate on No. 48 on Tuesday's Order Paper regarding infrastructural development under the national development plan?

I thank the Minister for Finance for his very kind letter explaining the situation which I would also like to debate in the House if it is possible to allow some time for it.

Mr. Rabbitte: The Deputy is on the way back. Old friends are best.

The Taoiseach: We can debate that with the party whips to see whether it is possible to discuss this matter some time.

Finance Bill 2005: Second Stage (Resumed).

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

Dr. Devins: I wish to share time with the Minister of State at the Department of Finance, Deputy Parlon, by agreement.

An Ceann Comhairle: Is that agreed? Agreed.

Dr. Devins: I am delighted to have this opportunity to speak on the Bill. I congratulate the Minister on his first budget and on this empowering legislation. Budget day has always been one of the more important days in the life of Dáil Éireann. In many past instances, debate raged far into the night. However, it was remarkable that the debate on the last budget ended early in the evening because the Opposition had little to complain about and ran out of steam after a few hours. The following day, all commentators agreed that budget 2004 was remarkable. It was remarkable because it continued the policy of the Government of maintaining growth by keeping taxation levels at an all-time low.

The Minister for Finance was in the past Minister for Health and Children. The caring and compassion he showed in that Ministry is evident in this year's budget, in particular in regard to the money he provided to deal with disability, both intellectual and physical.

The Government is rightly committed to maintaining full employment while allowing people to take home increasing levels of money after tax is paid. However, it is also committed to looking after the less well-off in society. There are people who have not benefited from the economic boom and growth of the past six to seven years to the same extent that others have. It is the duty and responsibility of any government to ensure that all citizens benefit from a healthy economy. The Minister has, with this Bill, put in place the steps towards making sure that all, especially the less well-off, are looked after. In that regard, the provision of funding to make available an extra 230,000 new medical cards is welcome. These cards are due to come into force over the next couple of months and a large number of our constituents will welcome them. The huge increase in funding for the disability sector, allied to the coherent and co-ordinated approach across all six Departments that deal with disability, will result in a real and positive improvement to the lives of those who suffer from disability, be it intellectual, sensory or physical.

The contents of the Bill cover nearly 180 pages. In the limited time available to me I would like to refer to its most important aspects. With regard to the stamp duty reductions, I welcome the fact that the exempt threshold for first-time buyers of second-hand residential properties has been raised from €190,500 to €317,500. First-time buyers are starting out on the property ladder and the raising of the exemption threshold will open up a significant range of housing options to this

group. I know of a considerable number of first-time buyers in the Sligo-Leitrim area who will benefit from this progressive move as the range and type of houses available to them without the extra burden of stamp duty will increase significantly.

I welcome the fact that somebody who switches from one credit card to another during the course of a financial year will not have to pay two stamp duties. The option of changing one's credit or laser card due to the availability of better rates in a different financial institution is one which should be available to all. However, up to now many people did not avail of this option because they were penalised by having to pay double stamp duty if they did so. The Minister recognised this anomaly and the change is a welcome one.

With regard to income tax, I welcome the provision that any payments made by the Health Service Executive to foster parents in respect of the care of foster children will in future be exempt from income tax. The provision of foster care is an area the former North Western Health Board promoted energetically. For parents to take on the care of a foster child is a huge responsibility and they are deserving of our respect and as much support as possible. From my former work as a general practitioner in Sligo, I know of many children who speak in glowing terms of the love, affection and support they received from their foster parents. Obviously, in an ideal world children would be with their natural parents but, unfortunately, for a variety of reasons this is not always possible. The option of fostering, either on a short-term or long-term basis, can help maintain the family unit which otherwise might be tipped into crisis.

Parents engage in fostering because of a deep and genuine sense of love and support. The financial aspect is not their main reason for doing so. However, they should not be penalised by added income tax for undertaking this civic duty. The recognition by the Minister of this civic commitment by removing any financial payment that foster parents receive from income tax is a progressive step which will be welcomed by foster parents.

I welcome the proposal whereby tax relief on third level educational establishments or facilities has been changed. Up to now, relief could only be obtained where the Minister had issued a certificate before 31 December 2004. This has now changed and an application made to the Minister before 31 December last will now be eligible for relief. There are third level educational establishments throughout Ireland, including universities and institutes of technology, which have wonderful plans for development. However, they were penalised under the old regime. This welcome change will allow these necessary developments to proceed and it should be a significant addition to any third level institution. In my constituency, the institute of technology in Sligo and St. Angela's College will consider this new regime progressively.

I welcome the decision to exempt from VAT any short-term letting for student accommodation. This is in accordance with the sixth VAT directive of the EU and it should ensure an increased supply of rental accommodation for students attending third level. Every year, students and their parents must go through the long and painstaking process of looking for rental accommodation during the months of September and October. This measure will ensure an increase in the supply of such accommodation and thereby make for a more satisfactory overall solution.

I wish to refer to the removal of all those on the minimum wage from the tax net. This is welcome and again confirms the Government's commitment to those who are less well-off. For the first time ever in the State, a person earning the minimum wage will not have to pay income tax.

The Bill will provide a legislative basis for the dramatic and far-reaching changes announced on budget day. I congratulate the Minister on his first budget and I know my sentiments are shared by the public.

Minister of State at the Department of Finance (Mr. Parlon): I am glad to have the opportunity to contribute to this debate and to raise a number of important issues that may assist the debate on taxation matters. The measures contained in the Bill consolidate the budget and are evidence of the continued commitment of the Government to pursue fiscal policies which promote growth in our economy, reward work and alleviate the burden on taxpayers, especially those on lower pay. In 2005 the Government will achieve, ahead of schedule, its target of taking those on the current minimum wage out of the income tax net entirely. The Government will also ensure, through the measures being introduced in the Bill, that all workers obtain a significant reduction in their tax burden.

The Bill confirms the budget day income tax package which concentrated available resources on those at the lower income levels and on the elderly. The personal tax package of €682 million is impressive by any standards. The increases in personal credits and the standard rate bands mean that a single person on the average industrial wage will now pay 14% less tax. There are also increases in the band for single and widowed parents. Altogether, 52,000 taxpayers are taken off the higher rate of tax.

As a result of the increases, more than 650,000 of the 1.9 million income earners will be exempt from paying tax on their earnings. It also means that for standard rate taxpayers an additional €1,450 per year, or almost €28 per week, is exempt from tax in the case of a single person and €1,750, or almost €34 per week, for married single earners.

The Government's commitment to the elderly is underlined by the income tax measures in the Bill. In particular, under the age exemption limits system, those aged 65 or over are exempt from

tax up to specified limits. For 2005 the limits are €16,500 for a single or widowed person and €33,000 in the case of a married couple where one or both are aged 65 or over. The age exemption limits are being increased for the fourth year in a row. In four years, the limits have increased by almost 53%. Inflation for the same period is expected to be just over 13%. These measures provide ample evidence of the Government's commitment to keep down taxes on wages and protect the real value of incomes for pensioners on low income.

I particularly welcome the steps taken in the Bill to address the difficulties many first-time house buyers face in their efforts to get on to the property ladder. The significant reduction in stamp duty for first-time buyers has been widely welcomed. The thresholds are generous. There will be no stamp duty on first-time purchasers of second-hand houses up to €317,500 in value and reduced rates on such purchases up to €635,000. This new exemption threshold is above the national average price for second-hand houses and is above what the average first-time buyer pays for a second-hand house anywhere in the State.

In regard to budget tax changes which impact positively on particular sectors of the economy, I welcome in particular section 115 of the Bill which confirms, as announced in the budget, stamp duty relief for exchange of farmland for farm consolidation purposes with effect from 1 July of this year.

Section 32 extends capital allowances on tourist accommodation to registered guesthouses and registered holiday hostels. Section 119 provides for a reduction in the rate of companies' capital duty charge from 1% to 0.5%, which will help maintain our attractiveness as a location of choice for the establishment of companies. I applaud the Minister on his introduction of various anti-avoidance measures, as I am sure would all members of the taxpaying public. It is recognised that our tax system depends on each person who is meeting his or her tax obligations having confidence that his or her neighbour or competitor is also complying. The Bill should be commended for seeking to close off a series of abusive tax loopholes in the VAT, income tax, inheritance tax, stamp duty and life assurance areas. Equally important, the Bill gives very important additional legal powers to the Revenue Commissioners to pursue tax evaders.

I welcome in particular the provision which will allow Revenue to access, on a sample basis, information on single premium life assurance policies to detect where these policies may have been used as an investment vehicle for undeclared income. The use of this power will be subject to the authorisation of a Revenue Commissioner where he or she has reasonable grounds for suspecting that such policies may have been used to facilitate tax evasion. An important initiative is the addition of a new offence to the list of revenue offences in section 1078 of the Taxes Con-

[Mr. Parlon.]

solidation Act to address the issue of persons who knowingly facilitate tax evasion. The increase in the threshold for publication of tax offenders from £12,500 to £30,000 is a sensible move which is broadly in line with the recommendations of the revenue powers group, as well as the recently published report of the Law Reform Commission. Overall these changes go a long way towards striking the correct balance between not overburdening compliant taxpayers while at the same time being able to take swift and effective enforcement action against those who are not compliant.

In the area of improved tax administration, the Revenue Commissioners' initiative to allow PAYE taxpayers to e-file returns and to electronically avail of a range of self-service options in regard to their tax affairs is welcome. The Bill contains the necessary legislative measures to underpin these changes. I understand that the new system will not change the fact that ultimate responsibility is on PAYE taxpayers to make sure their tax credit certificates are correct or to look for an end-of-year review if they feel they have over-paid. It will give PAYE taxpayers the ability to ascertain their tax position and in particular to access their revenue records over the Internet at any time; amend their tax credit certificate on the web either to claim an allowance or credit not on the certificate or to change the amount involved; request an on-line review or balancing statement based on the revenue records and confirmation that the details are correct and complete; and receive an automatic repayment in certain cases where Revenue is fully satisfied from its records or from recent contacts that a repayment is due.

This Finance Bill will support the progress of our economy and prepares the ground for further growth in living standards. It signals our ongoing commitment to sound budgetary management. In its totality, the Finance Bill reflects the Government's commitment to ensuring that fiscal policy, and the tax system in particular, play a positive role in supporting the country's economic development.

Mr. Crawford: I wish to share my time with Deputy Deenihan.

I want to comment on an issue Deputy Devins raised about medical cards. I welcome any increase in the number of medical cards, but one must remember that during the last election campaign 200,000 additional medical cards were promised and there were no restrictions on how they would be allocated. A somewhat different card has now been introduced. This is something Fine Gael proposed as an interim solution to try to ease the pressure on families.

One must remember that 100,000 medical cards have already been taken from people. In the past seven years, more than 8,000 medical cards have been taken from low income earners in my constituency. Cork city and county, which has a population of 500,000, lost a similar number of

medical cards. The number of medical cards lost in my constituency is significant, which must be taken into account when announcing good news.

I would be less than honest if I did not welcome a number of aspects in the Finance Bill. Older citizens will receive an increase of €14, which is welcome. There is no point being hypocritical. It is an indication of how the country has improved over the past ten or 15 years that we can afford to recognise the problems these people face. We are often reminded across the floor of the House of what the situation was like in 1997. When our former leader was Minister for Finance in the early 1980s, he gave an increase of 25% to old age pensioners because they were so badly looked after at that stage. What these people are receiving is welcome. However, while there are many good aspects in the budget, those who are in need of child care and transport will be asking major questions. I will return to this later.

I want to raise two issues that are very close to the Minister of State's heart and to mine, namely, roll-over tax. Roll-over tax was discontinued two years ago supposedly because of the difficult economic situation that existed at the time. Roll-over tax was available for anyone selling or buying property within a recognised timeframe. I am saying to the Minister of State as a former farm leader — I had a somewhat slighter involvement in a farming organisation — that as we continue to improve our road and rail infrastructure, people are having their property taken from them. Under the CPO, a specific category of people is quantified. If a road is being forced through people's property and their land is being taken from them, I ask that these people be put on a roll-over tax. That may not be possible in this Finance Bill — with sufficient ingenuity it could be done — but surely these people are entitled to be recognised as a special case.

The Minister of State in particular can claim responsibility for the good deal achieved between the IFA and the Government at the time. He will recognise that if it was necessary then, it is more necessary now, since there is a bigger roll-out of these projects. I do not apologise for raising this issue, and I do so because of the bypass around Carrickmacross which was recently opened, with Castleblayney, Monaghan and a couple of towns in Cavan also affected. That serves to highlight the situation throughout the country. I welcome many slight moves in this direction in the Bill.

The legislation provides for stamp duty relief for those who can get agreement to swap land. I am involved in farming long enough to know that the numbers who will be able to come up with such an agreement will be extremely small. I am alarmed at the detailed requirements to be met, as outlined in the Bill, to provide for that. One will have to involve Teagasc and meet all sorts of requirements. Section 115 outlines the requirements in detail. I hope that the requirements outlined can be eased and improved on Committee Stage to give more leeway to provide for practical solutions. I warn the Minister that if the section

is left as it is worded, the number of people who will be able to avail of this relief will be extremely small. The ethos of the measure is good but the practicalities of meeting the requirements to avail of the relief are a different matter. I urge that this angle be examined and dealt with in a reasonable and practical way.

There are some changes in the Bill in terms of the manner in which so-called criminals will be dealt with. I refer to those who have not yet paid taxes or who have had money on deposit across the Border. I make no apology for saying that I was annoyed that people who found themselves, through no fault of their own, in this position down through the years, owing to their having a use for investing money across the Border and such like, have had to pay such penalties that applied. Those who are up to €30,000 — the figure was previously €12,500 — in arrears of tax, or whatever one would like to call it, will not have their names published. The interest charged on the arrears will be lowered from approximately 12% to slightly under 10%. I welcome that reduction, but for the information of the public, will the Minister advise us where they could avail of an interest rate of 10% because many people would like to invest at that rate? It is great. Surely these taxes and penalties should be geared towards the criminals rather than the people to whom I referred. I know people who have gone through mental hell over the past year or so. A few of them have apparently invested money in Northern Ireland or somebody may even have invested it for them. It can be shown clearly that they were not doing so for criminal purposes or for any other such purpose. The rate of tax that applied was insignificant, but such investment cost them a great deal of money. I welcome some easing in that situation but I hope this provision will be reviewed. There is a need for discretion to be exercised by those dealing with it.

I mentioned the positive developments for carers and provision for the elderly, but major negativity surrounds provision for this sector in my area for whatever reason. There is a lack of funds to deal with those who must go into nursing homes or into respite care. That is a serious concern. I had a case the other day — which the Minister of State, who comes from a farming background, will understand — involving a middle aged man who had lived with his mother all his life. The mother happened to be the owner of the family home when she got married and the son's late father had all the land. However, the house, the only home the son has, is being used as a means to stop his mother been granted a nursing home subvention. The rules applying to this measure are naive and impossible. I have another case where a person suffering from Alzheimer's disease held on to 20 acres of land and his family, who are not rich, have to find ways and means to provide for his care. Those sort of rules need to be reviewed.

Some 257 people were in receipt of nursing home subvention in Cavan-Monaghan at the time of the previous general election. That number was to be reduced to 170, but it now stands at 214. However, the means test to qualify for the subvention is much tighter in our area and I dare say in the west than in other areas. I had a case recently where a person was being put into a home in the west because some family members were living there and the person dealing with the case in the home could not believe that he was dealing with the same health service because he had never come across a situation like this previously.

Many promises were made that child care provision would be adequately dealt with, yet Lattin community centre and several others await receipt of grants that were promised years ago.

A Bill to deal with dormant accounts is to be introduced shortly. However, we have discovered an anomaly recently in the Border areas whereby dormant account moneys handed out through the so-called independent group has not reached, to any great extent, any of the Border counties compared with other counties. We have been informed that the community groups in those areas do not understand how to complete the required forms. These groups have been completing forms for grants under the LEADER programme, the programme for peace and reconciliation and a plethora of schemes down through the years. They are told that their forms are crap, but that answer is crap. This funding needs to be reviewed to ensure that all areas get what they are entitled to, no more and no less. The funds that we get from the programme for peace and reconciliation and others are supposed to be additional, and not replacement, funds. I have major objections to that.

Mr. Deenihan: I will confine my remarks to art, sport and tourism which are my areas of responsibility. The real and pressing threat to the growth and future development of the tourism industry was not addressed in the budget or in this Bill. Tourism is an exceptionally important industry to our economy and I repeat that it provides more than 140,000 jobs in the country as a whole. However, there is nothing in the budget nor in this Bill that will go any way towards meeting the real challenges faced by those in the industry.

Doing business in Ireland is expensive and those in the tourism industry have already endured years of inflation at double the rate of their competitors. Coupled with this, increases in Government-driven stealth taxes and charges have been dramatic. The increases in the cost of food and drink, insurance, ESB, gas bills, VAT and other goods and services have been dramatic in recent years. For example, Ireland has the second highest VAT rate in the eurozone for hotel accommodation and eating out. Furthermore, wine excise duty is by far the highest in the

[Mr. Deenihan.]

eurozone while spirits excise duty trails only that of Sweden and Finland in the European Union. These rates and duties have a real impact upon the attractiveness of Ireland as a destination for international tourism.

Ireland is the third most expensive country in the European Union for goods and services. A basket of food costing €100 in Ireland costs only €82 in the UK. Of the 16,000 small to medium-sized enterprises that make up the bulk of the tourism industry, it is the smallest players in the sector, those involved in family-run bed and breakfasts and small guesthouses, that are being hit hard. The budget for 2005 and this Bill could have made substantial changes that would have underpinned the future growth and development of the sector. This is an issue on which I wish to dwell in the time available.

Ireland is the only country in the EU with a VAT rate in excess of 10% that does not allow for the reclamation of this tax on business expenses incurred on hotel and restaurant charges. I would like the Minister of State's official who is present to take up this matter with the Minister. We will be table an amendment on this matter on Committee Stage. The Irish Hotels Federation said in its budget submission to Government that this anomaly in the Irish VAT regime places Irish hotels and restaurants at a serious disadvantage, even to its nearest neighbour in Northern Ireland, when competing for the high yield and growing travel sector. The non-availability of this VAT allowance in effect means Ireland cannot expect to attract a reasonable proportion of the €40 billion worth of global international tourism business involved in conferences, corporate meetings and incentive travel business generally. Allowing VAT on hotel and restaurant charges as an input for business for that purpose would be a major boost to the industry. We will push hard for this on Committee Stage.

Last year I enjoyed one of the few successes I have had in opposition when I pressed hard for an extension of the capital allowances for hotels. In fairness to the Minister, after much pressure, he conceded to my request and, as a result, billions of euro worth of proposals have been made to county councils and there will be a massive return for the economy. That is an example of the influence an Opposition spokesman can have. The cut-off point of June 2006 for this scheme, however, is too early because many of these plans will be sent to An Bord Pleanála and the jobs will not be completed by then. The cut-off point for completion should be extended to 2007.

Last year we voted on tax credits for leading GAA players. Such a facility is available for international sportspersons but not for our GAA members. I tabled an amendment last year that was not accepted despite the goodwill of many on the Government side of the House. The Minister

is a keen GAA supporter and I ask him to look at alternatives, maybe through the Sports Council. Each county can now only have a panel of 24, a small number, so any proposal would not involve extending the facility to 50 or more people. Kerry had a panel of 30 players and had to drop six of them. It should be easy to do something for inter-country panels because they are so well defined. We should revisit this on Committee Stage.

Questions were raised about tax exemption for very wealthy artists, particularly singers. We must examine that exemption from the perspective that it only applies to creative artists and not to interpretative artists. Actors must pay tax while writers, who are regarded as creative artists, do not. This is an anomaly that should be addressed. A small number at the top are gaining most from this provision. There should perhaps be a cut-off point of €250,000 above which people should have to pay tax.

There was only one Irish performer at the Wexford Opera Festival last year and the festival organisers had to pay VAT on the fees paid to the incoming artists. This is unfair for a voluntary group and I will table an amendment to address this on Committee Stage.

The tourism industry is under pressure and there will be casualties this year. The bed and breakfast and guesthouse sectors were hallmarks of our tourism industry but they are under pressure because hotels, which have increased in number and must maintain cash flow, are discounting. Instead of going to guesthouses, people are going to hotels. By its nature, bed and breakfast accommodation is spread throughout rural areas — it is the only enterprise in some villages. VAT and related issues will cause serious problems for this sector if they are not addressed.

Mr. Ardagh: I welcome the opportunity to speak on the Finance Bill 2005 and I congratulate the Minister for Finance on his first budget and Finance Bill.

I would like to examine two areas, approved retirement funds and the recoupment of tax by charities. Retirement relief should exist so that people can avoid an impoverished retirement and so that those on a reasonable salary in employment will have the same standard of living after retirement. The retirement benefits relief is not in place, however, to assist with estate planning for wealthy individuals. At the moment, it is being used in that way. Steps should be taken to ensure the approved retirement funds are not used in a way that was not intended when they were introduced.

Section 45 of the Bill allows for interest on loans which companies take out with banks in EU states other than Ireland. That facilitates the purchase by approved retirement funds of property in countries outside Ireland. Section 25 allows section 60 insurance policies, which can be used without capital acquisitions tax being applied, to

pay capital acquisitions tax on the approved retirement fund. That is a method by which the very wealthy will reduce their tax bills.

On Sunday, *The Sunday Tribune* referred to a number of people with incomes of between €5 million and €10 million, much of which goes into pension funds and into approved retirement funds that accumulate such wealth that we cannot conceive the income from them being used for normal retirement expenses. Apart from a small number of people with ostentatious lifestyles, the vast majority of even the very wealthy have a normal lifestyle that would not require the return that approved retirement funds bring about.

Ms Burton: That was a Charlie McCreevy special. I spoke about that yesterday.

Mr. Ardagh: Over a three year period, people are taking substantial salaries of millions of euro so that a retirement fund, with two thirds of the salaries, index linked and with the applying extras, can be put in place to generate that much on an annuity basis at a time when interest and annuity rates are very low.

I would like the Minister to consider putting an upper limit on the level of income that can be used as a basis for calculating pension contributions for tax relief purposes. I have no problem with people setting up approved retirement funds, but the general public should not subsidise the build-up of them to the extent that is being done at the moment. There is room to do something about it.

The Minister should also consider introducing a claw-back in respect of pension contributions for tax purposes when the value of the fund exceeds the actuarially calculated amount that would be needed to fund a pension of a reasonably generous level of income, together with the two thirds level and all the bells and whistles that are attached to that as well. That should be examined.

We need to encourage philanthropy. The Americans are very good at setting up foundations for this and that. It is time wealthy people were encouraged to put their wealth to charitable use.

On the question of charities, the tsunami this year was a special case. The general public raised more than €80 million. If all of the tax that could be recouped was recouped on the basis that the donors were in the 42% tax band, more than €56 million would be recouped by the charitable organisations. I ask the Government to arrange with the relevant statistical bodies to obtain the tax profiles of a sample of the donors who made those contributions. Many elderly people who pay no tax and have very little money are among the most generous of the contributors. A stud farmer in County Tipperary made a very substantial and very generous contribution. There is no tax on his income at the moment. That should be

taken into account. If the composite rate of tax paid at the marginal rate by the donors was 30%, in excess of €42 million could flow back to the charitable organisations if all of the administrative problems were sorted out and the €250 limit were reduced in this case.

When the tsunami is off the front pages of the world's media and only the bereaved families of those who lost their lives are suffering their grief and their tragedy, the horrors in Africa, in Darfur, the Congo and other areas will continue. The tax rebate on the €80 million contribution made by Irish residents would assist in no small way the brilliant NGO aid organisations such as Goal, Trócaire, Concern and the Irish Red Cross. I am sure I have left some out, but I do not mean to diminish in any way the great work they do. I ask the Minister to consider empowering the Revenue, through a Committee Stage amendment, to ensure those organisations get the amount that would be payable if the appropriate forms had been filled out correctly. I also ask that the relevant threshold be reduced from €250 to zero in this special case for the three months since Christmas Day, the period when most of the money was contributed, to allow a lump sum payment to be made by Revenue to the relevant organisations to enable them to tackle the problems around the world that, because of world politics, are not at the moment being properly dealt with.

I always start at the back of the Finance Bill because that is where the most interesting parts are. I note the rate of interest on overdue taxes is reduced from 11.75% to 10%. Deputy Crawford does not believe this is low enough. However, the State is not a bank and it must ensure that the interest charged is greater than the overdraft rate of interest. That reduction is a good step forward as far as the Government is concerned and it would be unreasonable to go any lower.

In respect of the published details of certain settlements made by tax defaulters, the figure was previously £10,000 or €12,700. The Minister is changing that to €30,000. I note that the Revenue Powers Group suggested a figure of €50,000, the Law Reform Commission suggested €25,000 and that the Minister took the middle course. However, €50,000 would be a better figure because what we want is to name and shame those who blatantly flout the law and evade tax. If they are mixed in with a group of people who can reasonably state that they unfortunately did things the wrong way and were caught, the higher level should be considered.

The question of facilitating tax and duty evasion is a most important matter. There is a fear among people who work in banks and insurance companies, among tax advisers and accountants, that this is draconian. However, the Minister stated on Second Stage that this was intended to target serious offences. Serious offences can be

[Mr. Ardagh.]

taken in the light of what I have already mentioned regarding the published details of settlements by tax defaulters. He also said that the people prosecuted under this facilitation of tax evasion section would be deeply involved and would have facilitated tax evasion. In business, people talk anecdotally about these matters, but the real intent of this measure is to target those who facilitate tax evasion, who open the bank accounts in question or who make false statements. It is not a general trawl to get everybody who gives professional financial advice to clients.

I am delighted the question of the single premium life assurance policy is being tackled. It has been boiling away in the background since 1998 when the DIRT inquiry started. Together with other Members of the House I was privileged to be a member of that inquiry. It appears there was abuse in regard to single premium life assurance policies. Section 31 empowers the Revenue to test a sample within an insurance company to see if it was complicit in its customers tax evasion. That would be used to bring a High Court case to ensure that an insurance company where a single premium insurance policy was involved would be made to account for the figures relating to every single account in the company.

I am delighted by the reduction in stamp duty for first-time buyers of second-hand houses. In the area I represent — mainly Crumlin, Drimnagh, Walkinstown, Ballyfermot, Inchicore, Kilmainham — there are many houses at around €250,000 to €300,000. Young people are needed in these areas to start families and rejuvenate all of those areas. This is a great opportunity to regenerate the inner city area. I am delighted this is in the Bill.

Mr. Glennon: I thank my colleague, Deputy Ardagh, for sharing time. Like my colleagues I congratulate the Minister for Finance, Deputy Cowen, not only on his first Finance Bill but on his first budget which, presumably, is the first of three. The manner in which the budget was greeted by the community at large and most sides of the House is an indication of the efficiency with which he has commenced his new portfolio. I wish him and his Minister of State well over the next few years in their efforts and I hope we will be standing here for the next few years in a similar disposition to the legislation before the House.

I welcome, as my colleague Deputy Ardagh has done, a provision in the Bill which addresses the difficulties of first-time buyers in the housing sector. Like Deputy Ardagh's constituency, my constituency of Dublin North is one in which a significant level of house building is taking place. Unfortunately, most of the houses being built are outside the budgets of a double earning partnership and natives sometimes must travel up to 50 miles away. Any step that can be taken to make it easier for members of the community to remain

in the community in which they were reared and to take their first steps towards rearing a family in the area are welcome. I welcome particularly the measures being introduced for first-time buyers of second-hand houses and the reduction in stamp duty.

In a similar vein, and it may come as a surprise given I am a Dublin Deputy, I welcome section 115 which confirms stamp duty relief for exchange of farmland for farm consolidation purposes, particularly in the horticultural area. As the Minister of State is aware, times are changing rapidly. What was a viable holding five years ago is one no longer. There was an anomaly under the stamp duty legislation which, in effect, penalised families for consolidating their holdings. I had lengthy discussions with the IFA when preparing its submission. I am pleased the Minister has taken note of its representations and acted on them.

Given that I come from a large PAYE constituency, it is not an understatement to say that the PAYE worker is the backbone of our tax system. Unfortunately, PAYE workers have historically also been a soft touch in the tax system in that they are the most easily targeted. There is considerable frustration among that sector when it sees the preference certain traders have for cash payments as distinct from other types in so many areas of activity in the economy. I applaud the Minister on the introduction of anti-avoidance measures and his announcement of an audit of many of the exemption schemes in place.

I refer to an issue on which I have had an interest in recent years, namely, the old chestnut of the stallion tax. Considerable debate has taken place on this issue. Deputy Deenihan referred to the arts and the exemptions for same, which are welcome. However, neither the arts exemptions nor the stallion tax exemptions were designed for either the superstars, in the context of the arts, or the battery hen type operation in stud farms. When introduced, they were pitched at the middle of the road, medium earning operator in each category. I am in favour of their continuation for the middle of the road earner in both categories. However, they are worthy of consideration in terms of the battery hen type operation at the stud farm and also at international superstars level in the arts. It is inequitable that some in the arts, who earn massive amounts of money by anybody's standards, do not pay tax.

I refer to Deputy Deenihan's comments on the exemptions on which he and I worked last year and are still working for elite sports people. He inadvertently mentioned them specifically in the GAA context but they were not designed to be specifically in that context. At present, professional sports people have a beneficial tax regime. There are some who give huge amounts to amateur sports who deserve a break. We have not been able to devise a way of doing it yet. However, it is imminent and I look forward to its introduction in the near future.

Mr. Perry: I wish to share time with Deputy Neville.

Acting Chairman (Mr. Stanton): Is that agreed? Agreed.

Mr. Perry: I am pleased to have an opportunity to contribute to the debate. The Finance Bill is about the raising and collection of taxes imposed as part of the annual budgetary process. The State fills its coffers through a myriad of taxes and charges on individual taxpayers and corporate entities in the State. This year is no different. While the Minister for Finance has tinkered around the edges of the tax code in the Finance Bill, he has ignored the major issues within the system that need fundamental reform. It is, as always, vital that taxes imposed are consistent with other policy objectives and, in particular, the tax regime should be such as to encourage investment, reward entrepreneurs and not militate against consumers availing of competition for goods and services. There are some important aspects in which the measures proposed in the Finance Bill 2005 are neutral as regards these three categories. It should be consistently and permanently embedded in the minds of officials preparing the budget and the Finance Bill to scrutinise measures that have a potential impact on employment initiatives, enterprise and the role of small companies. It is important to note that the backbone of the economy has been small companies and the creation of jobs.

While much has been said about taking people out of the minimum wage net, many pay large amounts of tax on low incomes. Those on a basic salary of €35,000 to €40,000 who are educating their family and sending children to college or university find they are not entitled to any grant. They are the new poor who are beginning to emerge. Even with joint incomes there is the heavy indebtedness of a mortgage, car payments and other demands.

If we do not continue to reward those who take risks to develop business and give employment, our long-term survival as a dynamic and competitive economy will be in jeopardy. The Minister of State, Deputy Gallagher, is well aware of those in Killybegs along the western coast who have invested heavily in job creation. He will be aware also of the significant investment made in the development of aquaculture. Many take the risk. When one borrows extensively from the bank it is a joint venture. It is important that at all times there is due recognition by the State of the investment by small companies. In any Government initiative the partnership approach should ensure people are not isolated with a heavy loan, under huge pressure and unable to make the returns. Let us be honest: banks are devoid of sentiment and when they invest in a company, they want their dollar back regardless. This can have a major impact on the continuation of family businesses. The Minister of State will be aware that the continuity of family businesses in Killybegs is

in jeopardy as the second generation is not getting involved. It is important to encourage enterprise. Some measures enacted in recent budgets have not been remedied in this Finance Bill. They certainly had a negative impact on employment creation and the generation of sustainable employment. For example, the provision requiring businesses to pay advance corporation tax is unfair. One can imagine the uproar if PAYE employees were obliged to pay tax in advance of earning an income. The reduction of corporation tax is to be welcomed and has resulted in cash being reinvested. The requirement to pay corporation tax in advance is dulling the impact of this reduction in terms of cash flow for businesses. It seriously undermines the benefits accruing to the companies paying lower tax.

Some of the changes to the capital gains tax in recent budgets have negative implications for business. Most small businesses hope to be larger businesses some day and many wish to sell off existing premises, plant and equipment, in the hope of purchasing new replacements. I understand from industrial groups that the changes in capital gains tax introduced in the budget 2003 have acted to suppress new investment because they shortened the time period allowed for reinvestment in new or replacement assets. This provision should be re-examined.

PAYE workers have been left in the cold by budget 2005 following the failure of the Minister for Finance, Deputy Cowen, to make good the tax hikes imposed on this group over the past two years. This was a cunning budget in which the Minister attempted to present the Government as a new caring and sharing administration but when the dust settles, the first group to feel the reality will be the PAYE workers. These people have borne the brunt of huge increases in stealth taxes over the past two years. They were entitled to expect more in pay-back from this budget.

As a result of this budget, a person on the average industrial wage will still be paying the top rate of tax and handing over in excess of 40% of their salary in taxes. Meanwhile, there was no move to close off the loopholes that allow some millionaires to pay no tax at all. This is an injustice. Many highly-placed business people can afford to employ accountants and tax experts to ensure they pay no tax at all. I suggest that everyone should pay a minimum amount of tax regardless of income. Millionaires should pay a minimum tax. The situation of multi-millionaires who are tax exiles should be examined and they should pay a minimum rate of tax regardless. They should pay tax in excess of hundreds of thousands if they are multi-millionaires.

This is hardly the sign of a caring and sharing Government. More than half of taxpayers will still pay at the top rate of tax next year. The welcome removal of the minimum wage earners from the tax net will be reversed for many next year when the national minimum wage hourly rate is increased. This is an important improvement but it will bring people back into the tax net. The

[Mr. Perry.]

increase of the tax bands for the PAYE worker by 5% failed miserably to redress the failure of the indexation of the tax bands over the past two years.

I welcome the change in the position of stamp duty and changes to credit card charges. In my constituency, MBNA credit card company is a significant employer and has brought much-needed competition to the credit card market and charges. I raised this issue two years ago. The rule introduced in budget 2003 had a negative impact on consumers and suppressed competition and choice in services. I am pleased the Minister changed this. I have expressed this opinion for the past two years and I am delighted the Minister has taken the logic on board.

In the area of housing, the Minister has adopted in part a Fine Gael policy proposal. From June the new threshold of €370,000 will do little for house buyers in Dublin as the average price of a second-hand home bought by a first-time buyer has already exceeded this limit. This package would have been more radical had the Minister adopted the Fine Gael proposal in full and I am disappointed this was not the case.

Minor increases have been granted in the area of social welfare. However, giving someone a little extra does not make up for taking a great deal more back. This is the case with stealth taxes. Any increase awarded will be eaten away by increased charges for electricity, gas, health, refuse and other services that people on low or no incomes cannot avoid. We need realistic changes in all areas. Changes must be seen at ground level so that those on social welfare, PAYE and first-time buyers, feel a difference in their pockets.

It was identified that the caring and sharing Government of which the Minister is a member illegally charged the most vulnerable in society, those in State care. I was pleased to note that last week in my constituency of Sligo-Leitrim, €1.2 million was paid as an initial payment to patients and those in contract beds who received €2,000 each. This payment had to be dragged out of the Government and it demonstrates the element of caring and sharing. This hyped-up budget was forgotten about within weeks, particularly with regard to the issue of disability, which Deputy Stanton deals with in a very caring way. There is a great deal of spin but little or no action.

Mr. Neville: I welcome the opportunity to speak in this debate on the Finance Bill. I wish to raise a specific point about what I regard as discrimination against psychiatric institutions in respect of tax relief. This is a reflection of the marginalisation of people with mental illness. The Finance Act 2001 extended tax concessions for investment in private hospitals but psychiatric hospitals were excluded from this concession. It may be the case that at the time, people just did not think of psychiatric hospitals. This would serve to highlight yet again the discriminatory

approach taken over decades, if not centuries, to the area of the treatment of people with psychiatric illness. The Finance Act 2001 extended the industrial buildings writing-down allowance to capital expenditure incurred on a building or structure in use for a trade or consisting of the operation or management of a "qualifying hospital". The allowance consists of writing-down allowances at the rate of 15% of the qualifying expenditure for each of the first six years and 10% of the expenditure for the seventh year in respect of the construction of private hospitals.

When the owner of the hospital building is an individual and the hospital is leased to an operator, the legislation imposes limits on the manner in which the allowance can be offset against an individual's tax income. Section 49A of the Taxes Consolidation Act 1997, limits the amount that may be set off against an individual's other income, subject to a maximum of €31,750 in any one year of assessment. Any excess may only be offset against the individual's Irish rental income. There is no corresponding restriction, however, where the investor is a company chargeable to corporation tax. As a consequence of these restrictions, the reliefs are likely to be of interest mainly to those with substantial Irish rental income per shelter.

The qualifying conditions impose limits on the availability of the facility to psychiatric hospitals. Under the Finance Act 2001, the qualifying hospital must meet a range of conditions. It must be a private hospital and have the capacity to normally provide medical and surgical services to persons every day of the year. Apart from lobotomies, few surgical interventions are undertaken in the psychiatric area, which limits the extent to which individuals are able to invest in psychiatric hospitals.

In addition, the qualifying hospital must have a capacity to provide outpatient services and accommodation on an overnight basis of not less than 100 inpatient beds. This requirement does not create a problem. The hospital must also house an operating theatre or theatres and related on-site diagnostic and therapeutic facilities. Psychiatric institutions do not have such facilities. The hospital must contain facilities to provide not less than five of the following services: accident and emergency; cardiology and vascular; eye, ear, nose and throat; gastroenterology; geriatrics; haematology; maternity; medical; neurology; oncology; orthopaedic; respiratory; rheumatology; and paediatric. As psychiatric hospitals will not be able to provide five of these services, they are precluded from meeting the qualifying criteria.

The Bill also provides that the hospital must undertake to the health board in whose functional area it is situated to make available annually, for the treatment of persons who have been awaiting inpatient or outpatient hospital services as public patients, not less than 20% of its capacity, subject to service requirements to be specified by the health board in advance. In addition,

the fees charged for the treatment afforded to any public patient shall not be more than 90% of the fees which would be charged in respect of similar treatment afforded to a person who has private medical insurance. I do not dispute that hospitals should have this concession — there is good reason for it — but it discriminates against the 25% of the population who will suffer from psychiatric illness at some point in their lives.

I am setting out principles rather than making a case for any individual or group. An individual has, however, made a proposal in this regard so my concerns amount to more than speculation.

Recent media coverage and discussion in the House have highlighted the shortfalls in a range of facilities and services for treating child and adolescent psychiatric conditions, such as attention deficit hyperactivity disorder and eating disorders, which the House discussed recently, suicide, personality disorders and mood disorders. Amnesty International has referred to our mental health services and championed the urgent need for facilities for children and adolescents with psychiatric health problems. This group requires separate inpatient and outpatient facilities and services. We send our children and adolescents to specialist facilities and services in other countries.

To source the funding required to establish a hospital service, a company needs to avail of tax incentives for investment in the establishment of private hospitals. Under the 2001 Finance Bill, however, psychiatric hospitals do not qualify for such incentives. I ask the Minister to examine this matter.

I regularly raise the lack of investment in psychiatric services with the Minister of State at the Department of Health and Children, Deputy Tim O'Malley. He informed me that €15 million will be spent this year on the development of psychiatric services. Of this, €5 million is required in Limerick alone for a special safe unit, with the balance to be allocated to meet the cost of changes in the Central Mental Hospital. As a result, general psychiatric services will receive no investment. At the same time, however, private individuals do not have the same incentives to invest in psychiatric institutions as those available for general hospitals.

The Government is morally obliged to provide services for psychiatric patients. Due to a lack of investment over generations, substantial capital is required to bring psychiatric services up to an acceptable level. The benefits of providing some services through private providers are significant and should be considered. The Government would be spared capital costs, day-to-day running costs and long-term financial liability and a wide range of specialist services would be provided. I ask that those who wish to invest in the provision of psychiatric hospitals be offered the same incentives as those who avail of incentives to invest in the general hospital sector.

Mr. O'Connor: Reading the Finance Bill at breakfast this morning, I was reminded of Karl

Marx's observation that all history is based on economics. Regardless of the truth or otherwise of that statement, anyone reading the Minister for Finance, Deputy Cowen's first Finance Bill must conclude that our recent economic history has placed him in an enviable position. The Bill contains much good news and I am happy to support it. What finance Minister in Europe or any developed country can come before a national Parliament with such a positive package for endorsement?

I listened to the debate with interest and had to pinch myself several times. I will not pick on a particular Deputy but when the budget was announced 70 days ago the House completed its business by 8 p.m. because there was little debate and everybody was happy with the Minister's many pronouncements. Suddenly, a short ten weeks later, our colleagues in opposition have resurrected themselves and are trying to tell us what is wrong with the Bill.

Mr. Neville: That is the role of the Opposition.

Mr. O'Connor: There was nothing wrong on 1 December. It amuses me that many of my good colleagues on the Opposition benches have distributed glossy information leaflets to their constituents informing them of all the positive announcements in the Fianna Fáil Party's budget. Take home pay, pensions and benefits were increased. I have seen many leaflets produced by other parties, and fair play to them because it is good to promote what is good. The Minister for Finance did a good job and introduced a budget about which everybody was happy. As Deputies will recall, the House adjourned at 8 p.m. on the day of the budget because everybody was so happy with it.

Mr. Neville: The Deputy has been speaking for two minutes and still has not mentioned Tallaght.

Mr. O'Connor: The changes include an increase of €230 in employee PAYE tax credit to €1,270 per annum. In 2005, workers on the average industrial wage will earn €11,300 more and pay €200 less tax than in 1997. The minimum wage was removed from the tax net. A worker on the minimum wage will be far better off this year than previously. Exemption limits for those aged over 65 years increased to €16,500 for single and married persons. The health levy threshold increased from €356 per week to €400 per week. The Fianna Fáil-led Administration has staked its reputation on making such changes and I am glad we are making significant progress in that regard.

Tax relief on rent paid by private tenants increased by 18%. Tax relief on third level fees also increased and the fees limit rose from €3,175 to €5,000. The list goes on.

Debate adjourned.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).

Priority Questions.

Election Management System.

55. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the status of the Government's plans for electronic voting; when he will make a decision on the findings of the Commission on Electronic Voting; and if he will make a statement on the matter. [4201/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Electoral (Amendment) Act 2004 confirms the policy objective of electronic voting and counting at Irish elections and that maintains the mandate to my Department from the Oireachtas to work towards implementation of this objective.

In this context, my Department is developing, in parallel with the continuing work of the Commission on Electronic Voting, a programme for further assessment, testing and validation which is intended to address the concerns raised in the commission's interim report published last April and in its more detailed first report published in December on the secrecy and accuracy of the electronic voting and counting system.

The objective of this programme will be to demonstrate to the commission and the public that the electronic voting system, which was selected following detailed assessment of the requirements to be met in Irish electoral conditions and the holding of an open international tender competition, is suitable to be used in Irish elections. I am giving full consideration to the views of the commission and will ensure its analysis will inform and guide the programme of further assessment, testing and validation of the system.

I intend, therefore, that all the commission's recommendations for action should be appropriately addressed in the work ahead. The timing of the further use of the system is dependent on the progress made with this programme of work and the dates on which future polls may be held.

Mr. O'Dowd: Is it not a fact that this whole saga has been an appalling waste of €52 million of public funds? Is it not a fact that there is no confidence in the system? People are extremely concerned about that, about the waste of money and that the Minister who wasted that money, Deputy Cullen, did not listen to Members of this House who urged him to reflect before he went ahead — bull-headed in his desire to waste this money?

Given that there is no confidence in this system and that the machines cannot be adapted, it is time to say this system cannot work. The fact the

Minister cannot give us a date in respect of the Meath and North Kildare by-elections, the referendum on the EU constitution or the next general election shows he does not have confidence in the system and is not prepared to test it. The one thing needed and which is missing is a voter verifiable audit trail. Without that, this system is a non-starter.

Mr. Roche: The Deputy is correct to suggest that until confidence is established in the system, I will not advocate testing it. The initial comments, however, are a tiny bit rich because one must remember that most of the political parties, if not all, had some positive things to say about this system.

Mr. Gilmore: Very little.

Mr. Roche: Deputy O'Dowd's party published a good leaflet on the issue in Meath. It is easy with hindsight to ask certain questions.

The issue of a voter verifiable audit trail, VVAT, is not the only one. It is worth pointing out that there is no national system where VVAT is in operation. I concede this is an area where it is necessary to make haste slowly because it concerns the level of confidence people have in the system. The Deputy is quite right that a degree of damage has been done to confidence in the system. However, I do not believe the system has been so undermined that it could not work in the future.

Mr. O'Dowd: It is clear the Minister cannot make haste slowly in respect of a voter verifiable audit trail. That cannot be done. Page 363 of the commission's report makes it clear that these machines cannot be used for this purpose. Based on what he has said, does the Minister not believe he must abandon these machines because they cannot produce the results people want to prove they voted in a particular way? He must scrap these machines, buys new ones or go back to the old electoral system. Will the Minister provide clarity?

Mr. Roche: The Deputy is quite right in that I will not forecast a date by which we can move to the next stage of trial. I do not agree with the hypothesis underlying the Deputy's question that a VVAT is an absolute *sine qua non*. It is not used elsewhere and, initially, it was not a key policy issue of concern arising in the context of electronic voting. As the Deputy and anybody who goes to the trouble of reading the literature will be aware — there is significant literature which one can access through the web — not everybody is necessarily sold on the concept of VVAT and there are certainly very practical difficulties.

Mr. O'Dowd: Page 363 of the commission's report states that this system is not physically capable of modification to provide a full audit trail without unrealistic costs. If one goes down the

road of a voter verifiable audit trail, it means these machines are useless.

Mr. Roche: The Deputy should remember there are many contentions on both sides. In fact, in submissions attached to the report, many extreme statements are made on issues. There are different views among the specialists in this area. A VVAT is not universally regarded as a *sine qua non* of any voting system.

Mr. O'Dowd: It is a critical one for confidence. People must have confidence in the system, and the Minister knows that.

Social Housing.

56. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government his views on the conclusions of the recent NESC report on housing, that an additional 73,000 social housing units must be built by 2011; the plans he has to increase social housing output to this level; the way in which it is intended to meet increased social housing targets in the larger urban areas, in which building land is scarce; and if he will make a statement on the matter. [4089/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I welcome the publication of the NESC report. The report provides an important analysis of the Irish housing system and an agenda for the future development of policy. Importantly, the report recognises that the general thrust of existing policy is well directed. The Government is already examining the issues raised in the report and will consider whatever changes are required to better focus its efforts.

The Government has successfully promoted a range of measures to provide additional social housing in recent years and it is committed to maintaining strong programmes of social and affordable housing provision into the future. Five year action plans for social and affordable housing have been developed by local authorities which will ensure that the resources available are used to best effect to make a real impact in response to the particular needs of the area. This will allow for the planning of activity for local authority own build, Part V arrangements and output by the voluntary and co-operative housing sector.

Additional resources are being made available this year to further increase the output of social housing. As a result, we expect that approximately 5,500 new houses will be started under the main local authority programme and that the output of the voluntary and co-operative housing sector will also increase. In total, my Department will spend a record €1.3 billion in Exchequer funding on supports for social and affordable housing in 2005. This will enable the needs of more than 13,000 households to be met this year through existing schemes and the new rent accommodation scheme will address the long-

term housing needs of about 5,000 current recipients of rent supplement.

Mr. Gilmore: I am afraid the Minister of State did not answer the question I asked. Will he address the recommendation in the NESC report that this country will need an additional 73,000 local authority social houses between now and 2011 and that an additional €500 million to €600 million will be required each year for the social housing programme? Does he accept the target of an additional 73,000 is what is required? If he accepts the target, what plans does he have to see it is implemented?

Mr. N. Ahern: The NESC report was published before Christmas and the Government is considering it.

Mr. Gilmore: They are very slow readers.

Mr. Roche: They are very careful readers.

Mr. N. Ahern: The Government has yet to accept that report. The Department is working on the matter. One can expect Government action on, and consideration of, the matter in the coming months. Already this year, the number of starts is up by 500 on last year. The capital envelope is €6 billion for the period 2005-09. Whether this will be increased is a matter for decision by Government over the coming months.

Mr. Gilmore: This is the third report on housing that the Minister of State has received during the past year. Before the NESC report there was the report from the All-Party Oireachtas Committee on the Constitution regarding building land and the Goodbody report on land hoarding. Every time I asked the Minister of State a question about housing during the past year, he replied that he was awaiting the NESC report. He has now received that report and has been reading it since before Christmas.

The requirement for an estimated 73,000 additional social housing units is the recommendation that stands out on any reading. The Minister of State's Department has considered many housing strategies and housing assessments over recent years. Surely it is possible for him to answer the simple question as to whether he accepts this estimate of 73,000 units. It is not a difficult question. That recommendation is contained in the early chapters of the report. Even at his pace of reading, therefore, the Minister of State should have reached that point by now.

Mr. N. Ahern: I am aware of the points and recommendations made in the NESC report. Those who compiled the report studied the situation and came up with a consensus view. However, it is a major decision for Government whether the level of social housing output can be increased to that degree over the next seven or eight years. The Government will consider the issue.

[Mr. N. Ahern.]

Deputy Gilmore is correct to the extent that there have been three reports and that I have said on previous occasions that decisions would be made when those reports were received. That has not happened over the past four weeks. It will be done, however, although it will take a while. The NESC report contained a number of key recommendations, including an endorsement of the overall strategy and thrust of Government housing policy.

Mr. Gilmore: I do not agree.

Mr. N. Ahern: This endorsement was also contained in the earlier part of the report.

Mr. Gilmore: There is a significant difference between the estimated figure of 73,000 and the rate of output achieved by the Government.

Mr. N. Ahern: There are key decisions to be made. There will be an increase of 500 in the number of units this year. To achieve the figure recommended in the NESC report, we will need to maintain that increase over a number of years into the future.

Mr. Gilmore: I have one final question. The Minister of State has said this is a matter for the Government. When does he expect to bring his proposals arising from the NESC report to Government?

Mr. N. Ahern: Work is ongoing in this regard and I hope to do so within the next two months. Much of what is contained in the report is specific and it contains key recommendations. However, the report also observed that many issues require further consideration.

Mr. Gilmore: Does this mean the Minister of State has read the report?

Mr. N. Ahern: As the Deputy said, I am a slow reader.

Mr. Gilmore: It sounds like the Minister of State has read it and not agreed with its recommendations. Now he seems to be trying to find a way to avoid implementing them.

Mr. N. Ahern: The report does not offer definitive recommendations on all the issues. It observes that agreement was not reached on many of the points with which it dealt and that these would require further consideration. This will take place in the Department and in co-operation with the social partners through the housing forum. There are many issues to tease out.

Mr. Gilmore: That is an energetic plan.

Mr. N. Ahern: I accept that the fundamental issue relates to increasing the output of social housing. This will be a matter for the Govern-

ment and I expect a decision to be made within the next two months.

Mr. Gilmore: We will return to this issue.

An Leas-Cheann Comhairle: Question No. 57 cannot be taken because the Member is not present.

Departmental Procurement Polices.

58. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government his views on the recent report by Mr. Dermot Quigley; his further views on the action his Department must take in light of the report; and if he will make a statement on the matter. [4202/05]

Mr. Roche: This is a fine report which was produced in exemplary fashion. It is a good example of the expediency that should attach to these types of issues.

On 27 January 2005, the Taoiseach directed that arrangements be made to implement, as appropriate, the recommendations of the Quigley report. I understand that advice to all Departments in regard to the main recommendations of the report will be issued by the Department of the Taoiseach shortly. The specific recommendation addressed to my Department is that it should review and consolidate its internal advice on all aspects of procurement. This recommendation is accepted and will be implemented fully over the coming weeks.

My Department is a large and complex organisation dealing with 3,700 suppliers of a wide range of goods and services. A relatively large number of officers are involved in procurement. Revised procedures are being put in place to strengthen the monitoring and control of procurement and intensive briefing and refresher training is being arranged for all staff involved in this activity. Furthermore, additional resources are being allocated to the Department's internal audit unit and organisation unit. The latter co-ordinates advice and monitoring in regard to procurement activities.

I am confident these arrangements, which will be implemented urgently, will enable my Department to achieve the improvement and consolidation of its procurement arrangements recommended by the excellent Quigley report.

Mr. McCormack: I am pleased the Minister believes it is a fine report. It is surely time that he apologises to the House and the public on behalf of the Government for subjecting us to this sorry business. The Quigley report states that things must change and that a perception of impropriety has been given.

What conclusions are we to draw from the discovery that the contract with Monica Leech Communications, which we were told was a vital part of the Department's communications strategy, was not renewed yesterday and that the

position held by Ms Leech has been scrapped? Perhaps it is easier to sack a communications executive than a Minister. Will the Minister comment on this?

Mr. Roche: It is an excellent report and the conclusions which it reaches have not been portrayed accurately in the somewhat brusque and politically apposite summary that Deputy McCormack has produced. Regarding the reappointment of the consultant in question, I have made it clear from the outset that my preference is to rely on the Department's press office and other departmental resources. Circumstances change over time. It must be pointed out that the communications strategy at that time, which has concluded, was successful.

Mr. McCormack: I am sure the Minister is aware that this contract has cost the Department and the Office of Public Works up to €400,000. I understand that Ms Leech has still to tender her final bills in this matter. There is also the possibility of a second investigation into this sorry affair. Would the Minister have acted as his predecessor did? If the Minister believes that the previous Minister, Deputy Cullen, did nothing wrong, would he like to put on the record of the House that he would do just as his predecessor did?

Mr. Roche: It is a hypothetical consideration as to what I would do in those circumstances.

Mr. McCormack: I am only asking the question.

Mr. Roche: Deputy McCormack is entitled to ask and I am entitled to answer in the manner I consider appropriate. This is a hypothetical scenario about which I am not willing to speculate. I do not know what the situation was at the time. However, I know that Mr. Quigley's report puts a somewhat different spin on the issues than that suggested by Deputy McCormack. I draw the Deputy's attention to what is said in the report in regard to the previous Minister and his intervention.

The Deputy mentioned that a second investigation may take place. I am not in a position to comment on the decision that will be taken in this regard by an independent body.

Mr. McCormack: I am not getting a straight answer so I will ask one simple question. Does the Minister agree or disagree with what the previous Minister, Deputy Cullen, did?

Mr. Roche: I have indicated neither because I did not know the state of play in the Department at that time.

Mr. Gilmore: The Minister should give an answer.

Mr. Roche: It is an entirely fatuous question——

Mr. McCormack: It demands a simple answer.

Mr. Roche: No, it is an entirely fatuous question. I have indicated my position on several occasions.

Mr. Gilmore: There is our answer.

Mr. O'Dowd: Would the Minister resign if he were in his position——

Mr. Roche: I am not he.

Mr. O'Dowd: ——and if not, why not?

Mr. McCormack: Because he has only been there a short time.

Mr. Roche: I will only resign if I do something that deserves resignation.

Waste Management.

59. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he will confirm the statement he made on a recent television programme (details supplied) that it is intended to proceed with the construction of a municipal waste incinerator at Poolbeg, Dublin; the planning or approval process which is envisaged for this process; the approximate date by which the incinerator is intended to be operational; and if he will make a statement on the matter. [4090/05]

Mr. Roche: The requirement for a thermal treatment facility was formally identified in Dublin's regional waste management plan which was adopted by the four Dublin local authorities in the late 1990s. In the context of the southern and eastern regional operational programme of the national development plan, my Department has provided Cohesion Fund assistance towards the planning of the Dublin region thermal treatment project. Planning and procurement of the project has been advanced under the co-ordination of Dublin City Council and is now well advanced.

Given the intention to use a public private partnership to deliver the project, my Department will wish to be satisfied that the procurement process has been properly conducted in accordance with the national and EU requirements and that the selected tender provides good value. Beyond this, my Department will have no further involvement in sponsoring or financing the project.

A thermal treatment facility requires environmental impact assessment and processing through the appropriate planning control requirements set out in the Planning and Development Act 2000 and the licensing requirements set out in the Environmental Protection Agency Acts 1992 and 2003. Since the outcome of these independent statutory processes cannot be known in advance,

[Mr. Roche.]

I am not in a position to say when a Dublin region thermal treatment facility will become operational.

Mr. Gilmore: I thank the Minister for his reply which sets out the procedures that will need to be followed to allow an incinerator to be built in Poolbeg. From his answer, can I take it that the Minister is confirming what he recently told Ursula Halligan on her television programme that the incinerator in Poolbeg will proceed?

Mr. Roche: As I said to the Deputy, the incinerator project needs to go through a planning process.

Mr. Gilmore: We know all that.

Mr. Roche: Obviously if it gets the green light in the planning process, it can proceed, but if it does not, then we will be back to the drawing board. I made this point in my reply to the Deputy. I cannot predict the decisions of various independent boards on this project and I am sure the Deputy is not asking me to put myself in a position where I could be seen to influence those views. However, those decisions will be made independently and they will determine the future of the project in that particular location.

Mr. Gilmore: From the Minister's reply, can I take it that no political decision has been made by the Minister or the Government not to build the incinerator in Poolbeg?

Mr. Roche: The Deputy can indeed take it. The planning process needs to be followed. I do not intend to intervene in or interfere with what is an independent planning process. I am sure the Deputy is not asking me to interfere with a decision which will be made by the local authorities in this city and county.

Mr. Gilmore: Will it be included within the remit of the legislation to fast-track infrastructure projects?

Mr. Roche: That is a very fair question. With regard to whether this project will be covered by the strategic infrastructure Bill, I understand that it is the intention of Dublin City Council, as the co-ordinator in the project, to submit it for processing under existing legislation. To save the Deputy asking a further supplementary question, it would be my wish that it should proceed under existing legislation.

Mr. Gilmore: The Minister has announced that he will shortly introduce legislation to fast-track infrastructural projects. Has a decision been made, as reported, to exclude the Poolbeg incinerator from the remit of that legislation?

Mr. Roche: That does not arise. The strategic infrastructure Bill is complex legislation which

will take some time to enact. I understand it is intended to proceed with this project under existing legislation. I have made it clear that would be my wish.

Mr. Gilmore: Based on what the Minister has said, am I to understand that the long planning process and the licensing process which will inevitably surround the proposed incinerator in Poolbeg would be completed before we see the legislation on critical infrastructure?

Mr. Roche: That would not be a fair assumption to make from the response I have given. I have been quite precise as to my wishes. With the help of the House I anticipate that the critical infrastructure Bill will get a relatively speedy passage. We accept that it will take time to process this particular project under existing legislation. However, if the project is in process, it is under the existing process and not under some future process.

An Leas-Cheann Comhairle: I will allow one further very brief question.

Mr. Gilmore: Does it then follow that every project, incinerator, roads or whatever which is already in a planning process will not be covered by the infrastructure legislation? The newspapers have reported that at the insistence of the Minister for Justice, Equality and Law Reform, the Government has decided to take the proposed Poolbeg incinerator out of the scope of proposed infrastructure Bill. I will ask the Minister the straight question. Has that decision been taken? Is it true that the Minister for Justice, Equality and Law Reform has persuaded the Government to exempt the Poolbeg incinerator from the critical infrastructure legislation?

Mr. Roche: The Deputy has been around for a long time and he must know that he should not believe everything he reads, regardless of how good the newspapers in this country are.

Mr. Gilmore: That is why I am asking.

Mr. Roche: There has been no insistence. I have given a number of interviews on this issue and made my view clear. It will take some time for the strategic infrastructure Bill to be passed. This project is in process at the moment. My view is—

Mr. Gilmore: From what the Minister is saying, it looks it will be built before the Minister for Justice, Equality and Law Reform leaves office.

Mr. Roche: I am sure the Minister for Justice, Equality and Law Reform, Deputy McDowell, will hold office for a long time.

Mr. Gilmore: Not if we have anything to do with it.

Mr. Roche: He certainly is deserving of such.

Mr. McCormack: He might not be in office by the end of this term the way the Government is going.

An Leas-Cheann Comhairle: As the House is still within the 30 minutes allowed for Priority Questions and Deputy Gregory is now present, I call Question No. 57.

Hunting Licences.

57. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government the status of the deer hunted by the Ward Union Hunt; if these deer are wild or domesticated; and if he will make a statement on the matter. [4095/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe): Section 26(1) of the Wildlife Act 1976, as amended, provides that the Minister for the Environment, Heritage and Local Government may grant to the master or other person in charge of a pack of stag hounds, a licence authorising the hunting of deer by that pack during such period or periods as is or are specified in the licence. Under this provision, licences have been issued annually to the Ward Union Hunt on a long-standing basis, subject to appropriate conditions.

Legal advice was obtained through the Office of Attorney General in 1999 which confirmed the long-standing interpretation of section 26 that it provides for the licensing of carted deer hunting irrespective of the status of the deer, wild or captive. In view of this, it is not relevant to the exercise of this licensing function to determine whether the deer are wild or captive and it would be inappropriate to seek to administer licensing on the basis of this distinction.

Mr. Gregory: Will the Minister of State answer the question tabled? What is the status of the deer hunted by the Ward Union Hunt? In the view of the Minister of State, his advisers and officials, are they domesticated farmed tame deer, as we all know them to be, or are they wild? As the Minister of State has referred to section 26(1) of the Wildlife Act, does he not agree that the Long Title of and the Preamble to that Act specifically state that the legislation deals exclusively with wild animals? If the Minister grants licences to the Ward Union Hunt to hunt farmed tame domesticated deer, does the Minister of State not accept he is in breach of the Protection of Animals Act 1911, which expressly forbids terrorising or causing unnecessary suffering to any domesticated animal?

Mr. B. O’Keeffe: In its 1998 report, the Heritage Council recommended that the legal status of the deer be determined in accordance with section 26(1) of the Wildlife Act 1976. The

Department sought the advice of the Attorney General on foot of that recommendation. The effect of the advice was that the Act applies to the hunting of deer by the Ward Union Hunt and that the Minister should interpret the legislation to mean that he has the right to issue licences. Section 26(1) of the 1976 Act, which refers to the hunting of deer, does not mention wild deer. If one examines the Wildlife (Amendment) Act 2000, one will see that far from weakening the force of the advice given to the Department in 1999, it seems to corroborate it. Section 6 of the 2000 Act amends section 2 of the 1976 Act by providing for a new definition of “wild animal” as follows:

“‘wild animal’ includes an individual of a population which primarily lives independent of human husbandry but does not include—

(a) wild birds, or

(b) species of fish or aquatic invertebrate animals.”

Although the part of section 26 of the 1976 Act that deals with the hunting of otters was amended by the 2000 Act, no change was made to confirm that point. The Department considers that its interpretation is the correct one.

Mr. Gregory: I will not repeat the three specific questions I asked that the Minister of State did not answer, but I will ask a further specific question, which I hope he will answer. Does the Minister of State accept that his officials, who have direct responsibility for operating and enforcing the Wildlife Act 1976, advised in a memorandum that was made available under the Freedom of Information Act 1997 that licences should not be granted to the Ward Union Hunt to hunt deer from Greenpark, County Meath, because they are domesticated and tame animals? Does the Minister not realise that he is in breach of the Protection of Animals Act 1911 because he has licensed a group to hunt tame deer? This matter will come before the courts sooner or later. Is it true that the Ward Union Hunt is being granted such licences in clear breach of the 1911 Act, as well as the 1976 Act, which deals exclusively with wild animals, because it is controlled by some of the richest, most powerful and most influential developers and businessmen in this country? I hope that is not the case.

Mr. B. O’Keeffe: The Minister and the officials in the Department do not know who is involved in the Ward Union Hunt.

Mr. Gregory: They must not read the newspapers.

Mr. B. O’Keeffe: There is certainly no suggestion that they are interested in who is involved in the hunt. The Deputy raised a valid question about the series of questions asked by officials within the Department. I accept that the officials from the Department’s wildlife section were

[Mr. B. O’Keeffe.]
 carrying out their responsibilities in a conscientious manner by asking such questions and expressing their views.

Mr. Gregory: Unlike the Minister.

Mr. B. O’Keeffe: The questions they raised were carefully examined within the Department. The conclusion that was reached was that because the term “wild animal” was not found in section 26 of the Wildlife Act 1976, the operation of that provision could not be considered to be affected by the definition. When considering the issuing of licences, the Minister has no choice but to grant licences when it is considered that an application is within the terms of the Act, as long as those involved operate within the terms of their licence.

A section within the Department of the Environment, Heritage and Local Government monitors such operations, in effect. That monitoring is done by rangers employed by the Department and veterinary officials employed by the Department of Agriculture and Food. Both groups are satisfied with the operation of the hunt in question. The Department of the Environment, Heritage and Local Government is satisfied that it is operating within the terms of the 1976 Act. If there is a challenge, the courts can make a decision. The Department, armed with the considered opinion of the Attorney General and its interpretation of the Act, is satisfied that it is acting within the remit of the 1976 Act.

Mr. Gregory: May I ask a final supplementary question? If the Minister of State believes everything he has said, why has he consistently refused to answer Question No. 57 on the Order Paper? The question asks him to outline “the status of the deer hunted by the Ward Union Hunt” and to state whether they “are wild or domesticated”. Why has he refused to answer that question? The implication of his statement that there is no mention of wild deer in the Wildlife Act 1976 is that the deer are tame and domesticated farmed animals. His comments imply that the deer in question are tame and domesticated. The Minister of State is shaking his head now. Will he answer the original Question No. 57 on the Order Paper? Are the animals wild or tame?

Mr. B. O’Keeffe: The first thing I will say is that the Deputy will not interpret for me. The question he has asked, whether the animals are wild or tame, does not arise—

Mr. Gregory: It is on the Order Paper.

Mr. B. O’Keeffe: —within the 1976 Act. If the Deputy had listened to my initial response, he would have—

Mr. Gregory: I know the Act back to front.

Mr. B. O’Keeffe: So do I.

Mr. Gregory: Why does the Minister of State not answer my question?

Mr. B. O’Keeffe: It does not arise within the terms of the 1976 Act. The Attorney General has expressed the clear opinion that the Ward Union Hunt is entitled to apply for a licence and the Department is entitled to issue a licence. There is no problem if the hunt stays within the remit of the licence under the Act, as it has done. It is important to note that the hunt has been monitored and it has been verified that it has stayed within the remit of its licence. The licence has been granted and renewed on the basis of a series of conditions. The Ward Union Hunt has complied with all such conditions on all instances to date.

Mr. Gregory: I would like to make a brief final point.

An Leas-Cheann Comhairle: That concludes Priority Questions.

Mr. Gregory: If the Minister of State had answered the question—

Mr. B. O’Keeffe: If the Deputy had listened to the earlier statement, he would have heard his question answered.

Mr. Gregory: I did not ask any of the questions the Minister of State seemed to be answering.

Mr. B. O’Keeffe: If the Deputy wants to be deaf to the actual answer, that is fine.

Mr. Gregory: He did not respond to any of the points I made.

Mr. F. McGrath: What about the Ward Union Hunt’s prisoner connections?

Other Questions.

Housing Policy.

60. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the report of the housing policy unit on the changes to the system of housing provision and housing policy here since 1990; the action he intends to take as a result; and if he will make a statement on the matter.
 [4037/05]

Mr. N. Ahern: The recently published Housing Policy Review 1990-2002, which is available in the Oireachtas Library, was produced by the housing unit at the request of the Department of the Environment, Heritage and Local Government. The primary purpose of the report is to document the principal changes to the system of housing provision and policy in Ireland since 1990. It also outlines recent social and economic devel-

opments which have impacted on housing and the range of market and non-market housing options which are available. Its target audience is housing researchers, practitioners and students.

The report outlines the factors influencing housing and the housing market which have changed dramatically since 1990. It examines how the Government's housing policy has had to adapt accordingly. The report notes that since 1990, the response to the broad range of housing needs has developed with the introduction of a range of better-targeted schemes aimed at those on low incomes and those with special housing needs.

While the primary purpose of the report was to document recent developments, it also highlights issues in some areas that merit further examination. The report provides useful background information for the review of the effectiveness of social and affordable housing, which is being conducted in accordance with a commitment in Sustaining Progress. Some of the issues raised were referred to in the recent NESC report on housing and are being examined by the Government in the context of its consideration of that report.

Mr. O'Dowd: Given that more than 50,000 people are on the social housing waiting list, is it not time for a change in the Government's strategy on foot of reports of this nature? Is the Minister of State prepared to examine a proposal made by the construction industry to enter into a public private partnership with the Government to build more houses to be used by the Government as social housing? It is likely that the building industry will have spare capacity this year and next year. It seems that we have reached the limit on the number of houses people want to buy. Will the Minister of State consider the construction industry's proposal to build houses by means of a public private partnership and then rent them to local authority tenants or make them available under affordable housing schemes? The construction industry would benefit from the payment it would receive in that way.

Mr. N. Ahern: The last assessment showed that 48,000 families were on the social housing list. Some public private partnership projects are in operation. Fatima Mansions is being redeveloped as part of a PPP arrangement under the regeneration scheme. The same applies to O'Devaney Gardens. We are encouraging and are interested in PPP projects.

Other innovative and interesting suggestions are being made regarding which there are ongoing discussions with the construction industry. On regeneration specifically, we are already involved in some PPP arrangements and we look forward to developing further options in that regard.

Mr. O'Dowd: When does the Minister of State expect to make an announcement on the proposals under consideration?

Mr. N. Ahern: I am not sure which proposal the Deputy is talking about.

Mr. O'Dowd: I am talking about those to which the Minister of State referred.

Mr. N. Ahern: There are different proposals and these are being examined. It is not a case of our running with every one that is made.

Mr. O'Dowd: There is a major proposal offering to take on the burden of social housing.

Mr. N. Ahern: Some have merit and others have not. Fundamentally, we are not just considering different proposals but trying all the time to increase our resources. A sum of €1.3 billion has been allocated this year for Exchequer-funded housing.

We are considering other proposals but we must ascertain whether they represent good long-term value. They can sometimes look very attractive and innovative but can also be very simplistic. We must consider the long-term benefits of the suggestions. Although they might provide housing in the shorter term, they must also represent good value to the taxpayer. Every angle of the proposals must be considered.

Mr. Gilmore: How many reports on housing policy is the Minister of State considering?

Mr. N. Ahern: The main three are those mentioned by the Deputy. The NESC report is not really a report. I am not quite sure what proposal—

Mr. Gilmore: Four.

Mr. N. Ahern: That is more or less an historical report. It is mainly meant to target practitioners and researchers although it contains some ideas.

The housing sector is one of the largest sectors in the economy. There will never be a day on which all reports and policies are decided upon.

Mr. Gilmore: Not while the Minister of State is in power.

Mr. N. Ahern: Policy changes are important and some key changes may be made shortly. That said, one must ascertain the most effective way to spend the €1.3 billion in Exchequer funding. When combined with the non-Exchequer funding, the total amounts to almost €2 billion. Policy changes are fine and take up some time and energy, but one must also focus on whether housing is being delivered and resources are being spent in the proper way while at the same time considering other ideas that come forward. Given that the housing sector is now so significant to the construction industry and the economy generally, many outside bodies are making submissions, producing reports and talking about how we should do our business.

EU Directives.

61. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government his plans to ensure that Ireland will comply with the EU energy performance of buildings directive by 1 January 2006; if all buildings which are under construction or which will commence construction in 2005 will comply with the requirements of the directive; and if he will make a statement on the matter. [3922/05]

128. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government if, in regard to the energy performance of buildings directive (details supplied), he has satisfied himself that sufficiently qualified auditors will be available here or elsewhere in the Union to ensure that new buildings will carry an energy rating label from 2006; and if he intends to defer this aspect of the directive's introduction until 2009. [3928/05]

Mr. Roche: I propose to take Questions Nos. 61 and 128 together.

The energy performance of buildings directive, Directive 2002/91/EC, was adopted on 16 December 2002. EU member states must legally transpose the directive by 4 January 2006. I plan to include the principal transposition provisions in the proposed building control Bill 2005, which is due to be published in mid-2005.

The directive provides for a longer period, up to 4 January 2009, for the practical implementation of more complex provisions. These provisions pertain to mandatory energy performance rating or "labelling" of newly constructed buildings and of existing buildings when they are sold or let; improvement of the energy efficiency of boilers; and mandatory inspection of air conditioning systems. Accordingly, the EU directive does not require that buildings under construction or commencing construction in 2005 must comply with the energy performance rating requirements.

An interdepartmental working group has drawn up a draft action plan for the implementation of the directive according to a proposed timetable. It provides for the development of an appropriate rating methodology and the training of auditors for building energy performance rating purposes. The working group comprises senior officials from the Department of the Environment, Heritage and Local Government, the Department of Communications, Marine and Natural Resources and Sustainable Energy Ireland.

Sustainable Energy Ireland submitted a draft of the action plan, on behalf of the interdepartmental working group, for my approval on 7 December 2004. However, Sustainable Energy Ireland advised me on 21 January 2005 that a revised draft of the plan incorporating a revised timetable would be forwarded to me. I expect to receive the revised draft shortly.

Mr. Gilmore: Does the Minister accept that those buying houses this week and who have bought them are not aware that from 4 January 2006 they will, if selling those houses, be required under European law to produce a certificate on their energy efficiency? Does he accept that since the directive will apply to houses that are to be purchased or let after 4 January next year, houses currently under construction will come under the remit of the directive?

The Minister is delaying the introduction of the directive. The derogation to which he referred, namely the extension of the implementation period to 2009, only applies to some technical aspects of the directive such as the appointment of inspectors. However, the main thrust of the directive will require energy labelling of every building sold, let or built after 4 January 2006. Does the Minister not agree that proposals on this matter are urgently required?

People looking at showhouses this week are not being told that if they buy them, they will have to produce certificates on their energy efficiency when they resell them. If a house is built with a cavity block or built in some other energy-inefficient manner, its owner will have a problem and will be at a loss. Many who have bought houses recently will be saddled with a loss on the resale of their houses. Will the Minister come clean to those buying homes or who own homes and inform them that they face a major shock next January? Is it not the case that the slow pace at which he is introducing the regulations and giving effect to the directive is not helping anybody?

Mr. Cuffe: Does the Minister agree that the performance of buildings is crucial to meeting our obligations under the Kyoto Protocol on greenhouse gas emissions? Does he agree that the construction sector is one of the few sectors in which we can make real change right now? Is he aware that the derogation on this directive is only available if there are no qualified people to implement it within the entire European Union? Why is the Minister putting this issue on the long finger? Is he doing so because he is being lobbied by the construction industry? Given that people are entitled to an energy rating label on a fridge, they should surely be entitled to one for their homes when they buy them.

Mr. McCormack: Many new and effective energy-saving devices are available and they improve every day in respect of insulation for internal and exposed walls.

When and how will the directive be implemented? If we knew that, householders and those selling their houses might know where they stand.

Mr. Roche: I thank the Deputies for their contributions but they characterise the urgency of this matter very inaccurately. I am aware of this problem. Most EU member states find the imple-

mentation of this Bill very complex. I agree it is important to have the label as soon as possible. This is not the only country that will experience difficulties in this regard. Contrary to what the Deputies have suggested, Ireland is one of the few member states known to be planning to publish an integrated action plan for implementation of all aspects of the directive.

It is not correct to say that the possible derogations are narrow. The provisions are complex and the possibilities of derogation being there until 4 January 2009 was prudently examined. It is wrong, and unjust to suggest that there is foot-dragging in this regard. Work is ongoing. It is a complex area. I will introduce it as soon as possible.

Deputy Gilmore is probably correct in saying that many people are not aware of what this and many other European directives contain. The reality facing me, and my Department, however, is an extremely complex directive that must and will be implemented. There is no attempt to put it on the long finger.

Mr. Gilmore: As we are so often told in this House the country is producing record numbers of houses, which we all welcome. It does not make sense that so many houses are being built, and will be, which will fall short of the requirements for energy efficiency labelling. I appreciate that it takes time to put the legislation in place and regulations arising out of it, and so on, but some steps should be taken now to ensure that the materials used in house-building, design and insulation are such that homes under construction will be at the top of the energy labelling requirements.

It seems quite unfair that the Government knows that from next January people re-selling or letting their houses must produce a certificate of energy efficiency. Nevertheless, the Government allows construction to continue in a way that is not energy efficient. I agree with Deputy Cuffe that the Government is responding to pressure from the construction industry, and allied industries, which are quite hostile to the development of energy efficient means of construction.

Mr. Cuffe: There is a history of broken promises in regard to introducing more efficient measures in the building industry. For example, in the climate change strategy this Government promised to introduce incentives by the end of 2003 on building leases to encourage higher insulation levels.

It is on course to break another. Is the cement lobby whispering in the Minister's ear? Will this result in the European Commission yet again taking the Government to court because it is not implementing directives in a timely manner?

Mr. Roche: I am frankly surprised, given all that I have said about certain sectors of the industry over the years, that Deputy Cuffe should

believe that any section of that industry can whisper in my ear.

Mr. McCormack: Maybe they are shouting into it.

Mr. Roche: They have to do that to Deputy McCormack.

Mr. O'Dowd: Do they go into the Fianna Fáil tent in Galway?

Mr. Roche: The Deputies should be careful. I will not go down the avenue into which they are drawing me. Nobody has lobbied me on this issue.

Mr. McCormack: The Minister is being lobbied now.

Mr. Roche: Deputy Cuffe's paranoia in this regard is misplaced. No one has whispered in my ear or otherwise lobbied me.

Mr. Cuffe: I thought the Minister described me as a realist.

Mr. Roche: I have never described Deputy Cuffe as a realist. I am too friendly with him to describe him as I think he is but a realist is not one of the descriptions I would use.

Nobody has lobbied me on this issue and there has been no general lobbying of which I am aware. It is complex, as is recognised in the body of the directive. Deputy Cuffe is correct, we should get this up and running as soon as possible but it is difficult.

Deputy Cuffe asked about auditors. There will be no surplus in the European Union, there will probably be shortages in that regard. That is why we must undertake some training on the issue.

To answer Deputy Gilmore, it is not possible retrospectively to change the existing arrangements. His point about public knowledge may or may not be correct. My Department and I are trying to put in train the operations which will bring this into effect as expeditiously as possible. It is very complex and cannot be done overnight.

Mr. Gilmore: The Minister might require the vendors, particularly of new houses, to provide an information notice or warning to prospective purchasers that after January next the dwellings will require an energy certificate if they are to be resold. That is only fair. People buying houses should know this.

Mr. Roche: Hopefully the exchanges we have had today will go some way to help redress the lack of public information on this issue. Deputy Gilmore's suggestion may not be very practical but I will consider anything the Deputies propose because this is a serious issue and will continue to be so. Questions arise about how to implement the directive and determine whether the vendor has responsibilities or the purchaser has sole

[Mr. Roche.]
responsibility, which does not seem fair but it is too early to answer them.

House Prices.

62. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government the average increase in the price of a new house and a second hand house in Dublin and the rest of the country during 2004; the anticipated level of increase during 2005; and if he will make a statement on the matter. [3895/05]

Mr. N. Ahern: The rate of house price increase has generally declined in recent quarters and is now considerably lower than in the late 1990s.

Mr. Gilmore: Will the Minister of State repeat that please?

Mr. N. Ahern: The rate of house price increase has generally declined in recent quarters and is now considerably lower than in the late 1990s. The figures for the third quarter of 2004 show this trend continuing with rates of increase well below those in 2003. The latest increases for new houses nationally are 10.6% and in Dublin, 9.9%; for second-hand houses nationally, 10%, and in Dublin, 9.1%. While my Department does not forecast house prices, several market commentators predict that the trend in prices will increase moderately this year. The likelihood of this is underpinned by the trend of housing output, with 2004 likely to be the 10th year of record housing output and indications of a continued high level of output in 2005 and subsequent years.

The Government will continue to promote moderation in house prices through effective policies, including measures to ensure adequate housing supply in keeping with demand in the context of balanced and sustainable growth of the housing market.

Mr. Gilmore: I invite the Minister back to this planet because whatever planet he is on, it is not the case that houses prices are going down, as he seemed to infer in his-----

Mr. N. Ahern: I did not say that.

Mr. Gilmore: I know what the Minister of State said. He said "The rate of house price increase". I know what he means by this, namely, that it is 10% now, for example, and was a higher percentage last year. However, the message the Minister is trying to communicate every time he refers to this is that house prices are coming down, whereas they are not.

I want to focus in particular on Dublin because, as we all know, the average house price in Dublin is at least €100,000 dearer than it is in general in the rest of the country, even for the smallest unit. Does the Minister accept that young families on normal middle incomes cannot afford to buy a home in Dublin and that what happens in the capital city has a doughnut effect, particularly in

regard to young families who must buy in a ring around the city? I hear the Taoiseach is to build a new ring road even further out from the city to accommodate them because they cannot afford to buy in Dublin.

What are the consequences of this in terms of schools and key workers not being able to live in Dublin? Does the Minister have plans to investigate the impact of house prices, particularly in Dublin, and the demographic changes taking place in Dublin? The last census showed the degree to which the demographics of the inner suburbs are aging, with no young families because they cannot afford to buy or live there.

Consequences follow from this but what will be done? There is no foreseeable prospect of house prices in Dublin declining, although the rate of increase may slow, as the Minister stated. However, a 9% or 10% increase is still three or four times the rate of inflation and, on the basis of current house prices in Dublin, means that a house price in Dublin is rising between €30,000 and €40,000 per year. What will the Minister do about house prices in Dublin?

Mr. N. Ahern: The average price of a new house in Dublin is €324,000 but that is the average price of all new houses. If one analyses the starter home end of the market, plenty of houses are available in Dublin, certainly on the north side with which I am familiar, in the €230,000 to €270,000 bracket. Affordable houses are being promoted under the various schemes, the details of which I will not go into, and it is only a few months since I opened affordable houses in Balbriggan priced at €140,000 for two bedroom houses and €160,000 for three bedroom houses.

Some people in a certain income bracket are under pressure and we are trying to help them through the various schemes. There was an over-concentration by first-time buyers on the new rather than the second-hand house market and this is why stamp duty was reduced in the budget. This has benefited many people by up to €12,000 so that instead of buying a new house 20 miles out of the city, many new buyers are in a more competitive position to buy in the older suburbs than they were some months ago.

The issue is not just about price but affordability. Figures show that houses are now more affordable than at the time of the 1992 financial crisis. Interest rates are historically low, disposal income is higher than ever and tax rates are low. People have the money and, by and large, are managing.

The key aspect for the Government is to encourage and maximise output. Although the final figures for 2004 are not yet available, the latest output figures for that year showed approximately a 12.5% increase over the previous year. Therefore, it seems the output for last year was approximately 75,000 to 77,000 new housing units, whereas ten years ago that figure was in the low 20,000s. By maximising and encouraging supply, it is now practically equal to demand.

However, houses are available for the young couples to which Deputy Gilmore referred. There is a good supply of houses in the €230,000 to €250,000 bracket.

Mr. McCormack: I was glad to hear the Minister acknowledge, following his first outburst when he pretended the price increase was less than in the 1990s, that there was a 10.6% increase in new house prices and a 10% increase in second-hand house prices. The Minister stated many times since taking up his current post that he is doing everything in his power to keep down the price of houses. How much of the increase in house prices is a direct result of Government policy?

For example, the now departed Minister for Finance, Mr. McCreevy, who got the yellow card and went to Europe, increased VAT on building materials by 1%, which added between €10,000 and €15,000 to the price of a house. In the same budget, the former Minister abolished the first-time buyer's grant. Instead of having me tell the Minister the figures, will he tell me how much of the increased cost of new houses relates directly to decisions taken by the Government since he took up his current position?

Mr. Timmins: On that point, is the Minister concerned that the levies placed on units and the additional levies placed by local authorities on infrastructural projects, which are being put in place to compensate for the shortfall in Government funding for construction projects, are adding to the cost of houses? What is the Minister's view?

Mr. McCormack: The householder is now paying benchmarking.

Mr. Morgan: On what does the Minister base his claim that the reduction in stamp duty in the budget is causing house prices to reduce? Spokespersons for the auctioneers state that young couples are using the money made available due to the reduction in stamp duty to put deposits on houses. They claim that house prices have increased by several thousand euro as a result. Is the Minister seriously considering measures to reduce the price of houses? Does he prefer high prices because they might suit developers?

Mr. Cuffe: I am sure the Minister would concede that his use of statistics would make a mathematician blush. House prices are at their highest levels ever. Does the Minister concede that completion of local authority housing is at the lowest level it has been in a generation? Does he accept we are failing to meet our targets in terms of social and affordable house completions? Does he further accept the numbers on housing lists are at their highest level in decades?

Mr. N. Ahern: I was not pretending anything. I simply stated that the rate of house price increase was at 10.6% for new houses and 10% for second-

hand houses, whereas sadly, a couple of years ago house price increases were running at more than 30%.

Mr. McCormack: From a lower base.

Mr. N. Ahern: VAT on new houses is 13.5%. I accept there was a 1% increase in recent years, increasing the price by €2,000 on a €200,000 house. I also accept the first-time buyer's grant of some €3,800 was abolished. However, I cannot understand why people are upset and keep focussing on relatively small matters like this.

Mr. McCormack: It is not small.

Mr. O'Dowd: People cannot buy a house. That is the problem.

Mr. N. Ahern: The stamp duty reduction gave many people a reduction of more than €11,500, which puts the 1% VAT increase into perspective. The 1% increase was buttons compared to the stamp duty reduction.

Mr. McCormack: How much did it add to the cost of a house?

Mr. N. Ahern: The first-time buyers are back in the second-hand house market in a huge way and are moving back into areas to which Deputy Gilmore referred, where there were elderly populations. If the type of people who bought new houses are now buying second-hand houses, this should relax the pressure on the new house market. Let us concentrate on the big picture which is that many people have saved €12,000 because of changes in stamp duty.

Deputy Timmins referred to levies. I believe that people who own land should pay a proper charge and not walk away with the profit that accrues from the sale of the land. The notion that the Government should build on the land and provide the drains, sewers, schools and transport, and the person who owns the land should put a fortune in his or her pocket and let someone else pick up the tab is nonsense.

Mr. Timmins: I agree with the Minister of State if everyone gets the benefit.

Mr. N. Ahern: It is right and proper that land-owners who make a fortune should make a contribution to the services necessary for the houses that will be built.

Mr. McCormack: The householders are paying.

Mr. N. Ahern: Deputy Morgan referred to auctioneers. We saw one of them on television on the night of the budget saying that it is their job to increase the price as best they can. One must understand where these people are coming from. I met the gentleman afterwards and he said that the programme was edited badly and that he was embarrassed by what was shown.

(Interruptions).

Mr. Gilmore: The Minister of State will be hearing from him again.

Mr. N. Ahern: He was honest about his job which is to maximise the price he gets for the seller. Once we understand that, we can be selective in listening to people.

First-time buyers of a second-hand house will be €12,000 better off in bidding for the house than they were before the budget.

Mr. Morgan: The cost remains the same because prices have increased again.

Mr. Gilmore: The Minister of State is living in cloud cuckooland.

Mr. N. Ahern: Deputy Cuffe is correct. The amount of social housing being built in percentage terms *vis-à-vis* overall house production has not kept pace.

Mr. Morgan: The nutty professor regime.

Mr. N. Ahern: At one time, we built approximately 6,000 or 7,000 local authority houses when the total house production was 25,000.

Mr. Cuffe: They were much poorer times than now.

Mr. N. Ahern: The level of social housing output, by and large, decreased significantly in the late 1980s because there was no demand for it, there were empty houses in many estates in Dublin and, while the level of overall house production has increased significantly, the level of social housing output has not increased commensurate to that. When the Government gets around to dealing with the NESC report, that issue might be solved.

The last census indicated that the population increased by 18% in the age group between 25 and 34 years. These are the people who are buying homes. This is the key household formation age group. There is an enormous number of people in the market for buying houses. It is correct that we have gone through six, eight or ten years of pressure in the housing market, but the only way of meeting this demand is by increasing housing density and maximising the output of houses, which the Government has done, so that we can reach a position where supply equals demand. The figures for 2004 indicate that 75,000 or 77,000 houses were built, which is an enormous number. Most people agree that the number has now probably reached its peak. We need to keep to a substantial level over the next couple of years, but it may dip back a little. That is an enormous increase. Ten years ago, we were building just 21,000 or 23,000 houses.

Mr. Gilmore: One quarter of them are holiday homes.

Mr. N. Ahern: That is a small segment of the market. At that level, we must be very close to the point where supply equals demand.

Environmental Policy.

63. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he intends to extend the ban on bituminous coal to other areas; and if he will make a statement on the matter. [4079/05]

Mr. B. O'Keeffe: The June 2002 voluntary agreement between my Department and the solid fuel trade group provided, *inter alia*, for the delivery of significantly cleaner standards for bituminous coal and petcoke on a phased basis. The agreement 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 the end of 2003 and a final review by the end of 2004, with the ambition of setting further targets from 2005 onwards.

My Department reviewed the operation of the voluntary agreement in 2003. However, the final review due by the end of December 2004 was postponed following the granting of a moratorium on the step-down to 2004 sulphur levels in petcoke for the 2004-05 heating season. The 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.

Additional information not given on the floor of the House

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. I do not intend to extend the ban on the marketing, sale and distribution of bituminous coal before completion of the final review.

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 Ring — to ask the Minister the reason elective surgery in the new orthopaedic unit in Mayo General Hospital was cancelled; (2) Deputy Breeda Moynihan-Cronin — the shortage of funding for the Kerry Rape and Sexual Abuse

Centre which is detrimental to the services which it provides; (3) Deputy Hayes — to ask the Minister when the promised funding for the development of Our Lady's Hospital, Cashel, will be made available; (4) Deputy Durkan — the needless hardship caused to applicants for rent support in north Kildare by the application of the cuts imposed in the 2005 budget (details supplied); (5) Deputy Boyle — that the Minister comment on recent job loss announcements in the greater Cork area and his plans for alternative employment; (6) Deputy Neville — the construction of a new school at Kilfinane; (7) Deputy Upton — that the Minister outlines his views on proposed reforms to address the problem of children under 16 being induced into signing contracts; (8) Deputy Hoctor — that the Minister provide a timeframe for the start-up of the BreastCheck screening service for women in the mid-west region; (9) Deputy Naughten — if the Minister will 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; (10) Deputy Fiona O'Malley — to discuss the erection of phone masts along the DART lines in the absence of planning permission.

The matters raised by Deputies Ring, Moynihan-Cronin, Hoctor and Boyle have been selected for discussion.

Finance Bill 2005: Second Stage (Resumed).

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

An Leas-Cheann Comhairle: Deputy O'Connor was in possession and he has 17 minutes remaining in the time speaking slot. He is sharing time with Deputy Gormley.

Mr. O'Connor: Before the break I spoke about the efforts of the Minister, Deputy Cowen. I praised his efforts 70 days ago in introducing the budget, which was well received on all sides. I want to examine the list of positive measures in the Bill. First, it removes completely a significant number of people from the tax net. It confirms a cut in stamp duty for first-time buyers of second-hand houses, thereby helping new buyers to become property owners. Members will be aware that this measure has been well received throughout the country, including in my constituency of Dublin South-West. On the one hand, the Bill gives greater powers to Revenue in pursuing major tax evaders while closing off a series of tax avoidance schemes and, on the other, for those compliant taxpayers, who form a majority of our citizens, it amends or extends a significant number of tax reliefs in areas such as pensions, foster care, farming and international financial services activities.

The Bill delivers on the core promises contained in the Fianna Fáil-Progressive Democrats Government's economic policy, but it gets better. Not only does it remove people entirely from the

tax net and give significant benefits to all taxpayers, but the increased revenue provided under the Bill ensures that the Minister can make provision for greater public spending in vital areas such as health, social welfare and education. This is not a conjuring trick, but the result of increased tax revenue because of increased economic growth and a significant clampdown on tax evaders and tax avoidance.

The Minister can announce that we have one of the lowest rates of unemployment and one of the lowest rates of inflation in the European Union and that our rate of public debt to GDP is at an all-time low. Not only is it a balanced budget, but we can put aside savings for further contingencies such as pensions. Most of the Bill is of a highly technical nature, and I will discuss it section by section. However, I acknowledge that I am relying for my comments to a great extent on the Bill's explanatory memorandum.

The Bill could only have been framed against a background of a highly successful economy, and most of it is good news piled on good news. That is why I particularly wish to lend my support to the remarks made by the Minister, Deputy Cowen, about increased Government spending. This is not a question of simply letting the good times roll, rather it is one of recognising that these are good times but that they may not last forever and, therefore, we must ensure that we make the best of them. It has often been remarked in the past that a rising tide lifts all boats. Seán Lemass often made that point, and it is true. One of his successors, the Taoiseach, Deputy Bertie Ahern, has reminded us time and again of social inclusion ideals and the need to ensure that a rising tide can also set some boats adrift if they are not properly anchored, which is something to which we must give attention. Now that our economy is in good shape, we must ensure that we spend the benefits of our success wisely and build for a future where circumstances may not be so favourable.

We cannot expect the Minister for Finance to continue to come into this House every year with such a favourable package as that presented by the Minister, Deputy Cowen. Now that we have the chance, we should build for the future. This is particularly true in those vital service areas identified by the Minister, those of health, social welfare and education. These are not areas in which we can solve all the problems presented simply by spending money at them. I know from my experience of being a member of a health board from 1994 that health in particular is an area where increased expenditure takes time to deliver improved services. We must be patient as well as prudent and not squander the benefits of our new-found prosperity.

I endorse the policy of increased spending in these and other important areas. Improving services in the health and education is not the same as buying new helicopters for the rescue services or building new roads and bridges. We must identify the areas where spending increases can be

[Mr. O'Connor.]

directed to ensure that when economic circumstances become less favourable, as is inevitable, we have put the structures in place to ensure a continuity of improved services.

I do not propose to join the prophets of doom, of whom we have plenty, but exceptional economic performance must be acknowledged for what it is. It is sound policy to prepare for more normal times without being negative. We have not got where we are today by accident but by sound economic management such as is contained in this Bill. I look forward to the continuance of our economic management under the Minister, Deputy Cowen.

In presenting this Bill to the House, the Minister must be the envy of all his colleagues in Europe. While we acknowledge that these economic circumstances cannot last forever, let us accept them while they exist. In drafting this Bill, the Minister has been well served by his Department. In presenting it to this House, we have all been well served by the Minister. For a variety of reasons, I am happy to endorse the Minister's request that this Bill be read a Second Time and I look forward to voting in support of that.

Mr. Curran: This Bill gives legislative effect to many of the provisions of the 2005 budget. As Deputy O'Connor said, it was by and large perceived as a good budget across a wide section of the community. The delivery of its provisions did not simply happen overnight. In the run-up to the budget, all Members of this House were lobbied and influenced, and representations were made to them on a range of issues. Many of those more important issues that we debated in recent months are reflected in that budget. I want to focus on a number of these, in some of which I have a particular interest.

An area in which I am interested, which I was delighted was included in the budget, and to which this Bill gives statutory effect is the removal of stamp duty for first-time buyers of second-hand houses. Many people do not realise the significance of that measure. It is estimated to result in a saving of €11,000 or €12,000 on a second-hand house costing around €300,000. The cost of this measure to the Exchequer in a full year is estimated to be in the region of €60 million. This measure provides a significant saving for the people concerned and, on the social side, it also beneficial. It allows first-time buyers and young families to move into areas where there are older houses and that creates a good social mix. There are many estates in my constituency where people have been born and reared and the next generation want to live in those areas but have found it more financially attractive to buy a new house. This measure has the beneficial effect of allowing people to buy second-hand houses in their own areas where they have grown up with their extended families. That is one of the knock-on effects of this measure and from that point of view it is to be welcomed.

The Minister said last night that this Bill is one of the major Bills introduced every year. It allows the House to express its views on economic, fiscal, tax and expenditure policies. It also allows tax proposals to be teased out and for Deputies, in a democratic way, to set out for voters what policies they wish to pursue. The Minister is all for such a debate and that is important. I am not here to be critical but to participate in the debate. I contest that one of the major issues about which our parliamentary party has spoken on an ongoing basis is housing. A first and significant move in this regard has been made with the reduction in stamp duty and the removal of it for first-time buyers of second-hand houses.

We need to go a little further than that and focus on where we can go to provide for the future, in respect of which I wish to suggest one possibility. It is the desire of the majority of people to own their own houses. As a public representative, housing is an issue we discuss with constituents on a regular basis. There are a range of ways in which people can participate in owning their own home. Whether one is seeking to secure a straightforward mortgage or to buy into a shared ownership-affordable housing scheme, one of the issues that arises time and again is that people find it a struggle to get a deposit. They might be in employment where they have a sufficient salary to meet the repayments on a mortgage but they might find it difficult to come up with the deposit. We need to look forward in this respect across all sections of housing provision, whether it be people trying to participate in an affordable housing scheme or trying to secure a standard mortgage.

A suggestion that might be advanced is the introduction of special savings schemes with tax incentives specifically designed and ring-fenced for mortgages. In other words, any tax savings or bonus that would accrue from such savings schemes could be cashed in only against a mortgage. Such schemes would be helpful. Many people who have the earning capacity to make mortgage repayments do not have the savings for a deposit. They are dependent on their families to give them the basic deposit. This is an area that should be addressed.

Another change in the Bill is in the area of income tax. Taking people out of the tax net gives the Opposition a line they like to throw at us, namely, that more taxpayers now pay tax at the top rate. That is not a fair argument. Some 1.9 million people are in employment here, of whom more than a third do not pay tax, but they cannot be excluded. That is a nice line that is thrown out regularly, particularly by the leader of the Labour Party, but it is factually misleading. As a result of the changes in the budget, more than a third of the 1.9 million in employment are now outside the tax net and, in respect of other employees, the tax bands have been widened by €1,400 per annum. In addition to that number having been removed from the tax net, some 50,000 employees no longer pay the higher rate of tax.

The changes in income tax provisions in the Bill are welcome.

If we are to maintain low taxes across the board, it is important that everybody pays their fair share of tax. Two sections of the Bill are relevant to the Revenue Commissioners. Section 131 grants new powers to the Revenue Commissioners to sample the information, other than medical records, held by life insurance companies in respect of a class or classes of policies and their policyholders. The new powers are modelled on the powers given to the Revenue Commissioners regarding DIRT in the Finance Act 1999 and will enable them to investigate if certain life assurance products are being or have been used to shelter untaxed income. The Revenue Commissioners have expressed a desire for such a power before the Committee of Public Accounts and I welcome its inclusion in the Bill.

Section 133 introduces the offence of facilitating tax and duty evasion, which will be more capable of prosecution than the current offence of aiding and abetting. Revenue Commissioners are frequent visitors to the Committee of Public Accounts and their range of inquiries in recent years have recouped €1.6 billion in tax, penalties and interest for the State. Tens of thousands of people have had to make settlements with the Revenue Commissioners across a range of schemes. In that time, however, the Revenue Commissioners have not managed to bring a single charge of aiding and abetting and it is unbelievable that tens of thousands of people entered these schemes unaided, that ordinary people managed to invest their money in offshore accounts and unusual locations without advice. It is improper that institutions that assisted got away scot free while people paid a heavy price.

We are often told that tax reliefs are costly and have not been properly costed before they are introduced. They are currently under review and many of them are nearing completion. Most are every day tax reliefs such as mortgage interest or medical expenses reliefs and reliefs for business. The special reliefs were introduced deliberately as incentives to encourage economic and social development and some of the urban renewal schemes have made a significant difference in my constituency. In Rowlagh in north Clondalkin a new shopping centre is nearing completion. That project would never have started without those reliefs and the people of the area would have been deprived.

Too often we ask about the costs without asking about the benefits, which are real. In Clondalkin village the site of a hardware shop is being redeveloped and a day centre for senior citizens will form part of that new development. In the past developers were reluctant to put money into some of these sites. Too frequently these tax reliefs have been understated and the benefits to the community ignored. I agree, however, that the remaining schemes should be reviewed.

Mr. Broughan: I listened to the contributions from our Fianna Fáil colleagues and Deputy Curran made some reasonable points. Deputy O'Connor, however, takes a much too sanguine view of the economy, the people he represents in Dublin South West and the impact this budget and Finance Bill will have on them.

During the budget, the Minister for Finance made great play of the fact that he is spending €45 billion, that our rate of expenditure is three times that of our European partners and that we have a low EBR and a GDP that will rise by 5%. These are valuable statistics but for decades there was fundamental under-investment in social services in the State. The Ceann Comhairle asked me to leave the House this morning when I tried to raise that very issue with the Taoiseach, a former Minister for Finance.

The chaotic scenes I saw last night of valiant staff trying to cope with a grossly overcrowded accident and emergency unit in Beaumont Hospital were the direct result of the refusal by a significant share of the most influential in society to pay their fair share of tax throughout the 1970s and 1980s. My party and the trade union movement were told again and again during that period that the money was not available. Luminaries such as the great Vincent Browne, journalists such as Paul Tansey and economists such as Seán Barrett from Trinity College lectured us relentlessly in the 1980s about how we should retrench and cut back. When the Ceann Comhairle was Minister for Health, we cut back in a frightening and, ultimately, fatal way for many people. We have been saturated for decades with *ráiméis* about the tax burden in this State and the grossly unfair way it has been levied. It is striking that once again when we look at the Finance Bill, only 19 sections relate to PAYE workers while the rest tweak the income tax, VAT, CGT and corporation tax to facilitate the vested interests in the State.

There is no instrument in the Dáil to address the naked economic power represented in this House primarily by Fianna Fáil and the Progressive Democrats and sometimes by Fine Gael. That naked power appears again and again in this Finance Bill. We have yet to see a Finance Bill that will try to transfer the burden of taxation fundamentally.

I welcome some of the measures being introduced here, particularly tax credits, the increase in the standard rate band and the removal of another tranche of taxpayers from the tax net. I remember when Proinsias De Rossa was a Member of this House and year after year, he would calculate the numbers of workers who Fianna Fáil Ministers for Finance told us had been taken from the tax net. When they were added up, the figures were equal to the size of the work force. The reality is that the majority of PAYE workers pay tax at the higher rate.

Mr. M. Ahern: He was not very good at addition or multiplication.

An Ceann Comhairle: Allow Deputy Broughan to finish without interruption

Mr. Broughan: I have no problems dealing with interruptions from a Fianna Fáil Minister of State. Year after year the Minister's predecessors, Deputy Ahern, former Deputy McCreevy and others, spoke about taking 66,000 or 70,000 people out of the tax net. If we put them all together it is practically the whole workforce.

Mr. M. Ahern: We increased the workforce.

Mr. Broughan: The reality is that the PAYE worker still bears the greater burden of income tax in this State. Those of us who marched in this city 20 years ago to try to do something about that took, perhaps, very tiny baby steps. We must still deal with the reality of a grossly unfair taxation system.

I commend my colleague and friend, Deputy Burton, for the outstanding work she did last year and early this year in bringing it to public notice that some of the wealthiest people in this State did not pay tax. It was an astonishing revelation that 11 multi millionaires did not pay tax and 40 other millionaires paid little or no tax. This frightening and appalling unfairness in our economy and the unfairness of the way this Administration runs its economic affairs were clearly revealed for all to see. In the forthcoming by-elections in Meath and Kildare the gross unfairness of our taxation system will be an issue.

I welcome the modest reliefs introduced for older people and widows. Deputy Curran referred to stamp duty. The exemption from stamp duty for first-time buyers of second-hand houses up to a value of €370,000 is very welcome. However, it is a very minor step forward, given the housing crisis. I have noticed that on the north side of Dublin the price of the average home has risen by approximately €20,000 over the Christmas period, particularly in the traditional areas to which Deputy Curran referred — the stamp duty exemption was absorbed into the price by vendors. In itself that measure goes nowhere near to properly addressing this critical issue of housing, particularly for people on very modest incomes who cannot afford a home anywhere even, in the case of workers in this city, in Portarlinton, Balbriggan and other places 40 or 50 miles away.

I accept that taxation policy must be framed in terms of economic development. However, I was disappointed that the Minister did not address an issue in respect of which I represent my party, that is the roll-out of broadband infrastructure. In the UK, Chancellor Brown introduced certain concessions in the provision of broadband roll-out for employees. He did this two or three budgets ago. However, such an innovative approach is still shunned by our Minister.

In general terms, the PAYE sector continues to bear the burden of taxation. As Deputy Burton said, we continue to have a fundamentally two-

tiered structure in which a section of society still relentlessly uses this type of legislation and the tax code generally to avoid its responsibilities. I commend Deputy Burton for bringing these matters to our attention so cogently and so well.

It is disappointing that the Minister did not avail of the opportunity afforded by the introduction of this Bill and the forthcoming debate in the Finance committee to introduce a tax ombudsman, somebody to represent people, especially PAYE workers who feel they got a raw deal or who, owing to the recent operation of the new tax credit system, have overpaid. There has long been a need for an advocate for people on low incomes especially in dealing with the tax system. We all welcome the section of the Bill that extends the operation of the ROS site on the Internet to PAYE workers. That is a step forward.

It is time we had a tax ombudsman, and it will be a key policy for my party. We are somewhat concerned about the section 44 tax breaks for third level institutions and about section 36. Deputy Burton will return to those on Committee Stage. In view of my recent comments, I warmly welcome sections 73 to 77, the sections relating to aiding and abetting tax evasion, and the Minister's promise to examine the single premium insurance policy. This is the thirteenth time I have had a chance to make a brief comment on the Finance Bill. I still look forward to a Finance Bill that is fair to PAYE workers and people on low incomes and to a time when the whole nation can celebrate a Finance Bill and not just a small group of moneyed and very wealthy individuals, many of whom do not live here.

Mr. Ring: I am delighted to have the opportunity to speak on the Finance Bill. The budget was introduced in December and the purpose of this Bill is to put the budget announcements into law. I listened to many speakers talking about the wonderful Government and how happy and joyful people were as a result of the budget. However, people had a different view after Christmas. They realised they had been conned by the spindoctors.

It is amazing how much taxpayers' money is spent on spindoctors to spin out misinformation to the public. It is bad enough that the tax is taken out of their pockets by the Government without the Government paying it to spindoctors to spin lies to them about how wonderful the Government is, what a wonderful country we have, and how well everything is going.

I met a businessman recently who runs a nursing home. His electricity bill used to be €1,060 per billing session. His first bill in January, in the wake of the recent increases, was €1,662. How can that be, if this Government is so great at controlling inflation? We got good news with the budget in December, but we got bad news in January.

All the local authorities held their estimates meetings. Most local authorities increased their service charges and rates by 5%, 6% or 7%. The

Government is crucifying small businesses. More and more people are asking themselves why they are working, why they are in business, why they are employing people. Why is the Government coming down so much on small businesses?

The biggest single crisis relates to the ability of young people to get into the housing market. The exemption of first-time buyers of second-hand houses from stamp duty in the budget has helped, but it was not half enough. We should do more for young people. We should give them better tax breaks. We should help them to get into the market. We should penalise big builders who hoard land and decide how many houses are built in this State every year in order to control the market. It is all about supply and demand. If they are allowed to supply as few houses as they like, they control the market. Most local authorities failed to build the number of houses for which they had funding from the State. We must examine other ways of getting houses built.

Young people are doing their best. There are young couples who want to get married but cannot do so because they cannot afford a home. They look around every day to see how they can get into the market but they are taxed out of it. We see the builders at the Galway Races, Leopardstown and every other place and they do not know what to do with all their money. Some 25 years ago when things were bad, they did not know what to do with their money. As a result of tribunals taking place, we are getting some of the taxation that should have been paid at the time.

More people are getting out of business, such as running rural pubs, and leaving rural Ireland because of taxation. People cannot stay in business in rural Ireland because they are so heavily taxed. The stealth tax does the damage. Local authorities will have to pay 8.5% in benchmarking pay rises to their staff. That money will come from rates, road tax and funding from Departments. A limited number of people pay rates to local authorities. A day will come when councils will have to be more accountable for the way they spend the money.

I was disappointed there was no provision in the Finance Bill dealing with natural gas. The opening of the Corrib gas field off north Mayo is creating a great inconvenience for people and disturbing their way of life. Every cent being spent on infrastructure for setting up that gas field can be written off for tax purposes. The natural gas from the Corrib field, which should not be called the Corrib gas field but the north Mayo gas field because it is located off north Mayo, will go through Mayo to Galway and Clare and on out of the country. Bord Gáis will have to pay the top rate for the gas to the company operating the field, and the taxpayer has given this company an allowance in respect of every cent it pays to pipe gas.

We had an opportunity in the Finance Bill to impose some level on taxation on the company to recoup some money for the people, especially the people of north Mayo given that the gas comes

from that area. However, when Mr. Burke was the Minister in charge of this area, and I do not like to kick anybody who is down, he concluded deals with these gas and oil companies who are the real winners now, not the State. I do not want to go back in history but we had an opportunity in previous finance legislation to impose some level of taxation on those companies. There are many good civil servants in the Department of Finance who are good at thinking of ways to take money from taxpayers. They must do it; that is their job.

Will the Minister explain why some measure was not put in place in the Finance Bill to provide for a return for the Exchequer given that we have sold our mineral rights and given the prospecting companies tax breaks? Rather than a company such as that in the Corrib field paying its fair share of tax to the Government, ordinary PAYE taxpayers effectively subsidise it in order that it can take the profits out of this country and reward its investors in New York, South Africa and London. The profits are being robbed from the country and sent abroad. I am disappointed the Minister for Finance did not see fit to put a measure in place to enable some tax to be levied on such a company. Even at this late stage, I call on the Minister, the Government and the officials within the Department of Finance to put a provision in place on Committee Stage to ensure we get some money from such a company. It has free access to this House and to every Minister. I ask it to give a fair share back to the Irish taxpayer.

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

Mr. Ring: I was about to speak on the widows but I did not have the opportunity. They are the forgotten people and have been let down again by the Government. There is nothing in the budget for them.

Mr. Fleming: I welcome the opportunity to contribute to the debate on the Bill. This is the first Finance Bill introduced by my constituency colleague, the Minister for Finance, Deputy Cowen. I wish him every success and hope the Bill has a smooth passage through the House in the coming weeks and is enacted as soon as possible. I have no doubt the Minister's many years' experience in the House will be demonstrated through the passage of the Bill. He has a mature broad view of all things related to the people and the economy. While it is his first time as Minister for Finance, he has ample experience that will see him through his first Finance Bill and continue a great record in that Department in the years ahead.

The purpose of the Finance Bill is to put into legislation the benefits announced in the budget. Deputy Rings says a great spin was put on it and people seem to have forgotten about it now. He said there was nothing in it for the ordinary people. That is good guff from a Deputy from

[Mr. Fleming.]

north Mayo and I would not expect anything else from him. I would be disappointed if he made a reasonable statement on a budget such as this. He seems to forget that €682 million is the benefit of the taxation package alone for taxpayers during the course of a full year. That is in addition to the nominal amount of €874 million provided in the social welfare increases which go to those relying on the full range of social welfare payments. Approximately, €1.5 billion is being given to those at work or not during the course of a full year. I cannot think of a budget increase where one could give out more but, perhaps, that is a sign of the times. The more one gets, the more people will shout for more. Be that as it may, the figures will stand the test of time.

As Chairman of the Select Committee on Finance and the Public Service, I look forward to a detailed consideration of the Bill on Committee Stage in due course. Some of the increases that form part of the Finance Bill include the employee-PAYE tax credit which has increased by €230 to €1,270 per annum — that is a significant increase and has long been called for — and the personal tax credit which has increased by €60 for a single person and €120 for a married couple to €1,580 for a single person and €3,160 for a married couple in a full year.

The minimum wage has been removed completely from the tax net for the first time in the history of the State. Perhaps I should not speak about the history of the State when dealing with such a new innovation as the minimum wage. Prior to the previous general election, the Government introduced the minimum wage which was the highest in Europe. This is an issue we are pleased about and are happy to have introduced. That current rate of €7 per hour is exempt from tax. During the course of the year, the minimum wage will increase by approximately 10% to €7.65 per hour. I have no doubt that if people get increases in their wages, as a result, the Minister will deal with that in his budget later in the year.

The standard rate band increased by approximately 5% to €29,400 for a single person, €38,400 for a married one income family, €58,800 for a married two income family and €33,400 for lone parent, widow or parent. Deputy Ring ignored the increases for widowed parents. The exemption limits for those aged 65 and over increased to €16,500 for a single person and €33,000 for a married couple. The €33,000 per annum can be made up of their pensions and any other income at that age of their lives and still be fully exempt from income tax. This is very good.

The number of people in the workforce stands at more than 1.8 million. One third or considerably more than 600,000 are not liable for income tax and are outside the income tax net. Approximately 600,000 pay tax at the standard rate of 20% and fewer than 600,000 pay tax at the rate of 42%. Two thirds of the workforce either pay no tax on their income or pay tax at the standard minimum rate. This is a tremendous achievement.

I am confident we can do better. I hope that in future budgets the Government will continue to increase the ratio by taking more people out of the tax net and out of the top tax rate. People working hard for their incomes are entitled to take home their pay and not have the Government of the day dipping into their pockets and taking 50% of their income in tax as was the case when previous parties were in Government. This is a contribution to overall improvements in society such as an increase in the numbers in the workforce and the growth in the economy.

I am pleased that the Bill allows for an increase in the tax relief for third level fees. The limit for which tax relief can be claimed is being increased from €3,175 to €5,000 per annum for the 2005-06 academic year. Next September and October, all Members will hear from people about the difficulties and costs of sending children to third level education. It is good to note that there will be a tax relief of €5,000 per annum for parents sending their children to third level institutions.

The Bill contains 140 sections but I wish to comment on a few. Section 9 is a very caring amendment to the Finance Bill and the stock of legislation. It exempts from income tax payments made by the Health Service Executive to foster parents in respect of care for foster children. Up to now, people who received money from a health board were in the situation that this income was subject to the income tax regime. The section states that where a family acts as foster parents to a child for a certain duration, that payment will now be exempt from income tax and this is as it should be. Foster parenting should be encouraged as there is a great need for it. Section 9 provides for certain other exemptions to former foster children who continue to reside with their foster parents, and this provision is to be welcomed.

Chapter 3 will have a positive effect for all PAYE taxpayers who will now be enabled to use the Revenue on-line system which up to now has been generally available to self-employed people and businesses to return income, corporation and VAT returns. Taxpayers will be able to access the service on the Internet from their own homes and amend personal details. They will be allowed reallocate tax credits between employments and between spouses and make payments and claims for repayment. Balancing statements and information will be provided on-line. A 24 hours a day, seven days a week automatic electronic telephone system will be available to help PAYE workers. This may not be as far-fetched as it sounds. People are accustomed to using mobile phones to access banking information.

Section 9 will also allow Revenue to make automatic repayments to PAYE taxpayers where it is satisfied that based on the information available to it, tax has been overpaid. This issue has been a bone of contention. Most PAYE taxpayers rely on their employer to calculate the tax due and are issued with their P60 at the end of the year. Tax relief on mortgage payments and

health care insurance is now taken at source and PAYE taxpayers are even less inclined to seek a balancing statement at the end of the tax year. All these changes make a significant improvement.

Section 26 will provide changes for tax relief for certain expenditure on significant buildings and gardens. Fine houses and gardens are to be found in every county and constituency. Formerly the owners of these houses and gardens were allowed claim tax relief on expenditure properly incurred on the upkeep of these fine houses and which they may not have been able to do without the benefit of tax relief. It was always a condition that these properties would be open to the public for a certain number of days in the year. There have been cases where the tax reliefs were granted but the properties were not open to the public for inspection. Section 26 will insist that the owners and proprietors of these houses, buildings and gardens advertise the dates and hours of opening and the Revenue will carry out spot checks to ensure compliance. It is unfortunate that the owners did not act in good faith but this provision will tighten up the regulation.

I am very pleased that section 118 provides for a significant exemption for first-time buyers of second-hand properties up to the value of €317,500. This is higher than the price of the average house in Portlaoise or any of the towns in my constituency. Those who can afford to pay up to €800,000 for a house in my constituency should not be exempted from income tax because they cannot be poor if they can afford a house at that price. I am aware the pricing and market structure is different in the larger cities. However, I was horrified to hear Deputy Broughan and the Labour Party knock this new incentive and say it is not half enough. The party complained that this helped bring down prices by €20,000 and now the Deputy complains that the builders are raising the prices. Is it ever possible to satisfy a person with such a train of thought?

I have a particular interest in section 115. Will the Minister consider my point and reply at the conclusion of this debate or on Committee Stage? I seek further information on the provision to give legal effect to the budget day announcement to introduce stamp duty relief for the exchange of farmland between two farmers for the purpose of consolidating each farmer's holding. If two farmers in an area want to consolidate their farms by swapping 30 acres for 35 acres, rather than both individuals paying full stamp duty on the acreage they acquire, stamp duty will be payable on the net transfer, which in this case is five acres. This is an excellent development.

A full, detailed list of regulations on qualifying for this relief is specified in the legislation. A valid consolidation certificate is required from Teagasc and must be lodged with the Revenue Commissioners. Each farmer will have to spend at least 50% of their normal working hours engaged in farming and must continue in farming for five years. In addition, if either party opts out

of farming, the relief will be forfeited. While these requirements amount to red tape, they are not unreasonable.

I have one important question on the issue, however. This topic was raised in the context of land compulsorily acquired for motorways during pre-budget discussions between the Minister and members of the IFA in my constituency. Farmers pay 20% tax on land compulsorily acquired under CPO for motorway purposes. Their complaint is that they will have to pay 9% stamp duty if they buy replacement land. They ask whether, in the case of a farmer who forfeits 50 or 60 acres and does a land swap with a farmer on the other side of the motorway whose land has been severed, relief will be given on the stamp duty payable.

Perhaps I am wrong but my understanding of the Budget Statement is that the provision giving relief on land exchanges between farmers would help farmers whose land was being compulsorily acquired for a motorway and who needed to rejig their financial holdings because the motorway had interfered with various farms along its route. The Bill, however, does not refer to such circumstances. I fear the legislation, as framed, specifically precludes such circumstances because it refers to an exchange of land between two farmers. A CPO, by definition, will involve the State, through a local authority, compulsorily acquiring land. A person may be free to resell the land to a neighbouring farmer and *vice versa* but it would not be a direct transaction between two farmers because the NRA or local authority would come between them. Based on the current wording, I fear the exemption will not apply to land being acquired for road purposes under the CPO method. I ask for clarification and seek an extension of the exemption to include transactions resulting from CPOs.

Other cases will arise involving land that is genuinely consolidated between farmers. I ask that provision be made for circumstances in which land is consolidated as a result of CPOs. Now that the Minister has accepted the principle involved, I hope he will go further.

Section 158 deals with microbreweries. I welcome the measure to give relief to these companies by way of payment of half the alcohol product tax paid on beer brewed by breweries which produce 20,000 hectolitres or less per annum. Due to changing circumstances in the farming sector, some farmers in my constituency are interested in examining the possibility of entering this sector and have requested the introduction of tax incentives. This is a worthwhile and welcome minor tax incentive specific to a particular area.

I am particularly happy with section 120, which provides for an exemption from stamp duty for second or subsequent charge cards. There has been considerable legitimate criticism in recent years of the fact that one is liable for stamp duty each time one changes one's credit or charge card during the year. This acted as a disincentive to shopping around and changing banks. It is good the Minister is introducing a change with regard

[Mr. Fleming.]
to credit and charge cards with effect from 2 April 2005. As soon as the Bill is passed and signed into law by the President, the provision will take effect.

I note the changes regarding ATM, laser and combined cards will only take effect from 1 January 2006. Will the Minister explain the reason different dates apply? Perhaps there are technical reasons related to the financial institutions but I request an explanation of the specific reason.

I wholeheartedly support section 134. To put it in a nutshell, people had their names published if the total liability for tax, interest and penalties arising from a settlement with the Revenue Commissioners exceeded €12,700, or £10,000 in the old days. The Bill increases the threshold to €30,000. People should not get excited about this provision because the threshold above which one had to go to have one's name published was much higher when the legislation was first introduced. In practice, due to the diligent job being done by the Revenue, it is possible somebody could be caught—

An Ceann Comhairle: The Deputy should conclude.

Mr. Fleming: I welcome the Finance Bill. I look forward to further debate on it in the Houses and to its early implementation.

Mr. Ferris: I wish to share time with Deputies Eamon Ryan, Healy and McHugh.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Ferris: Sinn Féin welcomes a number of the measures in the Finance Bill. Chief among these must be the increase in tax credits to exclude those earning the current minimum wage. I hope the Minister will maintain this principle in his next budget to exclude those on the new rate set on foot of the current recommendations. I support the demand of the ICTU that the minimum wage be set at €8.75 per hour.

A further issue is the high rate at which many of those on PAYE continue to pay tax. This must be set against the continuing ability of certain sections of society to enjoy massive tax breaks and other concessions, not to mention those who seem to be able to avoid paying tax.

Sinn Féin makes no bones about advocating an increase in the level of corporation tax. While it has been claimed this would act as a disincentive to business, a higher rate is sustainable, as has been proven by the experience of other countries. The major beneficiaries of our low rate of corporation tax are non-national companies which earn large profits because of the skills and other resources made available to them. Despite this, many of them contribute little in the way of direct tax.

We also have the position regarding our natural mineral resources, whereby companies such as Shell, which has the licence for the Corrib field, are provided with terms unknown anywhere else in the world. We must bear in mind that the current terms are the consequence of changes made in 1987 and 1992. When we revisit those circumstances, we must also acquaint ourselves with the fact that some of those involved in these changes are known to be corrupt. It is necessary in the interests of all citizens that an investigation is carried out into what happened during the period when our natural resources were effectively sold off to multinationals.

It has been claimed that the terms are a necessary incentive to multinationals to commence exploitation of our mineral deposits but the evidence suggests these companies are content to maintain their licences and initiate operations at their leisure, with little or no input from the State or reference to the needs of people. It is grotesque that multinational oil companies are able to write off in tax the cost of exploration undertaken anywhere in the world against dividends which may be forthcoming from Irish waters. It is also grotesque that oil companies working off our shores are doing nothing to engage Irish labour and are actively working against employing Irish men and women on oil rigs because they are afraid their workforce will unionise. That this was allowed to happen is an indictment of successive Governments.

Norway is an example of a country which has used its natural resources in a manner that has allowed it to develop into one of the most successful economies in Europe without the necessity to join the European Union. Norway is also proof that exploration companies will not up sticks if they are asked to pay a proper rate of tax or if the State maintains an active interest in natural resources on behalf of its citizens. What has been done in Norway is an example for this Government and for aspiring Governments. It has managed to exploit its resources for its people.

I wish to raise a specific item which, if it cannot be addressed in Government amendments to this Bill, should be catered for with a Supplementary Estimate. There is a definite need for a Supplementary Estimate of €7 million for front-line women's services, including refuges and services which deal with victims of sexual assault and other physical abuse and crises for women. This would bring the total to €9 million in 2005. I also urge the introduction of a ring-fenced multi-annual funding package for these services from 2006 onwards. This is not much to ask but it would make a massive difference to the lives of many women. Indeed, it could help save lives.

Another issue Sinn Féin would like to see included is an increase in overseas development aid to ensure the target of 0.7% of GNP is reached, as promised, by 2007. There is also the need to ensure the second €10 million for tsunami emergency humanitarian relief is additional

spending and does not come from the existing emergency humanitarian assistance budget.

An area where the Minister can play a major role in promoting a sector that could potentially have massive benefits for the economy is in regard to biofuels. With the coming into effect of the EU directive which will require that 2% of all transport fuels are obtained from this source by the end of this year, rising to 5.75% by 2010, this country will need to actively promote measures to encourage this.

Mr. Eamon Ryan: I welcome the opportunity to engage in this broad debate for which the Minister asked when introducing his first Finance Bill. In the time available to me, it is difficult to properly engage in that full debate. I can only give a couple of pointers on the fact that this ship, or this State, should be steered in a different direction.

Reading the Minister's speech, it is clear he is thrilled to bits with how things are going. Indeed, over the past 20 years and under different Governments, this country has been, and continues to be, a successful one. The policies put in place by T. K. Whitaker and others 40 years ago have borne great fruit and have served us well. However, as we are on the deck of this ship and looking forward, our job is to look forward and not just to be happy with how well the ship is running at present. The Government is completely blind to the bad weather, the dangers and the perils ahead of us and is steering us straight into a course of great difficulty without regard to the future prospects of our economy and our society.

Foundations of our success include the flexible entrepreneurial strategy we have been able to develop and the flexible Government we have had, the joined-up thinking, the ability of our Government to act swiftly and the success of Governments on the world stage. It is remarkable that the previous Minister for Finance has, in one single move, done more than anything else to dismantle that flexibility and connection our Civil Service provides by scattering civil servants to the four corners of this country in the worst thought-out and most destructive plan ever developed for the Civil Service.

On the one hand, the enterprise strategy review group is saying we have a flexible, joined up Government while on the other hand, a Minister for Finance destroys the prospect of joined up thinking in Government. I wish the new Minister for Finance would avail of the opportunity of the departure of his predecessor to right that wrong and to recognise this is a disastrous scheme which will never work and will do huge damage to the long-term development of our economy.

I also wish the Minister was more radical in recognising the other great democratic deficit in our country, that is, the ability of local government to effectively provide good decision-making in local councils. That will not occur until there is secure and proper funding of local government

rather than the piecemeal approach adopted at present. Solutions such as the site value tax proposed by the Green Party and Dublin Chamber of Commerce would be one step in that direction. It is regrettable that the Minister said nothing in response to public calls in that regard.

The reefs I see ahead of us, and the difficulty we will have in steering a course through them, are the environmental and resource issues facing the planet. The broad issue to which the Minister has increasingly alluded in his speeches, the future price of oil, is one which is hugely significant. It is incredibly disappointing in that regard to see a budget that does nothing, or little, to prepare our economy for the future depletion of oil supplies, which I believe is imminent. The small scale measures in terms of extension of excise reductions on hybrid cars is a token gesture compared with the magnitude of the changes we will need to make. In this regard, our party, in particular, believes that the Government is doing the people a huge disservice through its incompetence, ineptitude and blindness in respect of the future.

The Government is completely remiss in respect of the social agenda. This Finance Bill misses opportunities to address the social imbalance developing in our society due to policies set by the Government. I find it remarkable to see in the budget and in this Finance Bill that the level of indirect taxes, the value added taxes which are highly regressive and which hit those on the lowest incomes most, are due to increase by €2 billion over the next two years.

Deputy Bruton was right when he pointed out that this supposedly low tax Government was actually a high tax Government, one which taxes by stealth and by cute manoeuvres. It keeps the certain base line rates in income tax, which we all welcome, but behind that simple, initial figure, it taxes increasingly and spends willfully. I think we will start to see a warm-up to the next election which, as we know, Fianna Fáil does only too well. We will see current expenditure increase by 9% or 10% per year — Lord knows what the actual outturn will be — as Fianna Fáil ramps up spending ahead of the next election, but it will hit the people afterwards.

There are a number of social issues that should be, and could be, addressed by this Finance Bill. One is the disgraceful segregation and apartheid regime set up through the individualisation of the tax system. It means that for those who are not in the paid economy but who are doing hugely important work, there is little or no recognition. That policy is hugely destructive for the long-term future development and welfare of our economy. I wish this new Minister would recognise that and move away from it rather than, as this budget does, put further distance between those who decide, for whatever reason, to be involved in voluntary or caring work or to raise a family, about which the Government does not care and on which it does not put a value.

[Mr. Eamon Ryan.]

The huge issue the Government ignores, to which it is blind, which is hugely destructive to society, is the property boom it is fuelling because it is a Government which basically will always look after builders and developers. I welcome the reduction in stamp duty for second-hand homes but it is only a small fraction of what the Green Party in government would do to try to dampen down the bubble the Government has created.

I will oppose Second Stage but I welcome the chance for debate. Perhaps I will raise some of the issues I have addressed on other Stages.

Mr. Healy: I welcome the opportunity to contribute to the debate. One of the surprising things about this Bill and the preceding budget was the reduction in moneys available for flood relief schemes throughout the country. Obviously, I have a particular interest in that because over the past ten years, there have been four major floods in Clonmel with over 200 homes and businesses flooded on each occasion costing householders and business people hundreds of thousands of euro. None of these householders nor business people can get insurance cover and, as I said, they were hit on four occasions. The Minister of State, Deputy Parlon, promised that the scheme would go to public consultation last summer and that it would start before the end of the year, but that has not happened. Unfortunately, we were hit by another flood in November 2004. Now we have been told by the Minister of State that public consultation will go ahead in spring of this year. It is well into the spring of this year but there is still no sign of this public consultation. Will the Minister of State, Deputy Treacy, contact the Minister of State as a matter of urgency to get a decision and a timescale for us in respect of the consultation process for the Clonmel flood alleviation scheme to ensure it starts this year?

Another matter which comes to the attention of a constituency such as mine is decentralisation. It was announced with much ballyhoo and, thankfully, Tipperary town was listed among towns to which Departments were to be decentralised. However, we have heard nothing since. The town is not on the latest list and is not included in the reports from the body dealing with decentralisation. I ask the Minister of State to ensure that Tipperary is included on the decentralisation list, which will be issued by the Flynn group in the next four to six weeks. Everything is available in Tipperary town, including a site, and approximately three quarters of the staff complement have been accounted for by indications of willingness to go there. This is one of the highest indications of job transfer feasibility in the entire process.

The income tax package included in this Bill is very disappointing. A person on the industrial wage, approximately €29,000, continues to pay tax at 42%. This is the same rate at which a millionaire pays tax, if he or she pays any tax. The Government promised that only 20% of tax-

payers would pay at the higher rate but the figure has increased from 33% to 42% in recent years. We are going in the wrong direction in this regard. It is unacceptable that an employee earning the average industrial wage must be subjected to a tax rate of 42%.

The removal of those workers on the minimum wage from the tax net is welcome. However, so little has been done that any increase in income by way of wages will ensure that these workers will be within the tax net in a short time.

Mr. McHugh: The Bill is wide ranging but I propose to confine myself to a few issues. The first I will address is the area of tax allowances, reliefs, exemptions and deductions, including those in respect of property. It must be tempting to use the various investment tax reliefs for the purpose of achieving headlines. However, they are sometimes not well researched. We must be balanced in this and, in that regard, I welcome the decision of the Minister to carry out an evaluation of the effect of all tax incentive reliefs and exemptions to enable him to introduce measures in the 2006 budget that will balance the benefits of such reliefs as against the extent to which they are used by high earners to reduce their tax liabilities.

I do not agree with those critics who say the Minister should have acted to terminate or alter the schemes in the absence of such an evaluation. Too often, Ministers act first and evaluate later. An example is the previous Minister for Finance's decision to outline decentralisation proposals in the previous budget without any strategic examination of the proposals and evaluation of their impact on the integrity of the Civil Service. That is not the way to proceed. For this reason, I fully endorse the method employed by the Minister to deal with this issue.

This issue needs close examination so that incentives that are not beneficial to the economy can be eliminated and those that are of benefit are maintained. When tax incentives are properly focussed, they are important in stimulating investment in areas where such investment is deemed necessary. They help to attract investors to take part in schemes that are beneficial to society but that would otherwise not be attractive to investors. I am aware of locations in my constituency where incentives have been responsible for investment without which those areas would still be in the doldrums. We must be careful and should not rush. It is difficult to fathom how, in 2001, 11 people with gross incomes exceeding €1 million had no liability for tax. These people were legally able to pay no tax through extensive use of property-based capital allowances.

I welcome that this review will also take into account certain exempt incomes, for example, those relating to stallions, greyhounds and artists. Stallions and greyhounds have had a fair run but little has been said about the exempt incomes available to artists. When the former Taoiseach, Mr. Charles Haughey, introduced this exemption

for artists, it was generally welcomed and the thinking behind it has merit today. However, the scheme cost €32 million in 2001, which was the short tax year, with 1,300 people benefitting. It cannot be overlooked that some of these people earn vast sums of money and do not merit inclusion under the scheme. The exemption should only apply to struggling artists on low incomes.

Minister of State at the Department of the Taoiseach (Mr. Treacy): I propose to share time with Deputy Andrews.

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

Mr. Treacy: Is cúis áthais dom é an deis seo a bheith agam cuidiú sa díospóireacht seo ar an mBille Airgeadais 2005, agus déanaim comhghairdeas leis an Aire, an Teachta Cowen, as ucht na sárchánaisnéise a chuir sé faoi bhráid na Dála. Is Bille iontach leathan é atá os ár gcomhair an tráthnóna seo. I value the opportunity to contribute to this important debate. Deputies are aware that in a busy legislative schedule, the Finance Bill is one of the major Government Bills to come before the Oireachtas each year. This is the Minister's first Finance Bill at the helm of the Department of Finance, having succeeded Commissioner Charlie McCreevy who, over seven Finance Bills, steered the economy on the vigorous course that has seen it become one of the most dynamic in the world. I have no doubt the Minister, Deputy Cowen, will build on and enhance this rich legacy of achievement over the coming years.

Some months ago, the Minister rose to give his first budget as Minister for Finance. By the time he sat down, the downcast faces in the benches opposite spoke volumes that the Government had again got it right and was determined to ring fence and protect the growing strength of the Irish economy, while at the same time targeting resources at those who were most in need.

Mr. Durkan: If Government members say that often enough, they will start to believe it.

Mr. Treacy: The Finance Bill sets into law many of the landmark policy decisions outlined in the Minister's first budget speech. This was one of the most generous budgets ever for old age pensioners, those struggling to get by on social welfare, those on the minimum wage and, perhaps most significantly, those with a disability and their families.

Mr. Connaughton: This was not evident at the meeting that took place last night in the RDS.

Mr. Treacy: I will not comment on that. There may be other motivations for that collective group. I listened with great interest to what colleagues have said and I am disappointed some of them have left after speaking because I wished to

respond to their contributions. How can Deputy Eamon Ryan claim the Government is anti-family when we have passed into law, and will copperfasten in the Finance Bill, the highest payments ever for child benefit and old age pensions?

Mr. Durkan: That is fine so long as the Government is not considering removing those benefits.

Mr. Treacy: We have no record of ever having deducted welfare money from any sector of society in the history of this great nation or this great party.

Mr. Connaughton: The RDS was the place to be last night.

Mr. Treacy: As well as taking thousands of lower paid people out of the tax net and substantially increasing all welfare payments, including child benefit, hard-pressed first-time home buyers have got a significant boost through major changes in stamp duty payments for second-hand houses. This is a generous measure that offers incentive and opportunity for first-time buyers by recognising and supporting the reality of the situation and the necessity of ensuring——

Mr. Durkan: This measure has come after seven years of broken promises.

Mr. Treacy: ——younger people setting up in life will be able to acquire their first home.

Mr. Durkan: Young people are still excluded.

Mr. Treacy: This is the hallmark of the great Fianna Fáil tradition of maintaining, with its Progressive Democrats partners in Government, the commitment to building more houses and providing homes for more families than in any other state in the EU. We have the highest rate of private home ownership by tradition.

Mr. Durkan: We had before the Government helped to change that.

Mr. Treacy: We have maintained and expanded that and will continue to do so. The Bill will give effect to the major tax and fiscal aspects of the budget and will build on the substantial achievements of the Fianna Fáil and Progressive Democrats Governments since 1997. Last year, the Government was denigrated by the Opposition as being uncaring and bereft of vision. We were criticised for taking hard decisions, but as the passing of time and current economic indicators show, we were right, because we were responsible. Rather than surrender to the quick fixes and short-term soundbites of the Opposition——

Mr. Durkan: Fianna Fáil would certainly never resort to quick fixes.

Mr. Treacy: —the Government demonstrated steady leadership, in the context of the worst economic global downturn in 20 years. Despite the irresponsible carping from the Opposition, a short-term course was set that faced the reality that the level of public spending heretofore could not be sustained as less revenue was at the Government's disposal. The Government realised that by controlling spending and targeting it at areas of greatest need, the economy would be best positioned to take maximum advantage of the economic upturn when it happened.

As we now know, the leadership of the Government, as with most things, got it right. Had we folded to the bleating opposite me, the steady path of forward momentum, to which this country has returned, would simply not be happening. It was precisely this assured and capable leadership during more challenging economic conditions that allowed for one of the most generous budgets in living memory and led directly to the Finance Bill we are now debating.

I have been in this House long enough to remember what it was like when the main Opposition parties, Fine Gael and Labour, were last elected to Government. That was a time when the economy was on its knees—

Mr. Durkan: Does the Minister of State remember the period from 1977 to 1980? Does the Minister of State remember who was in government then?

Mr. Treacy: —a real basket case, or “the poorest of Europe's rich”, as we were famously described in 1987.

Mr. Durkan: Does the Minister of State remember back that far?

Mr. Treacy: I can remember back to the 1970s and the 1980s. I remember a change of Government in November 1982 and a doubling of the national debt—

Mr. Durkan: Public expenditure was out of control for two years and Fianna Fáil had not the courage to stand before the people.

Mr. Treacy: —a crippling of the economy and a maximisation of emigration.

Mr. Durkan: We had inflation rates of 18% to 20% when Fianna Fáil left office in 1981.

Mr. Treacy: The brightest and best left our shores. Thankfully, my party returned to Government in March 1987 and set about pulling the country out of the doldrums of the previous five years.

Mr. Durkan: As the Minister of State has revised every part of history, he might as well revise that part as well.

Mr. Treacy: Due to utter mismanagement and incompetence, Fine Gael had presided over a situation where taxes were gone through the roof, with personal taxation rates of 52%—

Mr. Durkan: That was the way the Fianna Fáil Government had left us in 1979.

Mr. Treacy: —rampant inflation of 19.3%—

Mr. Durkan: The Minister of State only has memories going back a little while. Does his longer-term memory not function?

Mr. Treacy: —industrial unrest widespread, with strikes and industrial difficulties everywhere, and the planes full of our best and brightest, leaving our shores.

Mr. Connaughton: No one should take a bit of notice of that raiméis.

Mr. Treacy: Our young people were leaving in search of jobs in numbers not seen since the 1950s. The facts of history also show that in 1987, faced by an economic wasteland of incompetence and mismanagement, the present Taoiseach, then Minister for Labour, crafted the first social partnership agreement. This first agreement became the template on which stability and prosperity was built and continues to be a crucial aspect of economic and social policy.

The Government has consistently shown that it has the vision and the resolve to keep our country competitive and sustain the conditions that give us low taxes, low unemployment, low inflation and low interest rates, which are the lowest ever.

Mr. Durkan: We have no housing, no hospital services, no educational services and no law and order.

Mr. Treacy: That is not true anymore. In simple terms our strategy is about more money for pensioners and those on social welfare, more money for child care, more money for the low paid—

Mr. Durkan: We have no hospital beds—

Mr. Treacy: —more money for young couples starting out on the property market—

Mr. Durkan: —and have stretchers in hospital corridors.

Mr. Treacy: — more money for hospitals and schools—

Mr. Durkan: The Government's major achievement is mobile beds and people being treated in hospital car parks.

Mr. Treacy: —and more money for roads, railways, transport and housing, while all the time maintaining conditions that promote and sustain

economic competitiveness. The Finance Bill carries forward the policies of a Government deeply conscious that in an increasingly prosperous Ireland no boundaries should be placed on giving people the opportunity to enjoy the fruits of this prosperity. I have listened with interest to what has been said on the Opposition benches. I listened to Deputy Ferris, who believes we should leave the oil under the sea rather than extract it and pump it into the national economy to re-energise the nation.

Mr. Connaughton: Deputy Ferris has a quicker way of getting it up altogether.

Mr. Treacy: I listened to Deputy Eamon Ryan who talked about increases in tax revenue when the buoyancy in the economy is as a result of Government leadership. Solid sound fiscal financial and economic policies drive, underwrite and enhance the expansion of our economy—

Mr. Durkan: While we know he believes it, the Minister of State should take it easy.

Mr. Treacy: —and create the buoyancy to add the extra billions forecasted in our economic future. We have the confidence to make a positive economic forecast unlike in the past when it was all done in negative terms and concentrated on what we would lose, how much we would be short and whether we had any hope. It was all despair. That has all changed and we continue to forecast a positive position into the future. I heartily congratulate the Minister for Finance, Deputy Cowen, on his inspired first budget and this Finance Bill, which contains many far-reaching new powers for the pursuit of tax evaders. It is fair, balanced and very much in keeping with the visionary strategic approach of the Government to the economy. I commend it wholeheartedly to the House.

Mr. Durkan: A massive speech.

Mr. Andrews: At times I think I would like to be in opposition, although I do not think such an opportunity will be afforded to me in the near future, having listened to what passes for heckling at the moment. An Opposition Deputy can basically slag off everybody, get on a high horse and lash out at everything. Sometimes a Government backbencher is jealous about having to tow the line so much of the time. However, during last December's budget, for once, I had some pity for members of the Opposition, who looked a forlorn lot. They could think of absolutely nothing to shake at the Government over the contents of the budget. Similarly in the Finance Bill we hear much hollow shouting and hollering, with Opposition Members getting indignant and self-righteous. However, nobody really believes them.

Mr. Connaughton: We believe nothing that comes from the Government.

Mr. Andrews: The budget is a great achievement for the Minister for Finance, Deputy Cowen, and its generosity is also to the credit of his predecessor, Mr. Charlie McCreevy. We all know that if this budget had taken place six months before a general election the Opposition would have accused us of trying to buy votes.

Mr. Durkan: It could not have been further from their minds.

Mr. Andrews: However, here we are in the middle of the term of this Parliament with no election in the course of the next 24 months at the very earliest.

Mr. Connaughton: The Government read the research quickly enough after last year's elections.

Mr. Andrews: I hear no comment from the other side about buying votes. That rings a little hollow. Fine Gael should forget the auction politics it tried to use at the last general election. I think it learnt a very hard lesson when the people did not buy all the baubles and delights it offered them at the last general election. This is not an election budget, but one borne out of the passion of the Minister for issues he has followed in his time in the Department of Health and Children and is now following in the Department of Finance, for which I commend him.

One of the highlights of the budget was the additional relief afforded to first-time house buyers through the reduction of stamp duty. Fianna Fáil Members have campaigned for this ever since the abolition of the first-time buyer's grant in 2002. We are delighted to see the Minister has been proactive on the matter. As every speaker has said, it has had a real effect on ordinary people trying to get on to the property ladder. For a house worth just under €317,000, the saving in stamp duty is approximately €11,000 or €12,000, which is triple what the old grant was, and shows how generous and helpful it has been. Even in his most generous moments, even Deputy Durkan would acknowledge that was a good step regarding housing.

Mr. Durkan: The Deputy thinks I am generous. I am overwhelmed.

Mr. Andrews: This is especially true for young people throughout County Kildare who would thank him if he had made the change.

Mr. Durkan: The poor people who have waited for the past ten years might have a look at a house now.

Mr. Andrews: It should not have surprised people that the Minister made such radical and generous proposals on disability funding. While the disability consultative group still has concerns about the legislation to accompany this package, nobody is arguing about the funding. This is a

[Mr. Andrews.]
clear indication of the commitment of the Government to that sector.

I wish to follow up a small point made by Deputy Ardagh on tax relief and charities. A huge amount of money has been raised in the country in the past six weeks since the tsunami affected south Asia.

Many people have contributed more than €250. Charities have reported that they have sent out tax relief forms to such subscribers, but they have not received many of them back. As a consequence, a great deal of money that should be on its way to south-east Asia in some form is being held by the Revenue Commissioners. I echo Deputy Ardagh's comments of yesterday by asking the Minister for Finance, the Department of Finance, the media and the charities to highlight this problem.

The main issue I would like to discuss is child care, about which I feel strongly. I do not doubt that quality affordable child care is needed in this country. Quality child care can benefit children, but bad child care can have a negative effect on children. The UK Labour Party considers child care as a core issue in the forthcoming general election in that country. Over 1 million people in the UK benefit from the child care tax credit that has been successfully established there. The Government should consider introducing a child care tax credit in this country in the next budget.

The UK plans to provide 3,500 "sure start" centres by 2010. Not only will such centres provide child care, but they will also facilitate access to health and education services and tackle problems associated with poor infant health, early learning difficulties and other forms of deprivation. Paid maternity leave is extended for an entire year in the UK. Such a universal child care policy should be considered in this country.

The Finance Bill 2005 increases child benefit, which is welcome. Approximately 20% of the average earnings of parents in this country is spent on child care, compared to just 12% in the rest of the European Union. It is clear, therefore, that this country has a problem with the provision of affordable child care. The actual cost of child care for many people is between €600 and €900 per month. I spoke today to a constituent who pays €812 per month for a single child. That might surprise Deputies who are not from Dublin, but I assure them that child care costs in Dublin are extremely high. The costs faced by many people in this city who have two or three children are prohibitively high. Those who have more than one child save very little money when paying for the child care of their second and subsequent children.

Child care expenses are paid for from after-tax income, which means in many cases that parents encounter a great deal of pressure and suffer a great deal of stress. Some 220,000 Irish children are in need of child care, but that demand is expected to increase by between 25% and 50% by 2011. Although child care places are being

provided and the Government is taking proactive action in the form of certain strategies, it is clear that we will face a significant problem in this regard in the future. I hope the Minister will take some steps in next year's budget and Finance Bill to alleviate the problem, in tandem with the action being taken by the Departments of Health and Children and Education and Science.

Only those parents who avail of on-site child care facilities in their place of employment receive any form of tax relief in this area. The conditions attached to the scheme are quite restrictive and ensure that it is of minimal use. Home-based child care is chosen by almost 70% of families. The cost of such care depends on the age of the children being cared for. In many cases, no tax relief is available to parents who employ a child minder in their own homes, even though they have to make the usual PAYE and PRSI contributions. It is another example of the pressures and stresses faced by parents whose children are looked after by child minders. There is no co-ordinated approach to such matters.

I do not doubt that benefits can accrue from tax relief for on-site child care, but I am not sure whether the system is having the desired effect. Should such a tax relief not encourage employers to create on-site crèche facilities? I would argue that it should encourage the establishment of such facilities, but it does not seem to have that effect. The incentive to employers, who should be encouraged by means of tax relief to provide facilities of this nature, to take such action does not seem to exist because the facilities seem to benefit parents only.

I welcome the section of this Bill that increases the funding made available to the Department of Justice, Equality and Law Reform's equal opportunities child care programme. The provision of child care worth €90 million up to 2009 under the programme is welcome. It is estimated that 17,000 extra child care places will be created by 2009, but I am concerned that it will not be enough. It should be noted that the programme does not fund pre-school services because they are considered to be part of the early education system. I consider that to be a failing of the programme. There are gaps in the manner in which services are provided under the programme.

Much has been made of the increases in child benefit. No Member of the House would argue that the increases are not welcome. All Deputies are aware that the increases apply to everybody who has children, regardless of income or need. It is worth noting that the National Children's Nurseries Association argued in its pre-budget submission that child benefit is not necessarily the same thing as child care. I agree with the association in that regard. The Government should consider more global ways of dealing with child care issues. For example, it should establish an interdepartmental group to analyse the issue and to give us something to compare to the excellent UK model.

Mr. Connaughton: I agree with many of the arguments made by Deputy Andrews about child care. We can all throw political insults across the floor, but I agree with the Deputy that child care is one of the biggest problems we face. I had not intended to discuss the matter because I have chosen to highlight another issue, but I emphasise that the child care system needs to be improved. That can be done in many ways. Many young couples with substantial mortgages and significant child care costs are unable to meet both expenses at the same time. Such people are found in provincial towns as well as in Dublin.

I sincerely hope that the major national issue of child care will be tackled by the Government at a time when a great deal of money is available to it. There were many years when the Government of the day could not afford to address this matter, but it is certainly possible to do something positive at this time. We should ensure that it is practically and financially possible for young people to access good child care, which is a very important aspect of rearing children.

The Minister, Deputy Cowen, said in his speech last night that he is trying to ensure that the tax system plays a positive role in supporting economic development. He does not plan to detract from the major review of tax relief that is under way at present ahead of budget 2006. As Deputies on all sides of the House have said during this debate, it is not necessarily the case that all tax reliefs are deserving of a bad name. It is not true that every relief has been introduced with an ulterior motive in mind. All Governments since the foundation of the State have decided to introduce certain tax reliefs to overcome certain perceived economic problems. Some of the thousands of such reliefs that were introduced over the years have worked well, but others were not so successful. The reliefs that worked well did not receive the same level of press coverage as those that did not work.

I would like to discuss a particular tax relief with which the Minister of State, Deputy Treacy, who represents the same constituency as me — Galway East — is familiar. I do not intend to speak about what the rural renewal scheme, which was introduced in 1998, tried to do because the reasons for its introduction are well known. In fairness to the Government and its predecessor, the scheme had a positive impact in many of the areas in which it was introduced. It is fair to say that it had an uneven impact, but it worked extremely well in some places.

The purpose of offering tax reliefs, exemptions and incentives is to facilitate economic development which would not occur otherwise. In many areas, the economy would only be overheated by offering such reliefs. It would simply be daft to offer State assistance of this kind to many of the building projects around Dublin, for example, but doing so in towns such as Carrick-on-Shannon, Roscommon or Ballinasloe would be a different matter. Ballinasloe has been left out of everything.

I fully appreciate that the European Union will have a direct bearing on what will happen but I hope that when the Government and everyone else with an input reviews the tax incentives, it will be on the basis that the beneficiaries who need not be in receipt of such incentives will be the ones whose reliefs are axed. I do not have the time to list them all because there are hundreds. From the many urban and rural renewal schemes of recent years under which some towns did particularly well and others did not, we should have gathered enough information to know what is likely to work or fail. If certain towns are not given a kick-start of some kind, they will never take off. Everybody points to Carrick-on-Shannon in County Leitrim as an outstanding example of a town in which the rural renewal scheme worked well. It must have had a great effect because it was dormant for years before the commencement of that scheme.

I, the Minister of State, Deputy Treacy, and others were with the Minister for Enterprise, Trade and Employment in Ballinasloe recently. In recent years, the business people of the town have held the belief, which I share, that their interests would be very well served by an extension of the rural renewal scheme to the town. While this will be regarded as a parochial matter pertaining to east Galway, it must be noted that there are several other towns in much the same position. They are not covered by the national spatial strategy, are certainly not hub towns and are not connected to any gateways. They are left hanging. To the shame of the Government, Ballinasloe has been hung out to dry and is connected to nowhere.

Having said that, it is obvious that the national spatial strategy will not be changed. Therefore, we must ask what can be done for a town that has lost more than 1,000 workers and to which it seems to be impossible to attract an anchor industry. We are told every week that one might locate there but none has done so yet. Moreover, there is a lack of confidence in the business community throughout the region.

I do not understand why a case cannot be made for a tax incentive for communities such as Ballinasloe when the file is eventually sent to Brussels. It can be proven conclusively in economic terms that if such towns are not given a kick-start, economic development will not occur. I do not understand why we must wait longer to prove that economic development has not begun in Ballinasloe. It is certainly evident to everyone that it has not begun.

When the Finance Ministers talk about the various EU-backed tax incentive schemes for which approval must be obtained from Brussels, several of those Ministers will be from countries with exactly the same problem as we have. I know of no country in the expanded European Union that does not have the sort of disadvantaged areas and towns to which I refer. I do not understand why a case cannot be made to assist them. I fully appreciate that the problem to which I refer is

[Mr. Connaughton.]

not the be-all and end-all, but tax incentives can serve as a vital tool in the development of a reasonably good economic structure for places such as Ballinasloe.

Tuam, which is in my constituency and which I know very well, did reasonably well from an urban renewal scheme. There were some dramatic investment projects, some of which did not work out too well. However, I know full well that over the next five to ten years, towns such as Tuam, which is a hub town and a RAPID town, could suffer from certain social and economic problems that beset towns of that size. I hope a tax relief will be made available to them. Regardless of where this issue is aired, even if it is in the Office of the Comptroller and Auditor General, a case can be made for towns like Tuam based on the logic of good economics.

Many people say to me and to the national press that they believe all tax exemptions, reliefs and incentives are wrong. This cannot be correct because all Governments since the foundation of the State have used them as an economic tool. The Minister of State should say this to the Minister for Finance so that when he meets the other EU Finance Ministers, he will be able to advocate my case. Although I am highlighting my constituency, there is nowhere in the country that could not benefit from my proposal. I am afraid that people will be swayed by public opinion to the effect that the aforementioned incentives are wrong.

Some years ago, the European Union officials, in their wisdom, appeared to suggest that tax incentives were uncompetitive. I had understood that the incentives were available to all member states. I hope that, in the interest of sound regional development, the renewal scheme to which I refer and other similar ones will not be forgotten about over the next 12 months. The scheme is necessary if we are to give a kick-start to towns such as Ballinasloe. It is not a hub town and is not connected to a gateway. It has been left out of the loop and in no man's land. IDA Ireland states it is doing its best, yet the town lost three significant industrial projects in the past five or six years and did not regain a single job. Fianna Fáil and the Progressive Democrats can blow their trumpets all they like about our great economic climate, but if one happens to live in Ballinasloe, one will realise there is nothing dramatic about our economy. Economists and advisers will turn up their noses at the rural renewal scheme, but we are able to point to developments in areas that would not have attracted commercial interest had it not been for that scheme. I have not heard of anyone becoming a millionaire because of the system. I congratulate the Government on extending the stamp duty exemption for young farmers by a few years. That is very important.

An effort to solve the problem of farm fragmentation was raised in the budget and appears in sections 113 and 114 of this Bill. I have spent

a lifetime speaking on this topic, but in this instance I am not sure the Government intends what I thought it intended. Years ago when I was in charge of land policy, this effort began with a tax incentive for farmers in a townland whose land was scattered around the area. From a technical point of view, fragmented land is difficult to manage because of difficulties with driving stock on the road and fencing and so on. Anybody who knows rural Ireland understands this. In the intervening years, that tax incentive was forgotten but this Bill reintroduces it.

The Minister's speech, however, gives the impression that the stamp duty exemption that would normally be part of any sale applies only when two farmers come together to exchange land. I may be mistaken but if I am correct, the Minister need not be concerned because it will not cost much money in 2005 as there would be a poor uptake. If it involved a major rearrangement in a village, such as those the Land Commission effected between several farmers, it would be very important. I hope that whoever responds to this debate will explain in detail for whom this is intended.

We all remember floods in Clonmel, Drumcondra and Gort a few years ago. Wherever there is a flood it is bad news, irrespective of compensation.

Mr. Hayes: For the Ministers too.

Mr. Connaughton: That is right, for the Ministers too. It is similar to the outbreaks of BSE, TB or brucellosis in the world of farming which are bad news no matter what compensation is offered because the person concerned always loses out. That is the way life is. If flood water passes through one's house, that is bad news. The Government or another agency may compensate one but one's house remains in the path of the water and may be flooded again in the next storm.

Does the Government have a national contingency fund for exceptional cases? For example, in Ballinasloe three houses were badly flooded for the fourth time over several years. They will receive no further insurance cover. One house owner said the flood-water came up from under the floor, bursting the floorboards. No matter what compound was placed outside the house, the flood-water would come in. Does any Department have a scheme, to be executed as usual by the Red Cross, to compensate such a family to enable them leave that house and build a new one on a dry site? This would not happen in all floods. I hope there is an answer to this question because people say there is a fund somewhere until one looks for it and then it disappears. Does a fund exist for exceptional circumstances which, after due scrutiny, show there is no alternative but for people to move house?

The last budget recalls the curate's egg; it was good in spots. It was poor in other spots. The Minister of State is fortunate to be in Government when so much money is available. I sup-

ported and congratulated the Government on giving millions of euro to the disabled, which should have been done ten or 15 years ago. The Government, however, should take note of the meeting of representatives of the disabled in the RDS last night who believe they are drawing the short straw. The Government will have to make major changes to the Disability Bill or any work it has done heretofore will go for naught.

Ms F. O'Malley: I wish to share time with Deputy Michael Moynihan. Deputy Connaughton indicated the flavour of the Bill. The last budget was possibly the first to be passed without a vote. It is commendable that the Opposition did not put it to a vote because of the good provisions it contained. The Opposition says it is easy to be generous when the money is in the bank, but it is important to generate the money before giving it out. I commend the Minister on his budget and this Bill.

Deputy Sargent spoke about the lack of provision for biofuels, a topic on which I share his passion. The Taoiseach said there are no provisions for the industry in this Bill because the Finance Act 2004 provided for it. To date nobody has gained tax relief under that provision, which is lamentable. We need to consider why. The Taoiseach said that it is due to procedures. Acquiring state aid clearance is a necessary measure but Germany and France make very generous provisions for the industry which is flourishing as a result. Those countries meet the targets set by EU directives with which we must all comply in respect of the Kyoto Protocol and the development of a biofuel sector. By the end of this year 5% of our transport fuel must come from a biofuel source. We have a great deal of catching up to do.

While I accept provision was made for this last year, the Government cannot take comfort from the fact that the industry has not developed. Although state aid clearance has been in place since last August, some people should be availing of the tax relief at this point. Many co-operatives and organisations were set up when the provisions were introduced with an eye to diversification which complements the development of our agriculture policy.

When I was in school, diversification was the key to the future of the agriculture industry. This is one key way in which agriculture can be helped. If we consider the difficulties at Greencore in Carlow at present, there is an obvious solution to the problems of the workers and the future of the factory. We would benefit from looking at international best practice before seeing what we can do about it. We should not reinvent the wheel in doing this. We need simply to select the best and decide that if it is available to other countries under EU law and legislation, it should be available to us here. For example, last year British Sugar announced it was to build a £20 million plant to turn sugar beet into bioethanol, a type of biofuel which can be used in cars. This is the

future and the way we need to go. The workers in Greencore in Carlow need comfort and the Government should provide the comfort that this is a solution to the potential factory closure.

In making this part of the future for a more diverse agriculture, the Government should use the tax system to stimulate markets. This is highlighted to great effect in regard to the much maligned stallion tax relief. While the Minister for Finance last year indicated this was under review, which is correct, it stimulated an industry at a time when this was needed. All of us are grateful that Ireland leads the way in the thoroughbred racehorse industry, which is a major industry here. However, given that the stimulation has taken place, we may need to review the relief.

The tax reliefs that worked for the thoroughbred industry should be applied to the biofuels industry. This would tie in with agricultural policy as well as dealing with our obligations and targets in regard to the Kyoto Protocol and developing a biofuels industry.

It is understandable the Department of Finance, which is charged with collecting money, never likes to see taxes forgone. However, the amount that might be in permitting the elimination of excise on biofuels would pale into insignificance compared with the benefits for the country in terms of employment. There is a live example of this in the instance of Greencore. It would reduce carbon dioxide emissions and help avoid punitive fines which will probably be imposed as a result of the Kyoto Protocol. We must plan well in advance and not take decisions when a crisis faces us full on. We need to plan now, which is why I welcomed this provision in 2004.

My point in concentrating on the biofuels sector, although it is not covered by the Bill, is to demonstrate that having the provisions in legislation is an important first step and an important signal on the part of Government as to what its policy will be. However, this must be underpinned by political will and, most importantly, the confidence and support of the Department of Finance. Without that Department moving swiftly on new provisions, they will not succeed, and I hope this fate does not befall any of the provisions in the Bill.

I am disappointed nobody has benefited to date despite that I get numerous telephone calls from people seeking to develop this industry and very keen to make progress. It is not that nobody is offering themselves. Rapeseed is grown in County Wexford through a provision of the Department of Agriculture and Food which provides a subsidy of €45 per acre. However, what is produced must be exported because our market has not been developed. We must kick-start the biofuels industry. Provisions in the Finance Bill 2004 paved the way but we need commitment and drive on the part of the Department of Finance to ensure these provisions become a reality.

Mr. M. Moynihan: I welcome the opportunity to contribute on the Bill. I congratulate the Minister on his first budget and Finance Bill and wish him well. He is probably one of the first Ministers of Finance to introduce a budget on which there was no vote on budget day.

The Bill provides for a number of changes to enact the budget of 1 December last and it must be enacted by the Oireachtas before 1 April. The main provisions of the Bill are to reduce income tax and stamp duty, to remove those on the minimum wage from the tax net and to extend the powers of the Revenue Commissioners to deal with major cases and crack down on certain tax avoidance schemes.

The removal of all those on the minimum wage from the tax net has been long sought by all and is welcome. The Bill also confirms the cut in stamp duty for first-time buyers of second-hand houses. While any incentive taken by Government to reduce stamp duty or other excise duty for first-time buyers seems to increase the price of houses, it is a welcome initiative. The Bill also seeks to upgrade the tax administration to the benefit of all taxpayers, especially those in the PAYE sector, which will help to deal more quickly with tax payments and repayments. It also gives effect to the tax reliefs and reductions announced in the budget.

A particular focus has been on the new powers of the Revenue Commissioners to pursue major tax evaders, including the addition of the offence of aiding and abetting to the list of revenue offences to assist the Revenue Commissioners take proceedings against those who actively assist others in tax avoidance. The Bill will also implement a number of recommendations of the revenue powers group that reported last year.

Some Members raised issues in regard to tax relief. There has been much media and other speculation on tax reliefs of one form or another which has led to a belief in some quarters that any schemes to help generate growth through the provision of tax incentives are wrong. However, for many years tax relief and incentive schemes generated growth throughout the country and were welcome.

The town renewal scheme was introduced in 1999 and enacted in 2000. Many people noted there was limited take-up of the scheme in the approximately 100 towns included. However, sections of any town included received investment because of the tax reliefs available. As other speakers noted, this would not have happened unless the scheme was in place. The knock-on effect was that the towns that received the relief benefited from it, none more so than my town of Kanturk. Properties which were designated benefited, which leads to other issues. To condemn all tax reliefs and call for all loopholes to be closed off is not the way to proceed.

In recent years we have witnessed a welcome explosion of growth throughout the country. Some towns and villages that heretofore did not witness growth now face inadequacies in infras-

structural services as a result of the explosion in housing which is taking place. This will require further State investment. As a buoyant and growing economy is welcome, it is great that services are required throughout the country.

Major changes have taken place, particularly in rural Ireland. As I come from a predominantly rural constituency, I have witnessed major changes taking place in rural Ireland over the past eight or nine years, which is welcome. Too often over the past 40 or 50 years, emigration ruled rural Ireland. Perhaps one or two members of a family remained in the local community while the others had to either emigrate or travel elsewhere. This has been the pattern for almost 100 years. Given that for the first time in many generations we are able to provide full-time employment for people in their local communities or within Ireland, there are issues in regard to planning and other services which must be tackled.

In 1995-96, small rural schools were closing and the number of teachers was reduced. However, the numbers in schools have been increasing in the past two or three years. Areas are not just depending on the native population. The country has now become more multicultural and multi-denominational, which is welcome. We must ensure that services are provided throughout the country, not just in the large cities.

In recent years, there has been a great reduction in the amount of tax paid. Tax has been reduced from 28% to 20%, yet we are told that more tax is being taken. However, people are paying less tax individually. One of the greatest incentives introduced by the Government over recent years, particularly since 1997, was a reduction in corporation tax. We were berated for reducing this tax from 36% to 12.5%. This measure has continued to generate economic activity by enticing entrepreneurs to come here to set up business, thus ensuring jobs for our young people. This means they do not have to emigrate as was the case in the past.

Decentralisation was announced in budget 2003. The first phase of the decentralisation programme was announced in Phil Flynn's report in the fall of the year and we are awaiting the announcement of the second phase. For far too long State and Government bodies have been paying excessive rent for properties in Dublin and other large centres. The country can be run as efficiently from provincial towns as from large urban areas. Some commentators said at the time that Government should remain in the capital city and that if Departments were dispersed throughout the country, we would not have a cohesive form of government. If Departments are dispersed throughout the country, when policies are being drawn up, particularly at departmental level, and being brought to Cabinet and to this House, people living in rural communities and small towns throughout the country would have a greater impact on the decision-making process. It would ensure a more balanced nationwide view of legislation or regulations introduced.

For far too long people throughout the country, particularly people who live great distances from Dublin, have said that the rules and regulations have been enacted by Dublin people for Dublin people. The decentralisation programme will go a long way towards redressing the imbalance in this regard. I hope the Government will ensure that the full decentralisation programme is rolled out as soon as possible.

Much has been achieved over the past seven or eight years but there is still a long way to go. Issues such as child care, social housing and special educational needs are still outstanding in achieving an inclusive society. Despite some adverse comments recently, we have gone a long way towards achieving an inclusive society.

I am pleased to have had an opportunity to contribute to the debate on the Finance Bill and I commend the Bill to the House.

Dr. Upton: I wish to share my time with Deputy Durkan and Deputy Hayes.

I would like to begin on a positive note by welcoming the innovations by the Revenue Commissioners in providing an on-line service allowing members of the public to manage their tax affairs directly. This extension is provided for in the Finance Bill. However, tax relief and tax credits place the onus on individuals to draw down the benefits available from Revenue. While many people can manage the system very well and avail of all their entitlements, unfortunately, a section of the population is less able to do so, and very often they miss out on the benefits to which they are entitled. For example, they may have literacy difficulties and/or lack the confidence to tackle revenue matters. This section of the community repeatedly do not get what they are entitled to, even though these are the people most in need of help.

The very wealthy can call in professional advice and competent tax advisers to help them minimise their obligations, which they do much of the time. I would like to see a general tax advocacy service on offer to members of the public to advise them on how to ensure they receive their entitlements. MABS, for example, has been very valuable and productive in advising people on managing their money matters generally. A similar provision would be very welcome in helping people with their tax concerns.

There is a need for greater equity in the tax system, especially as it relates to the two-tier taxation system. Just over half of PAYE taxpayers will be caught in the higher tax bracket of 42%. It is wrong that a single person who earns just over €30,000 starts paying tax at the higher rate of 42% on overtime or a small additional amount of work they might do. It is inequitable that this group of people are taxed at the same rate as the very wealthy. The Department of Finance appears to have taken a policy decision that half the PAYE sector should be caught in the higher rate, thereby taking the burden of taxation, while

the very wealthy are allowed to escape paying their share.

The PAYE sector is a dependable source of income. They are an easy target for Revenue. As they are taxed at source, they cannot avail of tax avoidance schemes. To that extent, the Finance Bill is unfair to PAYE workers. My colleague, Deputy Burton, highlighted the success of some very wealthy people in reducing their tax obligations to zero. This is because of the loopholes left open by the Department of Finance and by the expertise that becomes available to the very wealthy. Such revelations have highlighted the need for ongoing reform.

The Labour Party has called for the establishment of a separate tax commission or tax reform commission, which I support. Departments and agencies such as the Revenue Commissioners too often downgrade consideration of policy choices in favour of crisis management and administration. This inevitably leads to poor long-term strategic planning and an absence of transparency as to how decisions are made. The announcement by the Minister, Deputy Cowen, of a review of tax or even exemption for high earners is welcome. I look forward to the outcome of this process in budget 2006. However, such a process of reform should not depend on local election results, but should be an ongoing process. It is the sort of work a tax commission should do on an ongoing basis.

We should examine innovations such as hypothecated contributions to pay for public services and new public projects. There is currently little or no discussion of possible new ways of organising taxation. Taxation policy is based on policy choices. Under the current system these choices are made behind closed doors. There is little public acknowledgement of the policy aims sought by the Department. There is also little accountability as to the effectiveness of taxation measures. For example, Deputy Burton highlighted issues regarding tax reliefs for private hospitals. An independent tax commission would bring the policy choices behind taxation policy to the fore and it would allow for transparent consideration of policy choices as well as the monitoring of relief already in place. The Minister, his Department, officials and Revenue would have nothing to fear from such an independent tax commission. We are very much in favour of transparency.

I welcome the comments of my constituency colleague, Deputy Ardagh, on the skewed use of retirement reliefs by a number of wealthy individuals. I agree with the proposal for an upper limit on the level of income that can be used as a basis for calculating pension contributions for tax relief purposes.

I would like the Minister to address an anomaly regarding the operation of the disabled drivers' and disabled passengers' tax concession scheme. I raise this specifically on behalf of the Walkinstown Association which provides services for people with an intellectual disability from the

[Dr. Upton.]

wide Dublin 12 area. The association has a landmark facility on the Longmile Road and it provides an excellent outreach service for people with an intellectual disability. Part of its service involves providing transport, in particular, as many of its clients are adults living at home with their elderly parents. The Walkinstown Association has brought to my attention the anomaly that this organisation cannot avail of VRT and VAT concessions for providing services simply because its clients have an intellectual rather than a physical disability. It is incongruous that these concessions are available only to those organisations which provide services to people with physical disabilities. I raised this matter with the Minister's predecessor and I would be grateful if this issue could be revisited.

The recent First Active share payout also highlighted a discrepancy in the exemptions available to older people in paying capital gains tax. Customers of First Active received payments of €3,000 in January 2004 following the acquisition of First Active by the Royal Bank of Scotland. However, many of the long-serving customers were elderly and not fully aware of their tax liability. This share payout was a once-off benefit to this elderly group of people who saved all their working lives. It is unfair that they were subject to capital gains tax on the same basis as everyone else.

According to tax law, preferential treatment is already given to older people in assessing liability for capital gains tax where the sale of home, business or farm is involved. Older people also benefit from more generous exemption rates in calculating income tax. This exemption should have been extended to share pay-outs to pensioners up to a maximum amount. I would be grateful if the Minister would re-examine this issue.

The tax code could be used to encourage volunteerism. Many social and health services would benefit from the supplementary assistance of people with high skills. The tax code could be used in an imaginative and more effective way to foster volunteerism and encourage people to give up their time for others. I appreciate that volunteers are just that and are not seeking to be paid, but some tax exemption might encourage more people to become volunteers, as we badly need them.

I wish to address some agricultural matters. The ICMSA sent the Minister a detailed submission recently outlining its concerns and I would like to highlight a number of issues on its behalf. Section 27 of the Bill deals with the taxation of certain farm payments, but the table on page 54 lists the schemes included for the purposes of this section. It appears that the dairy premium scheme is missing from the table and I would be grateful if the Minister would examine this. I would also be grateful if he would examine the liability of farmers to capital gains tax and land swaps, which some of the my colleagues have mentioned.

While the stamp duty issue has been addressed such transactions may still be liable to capital gains tax. The Minister should also examine the liability for capital gains tax on the purchase of lands by farmers for the purposes of consolidating holdings — this issue has been raised a number of times — and such liability in respect of lands that are the subject of a CPO.

Under the early retirement scheme, tax relief is not available where land is leased within a family but is available if leased to strangers. Perhaps this anomaly will be reviewed. This provision seems to be somewhat discriminatory against families.

The ICMSA has requested that 100% stock relief should be available to all farmers to allow for the expansion of farms. Given the times that are in it and the somewhat uncertain future for many farmers, it is important that these tax issues are addressed in a sympathetic way.

Mr. Hayes: I thank Deputy Upton for sharing her time and giving me the opportunity to speak on this important Bill. Deputy Moynihan said that there were no votes on resolutions on the night of the budget, which has not happened for a long time. That was regrettable. There was no vote that night because there was no increase in excise duties or in taxation on petrol, diesel, cigarettes or alcohol or in respect of whatever are the usual ways of gaining finance by imposing tax increases. However, the Government has found a new way, by the introduction of stealth taxes across the board, particularly by local authorities.

The Government is a major beneficiary of the tax bonanza in the economy. The big spend in our vibrant economy has resulted in an increase in taxation from €36 billion a few years ago to nearly €47 billion now. That represents a significant increase. In recent years consumers have been paying increased amounts through stealth taxes in respect of transport, medicines, child care, VHI, ESB, road tolls — the list goes on. The worst taxes and those that have the harshest impact are the planning charges imposed by local authorities, particularly on people building houses in rural areas. The population is falling in rural areas, particularly in CLÁR areas, and we have the figures on that. People have to fork out huge sums in planning charges to local authorities before they can build a house.

There are many issues I wish to address in the Bill in the short time available. One issue that has been the subject of much discussion in recent years and in respect of which there has been much political point-scoring is that of relief on stallion fees. My part of the country is a major beneficiary of that measure and it would be deplorable to remove it without a proper assessment of it. I heard a person give an assessment of it only yesterday. If the Government changed that regulation, the extra revenue take would be approximately €3 million. Members of the Government should think long and hard about changing that regulation. The truth of the matter

is that there has been pressure from Europe in recent months in this regard and the Government is reacting to it. It should note from where the pressure is coming.

Mr. B. Lenihan: From the Deputy's prospective partners in government.

Mr. Hayes: It is coming from the French and the Germans because we are the leaders in this industry not only in Europe but in the world. I point out to people whether they are on the left or the right that I come from the town of Fethard in which not a bob was spent by anybody except the people who invested in this industry. The constituency of south Tipperary has benefited from such investment and anyone who visits that area will notice that. Many young people are employed in this industry and many have been trained in it and made their way on to the world stage from small beginnings. I record that the position I outlined will remain my position for as long as I am a Member of this House. People should keep a cool head in this debate.

Another major issue I want to raise is decentralisation, which was the subject of a major announcement in last year's budget. That programme was badly handled by the current Administration. It floundered because road and rail infrastructure is not in place. Any capital investment in that infrastructure will be productive. At a time of economic buoyancy, this Government should not be afraid to roll out investment in our infrastructure to allow people to decentralise. The decentralisation programme floundered because people were afraid to move to other parts of the country because of a lack of infrastructure.

Significant changes have taken place in the agriculture sector. I listened to the debate on the nitrates directive at the Joint Committee on Agriculture and Food. There is a fear in rural areas about the impact that directive will have on the agricultural economy. The Government must consider funding to help those people and provide the means for them to compete in the agricultural world. Many of those people, particularly the top class commercial farmers who are the backbone of this country, need help to get over this hump.

Mr. Durkan: Far from the accolades the Government was bestowing on itself because there was no vote on the budget, the debate was truncated and there was no opportunity for a vote. That is also the case in this debate.

Government Deputies have been patting themselves on the back but what about the motorist? The motorist now contributes €4 billion per annum in tax without including the proceeds from new toll roads. To what extent does he get value for the money he puts into the economy?

People mentioned tax relief for spouses in the home, which is inadequate in terms of any sort of recognition. There are spouses of either gender

who have given up their careers to look after the household and they get no recognition for the contribution they make to society on an ongoing basis.

Government Deputies get goose pimples when they hear decentralisation being mentioned. This is no surprise because it was the core of the 2004 budget when there was a competition between Government Deputies about who could announce it the quickest, but it has turned out to be a damp squib. The homework has not been done. The budget was weak and this was thrown onto the wagon as it passed to soften up the public in the run-up to the local elections, but it simply did not work. There is nothing wrong with the concept of decentralisation but this was done in a daft way.

I have not seen debates on stallions get people so agitated for many years. Stallions are sensitive animals but they are quite capable of giving account of themselves. The incentives were given to encourage owners of such animals to come into the country and improve the quality of the race-horse industry. That has happened and any changes in the area will have an impact. It is just as easy for those people to locate their horses in Newmarket or similar places. They do not have to keep the horses here. I support equity but, just like other industries we support, if we hammer them just because they appear to be doing well, we could pay a price in the long term.

There are some positives in the Finance Bill, which merely gives the *imprimatur* to the budget. Unfortunately, it was much ado about nothing. It was not an election budget and this is not an election Finance Bill. I am sorry the Government could not come up with something better.

Mr. Dennehy: I welcome the opportunity to contribute to the debate on the Finance Bill 2005, the first introduced by this Minister for Finance. The Minister holds the primary position in the Cabinet after the Taoiseach so there has been great interest in how he would set the tone both in the budget and in this Finance Bill. Many people were interested in seeing how Deputy Cowen would adapt to his new portfolio. On the basis of comments from across the board, he has played a blinder. In my time in the House I have never heard of such consistent approval from so many different sources, including Opposition spokesmen, for his short period in the Department of Finance. The Minister is already widely experienced and is bringing that experience to bear quickly.

The Minister is building on the strong foundations laid by the former Minister, Charlie McCreevy, but he has also indicated that he brings his own philosophy, expertise and experience to the post. He stated in this speech that he looks forward to a constructive debate and the speakers I have heard so far have been positive in their approach.

There are differences of opinion. Deputy Durkan said this is not an election Bill but only

[Mr. Dennehy.]

30 minutes ago, Deputy Eamon Ryan, who wanted to be President, told us the Bill is a warm-up for an election. It is either an election Bill or it is not. It is, however, getting on with the business of Government.

I am also concerned about Deputy Eamon Ryan's approach to decentralisation, which is the typical Dublin-based Deputy's approach in that nothing should move outside the capital. Is Deputy Boyle of the same opinion? I heard every argument that has been trotted out this time around when the Central Statistics Office was moved to Cork. We were told that staff would not move and transport was insufficient. People were still clamouring to move.

This Bill could be summed up under four headings: reducing income tax and stamp duty, removing minimum wage earners from the tax net, extending Revenue powers to deal with major cases and cracking down on certain tax avoidance schemes.

I have been a PAYE worker all my life. I have a slightly jaundiced view of some of the so-called tax shelters, tax concessions and pro-development schemes that have been introduced from time to time. I do not mind admitting that I have mixed views. I recognise fully the need to develop indigenous industries and that concessions might have to be made to enable businesses to survive. I also recognise the need to encourage the supply of certain facilities, such as student accommodation, health centres and so on. That can be done by way of tax incentive. I subscribe to the original thinking behind the scheme to encourage the arts by way of non-application of income tax requirements to certain performers. My greatest difficulty with such schemes is that they are deliberately abused, they are left in place although they have outlived their usefulness, or the return allowed to any single source is excessive. That has been referred to by other speakers.

I do not suffer from the begrudgery syndrome, but I was one of the unfortunate people who in 1986 and 1987 paid 67% of earnings in stoppages, with nine to feed from a single source of income. I might have developed a chip on my shoulder because of that, but I did not. However, it is wrong that someone pays no tax because they happen to be a performing artist, even though they may be able to offer from €10 million to €15 million for a premises.

There has been a tendency to lump all schemes together and to suggest that everyone involved in them is a crook. That is unfair and helps no one. Some of the most vocal in that regard have held ministerial office. What sickened me is that several of those who spoke against the stallion scheme led the charge last year and the year before in pursuit of the same concession for the film industry. That displays a total lack of consistency. It is playing to the gallery, it is a manifestation of begrudgery. It is playing all sides on the issue.

As has been suggested by the previous three speakers, what is needed is a cool and calm examination of each scheme. To take an example, the scheme for artists is worthwhile. It saw the State replacing the patronage that was bestowed on struggling artists by landowners and wealthy people. The public agrees with promoting and assisting culture and art. However, it is obvious that there should be an income limit. There is a case for keeping the scheme almost as it is, imposing a cut-off and ring-fencing the income for the arts in general or for some level of redistribution. I believe the public would subscribe to such an idea, but it must be sickening for them, no matter how popular artists may be, if they are among the highest earners in the world and pay no tax in Ireland. That scheme should be examined with all the other schemes.

Deputy Connaughton and others mentioned that the good schemes seldom get a headline. The areas mentioned are the ones that get the headlines. Some schemes, such as the derelict sites scheme, have been very good for the public. We need to examine all schemes. In the area of taxation there are the tax avoidance schemes and the issue of tax compliance. It is worth noting when discussing these schemes that the record on tax compliance has been second to none since 1997. Since 1997 as many as nine different issues were dealt with in successive budgets and Finance Bills to ensure tax compliance. That is a very positive approach. Schemes were introduced by different Governments. The designated seaside resort scheme was introduced in 1995 and finished in 1999. The Temple Bar scheme was introduced in 1991 and finished in 1999.

The objective of the measures introduced since 1997 was to ensure tax compliance. In doing that we have also, through successive Finance Acts, broadened the tax base, closed off loopholes and discouraged tax avoidance. In the meantime revenue to the State has increased greatly, the primary reason being the creation of hundreds of thousands of extra jobs. Individuals are earning more and paying less tax. What is important is that more people are paying tax.

There is a third strand, and that is tax evasion, which is a criminal act. This is the area where offshore accounts and other schemes come into play. We are now well aware of what was happening in many areas and of the reason I had to pay 67% of my income in 1987, getting only £33 out of every £100 I earned. The reason I had to pay so much was that so many others were paying nothing.

We have dealt with offshore accounts through the DIRT inquiry and with other issues. I compliment the Minister for including in this Bill a very important measure for dealing with those issues. The Revenue Commissioners have outlined to the Committee of Public Accounts, of which I am a member, the difficulties that were faced, the figures and the numbers of people who had offshore accounts or other ways of hiding money. The case has been made consistently that most of these

people, many of whom are now very old, were ordinary workers, perhaps shopkeepers, getting on with their lives and with some money coming in, and they saw a way of hiding away some of that money in order not to have to pay too much tax on it. A consistent aspect of that trend was the presence of advisers, whether they were professional tax advisers bank officials or other professionals in the financial area. They were present, they were advising, and to date it has been impossible to do anything about prosecuting or in any way reprimanding any of them.

The Chairman of the Revenue Commissioners outlined to us over the past 12 months that there had to be a change in the definition of facilitating tax avoidance. He consistently made the point that under the existing legislation Revenue could not possibly deal with the cases that were arising because although the figures suggested that some of these people had committed criminal acts and had aided and abetted tax evasion, it could not be proved. What the Minister did was outline in the Finance Bill what is needed, and he will put it into practice. With every other Deputy here, I have friends in the financial sector who are accountants. They all have the same fear that in some way they could fall into the wrongdoing side of the business by error. I do not think that will happen. They had concerns but the Minister has been around long enough to assure them and help them.

I have seen the Revenue present its case. I do not think there will be any attempt at entrapment or to coerce people or push them one way or the other. The law will be laid down. The bottom line will be that where people carry out honest transactions they will have no difficulty. If people deliberately manipulate the system, hide or falsify figures they will be in trouble. I do not believe that people will be falsely accused of facilitating tax evasion. I am open to correction but it is highly unlikely it will happen. The Minister and the Revenue are big enough to look at the position if any provision needs to be amended. It is one of the most important aspects of the Bill outside of the good news concerning the reduction in taxes and stamp duty. Most of the time we are working on the historical side and are looking back over a number of years and asking why this, that or the other was not done, but we find the laws were not in existence to enforce the particular course of action. I am glad we are moving on that issue.

An issue that has been hitting the headlines — it is a handy headline catcher — is the tax exemption for stallions. I am concerned at the way in which this has been presented in reporting that Ireland is in the dock. That is denigrating us as a nation and is the wrong approach. The issue is under examination as are many other issues throughout the EU. The bottom line is that when we bought into a single currency and accepted all the regulations we presented and argued our case on corporation tax, VAT rates or whatever and got agreement, and we have to comply with that

agreement. When the EU seeks to examine an issue it does not always mean we are wrong. I appeal to the media to be more patriotic and to present the case properly when an examination is taking place.

I referred previously to being in the dock. Approximately four years ago, when Minister for Finance, Mr. McCreevy, argued on the issue of the 3% expenditure regarding the GDP and what we could spend, he made a simple case to Mr. Prodi and others which was that Ireland was doing well, had money to spare and should be able to spend more, but he got into trouble. The EU said he was wrong and he had to argue his case, as any Irish Minister would, but the reaction here was terrible. He was the Irish Minister and he had to be wrong. Members asked how could he talk down to the rest of the Europe and they said we would suffer for it. The amazing outcome is that three years later — this month or next month, whenever it gets around to it — the EU will change the regulation exactly as he had asked that it be done. It is slackening its requirement exactly to meet the case put by Mr. McCreevy. I make that point, not for the purpose of scoring a political point, but to ask people to have more confidence in our Ministers and in ourselves as a nation.

This is a time when I would hate to be on the Opposition benches. This is the second battering it has got, first with the budget and now the Finance Bill. It must be hard on a spokesperson or even a humble backbencher like myself to get up and make a case against it. Given that we have accepted from Deputy Durkan that it is not a budget Bill, let us try to imagine what the position will be like in two years' time, please God.

Minister for Finance (Mr. Cowen): I thank all Deputies who contributed to the debate yesterday and today. Clearly there is much interest in this Bill, and rightly so. I thank everyone who gave time and consideration to their contributions. I welcome all the opinions I heard from all sides in our attempt to improve the position for those we represent, regardless of our political persuasion.

Deputy Bruton referred to the relationship between Government expenditure and tax levels and the delivery of public services. I do not accept the rather gloomy picture he paints of an over-taxed economy which gets nothing for its taxes. Tax must be looked at relative to income. For instance, the income of a person on the average industrial wage rose by over £11,000 between 1997 and 2005 while the total tax, PRSI and levies for a person on that wage was cut by more than £200 in that period.

Looking further we see that since 1997 average income tax rates for all individuals at all income levels have dropped by an unprecedented amount. For a person on the average industrial wage, the average tax rate will be 10 percentage points lower than it was in 1997 — less than 17% in 2005 as compared with over 27% in 1997. For

[Mr. Cowen.]

2005, the percentage of the income tax yield coming from those earning at or under the average industrial wage is estimated at just under 6% as compared with over 14% in 1997. In 2005, over 34% of income earners — 657,000 earners approximately — are entirely out of the tax net, as compared with approximately 25%, or 380,000, in 1997. Those simple statistics set out the facts so far as individual taxpayers are concerned.

The most recent OECD data show that Ireland, in 2003, had the lowest tax wedge in the EU and one of the lowest in the OECD for the average single worker. For the average production worker who is married with two children with a carer in the home, Ireland now has the lowest tax wedge in the entire OECD. The OECD data show that the tax wedge for such workers has fallen more sharply in Ireland than in any other OECD country, reflecting the progress that has been made in this area.

Deputy Bruton referred to an increase in the overall tax burden. Tax as a percentage of GDP went up from 28.1% in 2002 to 29.3% in 2003 according to the OECD. However, this increase was due to increases in capital gains tax receipts and the extra revenue from property taxes. Tax on ordinary income as a percentage of GDP fell.

However, I share the concern of Deputy Bruton and others about achieving value for money. That is something we must continuously strive to improve. I believe that this Finance Bill will continue the Government's focus on ensuring equity and competitiveness in our economy.

I wish to refer to some of the specific measures touched upon by Deputies. On the aiding and abetting provision which is being introduced, I am glad there seems to be a general welcome for changes proposed to section 1078 of the Taxes Consolidation Act, which deals with revenue offences. I agree with Deputies that we must learn from past experience in dealing with tax evasion, and strengthen the law where necessary.

I am also pleased that there appeared to be a general welcome for the measures to allow Revenue to make inquiries in relation to single premium life policies. It is too soon to say what the tax yield from these inquiries may be. However, this is a useful measure that will help to clear up some of the legacy of past evasion. I note in passing that the proposed provision contains important safeguards against inappropriate access to personal data, such as medical records.

Some Deputies suggested that the review of tax schemes I announced in the budget is not necessary or that I should have made certain decisions in advance of this review. The Government is undertaking the review to determine what we can learn from past experiences and whether it should seek to bring about any changes, given the current level of economic and sectoral development. Those are matters to be decided upon based on what emerges from the review. The questions include the role for a wide range of tax relief schemes, in particular those availed of by high

earners; what targeted incentives we would consider to be merited or that can deliver the community benefit where there is a deficit that cannot otherwise be filled by the marketplace, by way of public provision or otherwise. The Government must also look at balancing the benefit of such reliefs with the need to ensure that all taxpayers make an appropriate contribution to their society. Various issues raised by Deputies in respect of the benefits to high earners will be examined as part of the review.

Deputy Burton referred to the difficulty in obtaining data relating to the cost of certain tax reliefs. A number of provisions have been introduced in recent Finance Acts to help address shortcomings in this area. The Revenue Commissioners introduced a number of changes to the forms relating to the annual return of income by PAYE and self-employed individuals and companies in respect of 2004 as well as to the P35 form which is returned to Revenue by employers at the end year with totals for earnings and deductions for each employee in respect of the tax year 2005.

Deputy Burton referred to the relief for third level buildings. This relief was introduced in 1997 on Report Stage of the Finance Bill by the then Minister for Finance at the request of the then Minister for Education and Science. I do not intend to extend the relief in this Bill. The Finance Act 2004 provided that expenditure incurred up to 31 July 2006 would qualify for the relief, provided that a ministerial certificate regarding the financing of the project was issued by 31 December 2004. A small number of outstanding applications for certificates were under examination by my Department in December 2004 and it was not possible to complete the detailed examination and assessment by the cut-off date of 31 December 2004.

My announcement of 22 December stated that the applications had to be received by 31 December 2004 instead of the previous requirement for the ensuing ministerial certificate issuing by that date. It would have been unreasonable to preclude the institutions concerned simply because the examination process had not been completed. The three cases in hand are to do with public institutions. I do not wish to comment on whether the applications will be successful since they are being examined, but the three proposals were from the University of Limerick, the Waterford Institute of Technology and St. Angela's College, Sligo.

The question of overpayments by PAYE taxpayers was raised by a number of spokespersons and Deputies. I recognise the concerns which have been expressed. The PAYE system has served the country well for 45 years and the Revenue Commissioners are satisfied that the vast majority of PAYE workers receive their full entitlements each year. These entitlements are, in the first instance, reflected in the tax credit certificates issued at the beginning of each year. Revenue is currently in the process of issuing

over 2 million certificates to PAYE taxpayers for the 2005 tax year. These certificates reflect the most up-to-date information Revenue has on an individual and they are accompanied by a leaflet giving details of the credits or reliefs to which taxpayers may be entitled.

While it is right and proper that Revenue seeks to make sure that taxpayers receive their entitlements, it will always be important that taxpayers bring changes in their circumstances to the attention of Revenue. Many of the reliefs mentioned in recent weeks, such as medical expenses, tuition fees, service charges and union subscriptions, are not known to the Revenue until the individual claims for them.

Revenue is currently engaged in a comprehensive modernisation of its PAYE computer system, which will include the ability to make amendments and claims over the Internet and much closer computer links with the Department of Social and Family Affairs. When the roll-out of the new system commences later this year it will provide a greatly improved level of service for PAYE taxpayers, including, subject to defined parameters, a facility for automated reviews of liability where Revenue is satisfied that the figures are correct. The Finance Bill includes provisions in sections 20 to 24 to underpin this new service. These provisions can be discussed in more detail on Committee Stage.

Deputy Boyle suggested that the increase which the Bill proposes in the limit for publication of settlements with tax will lead to widespread low level tax abuse. I do not accept this argument. Deputies Crawford and Ardagh also discussed the question of these thresholds, although they took a different view. It is a question of balance. The limit of €12,700 has not been changed since it was first enacted at a rate of £10,000 in 1983. If indexed according to the consumer price index, the figure would be a little more than £26,000. In many recent publication cases, the bulk of the settlement consists of interest and penalties rather than tax underpaid, which could often be relatively small sums relating to periods many years ago. This goes against the original purpose of the provision when it was introduced in February 1983. It was said to be for "the larger back-duty cases involving default by the taxpayer". The new proposed level strikes a good balance.

Deputy Connolly is of the opinion that the excise duty on tobacco should have been increased in view of the known effects of tobacco on health. No one can say that the Government has been soft on smoking as we introduced the smoking ban in the workplace and since coming into power in 1997, the excise duty on a pack of 20 cigarettes has increased by €2. However, there is a limit and it must be taken into account when setting excise rates that the volume of cigarettes released from bond has fallen by 24% in the past two years.

Deputy Boyle raised the issue of biofuels. There was a provision in last year's Bill in this

regard. The Government is making good progress in discussions with the European Commission on the detail of the scheme to be introduced. I am as anxious as the Deputy to get the scheme up and running.

Various Deputies raised the issue of tax relief for child care. Over recent years the Government has considered carefully the whole area of child care. The Government has increased child benefit by very substantial amounts since 2001. It has been increased by nine times the CPI in that period.

The equal opportunities child care programme funds capital development to increase places, support staffing costs for facilities targeting disadvantage and the improvement of the quality of child care. Over the next five years, 2005-09, 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, 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 funding and €39.6 million is capital funding. This is all new spending since 1997. Prior to 1997, the only equivalent provision was a pilot scheme which ran from 1994 to 1997 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, providing 100% capital allowances available in year one for expenditure on the construction, refurbishment or extension of child care premises which meet the required standards of the Child Care Act 1991. There is also relief from benefit-in-kind taxation for free or subsidised child care where this is provided by employers. Taken together these represent substantial measures from a start-up in 1997, to assist with the cost of child care, in stark contrast to Deputy Ó Caoláin's suggestion that nothing of substance was being done.

Deputy Bruton also referred to indexation in the capital gains code. After indexation relief was introduced in 1978, there was high inflation in the 1980s and high capital gains tax rates.

7 o'clock At the time, these high rates were a major deterrent for people considering disposals of assets. Now that the tax rate has been lowered to 20%, and inflation consistently low, there is no cogent need to retain indexation relief in the capital gains tax system. Most countries do not apply indexation relief to the taxation of capital gains. As regards abolition of roll-over relief, referred to by Deputies Bruton and Crawford, roll-over relief made sense when CGT rates were 40% and above. As the Deputies will be aware, the rate was halved from 40% to 20% in budget 1998. In budget 2003, it was announced that no roll-over relief would be allowed for any purpose on gains arising from disposals on or after 4 December 2002.

The abolition of this relief is in accordance with the overall taxation policy of widening the tax base to keep direct tax rates low. It is logical to

[Mr. Cowen.]
tax capital gains when they are realised and this change brings CGT into line with other areas. As regards the question of CGT in a compulsory purchase order situation, the CGT due on a disposal of land under a CPO is calculated in the same way as for any other disposal of land, that is, the total sum received will be the amount to be assessed for tax.

As regards the points made by Deputies Deenihan and Glennon and others in regard to the Gaelic Players Association, I have given a commitment that this will be thoroughly examined.

In answer to comments made by Deputies Ardagh, Glennon and Curran regarding stamp duty for first-time buyers of second-hand houses, I am glad to note that the stamp duty for first-time buyers of second-hand houses has been genuinely

effective in helping these buyers take a first step on the property ladder.

Deputy Perry expressed some criticism of preliminary corporation tax payment dates. I note in this regard that, as he acknowledged, the Irish tax system is not over-burdensome for companies. The Government is trying to bring payment dates into line with international standards.

Deputy Deenihan referred to the issue of VAT deductibility for entertainment expenses and I note his plans to propose an amendment. This form of deductibility was available in the past and appears to have been widely abused.

I thank Deputies for their contributions to the debate. Time does not permit me to respond on all the points raised. I look forward to Committee Stage which will offer an opportunity for a more detailed discussion.

Question put.

The Dáil divided: Tá, 75; Níl, 56.

Tá

Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Collins, Michael.
Connolly, Paudge.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.

Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Lenihan, Brian.
Lenihan, Conor.
McDowell, Michael.
McEllistrim, Thomas.
McGuinness, John.
McHugh, Paddy.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Feargháil, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Treacy, Noel.
Wallace, Dan.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.

Níl

Boyle, Dan.
Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Costello, Joe.
Coveney, Simon.
Crawford, Seymour.

Deenihan, Jimmy.
Durkan, Bernard J.
Enright, Olwyn.
Ferris, Martin.
Gilmore, Eamon.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Harkin, Marian.

Níl—*continued*

Hayes, Tom.
Healy, Seamus.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McCormack, Padraic.
McGinley, Dinny.
McGrath, Finian.
McManus, Liz.
Mitchell, Gay.
Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Naughten, Denis.
Noonan, Michael.
Ó Caoláin, Caoimhghín.

Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keefe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

Finance Bill 2005: Referral to Select Committee.

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

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

Question put and agreed to.

Private Members' Business.

Northern Ireland Issues: Motion (Resumed).

The following motion was moved by Deputy Kenny on Tuesday, 8 February 2005:

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 res-

olution 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.

Debate resumed on 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.
- (The Taoiseach).

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I wish to share time with Deputies Kirk and Glennon and the Minister of State, Deputy Treacy.

I speak as a constitutional republican who, to use the words of Article 3 of the Constitution, shares the firm will of the Irish nation in harmony and in friendship to unite all the people who share the territory of the island of Ireland in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people democratically expressed in both jurisdictions on this island. I also speak as a constitutional republican who believes that the tricolour of green, white and orange, our national

flag under Article 7 of the Constitution, is a symbol of a fundamental value that the vocation of true Irish republicans is the reconciliation of those traditions and their unity, not the creation or perpetuation of conflict between green and orange.

I also speak as one who believes the Good Friday Agreement, which is embodied in our Constitution, is a solemn, legitimate and an authoritative expression of the democratic wishes of the people of both parts of this island freely given in fair and democratic referenda. As a republican, I, and everybody in this House, cannot accept that any contending mandate from history or any theory overrides or supersedes the Good Friday Agreement. Still less could any genuine republican claim that a tiny group of secret paramilitaries have some superior right or root of title to governmental authority on this island which authorises or justifies them in usurping the freely given, solemnly expressed will of the Irish people embodied in that Agreement.

Such a claim is the very antithesis of republicanism. Not only is it bogus, it is bereft of any historical truth or morality. The very notion that the popular mandate of the second Dáil, as we are told by some theorists, could be somehow handed down 20 years after its election in December 1928, long after the Dáil's term was spent, by two elderly persons describing themselves as *Comhairle na dTeachtaí* in secret to a paramilitary body, such as the IRA, and that it would in January of 1939 announce that it was, as a consequence of that transmission of authority, the legitimate Government of this country is not simply absurd but it is grotesque.

Democratic mandates, like democracy itself, are not capable of being taken hostage or of being transmitted like property by tiny groups to be used or abused by them in their future quest for power or influence. On the contrary, true republicanism can never be severed from the principle of democratic mandates, about which we hear so much. It is not a holy flame kept burning by some secret cult. The Irish Republic derives its authority from the strong voice of the people not from some ghostly whisper from history. That is why we republicans in this House must stand by the one and only Republic that exists on this island. We must stand by its Constitution — *Bunreacht na hÉireann* — its Defence Forces, the only *Óglaigh na hÉireann* on this island, its *Garda Síochána*, the only police force of this State and its democratic institutions, courts and laws. Nobody on this island has the right to say they make up their own laws or that they decide what is lawful or unlawful or that they decide what is criminal or not criminal. All of those obligations are impressed upon us by our fundamental political duties as citizens of this State and of loyalty to that State, which is also set out in the Constitution.

The motion before this House is, happily, one that I think commands the support of the majority of Members. It is a motion which has

been crafted not to be negative but to be positive and, above all, to be truthful and to describe things as they are and to identify the problems that now exist. Those of us who believe in the values of republicanism, in a united Ireland, in reconciling green and orange and in the rule of law and the authority of that rule of law must unite in expressing those values and in standing by them.

We must take this opportunity to unite behind a simple message to those who have difficulty with these concepts. The message is that there is no room on this island, North or South, for those who seek to share in the executive authority of any institution set up by the people on the basis that they can pursue democratic politics while in alliance with paramilitaries. That cannot be done. It is a cul-de-sac and a road that has no end as far as republicanism is concerned.

Like many other speakers, I support the Good Friday Agreement. However, we must realise now in early 2005 that, going back to the time the Agreement was hammered out in 1998, it was based upon the supposition and assumption that all who were to take part in its implementation would abandon paramilitarism, end any alliance with the use of violence for political ends and use entirely peaceful and democratic means thereafter to achieve those ends.

However, it also requires, and this is the point the House should dwell upon for a moment, some basic element of political integrity. This is not some high, moral and arch political posturing. It is the basic political integrity which recognises there cannot be a situation in which some people distinguish between acts that are against the criminal law of this State or of Northern Ireland and say that when they are carried out by some people they are lawful, and when they are carried out by other people they are not, and that crimes are not committed by some people depending on their theory of history, where the self-same identical act when committed by another person without that mandate from history is a crime. That cannot be a basis for going forward.

I have been accused, as have other Government members, of somehow being unenthusiastic about the peace process. The Good Friday Agreement is the peace process and working it out and implementing it is what the peace process is all about. The Government is united, and no effort to divide it will succeed, in the full and fair implementation of the Good Friday Agreement. We are positive about everybody's opportunity to participate in implementing that Agreement. We seek to exclude, marginalise or criminalise nobody.

Criminalisation, marginalisation and exclusion on the part of the provisional movement are self-inflicted handicaps deriving solely from its refusal to face up to the implications of what it claims to have agreed to in 1998. This was the terms of the Good Friday Agreement, the Mitchell principles and the commitment not merely to exclusively peaceful and democratic means in the pursuit of

[Mr. McDowell.]

political goals, but also to oppose the use of violence by others. That obligation of the Agreement to oppose the use of violence by others is as central to participation in its implementation as any mandate.

It is not possible to claim opposition to the use of violence by others if armed robbery, armed punishment beating — which is a euphemism for torture and mutilation — extortion, exiling under threat, attempted murder and murder fall to be viewed by one as things that are not crimes. One cannot hope to participate in the political process while one has those mental reservations. I say this not on an exclusionary basis but on the basis of appealing to those who hold those views to exit that time warp and parallel universe and to come into the democratic world occupied by the rest of us on equal terms.

Equality is what is on offer but equality is a challenging item. It is a matter of give as well as take. Those who seek equality for their mandate must equally accept that their mandate was not sought and obtained on the basis of a continued alliance with the threat and use of violence and criminality to support any particular end.

Where does this leave us now, looking at where the negotiations in December ended? It is not true to say they ended on the basis of an impasse about a photograph, nor is it true to say they ended solely because of reservations and an unwillingness of the part of the Unionists in Northern Ireland, the DUP and the UUP, to take part in the democratic institutions. They ended in large part because the Sinn Féin negotiators communicated to the two Governments that they could not sign up to the simple proposition that in future the provisional movement, in both its parts, would undertake solemnly and as a condition of further progress to respect the rights and safety of others.

Caoimhghín Ó Caoláin: That is a misrepresentation.

Mr. McDowell: Is that a demanding question or requirement to make of anybody? Of course it is not. It is the basis upon which we all participate in politics, to uphold the rights and safety of others. Time and again, however — and I know this because I sat there and saw the drafts going this way and that — this proposition was put to Sinn Féin. Time and again, every effort was made to avoid signing up to that proposition. Every effort was made to equivocate around that obstacle, as they saw it, to get around it, to fudge it and to claim it would be all right on the night and they would think of something later. In the last analysis, however, that simple proposition was apparently too much to be swallowed.

Criminality did not begin on the day the Northern Bank was raided, nor did it begin with the recent rash of punishment beatings in Belfast which was turned on with the click of fingers by a provisional movement which decided it was

now time to exert its authority on the Nationalist communities over which it holds sway. Criminality has been taking place on both sides of the Border on a sustained basis since 1998, moderated now and then to suit the provisional strategy.

I told this House of how the Dublin brigade of the IRA was stood down because its members were sticky-fingered and began to share in the proceeds of the fund-raising operations which they were carrying out on behalf of the provisional movement. Some of them were brought north of the Border and shot in the limbs for their troubles. However, the implication of that action to the gullible might be that this was an end to all that behaviour — far from it.

What took place afterwards was that criminal activity, including fund-raising, robberies and so on, were then moved, as far as their organisation and planning was concerned, to Belfast. The adjutant of the IRA in Belfast, a man who rubs shoulders with people we see on television prating on about human rights, the peace process and their mandate, began to organise major criminality in this city and came down here to discover what was going wrong and to threaten with death those who had made a mess of his arrangements if these things ever happened again.

Criminality will not go away as an issue. As long as that is in doubt in some minds, we have a major problem. However, when it is clearly understood, we have the chink of light that will allow those people who have sought a mandate to create peace in Northern Ireland and on this island and to pursue their republican and socialist policy objectives to participate as equals. This is possible once light begins to fall on that one simple proposition as to whether it is possible to continue with violence into the future in tandem with democratic politics or whether violence and the threat of violence and criminality must end.

No basis exists for anybody to claim they are being victimised by the unanimity and consensus that has emerged in recent weeks on these matters. Nobody is being marginalised or has their mandate devalued and above all nobody is being cornered or pushed towards some intolerable position. Nobody has his or her patience tested. On the contrary, as in the past, every opportunity is being offered to those who are democrats to take up the challenge of the mandate they have received and to contest the democratic process on equal terms with the rest of us. I welcome the fact that this motion was tabled on an all-party basis.

Caoimhghín Ó Caoláin: That is not the case.

Mr. McDowell: I welcome the fact that the motion has been so widely supported in the House. I believe the motion will attract not only the support of the great majority of Members of the House but also that of the great majority of the Irish people. Failing to live up to the logic of this motion is a self-inflicted handicap that the Provisional movement has taken upon itself.

When and if its members go away and consider all these matters and when they wake up to the truth, we will have made some progress.

Mr. Kirk: I am pleased to have the opportunity to contribute to this vital debate and to express my full support for the Government motion. It is of the utmost importance, at this difficult time for the peace process, not to lose sight of the need to uphold the Good Friday Agreement, to consolidate the progress already made and to seek to achieve its full implementation.

As a Member of this House representing a Border constituency, I am very conscious of the real and marked change, which has been brought about since the signing of the Agreement in 1998. It is a matter of deep personal regret to me that this progress should be in any way delayed and that the full implementation of the Agreement should be impeded by the ongoing failure to decommission illegal arms and to end, once and for all, paramilitary and criminal activity. This is simply not acceptable and cannot be allowed to continue.

Tremendous work was done by the Government last autumn in working with the British Government and the parties towards the achievement of a comprehensive agreement. This would have seen the restoration of the power-sharing Executive, the Assembly and the North-South Ministerial Council. I recall very well the great sense of optimism for the future, which pervaded the atmosphere at the time.

I have been a long-standing member of the British-Irish Interparliamentary Body and its steering committee. Contacts, both British and Irish, made through that body have always reinforced for me the very broad, popular and cross-party support, which exists for the Good Friday Agreement and for its complete implementation. Last October, at a time when the Governments were engaged in extensive talks with the parties, I co-chaired a meeting of the body in Wales. The mood at that meeting was most optimistic and hopeful, and the fair wind behind the effort to reach comprehensive agreement at that time was obvious to all. It will be a tremendous loss if these hopes cannot be realised.

As well as the encouragement received from the British-Irish Interparliamentary Body, the peace process in this country has also benefited from the support and solidarity of many friends overseas. The continuing support of the United States for the Government's work in pursuit of lasting peace and stability in Northern Ireland simply cannot be underestimated. The Minister for Foreign Affairs is in Washington this week to discuss recent developments. The Minister is also engaging with key contacts in the US Administration and in Congress this week as well as in the Irish-American community. Such contacts have been invaluable in promoting progress over many years. As many Members are aware, the Taoiseach will visit Washington on St. Patrick's

Day and we look forward to this valuable tradition continuing in the years to come.

Mr. Glennon: I support the motion, which addresses the full context in which the Government and the parties in this House can assess the current state of the process. As the Taoiseach and other speakers have outlined, the present situation is very serious. The tensions of the marching season are already not far off. At this point, we can only hope that the cross-community work on the ground of recent years and the wise adjudication of the Parades Commission will ensure that tensions and conflict on the interfaces are contained and minimised. As with many other problems, the issue of contentious parades can only be resolved through dialogue and agreement. The Good Friday Agreement envisaged that no one should need to yield his or her cherished convictions or beliefs. It enshrined the belief that everyone should respect the views and rights of others as equal to their own.

In current circumstances, when the focus is inevitably on recent events and the difficulties of securing momentum in the political process, this idealistic vision of the Good Friday Agreement may seem remote. Nevertheless, it is hugely important to take account of some of the encouraging progress made to date on human rights and equality, which, despite being at the heart of the Agreement, are often overshadowed by other issues.

The Agreement, particularly in its rights, safeguards and equality of opportunity section, represents an important accommodation that protects and promotes the identities and entitlements of all political traditions, groups and individuals. I know the Government attaches a high priority to the human rights agenda of the Agreement. It is discussed with the British Government on an ongoing basis, including through the framework of the British-Irish Intergovernmental Conference and was a central component of the Joint Declaration published by both Government in May 2003.

We have seen the establishment of human rights commissions, North and South. The two commissions have set up a joint committee of representatives that considers human rights issues on the island of Ireland. The operation of the Equality Commission in Northern Ireland is another of the success stories of the Agreement. Despite this progress, I know the Government recognises that there is no room for complacency and that it will continue to strive for the full implementation of the human rights and equality agendas, which are at the core of the Good Friday Agreement. The creation and consolidation of a culture and framework of equality and human rights on this island will serve to underpin and support the pressing goal of attaining stable, inclusive, power-sharing government in Northern Ireland.

Certain parties seem to feel that they have cornered the market on human rights and

[Mr. Glennon.]

equality. They seek to explain away any legitimate political criticism that is directed at them as being an infringement of their human rights or a denial of equality. I hope my remarks this evening have shown that sustaining human rights and equality is not about slogans thrown around for political convenience but about patiently building up frameworks and processes that, over time, institutionalise them at the heart of government and society.

It is in all our interests and it is our responsibility to continue to build a society in Northern Ireland where the legitimate rights of each individual and each community are accommodated and respected. That is our programme and I commend the motion to the House.

Minister of State at the Department of Foreign Affairs (Mr. Treacy): As both Governments have made clear, the current difficulties in the peace process have been immeasurably complicated and deepened by the robbery of the Northern Bank. Continuing paramilitary activity and criminality is rightly the focus of our efforts to remedy the current difficulties. Removing the impasse and securing the establishment of the institutions of devolved government in Northern Ireland, as set out in the Agreement, on a stable and durable foundation must remain our overriding objective.

The Good Friday Agreement is an expression of the democratic will as expressed on this island, North and South, in May 1998. As has been made clear by the Taoiseach in the course of this debate, the agenda set out in the Agreement and endorsed by the people is a comprehensive one, addressing all aspects of the problem of Northern Ireland. As well as resolving the problem of the residual paramilitarism of today, we also need to focus on dealing with the legacy of the violence of the past. The Good Friday Agreement set out the principle, that it is essential to acknowledge and address the suffering of the victims of violence, as a necessary element of reconciliation.

Victims have a right to be remembered and to contribute to the debate about the transition to a normal peaceful democratic society. It is important for all of us to remember that behind the statistics of the Northern Ireland conflict lie vivid and painful events, which have personal repercussions for victims, their families and friends and for the communities they come from. It may sometimes seem that the most positive thing to do is move on and focus on the future, but that is often exceptionally difficult for those for whom a sense of loss, anger and confusion persists. Their stories have been chronicled in a deeply impressive and moving book, *Lost Lives: The Stories of the Men, Women and Children Who Died Through the Northern Ireland Troubles*, which has become an important testimonial and act of remembrance for many victims.

If one reads at random some of the cases outlined in the book, one is reminded of what life in Northern Ireland was like before the ceasefires of

1994. It was a recurring nightmare of violence and retaliation visited on the innocent. Many lives and families were wrecked by death and injury. The details of many, if not most, of the cases have long passed from the public consciousness, but some cases continue to generate headlines many years later. How we collectively respond is at the heart of the matter. The need to understand what occurred and to acknowledge and address it is a common theme in the long-running debate about how to address the legacy of a violent past.

The possibility of establishing a truth and reconciliation body has been discussed at length. No firm conclusions can be drawn at this stage about what such a body might entail. We do not know whether such a model can be applied successfully to the circumstances of Northern Ireland. Any process or approach that is chosen must have the full support of the victims and their relatives. One of the problems intrinsic to Northern Ireland is that there is no shared or agreed view of what happened and the reasons for such acts. Views of the past remain deeply divided and it is unlikely that consensus would emerge, if it were sought, on the causes of the conflict.

One of the core purposes of the Good Friday Agreement was to offer equality of treatment and identity to both sides, thereby removing the insecurity of both communities that helped to generate the conflict in Northern Ireland. That principle must be adhered to during any process of dealing with the past. I understand that the UK select committee on Northern Ireland affairs is working in this area. It is listening to submissions from groups from both communities and focussing on methods that have been used to bring closure to other conflicts that could assist the process of healing in Northern Ireland. The Government looks forward to reading the committee's recommendations and commenting on them in due course. Any such process will require the support and endorsement of victims' groups as a first principle.

Over 2,000 cases of murder during the conflict, including the deaths of security force personnel, have not yet been solved. The Secretary of State for Northern Ireland has consulted the chief constable of the PSNI, Hugh Orde, on how the work of the PSNI's serious crimes review unit can be expanded to deal with a greater number of the unsolved murders. That is just one element of the overall debate on how to deal with the past in a way that allows people to move forward.

It is right that the Government and all the parties should dedicate themselves to ensuring that there are no more victims of paramilitarism now or in the future. Equally, it is vital to recall and remember the victims of past violence and to ensure that we learn about their experiences. That process is necessary to ensure that such experiences are not repeated or inflicted on future generations. I fully support and endorse the motion.

Mr. Sargent: Cuirim fáilte roimh an deis labhairt ar an bpróiseas. Ba mhaith liom mo chuid ama a roinnt leis na Teachtaí Ó Caoláin, Connolly, Finian McGrath, Harkin agus Joe Higgins.

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

Mr. Sargent: We have heard a number of views during this debate, all of which have been broadly supportive of the motion before the House. Several speakers referred to the need to support a party's electoral mandate, which strikes me as a fundamental issue. The Green Party thought the issue was dealt with at the time of the referendum on the Good Friday Agreement, which it supported wholeheartedly. My party is willing to work in any way it can to help to implement the Agreement. I hope those from the physical force tradition will recognise that the mandate that was given by the entire island in 1998 supersedes the mandate from the 1918 election, to which they always claimed allegiance. That there seems to be some ambiguity about the timing of the ending of violence, which was supposed to have been dealt with in 1998, is a great disappointment. I do not doubt that there is some foot-dragging about the implementation of the Agreement.

As we call for an end to violence, perpetrated by a state or otherwise, it is important to remind ourselves that the Agreement put in place practical and beneficial forms of cross-Border co-operation in 13 areas. Such co-operation in the agriculture sector, for example, saved us from the worst ravages of foot and mouth disease. The tourism industry has benefited from marketing on an all-island basis. The Irish and Ulster Scots languages are undergoing vibrant renewal and development as a result of cross-Border co-operation. The energy sector will be absolutely essential because we are at the end of a Siberian natural gas pipeline.

There are other areas in which practical co-operation is needed, such as the health service. The crisis in health care in County Donegal would be alleviated significantly if services in Derry's main hospital were available to the people of Inishowen, for example. I appeal to the representatives of the British Government, who may be observing this debate, to do what needs to be done in respect of this issue. While it does not relate to bombing or any other form of violence, the need to develop health care systems on a cross-Border basis is certainly a matter of life and death. The Green Party is interested in such practical issues that affect people on the ground.

The peace process has to be pursued and its key elements need to be implemented. It is important to focus on what has been achieved, rather than concentrating on what remains to be done. The Green Party is playing its part in this regard by planning on becoming an all-island political party in the future. Its beliefs are shared

North and South, as well as by the Green Parties of Scotland, England and Wales.

The development of the peace process has been delayed significantly by a lack of cohesion within the Government, which seems to be adopting a good cop, bad cop approach. The Taoiseach seems to be going soft and the Minister for Foreign Affairs, Deputy Dermot Ahern, has predicted a role for Sinn Féin in Government. On the other hand, the Minister for Justice, Equality and Law Reform, Deputy McDowell, is constantly talking about how such involvement is not possible because of ongoing instances of criminality. People like the leader of the DUP have exploited the breakdown in the cohesiveness of the Government's approach by adopting a "sackcloth and ashes" view of the peace process. The raid on the Northern Bank in Belfast made things worse, of course.

Sinn Féin needs to reflect on its position in respect of policing. If it grasps the nettle by participating in the policing board and being part of the investigation into the robbery, the allegations it is making about some kind of set-up could be investigated. It is no longer possible to straddle both sides of the fence. Sinn Féin needs to move on. The kind of courage that has been shown in the past needs to be shown again.

Caoimhghín Ó Caoláin: I intend to propose later in the debate the Sinn Féin amendment to the motion before the House in the names of Deputy Kenny and the Taoiseach, the third version of the Fine Gael motion to be placed on the Dáil Order Paper within a few days. Fine Gael's inability to craft a motion for its Private Members' time does little for its claim to be the Government in waiting. Its ham-fisted approach to this debate reflects the bungling of its previous leadership of the peace process and illustrates its failure to understand the complexities of the issues we face.

My fellow Sinn Féin Deputies and I are proud to represent in this House our electorate and our party, which is a democratic party. We are here on the basis of our democratic mandate. Sinn Féin's negotiators have participated in every stage of the talks process and in every phase of negotiations on the basis of the party's electoral support and on that basis alone. Sinn Féin has the electoral support of well over one third of a million people in Ireland. We take seriously the responsibility our electors have given us and our obligation to represent them effectively.

As leader of the Sinn Féin Deputies, I wish to make clear our absolute refutation of all the false accusations of criminality made against our party. As the Sinn Féin amendment states, we reject criminality of any kind. I do not intend to use my limited time to address every false allegation thrown around this House and around the media. The charges do not relate to criminality, the IRA or even the peace process, they are about the party politics of this State. Charges are being made in a climate in which the old opponents of

[Caoimhghín Ó Caoláin.]

the peace process have come out of the woodwork. These are the people who vilified John Hume and Albert Reynolds for taking risks for peace a decade ago. The current Minister for Justice, Equality and Law Reform was among the begrudgers at that time. His recent conduct shows that while he claims to have changed his mind, his heart is still back in the days of section 31, internment without trial and the demonisation of the entire Nationalist community in the North.

It is ludicrous to suggest that somehow Sinn Féin has been assisted in achieving increased electoral support by Fianna Fáil, Fine Gael, the Labour Party and the Progressive Democrats. What a joke. All these parties have tried and are trying everything to stop us. What are the so-called concessions or "acts of appeasement" referred to during this debate? Was the lifting of the political censorship of the broadcast media a concession or an act of appeasement? What elements of the Good Friday Agreement are now to be viewed as concessions and what elements do those who talk of appeasement want to see removed? Do they include the equality agenda, human rights issues and the status of the Irish language?

Let me make very clear to the two Ministers present and all others listening that we accept the validity of the institutions of this State. I have said so before in this House. We will not accept lectures on that score from either side of this House. Where the Government is concerned, the Minister for Justice, Equality and Law Reform should use his expensive time dealing with the real crime and anti-social behaviour that bedevils communities in this State rather than indulging his antipathy to Sinn Féin. He and his colleagues would do better in the eyes of the electorate if they addressed in a real way the social and economic inequalities they have allowed to fester in this prosperous economy.

Great progress was made in this peace process last December. It is sad that so many in this House are so blinded by their anti-republican prejudice that they cannot acknowledge or understand the enormity of what the IRA was on the point of delivering at that time, including putting all arms beyond use by the end of 2004. Instead of building on that, the Governments allowed the agenda to be set by rejectionist unionism and thus created the impasse that exists today. It was a repetition of October 2003 when David Trimble was allowed to rubbish the report of the IICD.

The Sinn Féin amendment states that the two Governments can and should proceed with the implementation of those elements of the Good Friday Agreement for which they are directly responsible. These include demilitarisation by the British Government. Let its representatives in the House note and report this. Other elements include the full implementation of the Patten report and a new beginning to policing of a kind we can all support and in which we can all participate, increased all-Ireland co-operation and a

thorough re-commitment by both Governments to the human rights agenda. We need to see full co-operation from the British Government with inquiries into collusion, including into the Dublin and Monaghan bombings and the many other instances of collusion in this State.

I firmly believe we can put this process back on track. Sinn Féin is determined to fulfil its part of the collective responsibility to address all the outstanding issues, including Unionist reluctance to share power with Nationalists and the issues of arms and armed groups. It must be made patently clear that we oppose a return to violence by any armed group. We will also oppose any attempt to penalise our electorate, treat them as lesser citizens, impose preconditions on our participation in dialogue and negotiations, or reduce those engagements to a one-item agenda. Sinn Féin is committed to building this process, building towards real change and the reunification of our island and our people. Accordingly, I commend the Sinn Féin amendment to the House.

Mr. Connolly: I welcome the opportunity to speak on this motion. Most Members have relied on soundbites by the media to inform themselves on what has been happening in the peace process over the past ten or 12 years. We are not on the inside track and could be accused of making remarks based on a wealth of ignorance. Having said that, I believe, as a Border Deputy, that I have a fair understanding of how we should make progress. I have a good depth of feeling for and knowledge of the subject.

I remember clearly the day on which the provisional IRA's ceasefire broke down in 1975. I happened to be in what one might call the wrong area of Belfast. If one could have bottled hatred, one would have obtained a lifetime supply of it in certain communities in Belfast. There is a very deep sense of distrust and blame. This surfaced recently when the President made what could be considered an unhelpful remark to the effect that Protestants were taught to hate Catholics.

An Leas-Cheann Comhairle: References to the President should not be made in the House.

Mr. Connolly: I will leave it at that. I believe the President was 50% correct but there is a two-way process involved. I regret that I was not aware that I could not make reference to this matter.

Some 95% of people in Northern Ireland, both Catholic and Protestant, want to co-exist with one another. The feeling of hatred is restricted to small areas. It is sometimes fed to the communities in question and therefore the political leaders must consider the effects of their public statements on people in some of the ghetto areas.

The peace process has achieved a great deal. We have come a very long way, particularly when one considers the circumstances that obtained in 1975 and, more recently, over the past ten or 11 years. Many lives have been saved as a result of

the peace process and we should not risk abandoning it. We had an offer of arms decommissioning, which I felt was good enough because it was to be verified by two men of the cloth. If we lose respect for such men, we must question the direction in which our society is going.

The photograph issue was a fudge. The two Governments should have bitten the bullet when it arose, requested that the photograph be forgotten about and moved on. Criminality is still an issue and I do not know who is responsible but we have courts and I suggest that we use them to tackle it. We noted today that there is a ceasefire in Israel and Palestine. I did not hear any talk of preconditions, clarifications or verifications in this regard. We will have to take risks in the peace process in Northern Ireland. I would like the talks to be resumed and the media to take a step back for another month.

Mr. F. McGrath: I thank the Leas-Cheann Comhairle for the opportunity to speak to this motion on the current stalemate in the peace process. It is time for cool heads but straight talking is also needed. We need to turn off the megaphones and start listening to one another rather than scoring political points for the sake of electoral gain. I accept that my view might be unpopular but I am sticking with the architects of the peace process. My position is clear and I do not want it misrepresented in the media. We should all pursue our political objectives by exclusively peaceful and democratic means. I reject criminality in all its forms.

I commend those who took risks for peace and support the positive and constructive role played by all those who have participated actively in the peace process. I want the process to involve inclusive dialogue and negotiation. However, I have some concern about sections of this motion because I believe all victims should be treated with equal respect and dignity. I do not accept that some are more equal and important than others.

I have many friends who were victims of the Troubles and I have yet to hear them call for revenge, exclusion or retaliation. They all want this project to succeed. We should listen to and learn from those affected by the Troubles and not use the 3,000-plus people who were killed to score political points.

We must face up to the reality that there were three major groups involved in violence on this island. There was physical force on the part of republicans, Unionist violence and British state violence mixed with collusion. There is no high moral ground on which some sections of Irish society can stand. I call on all sides to change to move the process forward. By this, I do not mean they should scrap their political principles but that they should take another step forward to implement the Good Friday Agreement.

We all need the courage and bottle to change. I am immediately reminded of the words of Nelson

Mandela who stated: "One of the things I learned when I was negotiating was that, until I changed myself, I could not change others." This is very relevant to this debate. We must realise that only a peace between equals can last. Equality, respect, diversity and accommodating difference comprise the way out of this crisis. These principles represent true republicanism. That is why I have major concerns about the exclusive element of this motion. When Nelson Mandela invited his jailer to his presidential inauguration he set a fine example for a country that needed to forgive its past mistakes in order to build a brighter future.

Martin Luther King said:

Forgiveness does not mean ignoring what was done or putting a false label on an evil act. It means, rather, that the evil act no longer remains as a barrier to the relationship.

Let us use the ideas of Nelson Mandela, Martin Luther King and James Connolly and move on from this crisis in our peace process.

Ms Harkin: I welcome the opportunity to make a short input to this debate. I am happy to support the Private Members' motion. In this debate very few punches have been pulled. There has been tough but fair comment which will clear the air. I welcome the fact that political parties and individuals have aired their views publicly in this House, and elsewhere, in a way I have not heard before.

The central issue is the continuing activity of the IRA and its links to Sinn Féin. In recent weeks Gerry Adams said the IRA was not involved in the Northern Bank robbery. That statement indicates a link because in order to say that one must know the business of the IRA. That is the situation with which Sinn Féin must deal.

I welcome and applaud Deputy Ó Caoláin's comments this evening. Last week, however, the IRA warned us not to underestimate the seriousness of the situation. Were those remarks addressed to the institutions of this State, the Government, the Garda Síochána, the Army, and more important, to the people who voted for the Good Friday Agreement, who mandated all politicians on the island to proceed to build peace?

The Good Friday Agreement is not an à la carte menu from which we pick and choose. It resembles a structure encompassing the different facets of the agreement, from human rights to policing, from equality to an end to criminality. If any of these supports is removed the structure is in danger of collapse. That is the position now, the structure is unstable. Those who have invested heavily in the process, individuals and parties, well-known and unsung heroes, must make painful choices.

Governments often put structures and mechanisms in place but real peace building—

An Ceann-Comhairle: The time for this slot is concluded. I understand that Deputy Joe Higgins was to speak for two minutes.

Ms Harkin: Real peace building happens on the ground and in communities. The two governments should look at article 19, annexe A, strand 2 of the Good Friday Agreement and set up the North-South forum for civic society.

An Ceann-Comhairle: The Deputy should allow Deputy Joe Higgins speak. He has been offered two minutes.

Mr. J. Higgins: Amendment No. 2 reads as follows:

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

- believes that events in Northern Ireland since the signing of the Good Friday Agreement show clearly that a resolution cannot be found based on the institutionalisation of sectarian division and on political parties that are based on sectarian division;
- believes that the large majority of the population in Northern Ireland want peace and no resumption of paramilitary attacks;
- demands the continuation of ceasefires by paramilitary organisations but notes the continuation by these organisations on both sides of the community of undemocratic and oppressive methods to maintain control over areas where they are based and calls for an end to these activities;
- has no confidence that the current British or Irish Governments, which are implementing neo-liberal economic policies, have any solution to the underlying social and economic problems which blight in particular catholic and protestant working class communities;
- notes in particular the British Government’s policy for further privatisation of public services and the planned introduction in 2006 of water charges for householders;
- believes that a resolution to the problems in Northern Ireland can only be based on a united working class mobilising to resolve the economic, social and political problems that confront society;
- calls for complete demilitarisation;
- calls for an end to all activity by all paramilitaries, loyalist and republican;
- calls for the establishment of genuine policing services that are locally based and under the control of democratically elected policing committees; and
- calls for the building of a mass political party capable of uniting the working

class in the struggle for a socialist solution.

I oppose the motion and the amendments by the Government and Sinn Féin which seek to restore what has failed, namely, the institutionalisation of sectarian division for which the institutions of the Good Friday Agreement provide. It beggars belief that anybody can believe that a continuation of these structures, based on sectarian divisions and parties, can advance the situation. It is unbelievable that anyone would think that for a section of the republican movement, which is not a socialist movement, to be in government with an extreme right wing section of unionism is an advance for working class people in Northern Ireland.

Mr. J. O’Keeffe: I wish to share time with Deputies McGinley, O’Dowd and Kehoe. I reject the Sinn Féin amendment and its rather ludicrous presentation. The debate on the Fine Gael motion was worthwhile. It has succeeded in its objectives, to unite the fully democratic parties behind the Good Friday Agreement and to reaffirm the continuation of cross-party support in this House for the peace process. The debate has allowed the elected representatives of this jurisdiction to reaffirm the vote of the people in the referendum of May 1998 which confirmed support for the pursuit of political objectives by exclusively peaceful and democratic means.

As a follow-up there should be further debate. That is why I support the proposal to re-establish the Forum for Peace and Reconciliation as a forum for honest dialogue and debate where hard questions could be asked. The SDLP favours this too. That party contributed a great deal to this process over a long time and has recently been too often sidelined.

I also welcome more debate on the SDLP’s recent proposal arising from the impasse, to move forward the Good Friday Agreement as far as possible pending the re-establishment of the Northern Ireland Assembly. The forum would be a good place for that debate.

This debate was a reality check for all the parties in the House. It confirmed Fine Gael’s bipartisan approach, and enabled it to establish acceptable boundaries and reiterate red line issues, generally on criminality and in particular on the release of the killers of Garda Jerry McCabe.

It assures the Government of support in its honest efforts on behalf of the Good Friday Agreement and makes it aware of the boundaries and the red line issues. I support every word the Minister for Justice, Equality and Law Reform, Deputy McDowell, said so eloquently tonight. The day when he must drive to Limerick to tell Mrs. Ann McCabe that the killers of her husband were to be released has been deferred *sine die*.

I welcome Sinn Féin aboard the democratic train on the basis of full acceptance of the democratic norms that apply to everybody else. Sometimes Sinn Féin seems to live in a cloud cuckoo land, a make-believe world that began when the

party was established as a breakaway organisation in 1969, and which it continues to maintain is the only world in which everybody else should live.

The party must address some fundamental questions, such as whether it accepts fully the rule of law in this jurisdiction, that the law is defined by this House, and is interpreted by the courts of this land. It needs to reassure us that it fully accepts its obligations under *Bunreacht na hÉireann*, for example, Article 9.2, "Fidelity to the nation and loyalty to the State are fundamental political duties of all citizens"; and Article 6.2, "These powers of government are exercisable only by or on the authority of the organs of State established by this Constitution."

I believe passionately in the Constitution and the rule of law. If Sinn Féin claims to be democratic it must fully accept the institutions set down in this Constitution, the Oireachtas, the courts and the police.

On the issue of criminality, there is no scope for a Humpty Dumpty approach. Humpty Dumpty said: "When I use a word it means what I choose it to mean, neither more nor less." Crime is as established and laid down by legislation in this House and interpreted by the courts. This is a fundamental point that must be accepted.

It appears when Gerry Adams speaks of a crime he is guided by whether it was an action sanctioned by the IRA army council, a collection of nameless, faceless cowards, accountable only to themselves. On that basis, it appears the murder of Jean McConville was not a crime. How can any sane person present this view? Sinn Féin can try to convince us that the killing of Detective Garda Jerry McCabe was not a crime. There are bridges to be crossed before Sinn Féin can be accepted as a fully democratic party, but it must cross those bridges itself.

With regard to Sinn Féin's friends in the IRA, I do not accept that the recent statements of the IRA were thinly veiled. They were stark threats. My reaction is to tell the IRA it has a brass neck. In many ways decommissioning is not now the answer as other gangs such as the Mafia can replace guns at any time. The real issues with regard to the IRA are criminality and racketeering. However, the core issue is the existence of the IRA. This debate has served to send a simple message from this House to the IRA, namely, this House sends a P45 to Mr. P. O'Neill and all his gang. The message is: "Get off the pitch, your game is up."

The message to Sinn Féin is that it is welcome on the pitch but only if it fully accepts the provisions of *Bunreacht na hÉireann* and the rule of law. If those messages reach home and are accepted and agreed, we can make progress in the not too distant future on a complete resolution of the national issue on this island.

Mr. McGinley: I listened to the Minister for Justice, Equality and Law Reform define his con-

stitutional republicanism and I would not find myself a stranger in that land. Too often, we in this country have had to accept there was only one type of republican. I hope we are all seen as republicans. I was born in this country and became a citizen of the Republic in 1949. My allegiance is to the flag, the President, the Army, the Garda Síochána and the institutions of the State. Surely, that is good enough for any man or woman in this country to term himself or herself a republican in the true sense of the word.

I listened to Deputy Ó Caoláin. As usual, he stated that his mandate is not being adequately recognised. I put it to him and the entire Sinn Féin Party that their mandate is more than recognised here, and it is being firmly enhanced and reinforced. We all have a mandate to come to the House to speak — that is why we are here and it is the reason Deputies Ó Caoláin and Ferris are here. They have their mandate but it is firmly enhanced and stronger than my mandate because when I speak in the House and want to convince people of my argument, I try to do so by the force of that argument, not by other force. Let me leave it at that.

The only mandate not being recognised in this country is that of the overwhelming majority of the Irish people who in 1998 voted for the Good Friday Agreement. That mandate is not being recognised by Sinn Féin and certainly not by the IRA. Until we get them to recognise it, progress will be very limited.

Democracy and the rule of law in this country have made many sacrifices in the past seven years in nurturing what has become known as the peace process. However, the intractable barriers and obstacles are as permanent today as they were seven years ago — echoes of the steeples of Fermanagh and Tyrone. Arsenals have not been decommissioned. Criminality, punishment beatings, intimidation, extortion and general lawlessness have become almost institutionalised in Northern Ireland. Moreover, while some of us may be reluctant to admit it publicly, it is also spreading, whether we like it, into our jurisdiction. Money laundering and other criminal activities are thriving on both sides of the Border.

The Irish and British Governments have tolerated and turned a blind eye to these activities in the vain hope of coaxing the republican movement into the democratic fold. One of the least acceptable results of this appeasement is its disastrous consequences for the body politic in Northern Ireland. It has obliterated the parties of moderation in Northern Ireland. The SDLP and other parties have been sidelined because of this appeasement.

This has not been confined to the Governments. Amazingly, the media has participated in this cozy arrangement and our national broadcaster has joined this consensus. A few weeks ago, I watched a television bulletin following the major meeting between the Government and representatives of Sinn Féin. It was disgraceful that representatives of Sinn Féin and others were

[Mr. McGinley.]

interviewed for five or six minutes whereas Ministers only came in as an afterthought; they came a poor second and third. Such a situation should not be allowed to continue and our national broadcast media should be brought to heel on the issue.

Mr. O'Dowd: Coming from a Border county, I wish to relate my personal experiences and those of my family in regard to the Troubles. My family have played some part in bringing about a resolution to the problem in that my brother Niall, in New York, has played his part in the peace process. My children have not physically seen or heard what happened in the North in those years as they are too young. However, what this country does not want and will not accept is a return to violence.

The body of Jean McConville was laid at Cooley in north County Louth after she was murdered by the IRA. The day after the body was found, I, with my wife and friends, prayed for her there. We saw the care and love of her family in the words on the flat stone placed on the spot where she had lain for 32 years. It was a sad and tragic moment in a beautiful place in my county. We never want that to happen again.

There is no more appalling crime than to take a mother of ten children and bury her in an unmarked grave for 32 years. It was a tragic and appalling crime. We also know of the murder in County Louth of Tom Oliver, who was well known in his community in Cooley. He was a wonderful, fine family man who was done so low and desperately by the Provisional IRA.

The people want an end to the hooded and tortured dead bodies on the by-lanes and roads of south Armagh and north Louth. They do not want a return to violence, bank robberies and criminality, they want an end to all that forever. That is what we voted for in the Good Friday Agreement and what Ireland and Britain are working together on. There is no imperialist tyranny in Westminster. Instead, there is a British Prime Minister who wants to bring peace forever to our country, North and South. Successive Governments in the South have wanted the same thing.

An apology was made today to the Conlon family by the British Prime Minister — a touching, deep and sincere apology. Since the Northern Bank robbery, 500 British troops have been withdrawn from the North, barracks have closed and efforts have been made by the Government and others to show to members of Sinn Féin and the IRA that we will listen and that we want peace. We want them to sit honourably at the table but we do not and cannot accept that they would sit there with guns and criminality. There must be an end to that forever. This is a turning point in our history. It is a turning point in the modern Ireland of the 21st century and I urge Sinn Féin to listen to all of us, move forward in peace and democracy, bury forever its guns and end its criminality.

That is what the public want. It is what voters, the British people and the American people want, so let us do it.

Mr. Kehoe: I thank my party leader for tabling this important motion and obtaining cross-party support in the House. I am pleased to speak on the motion. As a young person, I do not remember the bad old days in Northern Ireland. However, I do not want to go back to the bad old days in Northern Ireland that my parents and some of my older colleagues remember. It is up to Sinn Féin and the IRA to ensure that we do not go back to the bad old days. I remember coming home from Mass on Good Friday 1998 and seeing the moving scenes on television of the Taoiseach, Deputy Bertie Ahern, reaching an agreement in Northern Ireland. The referendum in May 1998 re-affirmed what the Irish people want. They and I want peace throughout this small island of Ireland.

I recall visiting other countries in my youth and people saying that southern Ireland and Northern Ireland were all the one. Southern Ireland is not part of Northern Ireland, but we want it to be one and to be at peace. I recall a number of years ago bringing the youths from my local GAA club on an exchange trip to Northern Ireland. Some of the parents did not allow their children to travel because we were going to Northern Ireland. I said they should not be afraid, that they should let us go. A number of them agreed and we really enjoyed that exchange trip. I would like to see more of this happening with people not being afraid to travel to Northern Ireland.

A number of Sinn Féin representatives who are interested in the real political process are unhappy with what is happening at present. This has gone beyond the realm of scoring political points. If Sinn Féin is interested in going forward, it will become part of the political process. Sinn Féin and its IRA friends have a motto — if we do not get our own way, we will take the gun out of the holster. I am involved in the democratic process, not in violence, criminality, racketeering, smuggling and robbery. Let us go forward with a successful peace process. We belong to a very important Ireland and I want to see a very happy Ireland in the future.

Minister for Finance (Mr. Cowen): I am pleased to have an opportunity to say a few words on the motion before the House. I support the agreed motion set out by many parties in the House. However, I would like to say something about the current position in which we find ourselves and how we should move forward.

The whole idea of the Good Friday Agreement is to agree on a common journey rather than prescribe an ultimate destination. The paradigm of politics in the past on this island has been about confronting two realities which were deemed not to be mutually co-existent — those whose nationality and loyalty is to Westminster, Britain and the Crown and those who believe it is in the

best interests of the country and the nation, regardless of the diversity of its tradition, to work together on the basis of achieving a republic in our own country. The major strategic political decisions that have been taken on this island, and between these islands, since the issue became the clarifying principle on which politics was discussed, for example, the accession to the European Union and the growing globalisation and inter-dependency of States, has meant that if we are to shape the future, we must stop this idea that we can look to the future by building from the past. However, we must proceed on the basis of clear democratic principles. The peace process emerging out of conflict has been about a preparedness to give a voice and space to everyone, not on the basis of right and wrong or win or lose but on the basis of equality and justice for all. We were prepared to build institutions creatively which reflected the core of our nationalities and recognised the connection with Britain for those whose adherence is to Britain, and the adherence of the remainder of those on the island to this country. We are also prepared to work together, not on the basis of who won but on the basis of who can win in future, which means all of us.

People in this country who talk about the peace process, which has proved to be very resilient against many difficulties, mishaps and misjudgments since the Good Friday Agreement was signed, should try to avoid the terminology that the peace process has failed each time there is a difficulty. The sceptics should avoid coming out into the open, having been silent and hoping it will work but, where they see a difficulty, suggesting it was all a bad idea in the first place. The only way we can move from where we are currently is if we see the last seven years not as being on the verge of the completion of a process but as bedding down the institutions. This has been the main concentration for both Governments and all the parties, as well as the reforms in policing, criminal justice and equality issues generally, in an attempt to convey to people that we are changing the reality and that people can subscribe to their own political principles and work with others who oppose these on the basis of democratic debate and dialogue.

As the Minister of State, Deputy Brendan Smith, said last night, if we are to get out of this impasse, people must submit themselves to the will of the people. They must trust the people and not seek to trust political opponents if they cannot find it in their hearts to do so now because of some foolhardy statements that might have been made at crucial times in the recent past, and there were some. What we are trying to achieve is to transform the country and change the reality for future generations in a way that has not been possible in the past because our politics has been confined to a narrow stream of consciousness that sees people as being the exact opposite and as those who cannot or will not work in harmony with us.

If we want to turn our rhetoric and aspirations into reality, what the Good Friday Agreement signifies is not that we will ultimately achieve the noble aspirations or objectives that we all share in the broad Nationalist tradition, where we genuinely believe that coming together under our own agreed structures is the best way forward, but that we accept that the creative institutional framework of the Good Friday Agreement provides the means by which we can make a quantum leap forward. One of the ways of dealing with this issue and dealing with people who are emerging from conflict with a distrust, lack of ambition, understanding or acquaintance with the dynamic of politics is that if this dynamic is allowed to flow and people are allowed to look forward rather than trying not to betray the past, there will be a greater chance of moving much further up the road of these aspirations than people would otherwise think. We found that in our own body politic in terms of coalition Government with people of different persuasions.

I say to people that they must adhere to the Agreement's fundamental principles if we are to achieve the potential it provides. We have not even scratched the potential of the Agreement, nor have we even begun the common journey which will move this process, not incrementally or gradually, but way beyond where we are. I say to these people who can provide trust and confidence in the process in terms of the existence of paramilitary weapons, and the need to convince others this is no longer a process to which we can return and that we have reached an irreversible democratic road forward, to do so for the sake of our people in the part of the nation to whom they believe they have a loyalty. I say to those people to leave the spectre of paramilitarism behind us forever, not because one seeks to impugn defeat or victory but because one is trying to bring about a situation where the politics of dialogue, of working together and of building a democracy is given an opportunity for the first time in two, three or four centuries on this island to make sure we can provide the same level of opportunity north of the Border as we can provide thankfully south of the Border, particularly in the past 15 years. That is the issue. True republicanism is about expanding opportunities. That will not be done by a 60% public sector-led economy in the North or with only ten firms in the North providing 50% of exports. It will not be done by communities who have been alienated from all the basic institutions of a state. We have to be prepared.

Having come to the point before Christmas where there were only two issues in question, we must remember those in the Provisional IRA, who claimed they were not signatories to the Agreement, stated on a number of occasions that the context in which they would, as I put it, clear the pitch was on the basis of full implementation of the Agreement. We were at that point. We were agreed that we were at that point. Therefore, we should not allow even foolhardy or less

[Mr. Cowen.]

than magnanimous leadership on the other side at a critical point to deflect us from our obligation to our own people and, ultimately, to expand that philosophy in a way which would be meaningful to people of another tradition through politics. It will not be done through violence — that we know — but it will be done through politics.

I ask people, in the context of the internal dialogue that should be going on at present, to take that brave and solid decision. If they do that, they will serve the people they seek to represent. More importantly, the democratic road for this country would become a far more open road for everyone on the basis of the basic principles of democracy being respected.

Mr. G. Mitchell: “L’État, c’est moi”, the motto of Louis XIV, is the real motto of the Provisionals. What is a state? It is a group of people forming a sovereign entity; it usually includes a head of state, a parliament, a government or executive and a judicial wing. The Provos have sought, in perpetuity, to assign to themselves the role of our State. They claim that the Provisional IRA is the army of the State and that they also supply the Government, the Parliament and the courts: quite literally they are the judge, jury and executioner.

We might pause to consider the definition of the word “bigot”. It means “a prejudiced person who is intolerant of any opinions differing from his own”. Is this a term that describes the typical philosophy of the Provisionals? I believe it is. It is the hallmark of the Provos.

We might also consider what the term “infallible” means. It means “incapable of failure or error”. The Provos have created for themselves an illusory state built on their claimed incapacity for wrongdoing or criminality. The then IRA, or one of its breakaway wings, refused to recognise the third Dáil, to which the Minister referred, when it met in September 1922 and its claimed successors have continued the myth that the current Dáil is not a legitimate successor to the first and second Dála, claiming that the oath was required before a Deputy could take his seat and that the third Dáil therefore derived its authority from the Treaty and not from the Irish people.

An interesting point is that the second Dáil was mostly nominated, not elected. With the exception of a handful of mainly Unionist seats the rest were uncontested. Michael Collins and Harry Boland largely carved up the second Dáil between them by agreeing the nominated and uncontested candidates. A Dáil elected unopposed is supposed to be the legitimate Dáil in perpetuity.

It might be noted for the purposes of this debate and for the record when it is read later that on 20 August 1921 Cathal Brugha, President of the first Ministry of the first Dáil, proposed a motion that every Deputy, officer, Clerk of the Dáil and each member of the Irish Volunteers

would swear allegiance to the Dáil of the Irish Republic. The text of the oath, which was approved, was:

I, [name], do solemnly swear [or affirm] that I do not support and shall not yield a voluntary support to any pretended Government, authority or power within Ireland hostile and inimical thereto, and I do further swear [or affirm] that to the best of my knowledge and ability I will support and defend the Irish Republic and the Government of the Irish Republic, which is Dáil Éireann against all enemies, foreign and domestic, and I will bear true faith and allegiance to the same, and that I take this obligation freely without any mental reservation or purpose of evasion, so help me God.

The effect of this oath was that the Volunteers became the Army of the Irish Republic or, as they were known, the Irish Republican Army.

It might be noted for the purposes of debate that Article V of the Constitution of Dáil Éireann noted that “this Constitution is provisional and liable to alteration”. If P. O’Neill and his or her friends here on the benches of the 29th Dáil do not recognise this Dáil, to which Dáil Éireann do they lend their allegiance? How do a sovereign people dismiss that alleged “Dáil Éireann” and when will that “Dáil Éireann” to which they claim to give this allegiance seek a renewed mandate for its role? The answer is never, for a mythical parliament cannot be dissolved.

Whatever semantics are involved in that argument, nobody can doubt that for the first time since December 1918, and in a real sense for the very first time in a common vote on a common issue because in December 1918 some people were voting to elect people to the British House of Commons and others were voting to elect people to what they thought was the Irish Parliament, the Irish people, North and South, in a free act of determination approved the Good Friday Agreement almost seven years ago.

Nor is it semantics to ask, did the Provos when they broke away from what was known as the Official IRA take with them the sole right to declare themselves the real state, the real Dáil Éireann. If so, did the Real IRA or the Continuity IRA wrest that from them, or could some other self-appointed group do so? The reality is they could and it would have as much authenticity as the alleged inherited role of the other claimants.

I listened carefully to what Deputy Ó Caoláin said in his latest terminological inexactitude. He said Sinn Féin accepts the validity of the institutions of the State. Then who is P. O’Neill? For what Óglaigh na hÉireann does he purport to speak? He certainly is not a PR consultant with the Irish Defence Forces.

The real issue before us this evening is that we are dealing with deluded people who have assigned to themselves, in a bigoted manner, an alleged infallible doctrine and they continue to sell this cult of myth and mayhem to gullible

people who then carry out the dirty deeds of arm-chair generals.

The name of Bobby Sands was dragged into this issue on "Questions & Answers" recently by a prominent Provisional spokesman. I regret the death of Bobby Sands and I hope his soul rests in peace. Those who sent him to his death, as they have many others in the prime of their lives, have much to answer for. The same great leaders sent their army to murder a widowed mother of ten young children because she showed humanity to a dying soldier. In the annals of conflict there is hardly a more heinous or less virtuous act on record—

(Interruptions).

An Ceann Comhairle: Allow Deputy Gay Mitchell to continue.

Mr. Ferris: A Cheann Comhairle—

An Ceann Comhairle: I ask the Deputy to keep quiet and allow Deputy Gay Mitchell to continue without interruption.

Mr. G. Mitchell: I see the army council is in tonight.

Mr. Ferris: Bobby Sands died—

An Ceann Comhairle: The Deputy should desist.

Mr. G. Mitchell: If patriotism is the love of one's country does this mean the love of soil before the love of souls? Surely people rather than geography is what counts. If souls count more than soil, then a united Ireland can only come about by agreement. I want a united Ireland; I am a Nationalist. The word "nationalism" comes from the word "natio" which means greater community. The community I envisage is a community of people, living willingly side-by-side and without coercion.

All political entities evolve. We learn from our mistakes, the horrors of war and the pains of the past. This learning process is, for example, the *raison d'être*, of the European Union, the objective of which is to ensure that the mayhem of two world wars never revisits our Continent. If the seven signatories of the Proclamation of 1916 could have looked forward to an Irish State which had successfully completed its sixth Presidency of a European Union of 25 member states, would they have been proud? I believe they would and we should be proud too.

A million Protestants cannot be bombed into a united Ireland. What is more, 4 million Nationalists cannot be bombed, blackguarded or bullied either.

Provisional Sinn Féin won the equivalent of the lottery — the opportunity to be in government in Northern Ireland on a permanent basis, to choose the Deputy First Minister, to participate in the North-South Ministerial Council and to make

appointments to the specially created North-South organisations. It also has the right to sit in Dáil Éireann and, if it takes its chances with the rest of us, the opportunity to be in government here too. It also appears that under the proposals made before Christmas, its Northern representatives could be given the right to participate in some way in the debates of the Oireachtas. This for an organisation that can muster five Deputies out of 166 and has no Senators. Avarice and bad judgment on the part of the Provos has turned what was a win-win situation for them into a win or lose situation unless common sense penetrates very hard heads.

In the final analysis, the question the Provos face is whether they have become addicted to the daily and weekly need for the photo opportunity at Government Buildings, Downing Street or the White House, or are they prepared to roll up their sleeves and take on the often mundane but honourable and sometimes exciting role which political activity can provide, a real role in healing and shaping our society?

Caoimhghín Ó Caoláin: Including coming to listen to Deputy Mitchell.

Mr. G. Mitchell: Sinn Féin talks regularly about its mandate and it is absolutely right. It won seats in this House and deserves to be heard. With rights, however, come responsibilities. It must accept the mandate of the other 161 Members of this House and the democratically expressed wish of the Irish people for a complete and irrevocable end to violence and to all forms of criminality.

Democracy is not as exciting and attractive for some of the members of the Provos as the direct action of the baseball bat and the lump hammer. Democracy can be frustrating if, as is the case for my party, there has only been a chance to shape the direction of the country inside Government for two and a half of the past 17 years. That, however, is the challenge of democracy, the need to convince people of their free will to grant their support and to accept the decision of the people and the democratic institutions to which they have given their allegiance.

Over 36 years ago, in December 1968, as the island began to slip into the abyss of a quarter of a century of death and destruction, the then Northern Ireland Prime Minister warned the people of the North that they stood at a crossroads. Unfortunately, the opportunity to right the wrongs of 50 years was missed.

Over the past 100 years there have been many crossroads for people of the broad republican tradition: the treaty in the 1920s, the response to the Army mutiny of 1924, the entry of Fianna Fáil into this House in 1927 following the murder of Kevin O'Higgins, the emergence of Clann na Poblachta in the late 1940s or the evolution of Sinn Féin the Workers Party and its final entry into Government as Democratic Left in 1994. All these developments had one thing in common, the acceptance that the democratic will of the

[Mr. G. Mitchell.]

Irish people had to be respected, as had the sovereignty of the Oireachtas as the representative body of those people.

Now Sinn Féin and the Provisional IRA face their own crossroads. They have an opportunity to build on the contribution they made in saner moments in developing, with others on these islands, the peace process following, in the words of the Mitchell principles, exclusively democratic means. Alternatively, they can continue the impossible task of keeping one foot in the democratic world and one foot outside it, endangering the opportunity of a new beginning for these islands, which we all so passionately desire.

If we are to make the Ireland of the 21st century a place where enterprise can flourish and the fruits of that enterprise can be used to bring about a just society where we each take on our responsibilities as well as our rights, we need the mindset to do so. There must be no more violence or threats of violence. We have a golden opportunity, unprecedented in the history of this island, to bring about and sustain an Ireland of full employment where poverty can be eradicated and a high quality of life can at last be sustained. We can build an Ireland which meets in full its obligations to the hungry and the oppressed at home and abroad. We could become a beacon of light for others to follow. Let us put our collective energies into creating such an island and such a society. To bring about such a society, we do not need intimidation. Intimidation must end and inspiration and perspiration must take its place.

I thank all who contributed to this debate and commend the agreed motion to the House.

Mr. J. Higgins: Under Standing Order 51, I ask the Ceann Comhairle to rule the Taoiseach's amendment out of order.

An Ceann Comhairle: We debated that yesterday in my office and the Chair has ruled that the amendment is in order. The Chair now proposes to put the amendment.

Mr. J. Higgins: An amendment should seek to at least add or substitute words.

Amendment put.

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

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

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

Amendment declared carried.

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

Deputies: *Votáil.*

An Ceann Comhairle: The question is: "That the motion, as amended, be agreed to." On that question a division has been challenged. Will the Members who claim a division please rise in their places?

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

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

Question declared carried.

Adjournment Debate.

Hospital Services.

Mr. Ring: I thank the Ceann Comhairle for allowing me to raise on the Adjournment an important issue that affects the orthopaedic unit of Mayo General Hospital, County Mayo. Last year we were delighted the orthopaedic unit was opened at Mayo General Hospital. Everything was going well. For the first time in many years the waiting lists were reduced and many people had hip and knee operations carried out in their own county. The tradition in the past was that all patients from County Mayo had to go to Galway. For some in north Mayo, that could involve a journey in excess of 200 miles to see a consultant.

On 4 January there was an announcement to the effect that Mayo General Hospital would also deal with trauma. A few weeks later there was an announcement that in order to set up the trauma unit there would be no further surgery relating to planned operations. This is outrageous. We have an orthopaedic team up and running in the hospital. The trauma unit has not been as busy as expected and there is a full team of consultants and 14 or 15 vacant beds at a time when there is a crisis in the health service. Planned surgery for hip or knee operations will not take place even though the team is in place. There is no point in putting funding in place, in having empty wards and a team that wants to operate and get rid of the waiting lists and not using them.

An official from the Department should go to Mayo General Hospital tomorrow and investigate why the unit for planned surgery is closed. This is outrageous. We have an orthopaedic team up and running in the hospital. The trauma unit is still going ahead. We have vacant beds, a full

team in place and many operations could be performed. This is bad management of the health services. Why was the unit opened if the staff was not in place? Why was the staff not put in place before the trauma unit was opened? I met many elderly people who had a knee or a hip operation and were delighted with the service. It was the first time in many years that the hospital waiting lists for Mayo were reduced but we are back to the bad old days again.

We fought hard for the orthopaedic unit. In 1994 when I was elected in a by-election to the Dáil that was one of the big issues raised and it is probably one of the reasons I am here. The money was put in place and the orthopaedic unit was opened.

When the Minister of State responds he will give me a bland reply on what is going on. I want fully investigated the reason 15 beds are vacant while there is a crisis in the health service. There is a team in place that wants to work and can operate. I want an official from the Department in Mayo General Hospital tomorrow to deal with the issue and have the operations taking place. There is no reason they cannot be performed and I want to see them being done. I do not want the orthopaedic unit operating in a half-hearted way because that would continue for the next few years and coming up to the next general election it would again be an issue. The wards, staff and consultants are in place and there are plenty of patients to be operated on. I want taxpayers' money to protect it and the Department of Health and Children to move immediately to deal with the issue.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): On behalf of my colleague the Tánaiste and Minister for Health and Children, Deputy Harney, I am glad of the opportunity afforded to me this evening by Deputy Ring to discuss Mayo General Hospital.

I wish to outline some facts in regard to Mayo General Hospital which will underline the Government's commitment to develop hospital services for the people of County Mayo. The Government has invested heavily in the infrastructure at Mayo General Hospital.

Phase II of a major development programme at the hospital, which cost €50 million, included the following developments: a new accident and emergency department, a medical assessment unit, a geriatric assessment unit, an obstetric and delivery suite, CT scanning facilities, a new helicopter landing facility, improved mortuary and post-mortem room, a new information technology system and a new administration and medical records department.

The phase II capital development also provided the necessary facilities for the development of orthopaedic services at Mayo General Hospital including ward accommodation and a state of the art orthopaedic operating theatre in which to carry out orthopaedic surgery. Annual revenue funding for Mayo General Hospital is now more

than €50 million. The hospital employs approximately 830 wholetime equivalent staff. These staff are providing additional and improved hospital services to the people of Mayo.

Activity at the hospital has increased year on year. The hospital's inpatient and day case activity for 2004 was approximately 22,000 patients. More than 25,000 people attend its emergency department. The hospital's outpatient department treats more than 30,000 people. There has been an increase in the number of beds at the hospital over recent years. The number of beds at the hospital is currently 317. The new 33-bed orthopaedic unit will be a particularly valuable addition to the hospital and will be of great benefit to the people of County Mayo.

The Government has provided specific funding of €10.9 million to allow for the opening of the new orthopaedic service at Mayo General Hospital. This is a new service at Mayo General Hospital. Outpatient orthopaedic services for people from Mayo began when the new unit opened and the waiting list for an outpatient appointment has been reduced from 1,700 to 300.

Mayo General Hospital commenced an inpatient elective orthopaedic service in September 2004. Between September and December 2004, approximately 70 patients received elective treatments in the hospital. In January 2005, to allow for the development of the orthopaedic trauma service at the hospital, elective treatments were suspended temporarily. It is important to understand that the temporary suspension of elective treatments will allow for the development of an orthopaedic trauma service, the completion of the recruitment staff for the orthopaedic unit and the provision of training for staff at the new unit. These are all necessary steps to develop the service at the hospital.

Trauma orthopaedics by its nature will always take precedence over planned elective work. The orthopaedic trauma service has been running since the beginning of January with a significant number of patients being treated in Mayo General Hospital who would otherwise have had to travel to Galway. I understand that Mayo General Hospital plans to reintroduce elective orthopaedic surgery at the end of this month.

Health Board Services.

Ms B. Moynihan-Cronin: I thank the Ceann Comhairle for the opportunity to raise this important matter in the House this evening. It is an issue which, for too long, has been neglected, swept under the carpet and in many instances ignored. I refer to the chronic underfunding of rape and sexual assault services throughout the country, particularly in my county. I pay tribute to the *Irish Examiner* newspaper for highlighting this issue in recent days and welcome its efforts to push this scandal to the top of the political agenda. I have raised this matter on the Adjournment of the House on other occasions.

According to the most recent crime figures available, a total of 447 rapes, including section 4

[Ms B. Moynihan-Cronin.] rapes, were reported in 2004, compared to 370 in the previous year. The number of sexual assaults in 2004 was 1,046 but it is known that the proportion of such crimes which are reported to the Garda is very small and has declined steadily in recent years.

It must be asked why men and women who experience crime and sexual assaults are so reluctant to come forward to report these incidents to the authorities. The reasons are manifold, including the emotional and psychological distress involved in pursuing a criminal prosecution against the assailant; the fear of reprisal from the assailant, who is often a family member, a relative or known to the victim; and the difficulty in securing a conviction. Some 95% of all rape cases do not end in a conviction which is a truly alarming statistic. Crime figures have not fallen but rather people are not reporting the crime. Another key reason for the low level of reportage of rape and sexual assault is the chronic shortage of legal, medical and psychological support available to the victim.

My native county is fortunate to have the Kerry Rape and Sexual Assault Centre to provide such a service for those in the county who need such support but it is chronically underfunded, has no financial security and has no ability to expand its valuable service in the current funding climate.

First established in 1992, the Kerry Rape and Sexual Abuse Centre in Tralee provides a free and confidential counselling service for survivors of sexual violence, both male and female. They offer wonderful care and support for survivors in the greater Kerry area. Apart from counselling and support, the centre provides assistance with medical procedures, legal advice, accompaniment to court proceedings where necessary, education and awareness and other information. It has a small but dedicated team of full-time, part-time and voluntary workers.

Last year, the centre in Tralee had 160 new clients but it is struggling to provide the services that are required and is fearful of its ability to provide those services in the future in a financial vacuum.

Staff at the centre have not received a wage increase in three years and the director is fearful of losing these professional, qualified people in the absence of appropriate remuneration.

Anybody who works with the Rape Crisis Network and associated services will confirm that in the aftermath of a rape or sexual assault, the immediate needs of the victim are for comfort, safety and security and to receive prompt medical and forensic treatment, reassurance and advice, all of which need to be provided in a safe and comfortable environment.

In Kerry, there is no round-the-clock availability of medical personnel to treat a rape victim. There is only one doctor available to treat victims. This doctor cannot be expected to work 24 hours a day, seven days a week. In many instances therefore, the Rape Crisis Centre in

Tralee has to arrange to refer a victim to Cork for examination and treatment 80 miles away. The articles in the *Irish Examiner* in the past few days describe the trauma suffered by these people and the suffering they endure on an 80-mile journey just to access the required facilities.

One of the most pressing needs of a man or woman who is raped or sexually assaulted is the need to wash and cleanse themselves physically following the assault. I ask the Minister of State to imagine the trauma of the victims and to read the *Irish Examiner* articles. I have more to say but five minutes speaking time does not allow me enough time to outline the difficulties experienced by the rape crisis centres and the sexual abuse centres all over this country which do wonderful work.

There is no joined-up government. Six Departments deal with sexual abuse. I ask the Minister of State to put his mind to this issue and to ask the Minister to do likewise and deal with it as a matter of urgency.

Mr. T. O'Malley: I thank the Deputy for raising this matter on the Adjournment. The national steering committee on violence against women was established following the report of the task force on violence against women, 1997. It is chaired by the Minister of State at the Department of Justice, Equality and Law Reform. My Department is represented on the national steering committee and the Health Service Executive is also represented.

The purpose of the national steering committee is to provide a multi-disciplinary, multi-agency and cohesive response to the problem of violence against women and in so doing to progress the recommendations of the task force.

The steering committee is representative of a wide range of interests concerned with violence against women and its remit is to provide, *inter alia*, a multi-disciplinary and cohesive response to this issue. The committee has a number of objectives which include ensuring that regional and local structures are established; developing public awareness campaigns and co-ordinating and advising on the distribution of resources among the health regions; and co-ordinating and advising on ongoing development of policies, including those concerning perpetrators, criminal justice intervention, services and supports.

The Government is committed to working with all interested parties, including service providers, and has undertaken a range of measures to reduce the incidence of domestic violence, to respond to the needs of victims and perpetrators and to raise awareness among the public about the dynamics of this crime. These measures can best be seen in the following areas of Government policy: legislative measures; Garda response; health services; national steering committee on violence against women; and national research perpetrator programmes.

A key indicator of Government commitment to the issue is in the area of funding for service

provision. While service provision for victims is provided primarily by the Department of Health and Children, other Departments, including Justice, Equality and Law Reform, Education and Science, Social and Family Affairs, Community, Rural and Gaeltacht Affairs and Environment, Heritage and Local Government, also contribute to responding to the issue.

Funding in the health Vote has increased from approximately €3.8 million in 1997 to approximately €12 million in 2005. This shows the commitment of Government and the Department to addressing this important issue. The distribution of this funding is now a matter for the Health Service Executive. The Department will continue to monitor the level of investment in services for women victims of domestic violence and work with the non-governmental sector to ensure there is adequate service provision to meet their needs. The Tánaiste and Minister for Health and Children has asked the Department, with the Health Service Executive, to undertake an analysis of the current level of service provision in this area with a view to planning future service needs.

The Kerry Rape and Sexual Abuse Centre provides a counselling and support service for the support of victims, both male and female, adults and children of sexual abuse. It receives ongoing annual funding of €151,184 from the Health Service Executive, southern area. Other income includes fund-raising—

Ms B. Moynihan-Cronin: It is a disgrace that those dealing with people in such circumstances must spend their time fund-raising.

Mr. T. O'Malley:—and other minor funding from statutory and voluntary agencies. The centre is one of 12 organisations in the southern area participating in the southern regional committee on violence against women, which is facilitated by the HSE southern area. I understand from the Health Service Executive that it is in discussions regarding its financial position.

Ms B. Moynihan-Cronin: It is not in discussions.

Cancer Screening Programme.

Ms Hctor: Gabhaim buíochas leis an Cheann Comhairle as ucht an deis seo a thabhairt dom labhairt faoin ábhar tábhachtach seo. I am grateful for the opportunity to address this pressing issue in the mid-west region. I call on the Tánaiste and Minister for Health and Children, Deputy Harney, to give an update on and provide a time-frame for the start-up of the urgently needed BreastCheck screening service for women in the mid-west region.

In my first speech in the House shortly after I was first elected to the House to represent the people of north Tipperary in May 2002, I addressed this issue and called on the then Minister for Health and Children, Deputy Martin, to advance the breast screening service available in

the mid-west region, which includes north Tipperary, Limerick and County Clare. I am aware the BreastCheck screening service commenced operation in various areas in March 2000, with the regions covered by the Eastern Regional Health Authority, the Midland Health Board and the North Eastern Health Board reaping significant benefits from the project at the time. It operated on the basis of screening women from the ages of 50 to 64 years, the period in their lives when breast cancer is most frequently diagnosed.

It is essential that the breast screening programme is extended throughout the country to include the mid-western region. I understand the pilot projects in the three regions to which I referred have been a tremendous success. We in the mid-west region recognise the success of the cervical screening programme which was first piloted in the region. Other regions now await its roll-out. My focus tonight, however, is on the breast screening programme urgently needed in the mid-west region, including north Tipperary. I stress its importance because of the loss of the mammography unit in Nenagh Hospital in 2002. While we felt this loss, it was pointed out to us at the time by experts in Limerick Regional Hospital that the unit was no longer reliable and was failing to detect cancer in some women. We decided, therefore, not to campaign for the retention of a service which did provide full detection.

We are grateful for the oncology services available in Limerick Regional Hospital, which the Minister of State no doubt supports. Nevertheless, we need access to the BreastCheck screening programme, which is administered by mobile units in the pilot regions. Under the programme, women are encouraged to present themselves for screening in order that cancers can be detected at an early stage. Approximately 1,700 women are diagnosed with new cases of breast cancer each year. It is alarming that the absence of this service in the mid-west region means cancers among women are not detected.

I appreciate that once the process of planning and organising the roll-out of the breast screening programme nationwide is completed, the service will be extended to the mid-west region and that we will benefit from the experience gained in phase one of the roll-out. The major question, however, is when this will take place. Various times have been given. Will the Tánaiste to give a specific timeframe? According to the original commitments, the service will be in operation at this time next year. I am aware that a design team was appointed while the former Minister for Health and Children, Deputy Martin, was in office and the design of the building at the Galway unit has been approved by the Tánaiste. I understand, however, that she is awaiting approval from the Department of Finance.

From my discussions with the Tánaiste prior to Christmas, I am certain of her commitment to fast-track the extension of this programme to the mid-west region. I have tremendous regard for the Tánaiste and I know she means what she says.

[Ms Hctor.]

I want action and the service to be fully operational in the mid-west region as soon as possible.

The recruitment of staff is often used as an excuse for the long period required to implement the programme. I ask that, under the new Health Service Executive, the extension of the programme will no longer be delayed so that the women of north Tipperary can look forward to excellent breast screening services.

Mr. T. O'Malley: I thank Deputy Hctor for raising this matter on the Adjournment. I welcome the opportunity to set out the current position regarding the BreastCheck programme and, in particular, its extension 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. As of September last year, 167,000 women had been invited for screening and approximately 120,000 had availed of the service. It is estimated that the cancer detection rate is approximately 7.8 per 1,000 women screened and to date more than 1,000 cancers have been detected.

The national roll-out 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 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 units, one at South Infirmiry-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, including women in the mid-western area.

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.

Capital funding for the facilities at Cork and Galway has been identified under the capital investment framework 2005 to 2009 and both developments will be progressed simultaneously. Funding has also been approved for the relocation and development of the symptomatic breast

disease unit at University College Hospital, Galway. This unit will be developed in tandem with the BreastCheck development.

The Health Service Executive, in conjunction with the Department, is examining the health capital investment framework with a view to initiating as quickly as possible new capital commitments, both for this and subsequent years. The majority of women diagnosed with breast disease are treated outside of the BreastCheck programme. The report on the development of services for symptomatic breast disease published in 2000 found that the establishment of specialist breast units could best provide the necessary care. The report recommended the development of 13 such units strategically placed throughout the country, including one in Limerick, each treating a sufficiently large number of patients in order to maintain expertise and to promote best practice. Six of the units recommended in the report are now fully operational and the remainder is 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 mid-western area, there has been a cumulative additional investment of approximately €60 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 eight consultants in key areas of cancer care. These include a surgeon with a special interest in breast disease. The funding has also provided for the appointment of 22 cancer care nurse specialists across the mid-western 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 appointment of a design team will be placed in the EU journal in the coming weeks and I am confident the target date of mid 2007 for the expansion of BreastCheck nationally will be met.

Job Losses.

Mr. Boyle: I am grateful for the opportunity to raise this issue of concern and that the Minister of State in the Department concerned is available to make an appropriate response. Sadly, too many of the Adjournment matters I had the privilege to raise in the House last year related to significant job losses in my constituency. Companies, such as CG Services, Buckeye Technologies and Rigid Tools, all saw significant job losses and, as a Deputy for the area, I felt called upon to comment and to ask whether it represented the beginning of a trend and whether it was something to which the Government and, in particular, the Minister and the Department of Enterprise, Trade and Employment should respond.

Sadly, 2005 has not started any better. The job losses announced, have been in the greater Cork area, outside my constituency. However, job losses have been announced by Schering-Plough in Brinny, which is located in the neighbouring constituency of Cork South West only 15 miles from Cork city, and it employs many people from my constituency. The loss of 161 jobs at this plant added to the 170 jobs shed a year ago means that 330 fewer people are working in that company.

I have a wider concern in that this company, which does valuable work producing pharmaceuticals for medical relief, has found that patents for many of the products it provides are running out. Strategic decisions have been made in the past to locate a large scale pharmaceutical industry in Cork because it was thought this industry was better placed to withstand the effects of global recession. In many respects, this industry has proved to be resilient. However, with this second wave of job losses at this major plant, the Government needs to indicate whether there is a trend is emerging which may affect other employers in the area. While Schering-Plough is located in a neighbouring constituency, almost all other pharmaceutical plants are located in my constituency of Cork South Central and the Cork harbour area.

As the Acting Chairman, Deputy Sherlock, will be aware, many of those jobs are being lost in Cork East in the towns of Mitchelstown and Mallow, which he represents. These job losses are also having an effect on the Dairy Co-operative Society. Job losses announced in the past week alone mean that many jobs will be lost at its major plant, Cork Milk Producers in Cork city. As a Deputy for that area, I express my concern that this reorganisation seems to be taking place without any Government input with regard to what should be done to protect jobs and whether those who lose their jobs can be provided with alternative employment opportunities. I suspect the response the Minister of State will give will be like the three responses I received last year in respect of three companies I mentioned earlier and lauding the number of jobs provided in the Cork region.

However, it ignores the central argument I am trying to make that the people who are losing their jobs are not included in that wider story. They are not mere demographics; they are people who do not fit into that template, they are people who have specific skills and they may be people who are on the wrong side of 50 years of age who may face difficulties finding jobs in the region. Will the Minister of State and the Minister, who is a constituency colleague, treat the issue with a degree of seriousness?

There is an irony in respect of the job losses at CMP Dairy because it is the last dairy in the country which made milk available in glass bottles. The milk bottling plant, which is covered in mothballs, is on the site. The trend that has emerged of trying to put aside technology which was useful in environmental terms has been

increased by decisions made in the Dairygold Co-operative Society that people are surplus to requirements. It behoves us to say this is not the right way to treat communities that have served companies well. It is certainly not to the advantage of the local Cork economy or to consumers in the Cork region.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): On behalf of the Minister for Enterprise, Trade and Employment, Deputy Martin, I thank Deputy Boyle for raising this matter.

The recent job loss announcements last week relate to Schering-Plough and Dairygold. Schering-Plough, Brinny, was established near Innishannon in Cork in 1986. It is a fully integrated biopharmaceutical facility involved in the production of Schering-Plough's cancer and hepatitis treatment products, Intron and Interferon.

Schering-Plough has announced a reduction in its workforce resulting in the loss of 161 permanent and contract staff over the next 12 months. It is expected that the job losses will occur from the second quarter of 2005. The lay-offs will initially be on a voluntary basis but I understand if the company does not achieve the necessary reduction, there will be compulsory lay-offs. This will then bring employment in Cork to approximately 560. Schering-Plough had already announced in December 2003 that it would reduce its staff numbers in Innishannon by 170. This was achieved through voluntary redundancy and the ending of temporary contracts.

As regards Dairygold, I understand that, subject to the approval of the Competition Authority, Glanbia plc and Dairygold Co-operative Society have reached agreement that Glanbia will take over the operation of the CMP liquid milk, cream and juice branded business of Dairygold. I further understand that the proposed development includes the relevant sales and distribution assets of CMP but excludes the production and chill facility.

Under this proposed new arrangement, 58 CMP distribution staff based in Cork will transfer to Glanbia and approximately 38 staff in the CMP milk processing operating in Cork will be made redundant. At that stage FÁS, Enterprise Ireland, IDA Ireland as well as the county enterprise boards will be in contact with the company offering its full range of support services. These supports include job placement, guidance interviews and the identification of training needs as well as the provision of suitable training courses.

It is also envisaged that butter production in Dairygold's plant in Mallow, County Cork, will cease with the loss of 21 jobs and that Glanbia will manufacture Dairygold's branded butter and butteroil under contract at its facility in Ballyraggett, County Kilkenny. With the cessation of butter production in Mallow, Dairygold will concentrate on milk production in its Mallow plant during the peak milk season.

[Mr. M. Ahern.]

However, there was also good news from Donegal last week when the company confirmed that it has completed a long-term contract for the manufacture of Jarlsberg cheese under the contract for the European market. Jarlsberg cheese is Norway's prime cheese export and the best-selling imported cheese in the US. This contract will secure the immediate future of Dairygold's plant in Mogeely, County Cork. The company also announced last week that it is in discussions with Enterprise Ireland to explore the establishment of a food sciences research and development facility in Mitchelstown and that it hopes to have these proposals fully developed over the next six months.

Over the past ten years, direct employment in IDA Ireland-supported companies in Cork city and county has grown from 10,345 to more than 18,000, an increase of more than 7,600. The sectors contributing to this growth are information and communications technologies, pharmaceuticals and medical technologies and international services. Over the past four years, IDA Ireland has approved new projects for the Cork area with a job potential of up to 5,000 people at full production. This growth is expected to continue into the future.

Enterprise Ireland continues to work with companies in County Cork to assist them in growing their sales and exports and improving innovation in order that they can compete on world markets. In 2004, Enterprise Ireland approved support of more than €9 million and paid more than €5.6 million to its client companies in Cork city and county. Enterprise Ireland also approved support of more than €2.7 million for third level and industry innovation partnerships in Cork, covering 47 projects, during 2004. These partnerships

encourage the adoption of new technologies by industry.

As part of its ongoing commitment to fostering closer links between academia and industry, Enterprise Ireland has committed €2.54 million in funding assistance towards the provision of incubator units and research facilities at Cork Institute of Technology. Construction has commenced and this 12,500 sq. ft. facility is scheduled for completion in October 2005. The facility is designed to encourage the development of campus companies across all disciplines.

I would also like to mention a number of other positive developments that are taking place in Cork. Cork is European capital of culture for 2005. An Aer Rianta investment of €140 million for Cork Airport is scheduled for completion early next year. The Kinsale roundabout flyover is due to start construction in the first quarter of this year and will be completed in two years. It is intended that by 2009, there will be a continuous motorway or dual carriageway between Cork and Dublin. All these initiatives will contribute to providing significant employment opportunities for Cork.

Unfortunately, however, there have been job losses in, for example, Nestlé in Mallow. FÁS is engaged with both Nestlé and Schering-Plough, and the full range of FÁS upskilling and mainline courses will be on offer to all employees. Job losses and gains have always been, and will continue to be, part of our economic activity.

Fortunately, our current overall unemployment rate is among the lowest in Europe. The latest live register figures for January 2005 showed that the unemployment rate is 4.2%. The live register figure for Cork has dropped by more than 1,300 from January 2004 to January 2005. We can look forward to the future with confidence.

The Dáil adjourned at 9.45 p.m. until 10.30 a.m. on Thursday, 10 February 2005.

Written Answers

The following are questions tabled by Members for written response and the ministerial replies received from the Departments (unrevised).

Questions Nos. 1 to 10, inclusive, answered orally.

Questions Nos. 11 to 54, inclusive, resubmitted.

Questions No. 55 to 63, inclusive, answered orally.

Computerisation Programme.

64. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government when he will initiate improvements to his Department's website. [3714/05]

102. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government his views on whether his Department's website is suitably user friendly to meet the needs of its customers; and if he will make a statement on the matter. [3990/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 64 and 102 together.

I accept that my Department's main website, *environ.ie*, is in need of improvement and updating. In addition to *environ.ie*, which is the main Department of the Environment, Heritage and Local Government website, my Department operates some 16 special interest websites dealing with particular aspects of the Department's activities.

Over the last few years extensive changes have been made to reflect the changed structure of the Department and to provide direct access from the main Department site to newly developed sites such as "Motor Tax Online" and "Buildings of Ireland" as well as the specialist websites relating to Met Éireann and heritage areas. The award winning *motortax.ie*, which enables customers to pay their motor tax over the Internet, is considered to be a major success story. In its first year alone, this site has handled over 470,000 transactions representing over €100 million in revenue. Almost 22% of eligible motor tax business nationally is now transacted online and over 35% of eligible business in the Dublin area. This is a welcome success and one that we intend to build on in the years to come.

My Department is committed to continuing further improvement of all its websites and is undertaking a number of initiatives to this end. A review of the site structure and content has been completed and this will feed into the development of an entirely new site later this year. In the interim, the site's home page has been revised with a view to overcoming technical difficulties being experienced by some users. A series of other improvements has also been undertaken to improve the performance, accessibility, look and

feel of the site. These changes are currently being tested and will go live before the end of the month.

Strategy on Homelessness.

65. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the progress to date of the cross-departmental team on homelessness; and if he will make a statement on the matter. [4062/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The cross Department team on homelessness is, under the aegis of my Department, charged with monitoring and overseeing the implementation of the Government's integrated and preventative homelessness strategies. These strategies constitute a cross Department response designed to ensure that services are put in place to address the needs of homeless persons in a holistic fashion, to target groups most at risk of homelessness and to ensure early intervention before people at risk actually become homeless. The cross Department team reports periodically to the Cabinet committee on social inclusion.

The Government's commitment to addressing the issue of homelessness is evidenced by the high levels of funding which it continues to provide for the sector. The allocation from my Department to meet the current cost of the provision of accommodation and related services funding has increased from €12.6 million in 1999 to €51 million in 2004 and has enabled significant progress to be made in the provision of accommodation and related services. Monitoring of the implementation of the homelessness strategies has indicated that, across all agencies, significant progress has been made in addressing the issue of homelessness.

A number of measures have been undertaken to date to address the needs of such persons. Each local authority and health board has drawn up homeless action plans and these are currently being implemented. Homeless fora have been established in each county and division of responsibility has been clarified between local authority and health boards regarding accommodation and care costs. Outreach and settlement programmes have been established in a number of areas and in particular in main urban areas. There is improved accommodation facilities and arrangements countrywide — provision of over 1000 emergency beds; provision of designated accommodation for street drinkers and drug users in Dublin, Limerick, Tralee and Dundalk; provision of a 48 bed foyer under the Department's capital assistance scheme to the voluntary sector in Dublin which caters for the needs of young people leaving care or who are otherwise at risk of homelessness; in the period 2001-2003 almost 2,000 homeless people have been housed in Dublin alone.

A specialised unit, the homeless offenders strategy team, has been established within the

[Mr. N. Ahern.]

probation and welfare service to address the housing needs of homeless offenders. Other measures include the drafting and implementation of protocols by the health boards for the discharge of homeless persons from hospital and mental health facilities as well as improved medical and related facilities; direct provision of educational programmes for homeless persons, provision of information, staff training and referrals to other programmes. There is general agreement that the emergency sector is adequately catered for, at this stage, and the future focus will be on the provision of long-term accommodation and the supports required to meet the non-accommodation needs of homeless persons.

In addition, the team will oversee the review of the Government's homeless strategy, which is currently underway. Consultants have been appointed and it is expected that preliminary recommendations will be available by June of this year. The cross Department team is an integral part of the implementation process and will continue to provide the necessary support, advice and impetus in achieving sustained improvement in services for the homeless.

Architectural Heritage.

66. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will review the funding for architectural protection grants; and if he will make a statement on the matter. [3847/05]

134. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will review the funding for architectural protection grants; and if he will make a statement on the matter. [3703/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 66 and 134 together.

The scheme of architectural protection grants available to owners of protected structures is administered by local authorities and resourced by my Department. Funding for the scheme was increased from €2.888 million in 2003 to €3.9 million in 2004 and the provision for 2005 is €4.031 million. The funding available under the scheme is an integral element in the protection of the architectural heritage by local authorities and is a key support in the continuing roll out of Part IV of the Planning and Development Act 2000. The scheme is a successful one and around 250 grants are paid out each year to assist in the protection of our built heritage.

This scheme is just one of a package of supports for the built heritage. Tax relief is available under section 482 of the Taxes Consolidation Act 1997. The Heritage Council paid grants totalling €1.86 million under the "Buildings at Risk" grant scheme. My Department's conservation grants scheme is available for public buildings and the 2005 allocation is €1 million. In addition, I provided funding of €700,000 to the Heritage Council

as the first tranche of multi-annual funding to support conservation works at Russborough House and Waterford Roman Catholic cathedral.

The Government is making a substantial contribution towards the protection of the built heritage through the various schemes I have outlined above and also, of course, through the ongoing maintenance of the State's own portfolio of historic properties. I am keeping the policy under review and, in this context, I will bring proposals to Government for the establishment of a trust type organisation to acquire and manage significant heritage properties.

Departmental Expenditure.

67. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government his views on whether the €8 million paid in legal fees by his Department over the past two years was value for money; his further views on whether these services should be put out to tender; and if he will make a statement on the matter. [3937/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In response to Question No. 539 on 30 November 2004, I stated that the amount paid from my Department's Vote for services provided by lawyers in 2003 and 2004 amounted to €7,739,585.81; some €7.578 million of this amount relates to the planning tribunal.

In general, legal services for my Department are engaged following consultations with the Attorney General's office and/or the Chief State Solicitor's office and nominations or appointments and decisions on the level of fees paid are made or advised by those offices on the basis of a range of criteria, including the nature and urgency of the case, the strategies and objectives being pursued, the expertise and experience required, the availability of such expertise and the costs involved.

The great bulk of the fees paid by the Department to lawyers arise in the planning tribunal. These fees paid are based on *per diem* rates as approved by the Department of Finance. In 2004, changes to the fees structure for tribunals generally were announced, including linking of senior counsel fees to the salary of a High Court judge, in the case of new tribunals from September 2004 and in the case of existing tribunals to a date in 2007 to be agreed.

My Department employs its own legal adviser recruited in accordance with Civil Service procedures. Arrangements for the procurement of any further legal advice required is decided on a case by case basis, which could include open tendering if appropriate. Value for money is assessed on a case by case basis and is dependent on the results expected and actually achieved. The variety of cases with which the Department is involved makes it difficult to generalise. It is considered that, in general, the current arrange-

ments have provided value for money having regard to the circumstances of each case.

Local Authority Housing.

68. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to substantially improve local authority and voluntary sector housing output to meet NDP targets. [3711/05]

142. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to substantially improve local authority and voluntary sector housing output to meet NDP targets; and if he will make a statement on the matter. [4022/05]

164. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government his plans to further improve housing construction by local authorities and voluntary housing agencies; and if he will make a statement on the matter. [4020/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 68, 142 and 164 together.

In including housing as a major area of activity under the national development plan, the Government demonstrated its commitment to increasing support for social and affordable housing programmes. Since the plan's inception in 2000 the needs of almost 60,000 households have been met under the range of social and affordable housing programmes. Between 2000 and the end of 2004 provisional outturn figures show investment under the housing aspect of the NDP is some 10% ahead of forecast.

While output levels for social housing by the local authority and voluntary sector have been less than anticipated in the NDP targets, record levels of completions have been achieved over the period of the plan. The shortfall in achieving output targets can for the main part be attributed to higher than anticipated construction costs.

The Government's decision to introduce multi-annual capital investment programmes provides an important opportunity to ensure a structured basis for the planning and delivery of all social and affordable housing programmes. Through five year action plans for social and affordable housing developed by local authorities, resources will be used to best effect. The plans will be used to maximise output and value for money and ensure that priority is given to those most in need. Overall, the priority is to ensure that housing is delivered in a manner which breaks cycles of dependency and disadvantage.

It is planned to build up a programme of about 5,500 starts under the main local authority housing measure each year over the period of the plans and substantial investment will continue to be made in regeneration projects such as the Ballymun programme. The voluntary and co-operative sectors will continue to be supported as

they increase and consolidate their contribution to the delivery of social rented accommodation. It is estimated that the needs of over 13,000 households will again be met under various social and affordable housing measures over the course of this year. In addition to this, the long-term housing needs of about 5,000 current recipients of rent supplement will be addressed through the new rental accommodation initiative.

Environmental Policy.

69. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the action he intends to take to prevent the practice of charging a €2 environmental levy on tyres; and if he will make a statement on the matter. [3992/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Some tyre retailers are charging a management fee for the take back of waste tyres. I am concerned that the public may be given the wrong impression that such a fee is a Government levy and/or is contributing to a quality approved recycling scheme, whereas no evidence or assurance is being provided that tyres taken back are being treated in an environmentally sound manner.

I have requested all local authorities to arrange for inspections by authorised officers of all tyre outlets operating in their functional area as part of their action plans for 2005. Among the matters each inspection should establish is whether a tyre management fee is being charged, the level of fee applied and whether the fee is being termed an "environmental levy". I have also brought this matter to the attention of the Director of Consumer Affairs.

State Property.

70. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government his views on the report of the scientific group set up to examine the issue of hunting on State lands; and if he will make a statement on the matter. [4019/05]

112. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the report of the scientific group set up to examine the issue of hunting on State lands. [3707/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): I propose to take Questions Nos. 70 and 112 together.

The policy of my Department, continuing that of successive Departments which have held responsibility for nature conservation, is to prohibit, on properties acquired for conservation purposes, any activities that would adversely affect the purposes for which the lands were acquired or would interfere with the enjoyment and safety of members of the public availing of the resource. In this context, hunting on proper-

[Mr. B. O’Keeffe.]

ties managed by the National Parks and Wildlife Service, NPWS, of my Department has remained prohibited.

This policy was closely re-examined by my predecessor following requests by the National Association of Regional Game Councils, NARGC, that their members should be given access to some national parks and wildlife properties for the purpose of shooting game. For the following reasons, my predecessor concluded that the prohibition of shooting on these properties should continue.

First, the sites were acquired, in general using public funds, for the purpose of nature conservation and to serve as refuges and breeding places for species of wildlife. Hunting could also disturb “non-quarry” species and their habitat, thereby reducing the value of these sites as refuges for wildlife generally. Second, facilities for hunting are extensively available on Coillte lands, as well as those of private owners, and on foreshore.

Third, account had to be taken of considerations of public safety and of the potential exposure of the State to claims for damages by persons harmed or otherwise adversely affected by hunting on NPWS properties. Fourth, the Heritage Council has recommended against any change in the long standing policy of not permitting hunting on national parks and wildlife lands.

In reaching conclusions on this matter, the then Minister had available the report of a joint scientific group comprising officials of my Department and nominees of NARGC, which carried out a joint examination of the question of hunting on State lands, from a scientific perspective only. Whereas this group considered that scientific reasons would not obtain for an automatic ban where hunting is sustainable, its report did not advance specific advice on how populations and sustainability should be assessed. While the group’s report did propose a methodology for considering this matter further, the implementation of this would require significant NPWS personnel resources which would have to be diverted from other priority work.

For the reasons already indicated, it was not considered that the report of the scientific group justified a departure from the existing established policy in this matter. This remains the position.

Architectural Heritage.

71. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the progress which has been made to establish some form of a national trust within the State that might acquire, maintain and refurbish heritage buildings such as the Kilmainham Mills by the Camac River in Dublin 8 or other historic properties that might benefit from State funding and support for their protection, maintenance and enhancement; and if he will make a statement on the matter. [3931/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not propose to acquire the Kilmainham Mills complex, which is in private ownership and has recently received a planning permission for redevelopment from An Bord Pleanála subject to conditions designed to protect its historic and archaeological significance.

The purpose of a national trust initiative would be to develop methods of ensuring the preservation of key heritage buildings beyond the model of direct State ownership. The resource implications of maintaining the present State portfolio of some 750 national monuments and historic properties are significant. Accordingly, innovative alternatives to State acquisition to ensure the protection of heritage properties under threat need to be explored. In light of this, my Department engaged consultants to examine the issue of facilitating the emergence of a national trust and other trust type organisations which might, independently of Government and without State aid, acquire and manage such heritage properties.

My Department is at present evaluating the recommendations in the consultant’s report. In the event that I am satisfied that the establishment of a national trust and other trust type organisations is warranted, I will submit proposals for Government approval.

Planning Issues.

72. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government his views on whether his Department should implement a ban on construction on floodplains; and if he will make a statement on the matter. [3986/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Decisions as to whether proposed development should be permitted or restricted in any particular area are a matter for the relevant planning authority in the first instance and for an Bord Pleanála in the event of an appeal. The Planning and Development Act 2000 specifically empowers planning authorities to provide in their development plans that development in areas at risk of flooding may be regulated, restricted or controlled. Where development is proposed in an area at risk of flooding, such risk can be carefully evaluated by the planning authority and planning permission refused, where appropriate, or, if granted, can be made subject to conditions requiring the implementation of measures necessary to alleviate or avoid damage due to flooding.

I do not consider that a ban on construction on flood plains, *per se*, would be appropriate. However, it is my intention to publish shortly, in draft form for public consultation, guidelines for planning authorities on the preparation of development plans. These guidelines will suggest that in addressing the issue of flooding, development plans should identify the main river catch-

ments and coastal areas that experience or are at risk from flooding. Policies should then outline the considerations that will arise regarding development within such catchments and coastal areas from the point of view of managing existing flood risks or avoiding the generation of new flood risks.

The guidelines will also suggest that development plan policies dealing with flooding also need to recognise the uncertainties inherent in the prediction of flooding and the fact that flood risk is expected to increase as a result of climate change. Development plan objectives could also include policies indicating that developers will be required to support the funding of flood defences needed for particular developments, either partially or fully, depending on the circumstances involved.

My Department will welcome comments or suggestions on this or any other aspect of the draft guidelines following their publication.

Private Rented Accommodation.

73. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the action which has been taken to identify and prosecute, if necessary, those landlords who have not registered with the PRTB; and if he will make a statement on the matter. [4061/05]

85. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government the estimated number of landlords who have failed to register with the Private Residential Tenancies Board to date; his views on whether the failure of landlords to register has the potential to undermine the Residential Tenancies Act 2004 and the work of the Private Residential Tenancies Board. [3810/05]

132. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government his views on the amount of tenancies that have been registered with the Private Residential Tenancies Board; the plans which are being put in place to increase registration; and if he will make a statement on the matter. [3934/05]

145. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government when it is intended to bring the remainder of the Residential Tenancies Act 2004 into operation; and if he will make a statement on the matter. [3912/05]

167. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the number of complaints that have been filed to the recently established Private Residential Tenancies Board against landlords concerning anti-social behaviour by their tenants; if this new system is providing speedier resolution of such disputes; and if he will make a statement on the matter. [3911/05]

275. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government

the progress to date of the Private Residential Tenancies Board; and if he will make a statement on the matter. [4060/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 73, 85, 132, 145, 167 and 275 together.

All of the provisions of the Residential Tenancies Act 2004, which provides the legislative underpinning to a modernised private rental sector, are in operation. Key features of the legislation are provision for a new centralised system of tenancy registration and a statutory dispute resolution service. The Act also provided for the establishment of the Private Residential Tenancies Board as an independent body with a range of specific statutory functions, including responsibility for the administration of tenancy registration and dispute resolution.

The board also has a statutory role of providing information about its tenancy registration and dispute resolution functions and about 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 understand 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. 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 board will be required to report on and account for progress in the performance of its functions. It also has a specific function to review the operation of the Residential Tenancies Act 2004. It is the responsibility of the board to maximise the effectiveness of the dispute resolution and registration systems and to take enforcement action, including prosecution where appropriate, if it considers that a particular tenancy is required to be registered and has not been the subject of an application for registration. Landlords who fail to apply to the board to register tenancies that are liable for registration do not have access to the board's dispute resolution service and are liable to prosecution. Tenants, however, have access to the dispute resolution service irrespective of whether the landlord fails to apply for registration.

Waste Disposal.

74. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if he has completed his consideration of the European Court of First Instance decision to rule against Ireland for failure to protect human health through properly controlling waste dumps; the steps he is taking to ensure that Ireland will in future comply with the European Commission's

[Mr. Quinn.]
waste disposal directive; and if he will make a statement on the matter. [3908/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The opinion of the Advocate General is still under consideration but until such time as the judgment of the European Court of Justice is available in the coming months it would not be appropriate to comment on this matter. If the court finds that a member state has failed to fulfil an obligation under the European Treaty the state concerned is required to take the necessary measures to comply with the judgment.

Local Authority Housing.

75. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the number of housing units delivered to date by each local authority under Part V of the Planning and Development Act 2000; if he has sought explanations from those local authorities which have delivered little or no housing under

this provision to determine the reason for this failure; and if he will make a statement on the matter. [3878/05]

137. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the number of social and affordable houses acquired to date by local authorities under Part V of the Planning and Development Act 2000; the number he expects will be acquired during 2005; if he has satisfied himself with this rate of progress; and if he will make a statement on the matter. [3903/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 75 and 137 together.

I refer to the reply to Question No. 80 of 9 December 2004.

From information supplied by local authorities to my Department, a total of 390 social and affordable housing units have been acquired under Part V agreements with developers up to the end of September 2004. A breakdown by each local authority is set out in the following table.

Part V, Planning and Development Acts 2000 — 2002

Units Acquired January 2002 To September 2004

County Councils*	Affordable Housing	Social Housing	Total Output
Cork	7	3	10
Dún Laoghaire-Rathdown	0	29	29
Fingal	149	72	221
Galway	2	1	3
Kildare	10	14	24
Kilkenny	0	6	6
Louth	2	0	2
Mayo	18	0	18
Meath	16	2	18
Roscommon	0	1	1
Sligo	0	6	6
South Dublin	12	0	12
South Tipperary	1	0	1
Waterford	1	15	16
Westmeath	6	0	6
Wicklow	3	2	5
<i>City Councils</i>			
Dublin	9	2	11
Waterford	0	1	1
Totals	236	154	390

* Output from Borough and Town Councils, where applicable, is included in figures for the relevant county council.

The September 2004 figures confirm that over 1,800 such units are in progress and nearly 2,700 proposed. On this basis, my Department estimates that some 500 housing units will have arisen from the operation of Part V in 2004, the final figures for which are being compiled, increasing to over 1,000 in 2005.

It is envisaged that over 11,000 units will be delivered from the various affordable schemes

between 2005 and 2007. Accordingly, I am satisfied that the provisions of Part V are being suitably progressed and that they will contribute significantly to the provision of social and affordable housing.

Recycling Policy.

76. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government if

he will consider measures to deal with the low level of recycling of tyres; and if he will make a statement on the matter. [3993/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In response to the reduced availability of traditional disposal and re-use routes for tyres and to promote recycling of this waste stream, my Department has had discussions with the Irish Tyre Industry Association, ITIA, with a view to establishing a producer responsibility initiative. These discussions are continuing with the intention of concluding the necessary arrangements for such an initiative later this year.

I have publicly stated my concerns about possible inappropriate practices in the way waste tyres are managed. It is imperative that waste tyres are not put to inappropriate uses such as unauthorised burning, uncontrolled disposal or the formation of indiscriminate stockpiles. These practices are not acceptable as they can cause nuisance and pose both environmental and health hazards and infringe waste and other environmental legislation.

My Department has written to local authorities asking them to carry out inspections of tyre outlets with a view to improving current practices in the management of waste tyres. The inspections are to be carried out as part of the local authorities' enforcement action plans for 2005. I wish to see the tyre industry co-operate with the local authorities to achieve more effective management so that any unacceptable practices are eliminated. If the desired response is not forthcoming, I will not hesitate to bring forward more restrictive regulations in this area.

My Department has also written to State bodies with large vehicle fleets and to the tyre industry asking them to review their practices in how they manage this particular waste stream.

77. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he will introduce additional measures to support the development of outlets for recycled material. [3939/05]

105. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if he will report on the work being carried out by the market development group to identify market opportunities for recyclables; and the expected date of publication of the market development programme. [3812/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 77 and 105 together.

One of the main barriers to an improved and sustainable recycling performance is the lack of stable and economically attractive markets and outlets for recyclable materials and products manufactured from recycled products. The need for the establishment of a market development group, which would oversee the development of

a market development programme, was outlined in the Delivering Change policy statement and the agreed programme for Government.

The market development group, established in July 2004, has an independent chairperson and comprises representatives from the Environmental Protection Agency, Enterprise Ireland, the National Standards Authority of Ireland, the Irish Business and Employers Federation, the Irish Waste Management Association, the Small Firms Association, the Irish Small and Medium Enterprises Association, the City and County Managers' Association, the Clean Technology Centre, the Department of Enterprise, Trade and Employment and the Department of the Environment, Heritage and Local Government.

The programme which the group is undertaking will identify new applications and markets for recyclable material and secondary recycled products. The group has been asked to identify barriers to the use and marketing of recyclable material and to develop strategies to address these. The group will also play a key role in expanding North/South co-operation on market development issues.

The work of the group is currently focusing on three priority waste streams: paper, plastic and compost. To facilitate this, the group has been subdivided into a steering sub-group and three materials sub-groups, each meeting independently and reporting back to the plenary sessions. Following on from the work of this group, my Department hopes to develop and publish a market development programme later this year.

National Development Plan.

78. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to fast track the remaining NDP projects in his Department to ensure completion of the plan as soon as possible. [3712/05]

81. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government his views on the statement by the Institution of Engineers of Ireland that the public private partnerships process has not achieved its potential contribution to infrastructure development and is hampered by risks and delays associated with statutory procedures, archaeology and the high cost of bidding; and if he will make a statement on the matter. [4083/05]

119. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the way in which he intends to ensure timely and cost effective implementation of the national development plan in his Department as recommended by the Institute of Engineers of Ireland by early planning, investigative and archaeological surveys and design of projects and by flexibility in bringing forward projects to replace projects which cannot be commenced on schedule. [3713/05]

131. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government the way in which he intends to ensure timely and cost effective implementation of the national development plan in his Department as recommended by the Institute of Engineers of Ireland; and if he will make a statement on the matter. [4024/05]

268. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to fast track the remaining NDP projects in his Department to ensure completion of the plan as soon as possible; and if he will make a statement on the matter. [4023/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 78, 81, 119, 131 and 268 together.

I am satisfied, having regard in particular to the mid-term review of the national development plan overseen by the Economic and Social Research Institute, in cooperation with a number of consultancy firms, that progress on the various NDP programmes and measures falling within the remit of my Department has been generally satisfactory. I am determined that we will continue to make progress on achieving our targets for the remainder of the programme and I am committed to maintaining a high level of activity around those measures which are the responsibility of my Department.

While I note the recommendation that the risks and delays associated with statutory services and archaeology should be eliminated from public private partnership contracts, I am not aware that these factors have delayed delivery of any of the public private partnership projects in the national development plan that come within the remit of my Department. There are 109 such projects in the areas of water services, housing and waste management.

I acknowledge, however, that the above factors have adversely affected timely progress on national development plan projects which are not within the remit of my Department. In that context, I reiterate that I am committed to streamlining planning procedures for infrastructure projects in general and the matter is the subject of ongoing consideration in my Department. As regards archaeology, my Department has also entered into codes of practice relating to archaeology with a number of development bodies and these are working well. Staff in my Department are available to discuss the potential archaeological impacts of proposed developments and early identification of archaeology at the initial design stage allows the mitigation of archaeological issues to be built into the development process. The National Monuments (Amendments) Act 2004 introduces new arrangements to simplify procedures under the National Monuments Acts as regards approved road developments. A more wide ranging National Monuments Bill is at draft-

ing stage. In time, these legislative initiatives will assist in the improved handling of planning issues related to archaeology.

Good progress in NDP programmes and measures made under my Department's remit is evident. The water services investment programme for the years 2004 to 2006 contains 869 projects at various stages of construction and underlines my Department's continued commitment to water and waste water infrastructure provision. From the beginning of the national development plan to the end of June 2004, a total of 285 water services schemes were completed, with cumulative expenditure of €2.152 billion.

The needs of almost 60,000 households have been met under the range of social and affordable housing measures between 2000 and 2004 and provisional outturn figures to the end of 2004 shows investment under the housing aspect of the national development plan to be some 10% ahead of forecast. In 2005, it is planned to build up a programme of 5,500 starts under the main local authority housing measure and it is estimated that the needs of 13,000 households will be met under the various social and affordable housing measures over the course of the year.

The non-national road measure continues to be one of the best performing NDP measures, with expenditure in both the BMW and SE regions ahead of profile. Output under this measure is also ahead of target, with improvements to 19,400 kilometres of non-national roads up to the end of June 2004.

The rural water supply measure was one of those where initial progress was slow. However, increased expenditure in 2002 to 2004 has meant an improvement in water quality for over 1 million persons throughout the country on 1,945 water supply schemes. Projected expenditure is anticipated to rise in 2005 and 2006 with a commensurate increase in output.

While progress had been slow under the waste infrastructure element of the national development plan up to the middle of 2004, there has been significant progress both on local authority recycling and recovery infrastructure and disposal infrastructure. Some €50 million has already been made available to date for over 90 projects and I intend to seek new proposals from local authorities shortly. Several ambitious PPP projects are underway and, while these may take some time to come to fruition, they will represent major progress towards the implementation of modern integrated waste management methods.

Over 500 urban and village renewal projects were under way in 2004 and, by the end of the year, over €58 million had been provided by my Department in grant assistance. While this measure was slow to get under way in the early years of the national development plan, much progress has been made in more recent years and I am confident that it will meet its budgetary and output targets.

The national development plan supports an extensive programme of conservation and preservation of the national monuments and historic properties in the care of the State. A total of 101 sites were selected under this measure and by mid-2004 work had been completed or was ongoing on 76 of these sites. In terms of habitats protection and conservation, the proposed visitor centre at Ballycroy National Park is well advanced and it is hoped that the construction of the centre can commence in the near future. The project to develop a visitor/study centre for Clara Bog is proceeding satisfactorily and draft plans have been prepared with a view to progressing the project through the planning process as soon as possible.

I am satisfied therefore that good progress is being made on the measures under the national development plan which come within the remit of my Department. I accept, however, that we must constantly renew our efforts to maximise the opportunities for economic and social progress under the plan.

Consultancy Contracts.

79. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the instances within his Department in which contracts have been awarded as a matter of extreme urgency, without regard to the normal tendering process, since 1997; and if he will make a statement on the matter. [3930/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has over 3,700 suppliers of goods and services. It would involve a disproportionate amount of time and work to examine the files relating to all contracts held with those suppliers since 1997 and compile the details referred to in the question. If the Deputy wishes to indicate a particular more limited area of interest, it may be possible to provide the information sought.

Recycling Policy.

80. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the way in which he intends to increase the level of recycling of newspaper and cardboard, the level of which is amongst the lowest in Europe; and if he will make a statement on the matter. [4082/05]

97. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the steps he will take to provide for the recycling of paper in view of the recent announcement of the closure of a paper mill (details supplied) the only plant providing this service on the island; and if he will make a statement on the matter. [3915/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 80 and 97 together.

I have already publicly expressed my regret at the closure of this plant. The Smurfit plant, established in 1954 and requiring substantial modernisation, was the only paper mill recycling plant on the island of Ireland. Its closure, on foot of the closure of the Irish Glass and Irish Steel plants in recent years, diminishes our capacity to reprocess waste for recycling indigenously.

Significant progress has been made in raising recycling levels in Ireland in recent years. We all agree that higher and sustained levels of recycling are crucial to dealing with the increased levels of waste being generated in this country. The closure of the Smurfit plant means, in the short term at least, that we must now transport all of the waste paper and cardboard collected for recycling abroad.

The Smurfit plant had a capacity to process approximately 45,000 tonnes of paper and cardboard annually, which is relatively small by international standards. The latest data published by the Environmental Protection Agency indicates that over 358,000 tonnes of paper and cardboard was collected for recycling in 2003, representing a recovery rate of 38.8% for this waste stream. In effect, the vast majority of the increasing volumes of paper and cardboard being collected for recycling are already being sent abroad.

We must continue to look at ways of further improving our material recovery performance for paper and cardboard. The establishment of new paper reprocessing capacity in Ireland is likely to be costly and will be driven by clear commercial considerations. In this regard, my Department — under the auspices of the North South market development group and in conjunction with the Northern Ireland Department of the Environment and the UK Waste Resources Action Group, WRAP — recently commissioned a consultancy study to examine the feasibility of developing new paper mill capacity on the island of Ireland with a view to utilising greater volumes of collected waste paper and cardboard locally. If a viable option can be identified, this would provide stable domestic recycling capacity and produce new recycled paper and cardboard products for the domestic market. The commissioning of this consultancy study, which is being undertaken by a multinational consortium and is due for completion by the end of March, is timely, and I await its conclusions with interest.

A range of measures to promote the recycling of paper is already in place and the available data shows that these are having a significant impact. These measures include: the progressive roll out of segregated household collection of dry recyclables or kerbside green bin collection services to over 560,000 households or some 42% of all households in the State — it is estimated that newsprint and other paper waste accounts for over 50% of the material being collected from households via the green bin collection service; a public service waste management programme which is currently being prepared and which will

[Mr. Roche.]

ensure that all public authorities will routinely use recycled paper; a producer responsibility initiative, PRI, which is currently under discussion with the newsprint industry with a view to improving recovery rates for newsprint.

Under Directive 1999/31/EC on the landfill of waste, Ireland is required to progressively reduce its landfill of biodegradable municipal waste to 35% of the amount produced in 1995. Interim targets for the diversion of biodegradable municipal waste to 75% and 50% are to be achieved over the 15 year period concerned. In April 2004, Ireland's first draft national strategy on biodegradable waste, which was published for public consultation, set out a range of integrated measures designed to facilitate the achievement of these ambitious diversion targets. The draft strategy proposes a range of complementary measures, which are designed in accordance with the waste hierarchy, to support biodegradable waste minimisation and diversion from landfill.

Ambitious targets for the recycling of waste paper and cardboard, and the biological treatment of food and garden wastes, from both the domestic and commercial sectors have been proposed in the draft strategy with source separation of paper/cardboard and food/garden waste considered to be key to the achievement of the strategy's objectives. Under the draft strategy, specific targets have been set for both the domestic household sector and the commercial sector to achieve an overall recycling rate for waste paper and cardboard of 67% by the end of the 15 year period.

It is envisaged that the national strategy on biodegradable waste will be finalised before the autumn following the completion of a comprehensive evaluation of all submissions received from the public consultation process. All the indications are that the recycling position will continue to improve as a result of the ongoing implementation of the local and regional waste management plans.

Question No. 81 answered with Question No. 78.

Housing Policy.

82. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if he has considered the recommendations of the NESC report on housing; and if it is his intention to incorporate the recommendations in an updated housing strategy. [3811/05]

151. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if it is his intention to implement the recommendations contained in the NESC report on housing, particularly the recommendations on increasing the stock of social rental housing. [3808/05]

156. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the findings and recommendations of the NESC report on housing with respect to land availability and land prices. [3814/05]

158. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the projected percentage growth in the number of households on local authority housing waiting lists over the next five years if the Government fails to implement the recommendations of the NESC housing report on increasing the stock of social rental housing in view of the fact that the number of households on local authority waiting lists grew by 77% between 1996 and 2002. [3877/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 82, 151, 156 and 158 together.

Report No. 112 of the National Economic and Social Council — Housing in Ireland: Performance and Policy — provides an important analysis of the Irish housing system and an agenda for the future development of housing policy. Importantly, the NESC report recognises that the general thrust of existing housing policy is well directed. However, the issues raised in the NESC report will now be carefully considered by the Government, together with other recent reports which have a bearing on the housing sector.

The Government has successfully promoted a range of measures to boost the overall supply of housing, to modernise and develop the private rented sector and provide a range of well targeted schemes to meet the needs of those who cannot afford accommodation in the private sector. As a result, 2004 was a further record year for housing output, while social housing output in recent years has been at levels not seen for more than a generation.

In 2005, my Department will spend a record €1.3 billion in Exchequer funding on supports for social and affordable housing. This will enable the needs of over 13,000 households to be met through existing schemes this year and the new rent accommodation scheme will address the long-term housing needs of about 5,000 current recipients of rent supplement.

Pending conclusions of the Government's consideration and the outcome of the 2005 assessment of need, it is not possible to predict the number of households likely to be on local authority housing waiting lists in the next five years. The results of the statutory assessment of housing needs to be undertaken in March this year will inform the planning of provision over the coming years, both in terms of the overall output required and the type of need to be addressed.

While reviewing aspects of policy to ensure that measures are effective is very important, so too is a focus on delivery. Consequently, we will be ensuring through five year action plans

developed by local authorities that available resources are used to best effect to deliver the optimum level of quality housing in a manner that breaks cycles of disadvantage and dependency. These mechanisms will assist in continuing the task of building strong programmes of social and affordable housing over the coming years.

Recycling Policy.

83. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government the percentage of recyclables collected in the State which are recycled in the State; the percentage which are recycled in other states; the percentage which are not recycled; and if he will make a statement on the matter. [3813/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): National waste statistics in respect of all waste streams are published at three yearly intervals by the Environmental Protection Agency with the most recent national waste database report being in respect of 2001. While the database reports do not provide an overall recycling figure for Ireland, recycling rates in respect of individual waste streams are supplied. In the intervening period, two further interim reports have been published to provide data on municipal waste specifically, that is, household and commercial waste, for the years 2002 and 2003 respectively. The latest figures available on municipal waste generation, recovery and disposal are contained in the national waste database interim report for 2003, published by the agency in December 2004, which reports that the recycling rate in the municipal waste stream has advanced to 28.4% in 2003, up from 20.7% in 2002.

The EU, by way of Council Regulation EEC No. 259/93 of 6 February 1993, as amended, has a system of supervision and control to apply to shipments of waste within, into and out of the territory of the EU. Under regulation 259/93 a distinction is made between waste which is destined for final disposal, for example, landfill, or for recovery, for example, recycling. For waste which is specifically destined for recovery, a further distinction is made between: “green” list waste — Annex II of the regulation; “amber” list waste — Annex III of the regulation; and “red” list waste — Annex IV of the regulation.

Waste on each of these lists is connected to a particular control procedure. Shipments of all waste destined for disposal, and shipments of hazardous and semi-hazardous waste destined for recovery, are subject to the requirement of prior written notification and consent. Shipments of non-hazardous waste — that is, green or typically, clean segregated recyclable waste fractions — destined for recovery are not subject to the procedure of prior written notification. Such shipments are only subject to the general information requirement that they be accompanied by certain information and documentation.

The national waste database interim report for 2003 indicates that 858,211 tonnes of non-notified waste was exported for recycling in 2003, which represents 69.1% of Irish waste recycling. A total of 30.9% of the total of recyclables collected were processed in Ireland.

The agency does not have data on non-recycling of recovered material. In this regard, the Waste Management Acts 1996-2003 provide a clear duty of care on the holder of waste to only pass it to an authorised entity, either a local authority or a person in possession of a waste collection permit, or deposit it at an authorised facility, which is one that is either licensed or registered with the EPA or permitted by a local authority.

Under section 32 of the 1996 Act, as amended, it is an offence to hold, transport, recover or dispose of waste in a manner that causes or is likely to cause environmental pollution. The Acts also provide that any such activity carried on which is not in compliance with a waste permit/licence, authorisation or certificate shall be presumed to cause environmental pollution until proven otherwise.

House Prices.

84. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to recent figures produced by the Irish Institute of Auctioneers and Valuers that the cost of building land was increasing at a rate significantly above house price inflation; if he intends to take steps to deal with this situation; and if he will make a statement on the matter. [3894/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am aware that the Irish Auctioneers and Valuers Institute, IAVI, has published results of a 2004 survey of its members purporting to show, among other things, that the price of residential development land across the country rose more quickly last year than the price of new homes. The IAVI suggests that this may reflect improved economies of scale through higher residential densities, low interest rates that reduce the risks of land acquisition and confidence among developers concerning future housing demand.

My Department has not sought to evaluate the methodology employed in this survey or the extent and quality of the information obtained. However, my Department will continue its efforts, through a range of policies and measures, to ensure delivery of an increased supply of affordable housing.

Question No. 85 answered with Question No. 73.

End-of-Live Vehicles.

86. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government

[Mr. Sherlock.]
the reason for the long delay in introducing regulations on end-of-life vehicles; the communications he has had with the EU Commission in regard to the proposed regulations; and if he will make a statement on the matter. [3913/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Enabling provisions to facilitate implementation of European Parliament and Council Directive 2000/53/EC on end-of-life vehicles were incorporated in the Protection of the Environment Act 2003. The delay in transposing and implementing the directive principally reflects difficulties in reaching agreement with the relevant sectors on the detailed mechanisms for the operation of the take back arrangements required by the directive, including how such arrangements will be funded.

My Department has had correspondence and discussions with the European Commission with regard to various aspects regarding the transposition and implementation of the directive in Ireland. Legal proceedings were initiated against Ireland by the European Commission on the grounds that the directive was only partially transposed as the regulations on the detailed arrangements for implementation of the directive in Ireland had not been made. The European Court of Justice made a judgment in this case on 28 October 2004 and found that Ireland had failed to fulfil its obligations regarding the full transposition of the directive.

I have had discussions with relevant sectors with a view to developing an effective approach with regard to implementation and I hope to announce my proposals shortly. It is intended to make regulations as soon as possible this year to fully transpose the directive provisions and facilitate its full implementation.

National Development Plan.

87. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the serious concern expressed by the Institute of Engineers of Ireland regarding the failure to meet targets set out in the national development plan, particularly in regard to housing and waste management; the steps he proposes to take to deal with these delays; if he will act on the institute's recommendation for the creation of a national waste management agency; and if he will make a statement on the matter. [3880/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am satisfied, having regard in particular to the mid-term review of the national development plan overseen by the Economic and Social Research Institute, in cooperation with a number of consultancy firms, that progress on the various NDP programmes and measures falling within the remit of my Department has been generally satisfactory. I am determined that we will continue to

make progress on achieving our targets for the remainder of the programme and I am committed to maintaining a high level of activity around those measures which are the responsibility of my Department.

In including housing as a major area of activity under the national development plan, the Government demonstrated its commitment to increasing support for social and affordable housing programmes. Since the plan's inception in 2000 the needs of almost 60,000 households have been met under the range of social and affordable housing programmes. Between 2000 and the end of 2004, provisional outturn figures show investment under the housing aspect of the NDP is some 10% ahead of forecast.

While output levels for social housing by the local authority and voluntary sector have been less than envisaged in the NDP targets, record levels of completions have been achieved over the period of the plan. The shortfall in achieving output targets can for the main part be attributed to higher than anticipated construction costs. This factor has been acknowledged in external evaluations of the programmes, which also indicated that the expenditure on social housing was making positive impacts in terms of tackling poverty and social exclusion.

The Government's decision to introduce multi-annual capital investment programmes provides an important opportunity to ensure a structured basis for the planning and delivery of all social and affordable housing programmes. Through five year action plans for social and affordable housing developed by local authorities, resources will be used to best effect. The plans will be used to maximise output, value for money and ensure that priority is given to those most in need. Overall, the priority is to ensure that housing is delivered in a manner, which breaks cycles of dependency and disadvantage.

With regard to waste management, the last six months of 2004 have seen significant progress both on local authority recycling and recovery and disposal infrastructure. In terms of grant assistance, my Department has made some €50 million available to date for over 90 projects. I do not consider it opportune at this time to create a national waste management agency to promote waste infrastructure, as recommended in the report; a more urgent issue at present may be to advance arrangements for the improved economic regulation of waste infrastructure.

As regards the regionalisation of waste management planning, the rationale is to ensure local authorities assume greater responsibility for dealing with waste in their functional areas, including working in collaboration with neighbouring authorities and giving consideration to the role of the private sector. My Department has asked local authorities to ensure there is effective engagement with the private waste industry in the context of review of the waste management plans.

The report recommends making the waste infrastructure capital grants scheme available to the private sector. When the capital grants scheme was launched it was intended that it be made available to both public and private sector applicants. The latter, however, was conditional on obtaining the necessary state aid approved from the European Commission. As it transpired, the state aid given was of a limited nature. In the interim, however, the industry's scale increased significantly over a short period of time, a marked process of consolidation became evident and some of the projects for which grant applications had been submitted proceeded in any case.

It became clear, therefore, that a grant scheme for private companies would be more likely to distort competition in the sector or to impact on enhancing acquisition values in the context of industry consolidation than to have a significant effect on the provision of recycling and recovery infrastructure. On foot of this my predecessor decided that it would be more effective to redeploy the funding in question to other related initiatives and in particular towards greater enforcement of waste legislation. The latter measure had been strongly advocated by the industry, to address the problem of unfair competition from contractors operating outside the law.

In conclusion, I am satisfied good progress is being made on the measures under the national development plan which come within the remit of my Department. I accept, however, we must constantly renew our efforts to maximise the opportunities for economic and social progress under the plan.

Proposed Legislation.

88. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he has proposals to amend legislation to include any bodies representing immigrant groups in the nomination process for Seanad elections; and if he will make a statement on the matter. [3926/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In accordance with section 4 of the Seanad Electoral (Panel Members) Act 1947, the Clerk of Seanad Éireann is the returning officer for the Seanad. The arrangements for the establishment and maintenance by the returning officer of the register of nominating bodies are set out in Part 2 of that Act. The register is currently being revised for 2005 and the register as revised will be published later in the year. Copies of the current register are available from the returning officer.

The report on Seanad Reform by the Seanad Sub-Committee on Seanad Reform, published in April 2004, sets out a coherent and comprehensive package of recommendations for further consideration and action concerning the composition, functions and future role of Seanad Éireann. The report also includes proposals for new arrangements surrounding the nomination and election

of senators, ranging from a radical reform of the vocational panel system to allow for broader enfranchisement, to the introduction of direct popular elections for some or all of the Seanad seats. The Seanad sub-committee considered the issue of immigrant representation in the context of multiculturalism and ethnicity in modern Ireland and recommended that the Taoiseach, when selecting nominees for the Seanad, should include people who can represent the interests and perspectives of immigrants.

These recommendations now require careful consideration. To this end, I have written to party leaders seeking nominations for an informal all-party parliamentary group, which I will chair, to determine the extent of cross party agreement on the recommendations and to advance, with consensus, proposals for implementation of Seanad reform.

Radon Gas.

89. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the recent study published in a publication (details supplied) confirming that exposure to radon gas in homes leads to a significantly increased risk of lung cancer; the steps he intends to take to deal with the death toll being caused by radon gas in view of this and the findings of the Radiological Protection Institute of Ireland that between 150 and 200 persons are dying every year from lung cancer arising from exposure to radon gas; if in view of the continuing death toll attributed to radon gas, he intends to provide funding for a scheme to assist those living in pre-1997 houses to take remedial action to provide adequate protection for their homes; and if he will make a statement on the matter. [3917/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am aware of this recent report, which was published in the British Medical Journal, of a study concerning radon and lung cancer which was funded by Cancer Research UK and the European Commission. This report was the result of a collaborative analysis of individual data from 13 case control studies of residential radon and lung cancer in nine European countries, which did not include Ireland.

The report concluded that radon in the home accounts for about 9% of deaths from lung cancer and about 2% of all deaths from cancer in Europe. It also concluded that the absolute risk to smokers and recent ex-smokers was much greater, 25 times greater, than to lifelong non-smokers. These findings are broadly consistent with the estimate by the Radiological Protection Institute of Ireland, RPII, that approximately 10% to 15% of all lung cancer deaths in Ireland are linked to radon gas exposure and that the incidence is higher among smokers than non-smokers.

[Mr. Roche.]

Based on an RPII survey conducted in the 1990s of radon in domestic dwellings, the great majority of houses in Ireland, over 90%, would have radon concentration levels below the national reference level of 200 becquerels per cubic metres. This is the level above which radon remediation works are recommended.

While it is not practicable to provide grant assistance from public funds for radon remediation works in domestic dwellings, the Government, through the RPII, has over the years committed significant resources to assessing the extent of the radon problem throughout the country and to increasing public awareness of radon. During the years 1992 to 1999, the RPII carried out a national survey of radon in domestic dwellings aimed at assessing the extent of the radon problem in homes. The survey involved the measurement by the RPII of radon for a 12 month period in a random selection of homes in each 10 km x 10 km grid square throughout the country. The RPII's website contains a comprehensive map of the high radon areas in Ireland as well as the report of its national survey of radon in homes.

In February 2002, my Department published a booklet entitled "Radon in Existing Buildings — Corrective Options" advising designers, builders and home owners on remediation options for reducing radon in existing houses to, or below, the national reference level. Upgraded building regulations, introduced in June 1997, require all new houses which commenced construction on or after 1 July 1998 to incorporate radon protection measures. My Department has recently published an updated edition of technical guidance document C, TGD-D, on part C of the building regulations, site preparation and resistance to moisture, incorporating enhanced radon prevention measures for new buildings commencing on or after 1 April 2005. This new guidance document is aimed at ensuring that the 1997 radon protection measures are carried out more effectively.

In recent months, the RPII has undertaken several initiatives to further heighten awareness of the radon issue in Ireland. In November 2004, the RPII hosted the third national radon forum in Dublin to raise awareness of radon as a health risk. Earlier this year, the RPII published a revised version of its booklet "Radon in Homes" and also published a booklet in October 2004 — "Understanding radon remediation, a householders guide". The RPII also plans to distribute an information poster on radon for display in libraries, medical centres and other public areas advising people to have their homes checked for radon.

Both the RPII and my Department will continue to use all appropriate opportunities to raise public awareness of radon and to encourage householders with radon concentrations above the national reference level to undertake remediation works.

Litter Pollution.

90. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the public consultation process on the 2003 litter monitoring body report on the problematic litter items such as chewing gum and fast food packaging; if, as promised, he will be making decisions on the measures required to deal with these problems before the end of 2005; and if he will make a statement on the matter. [3906/05]

133. **Mr. English** asked the Minister for the Environment, Heritage and Local Government the nature of the representations made by a company (details supplied) concerning the proposed chewing gum tax; the status of the proposed tax; and if he will make a statement on the matter. [3940/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 90 and 133 together.

On foot of the success of the environmental levy on plastic bags, which was introduced in March 2002 and has resulted in a reduction in the dispensing of plastic shopping bags at retail outlets by over 90%, An Agreed Programme for Government contained a commitment to consider the extension of the levy on plastic bags to other materials which may be problematic from a waste management and-or litter perspective.

The litter monitoring body, which is co-ordinated by my Department, has published two reports to date in respect of the years 2002 and 2003 which provide valuable statistical data on litter pollution in Ireland. In the light of the first litter monitoring body report published in July 2003 in respect of the year 2002, my predecessor announced his intention to tackle the issue of litter caused by chewing gum, fast food packaging and automated teller machine — ATM — receipts, which were identified as significant elements of litter pollution.

To this end, a consultancy study was commissioned in September 2003 to carry out an analysis and recommend appropriate economic instruments, including environmental levies, that might be implemented to tackle the litter problems caused by these items. The consultancy report was released for public consultation on 23 September 2004.

In regard to chewing gum, the consultants' report proposed two options: a mandatory 10% levy on chewing gum sales, an average 5% pack, to be collected at manufacturer-importer-distributor level, which would generate an estimated €4 million to €5 million per annum for use in paying towards the clean up costs of chewing gum litter, or a negotiated agreement between my Department and the industry, involving the putting in place of a comprehensive action plan — incorporating intensive education and awareness campaigns and including agreed funding levels with agreed tangible targets and timeframes —

aimed at changing consumer behaviour in chewing gum disposal and reducing gum litter. The consultancy report also recommended negotiated agreements with the relevant sectors on fast food packaging and ATM receipts.

The purpose of the public consultation process was to obtain the views of relevant stakeholders and other interested parties on the report's recommendations. The deadline for the receipt of comments and submissions under the public consultation phase was 29 October 2004.

During the public consultation phase, I held a meeting with representatives of the chewing gum industry to discuss the consultants' report. The industry outlined measures and solutions that it was prepared to implement by way of a negotiated agreement as a means of addressing the chewing gum litter problem. My Department has examined the various submissions made as part of the consultation process and I intend to announce a decision on these shortly.

Local Authority Staff.

91. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if the Government has considered allowing local authority staff, with specific skills that may be of assistance to the Asia relief effort, volunteer for work in Asia; and if he will make a statement on the matter. [2653/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In 1997, the Government established the rapid response register of experienced persons willing to make themselves available at short notice to meet the personnel needs of Irish and international humanitarian agencies working in crisis situations. The register operates under the aegis of the Department of Foreign Affairs' volunteer 21 programme.

Under existing arrangements, suitably qualified local authority personnel wishing to undertake overseas development work and personnel selected for inclusion on the rapid response register may be granted special leave of absence with or without pay. Such leave may be granted subject

to the requirements of the local authority concerned for a period or periods up to five years in total. Staff released for humanitarian emergencies may be replaced on a temporary basis for the duration of such special leave.

Following the recent events in Asia, it appears there is scope for considering an enhancement of arrangements to permit the local government sector to contribute more actively to civilian crisis response capability. I intend that my Department should liaise with the relevant Departments and agencies in this regard.

Nuclear Safety.

92. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the recent report of the working group of the BNFL stakeholder dialogue that found that hundreds of thousands of Irish people may be at risk if suicide bombers succeeded in attacking the Sellafield nuclear reprocessing plant; the action he intends to take arising from the report; and if he will make a statement on the matter. [3919/05]

153. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the report by the UK Office for Civil Nuclear Safety that there are chronically inadequate resources to deal with a major emergency at Sellafield. [3984/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 92 and 153 together.

I refer to the reply to Question No. 1366 of 26 January 2005.

Election Management System.

93. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the annual cost of storing the electronic voting machines; the number of such machines; and the location of same. [3706/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested is 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

Constituency	No. of Voting Machines	Location of Storage Premises	Annual Storage Costs (rent, insurance, service charges, rates etc.)
			€
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

EU Directives.

94. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to prevent Ireland being fined on 2 March 2005 for the non-implementation of the nitrates directive; and if he will make a statement on the matter. [4059/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 346 of 1 February 2005. I intend that a substantive response to the letter of formal notice from the European Commission will be made by the due date of 22 March 2005.

Pay Awards.

95. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the names of the senior local authority personnel who have been awarded bonus payments by the committee for performance awards; the amounts paid in each case; if he will list the criteria used for awarding payments in each case; and if he will make a statement on the matter. [3916/05]

174. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the content of the first annual report of the committee for performance awards for local authority managers, assistant managers and directors of services. [4025/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 95 and 174 together.

Following the recommendation of the review body on higher remuneration in the public sector in its report of 25 September 2000, a scheme of

performance related awards was introduced in the local authority sector for managers, assistant managers and directors of services commencing in 2003. The review body recommended that a committee for performance awards be established to monitor and adjudicate on the performance awards process in the local government sector. The committee comprises the Secretary General of my Department, two senior local authority managers and two members from the private sector.

Under the scheme, participants prepare a statement of objectives at the beginning of the year and a self-assessment of performance at the end of the year. Objectives and assessments are subject to approval by the committee for performance awards, which also makes the final determination of the amounts of awards.

The committee's report on the operation of the scheme for 2003, including an outline of the requirements in regard to objectives and performance, is available on the website of my Department at www.environ.ie. I will arrange for a copy of the report to be sent to the Oireachtas Library. The report contains details of the distribution of awards made in respect of 2003. Information naming officials and the individual amounts paid to them is deemed a personal record and consequently is not publicly available.

Environmental Policy.

96. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government if he has plans to introduce controls on the use of polystyrene as a packaging material, especially when used as packing for electrical goods, in view of the fact that it is not recyclable

and is bulky and difficult to dispose of; his estimate of the amount of polystyrene produced in this way; and if he will make a statement on the matter. [3900/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Polystyrene is widely used internationally as protective packaging in the transport of electrical and other goods. While such packaging can be recycled, for example, for insulation purposes, manufacture of roof tiles, window frames and so forth, there are limited outlets for it in Ireland. Recycling of this material is hindered by its high volume to weight ratio and the associated costs of collection. There are no official data on the amount of polystyrene placed on the Irish market.

Article 18 of European Parliament and Council Directive 1994/62/EC on packaging and packaging waste prohibit member states from impeding the placing on the market of packaging which satisfies the provisions of the directive, that is, 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 on polystyrene protective packaging, such as that used on electrical goods, is not under consideration.

The litter monitoring body, which is co-ordinated by my Department, has published two reports to date in respect of the years 2002 and 2003 which provide valuable statistical data on litter pollution in Ireland. Fast food take-away bags and wrappers, much of which comprise polystyrene, have been identified as the largest litter component in the packaging litter category, which is the third largest category of litter after cigarette and food related litter. In the light of the findings of the first litter monitoring body report published in July 2003 in respect of the year 2002, my predecessor announced the intention to take measures to tackle litter caused by fast food packaging, together with chewing gum and ATM receipts which were also identified as significant elements of litter pollution. To this end, a consultancy study was commissioned to analyse and recommend appropriate economic instruments, including environmental levies, that might be implemented to tackle the litter problems caused by these items.

In their report, the consultants recommend in relation to fast food packaging that a negotiated agreement should be concluded between Government and the fast food sector involving the putting in place of litter protocols, action plans, targets and so forth. It would be my intention to seek a commitment to the phasing out of the use of polystyrene in fast food packaging in favour of biodegradable materials, as part of any such negotiated agreement. A final decision on the proposed action to deal with fast food packaging will be taken shortly on foot of the conclusion of a public consultation process which was put in

place after the publication of the consultant's report.

Question No. 97 answered with Question No. 80.

Waste Management.

98. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the further regulations he intends to introduce under sections 28 and 29 of the Waste Management Act 1996 to bring about waste prevention and minimisation; and if he will make a statement on the matter. [3807/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An effective basis for addressing our waste management responsibilities has been put in place through my Department's policy statements, Changing our Ways, Delivering Change 1998 and Taking Stock Moving Forward 2004, statutory waste management plans — largely prepared on a regional basis — and the comprehensive regulatory framework now in place regarding waste.

The Government's approach is based on the internationally recognised waste management hierarchy of prevention-minimisation, significantly increased levels of recycling, energy recovery and, finally, utilising landfill as the last resort for residual waste that cannot otherwise be recovered.

A key priority currently is the development and roll out of a national waste prevention programme. A core prevention team was established last year in the Environmental Protection Agency to develop and drive the programme. A draft programme was published by the agency in April 2004.

Section 28 of the Waste Management Acts 1996 to 2003 provide for a wide range of legislative and economic instruments to be applied in support of prevention initiatives. Where necessary, and as appropriate, the programme will advise and make recommendations with regard to the development and formulation of legislation and the introduction of economic instruments. In the first instance, such advice will relate to waste and material audits. I understand that the agency is currently developing guidance on waste audits and waste reduction planning. It is hoped to conduct a pilot project to test the draft guidance and the agency expects to have this completed by the end of 2005.

A key component of the waste management system in Ireland has been the development of producer responsibility initiatives. I recently made regulations to further streamline the packaging and packaging waste regulations made in 2003. As I indicated when making the revised regulations, my Department is currently reviewing a number of policy aspects of the operation of the packaging recycling regime currently in place. These relate to the registration fees paid to local authorities by those producers opting to

[Mr. Roche.] self-comply and the purchasing of packaging waste by such producers. I will consider further streamlining of the regulations should it be necessary to adopt such an approach on foot of this review.

My Department is currently developing regulations for further producer responsibility initiatives under EU directives on waste electrical and electronic equipment and end-of-life vehicles. These directives are based on the promotion of waste prevention and minimisation objectives. Regulations implementing these will be made this year. Work is also underway in developing producer responsibility initiatives for waste tyres which may require the making of regulations and for newsprint.

Election Management System.

99. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the programme of work which has been undertaken by his Department to address the recommendations of the interim report of the Commission on Electronic Voting; the recommendations to which this work relates; when he expects this programme of work to be completed and submitted to the commission for review; and if he will make a statement on the matter. [3902/05]

138. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government when he will make a decision on electronic voting; and if he will make a statement on the matter. [4015/05]

160. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government his views on the first report of the Commission on Electronic Voting which was published on 15 December 2004; his plans for the use of the electronic voting system; and if he will make a statement on the matter. [3901/05]

288. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the position in regard to the electronic voting technology; if it is intended to modify, alter or adapt the equipment for alternative use; and if he will make a statement on the matter. [4299/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 99, 138, 160 and 288 together.

The Electoral (Amendment) Act 2004 confirms the policy objective of electronic voting and counting at Irish elections and maintains the mandate to my Department from the Oireachtas to work towards implementation of this objective.

In this context, my Department is developing, in parallel with the continuing work of the Commission on Electronic Voting, a programme of further assessment, testing and validation which is intended to address the concerns raised in the

commission's interim report published last April, and its more detailed first report published in December, on the secrecy and accuracy of the chosen electronic voting and counting system.

The objective of this programme will be to demonstrate to the commission and to the public that the Nedap-Powervote electronic voting system, which was selected following detailed assessment of the requirements to be met in Irish electoral conditions and the holding of an open international tender competition, is suitable to be used at Irish elections. I am giving full consideration to the views of the commission and I will ensure that its analysis will inform and guide the programme of further assessment, testing and validation of the system. I intend, therefore, that all of the commission's recommendations for action should be appropriately addressed in the work ahead.

The timing of the further use of the system is dependent on the progress made with this programme of work and the dates on which future polls may be held.

Planning Issues.

100. **Mr. Twomey** asked the Minister for the Environment, Heritage and Local Government his views on whether the deluge of planning applications made in December 2004 in order to avail of certain tax reliefs will place an intolerable strain on local authorities which must respond within the statutory timeframe; and if he will make a statement on the matter. [3997/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under planning legislation, the processing of planning applications is a matter for the individual planning authorities and management of workloads and deployment of resources to that end is an administrative issue for those bodies. My Department is satisfied that planning authorities generally have sufficient resources to deal with the numbers of planning applications received.

Nuclear Safety.

101. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the representations he has made to the British authorities about the decision announced in December 2004 regarding their decision to start accepting nuclear waste from around the world for burial in the UK; if he has sought a list of the locations at which the material will be buried and the nature of the material involved; if an assessment has been made of any potential risk to this country; and if he will make a statement on the matter. [3921/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The reprocessing of spent nuclear fuel undertaken at Sellafield includes operations in respect of substantial overseas contracts. Under these contracts there is an obligation on the UK to repatriate the reco-

vered nuclear materials and also the substantial radioactive waste products to the country of origin. The wastes include so called high level waste, HLW, and intermediate level waste, ILW. It remains UK Government policy that radioactive waste produced as a result of reprocessing in the UK will be returned to its country of origin.

In July 2002, the UK Government announced it would consider the issue of intermediate level waste substitution policy and commissioned a study of the issue which was subsequently opened to public consultation between January and April 2004. My Department made a submission to this consultation which, *inter alia*, outlined in very clear terms this Government's view that the continued reprocessing of spent nuclear fuel is a principal factor in the generation of nuclear waste and that the Government is totally opposed to the continued reprocessing of spent fuel at Sellafield.

The decision announced in December 2004 on ILW substitution relates to the retention and long-term management in the UK of ILW arising from the reprocessing of overseas spent nuclear fuel. This will be compensated by the sending to the overseas customer of an additional amount of HLW, equivalent in radiological terms to the ILW retained. There is currently no proposal by the UK to bury the ILW to be retained in the UK arising from any proposed ILW substitution arrangements.

The long-term arrangements for radioactive waste management in the UK are currently under consideration by the committee for radioactive waste management, CoRWM, an independent body established by the UK Government. It was set up to review the options for managing the UK's radioactive waste, including ILW, and provide a long-term solution for this problem which protects people and the environment. CoRWM is tasked with providing options to the UK Government for the management of this waste by July 2006. As a part of this process CoRWM has been conducting consultations and holding meetings with relevant stakeholders. My Department will continue to monitor closely the work of this committee and utilise the consultation process to articulate the concerns of the Irish Government about any proposals arising for the management and disposal of radioactive waste in the UK.

I understand the decision by the UK Government on ILW substitution policy will result in radioactive waste arising from foreign reprocessing contracts being returned to overseas customers a considerable number of years earlier. Based on the substitution of HLW for an equivalent, in radioactivity terms, amount of ILW, it will in broad terms be environmentally neutral. It will also involve a six fold reduction in the number of radioactive waste shipments by British Nuclear Fuels Limited, BNFL. Our concerns on current transports through the Irish Sea are well known and while the proposal to reduce such shipments is welcome, the reduced number of shipments arising under this policy will be of

HLW, which would be considered as potentially a greater risk.

The Government has continuously articulated our opposition to the reprocessing operations at Sellafield, which are environmentally untenable and only serve to add to the generation of additional nuclear wastes for which the UK has yet to decide on a long-term management option. The Government will, therefore, continue to use available avenues, both diplomatic and legal, to bring about an end to reprocessing operations at Sellafield.

Question No. 102 answered with Question No. 64.

Litter Pollution.

103. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the recent discussions he has had with Wicklow County Council or the EPA with respect to illegal dumping sites in the county; and if he will make a statement on the matter. [3886/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There is ongoing consultation between the office of environmental enforcement and Wicklow County Council concerning the actions being undertaken currently by the council in relation to illegal waste activities in the county with a view to a structured approach to dealing with them. The last such meeting took place on 28 January 2005. Wicklow County Council also periodically updates my Department on its investigations of the main incidences of illegal activities and is of the view that systematic illegal dumping has been halted in the county.

Social and Affordable Housing.

104. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government his views on whether there may be scope for a large scale public private partnership to fast track the build of high quality social housing; and if he will make a statement on the matter. [3999/05]

114. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the steps he will take to encourage innovative approaches involving joint venture arrangements, public private partnerships, financing, direct provision and management of public housing as recommended by the Institute of Engineers of Ireland. [3710/05]

173. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government the steps he will take to encourage innovative approaches involving joint venture arrangements, public private partnerships, financing, direct provision and management of public housing as recommended by the Institute of Engineers of Ireland; and if he will make a statement on the matter. [4021/05]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): I propose to take Questions Nos. 104, 114 and 173 together.

In response to strong demand for housing in recent years, the Government has focused on a range of measures to boost housing supply. We have placed particular emphasis on the issue of affordability and put in place a broad range of targeted schemes, which have met the needs of over 13,000 households for each of the last two years. A wide range of administrative arrangements and new initiatives have been developed, working closely with local authorities, the voluntary and co-operative sector, the construction industry and other interested parties to ensure that housing is delivered in an integrated fashion with necessary infrastructure and amenities in the surrounding environment. I am anxious to ensure that the significant public funding invested in the sector, some €1.3 billion in 2005, is used to best effect so that priority is given to those most in need and that housing is delivered in a manner which breaks cycles of dependency and disadvantage.

I fully recognise and support the important role of PPPs and joint venture arrangements in the provision of social and affordable housing. There have already been a number of successful innovative public private partnerships between local authorities and developers in the provision of mixed developments of private, affordable and social housing with extra amenities such as child care facilities.

Two successful partnerships of this kind are taking place between Fingal County Council and Dublin City Council in Mulhuddart and Cherry Orchard respectively. My Department has also encouraged local authorities to investigate the use of PPP, where possible, in regeneration developments. Dublin City Council is currently undertaking the redevelopment of Fatima Mansions as a PPP and has recently determined that O'Devaney Gardens will be developed as a similar type project. The tendering process of the Fatima Mansions project has demonstrated the interest of international and foreign based companies in developing partnering arrangements/consortia with Irish firms to tender for such projects.

Other local authorities are developing large scale proposals for the redevelopment of estates which may be appropriate as PPP projects. Furthermore, affordable housing delivered under the Sustaining Progress affordable housing initiative may be procured by relevant local authorities entering into PPP type arrangements with developers to deliver housing on lands provided by the non-commercial State sector. The Sustaining Progress affordable housing initiative further develops this partnering concept. A new approach, which was suggested by the industry, is being tried in Harcourt Terrace, where the tender

process recognises the possibility of swapping the site for alternative affordable housing.

An increasing number of units of social and affordable housing are also now being completed under Part V arrangements and output from this source should continue to grow.

It is important to note that in addition to local authority provision of social housing, there is also an increasing provision by the not for profit sector. Participation by the voluntary and cooperative sector has been consolidated by the generous levels of funding being provided by the Government over recent years. We remain committed as ever to developing the sector's role in housing both at national and local level. Local authorities have also been encouraged to take account of the role and potential of voluntary and co-operative housing groups in housing when completing their action plans.

Furthermore, under the rental accommodation scheme announced by the Government in July 2004, local authorities will, over a four year period, progressively assume responsibility for accommodating supplementary welfare allowance, SWA, rent supplement recipients of 18 months or more continuous duration with a long-term housing need. Local authorities will provide accommodation mainly through availability contracts with landlords. The use of public private partnership type arrangements to put in place long-term contracts for the supply of rented accommodation will be a feature of the scheme.

While the management and maintenance of their rented dwellings is the responsibility of local authorities, my Department plays an important role in providing support and guidance to the authorities in their efforts to better manage their estates. In recent years my Department has introduced a number of initiatives in this regard, including the housing management initiative grants scheme designed to support innovative pilot projects in the area of local authority housing management by way of grant assistance from my Department.

The Government's efforts to create good conditions for social and affordable housing have been innovative and creative. We welcome the role of PPPs and we will continue in our joint efforts to progress the sector while also continuing to ensure a high quality of design and environmental treatment.

Question No. 105 answered with Question No. 77.

Planning Issues.

106. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the difficulties which have been brought to his attention by local authorities or the CIF with respect to the operation of Part V of the Planning and Development Act; and if he will make a statement on the matter. [3887/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Part V of the Planning and Development Act 2000 was commenced on 1 November 2000. It provided that planning authorities prepare housing strategies by 31 July 2001 and incorporate the strategies into development plans by way of a variation before the social and affordable housing provisions of the part could apply to relevant residential planning applications. As a result it was late 2001 or early 2002 before it became operational in many local authorities.

As with any new scheme, my Department issued extensive guidance to assist planning authorities and others to implement the new arrangements. Notwithstanding this, local authorities and builders have encountered some difficulties, from time to time, in its operation since 2002. My Department would clarify most of these, where necessary, through the issue of further circulars or more detailed guidance. This arose particularly in late 2002 when, following a review and amendment of the Act, further guidance issued in 2003 followed by a series of regional seminars involving all stakeholders.

While Part V is now fully operational in all local authorities, some further operational issues, for example, direct sale of Part V affordable units by developers to eligible applicants nominated by local authorities, have been brought to my attention by local authorities and the Irish Home Builders Association, IHBA. Indeed, my Department is in ongoing correspondence and discussions with a number of interested parties, including the IHBA, on the operation of Part V. Following consideration of these matters, further guidance will be issued as necessary.

House Prices.

107. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government the action that has been taken or that he plans to take following the report of the All-Party Committee on the Constitution on the cost of building land; the measures that have been implemented arising from this report; and if he will make a statement on the matter. [3891/05]

176. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government his views on the recent report of the NESC on housing and building land and the results of the research he has commissioned from a company (details supplied) into the ownership and control of building land in certain development areas, particularly Dublin, to determine whether current practices are retarding the overall delivery of building land or impeding long-term market stability; the action he intends to take arising from these reports; and if he will make a statement on the matter. [3892/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos.107 and 176 together.

The Government has received the findings of the ninth progress report of the All-Party Oireachtas Committee on the Constitution — Property Rights; report No. 112 of the National Economic and Social Council, NESC, “Housing in Ireland: Performance and Policy”; and the report by Goodbody Economic Consultants.

The Government is committed to increasing the supply of housing to meet the broad range of housing needs. In this context, my Department is concerned to ensure that policies such as land use planning operate to support this objective.

The Goodbody report, which is available in the Oireachtas Library, is an economic proofing of a possible scheme aimed at accelerating the supply of land for affordable housing development. This proofing was carried out by reference to the position in three housing authorities, two urban and one rural. The analysis included a profile of development land available for housing in the areas concerned, the identification of any factors impeding its supply to the market, including the possible hoarding of land, and an evaluation of the market and other impacts of the proposal. This report has also informed my Department’s consideration of the All-Party Oireachtas Committee on the Constitution report on property rights.

The NESC report, which was published in December 2004, is a comprehensive study, designed to contribute to the overall understanding of the factors underpinning the development of the housing sector in Ireland and outlines the important challenges for the future.

The Government is giving careful consideration to all these reports within the context of its continuing commitment to meeting the broad range of housing needs. I intend to bring proposals to Government in response to these reports as soon as possible.

Proposed Legislation.

108. **Ms O’Sullivan** asked the Minister for the Environment, Heritage and Local Government the status with regard to the proposed Critical Infrastructure Bill, which was first announced in October 2003; when it is likely that the Bill will be published; the main features of same; if it will apply to all incinerators, including the one proposed for Poolbeg in Dublin; and if he will make a statement on the matter. [3889/05]

177. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government the status of the Critical Infrastructure Bill; if it will include the recommendations of the Institution of Engineers of Ireland and the Construction Industry Federation; and if he will make a statement on the matter. [4084/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 108 and 177 together.

I believe that there is wide consensus that we should have a regulatory system for major infrastructure projects that delivers projects in the right place at the earliest possible time and in a cost effective way. In addition, the system must, of course, be capable of mitigating the impact of any major project on the environment and on people and comply with all relevant national and international legal requirements.

Having examined the problems that have arisen in the area, the Government considers that legislation is desirable to address some issues arising in the approval process. Due to the complexity of the issues involved and the need to consult widely among my colleagues, the preparation of draft legislative proposals has taken some time. I am currently working on the proposals for a Strategic Infrastructure Bill and I intend to bring them before Cabinet shortly with a view to publishing the Bill as soon as possible.

In advance of the Government making a decision on these proposals, it would be inappropriate to elaborate on their detail, including details of the types of national infrastructure that might be included in the proposed legislation. In general terms, however, it is intended to reduce the time required for obtaining development consent for necessary major public projects and to coordinate and streamline the different procedures now involved, while respecting the requirements of environment and heritage protection and the need for adequate public consultation.

EU Directives.

109. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the progress to date on the transposition into Irish law of the European noise directive; and if he will make a statement on the matter. [4058/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Work on drafting legislation to transpose the EU directive on environmental noise assessment and management into national law is continuing, in consultation with the various bodies concerned including relevant local authorities, the Environmental Protection Agency, the National Roads Authority, the Department of Transport and bodies under its aegis. My Department is aiming to complete the transposition process and give effect to the directive later this year.

Planning Issues.

110. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government if he intends to ensure that those retailers who avail

of recent changes in the planning guidelines contribute to the transport, social and recreational needs of the locality; and if he will make a statement on the matter. [3996/05]

116. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if he has undertaken any research into the distribution and sizing of large retail warehouses throughout the European Union (details supplied); if he will provide this Deputy with a copy of these studies; and if he will make a statement on the matter. [3929/05]

125. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government the basis for the changes in the retail planning guidelines announced by him on 15 January 2005; if he will list those retail concerns that made representations to his Department to have the guidelines changed; if his attention has been drawn to the serious concerns expressed regarding the possible impact of the change on existing retailers; and if he will make a statement on the matter. [3881/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 110, 116 and 125 together.

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 amendment to the retail planning guidelines follows a review of the floor space cap on retail warehouses set in the retail planning guidelines, which came into effect on 1 January 2001. The guidelines prescribe a maximum floor area of 6,000 square metres gross retail floor space for large scale single retail warehouse development. This cap has been reviewed, taking account of the need to promote effective competition in this sector of retailing and of ongoing developments in retail formats, while underpinning proper planning and sustainable development.

To assist in carrying out the review, interested parties were invited to make submissions to my Department. Some 71 submissions were received and assessed. These submissions were fully taken into account in the finalisation of the review. My Department has not commissioned any specific research into the distribution and sizing of large retail warehouses throughout the European Union.

Retail companies which suggested in their submissions on the review that the floor space cap be adjusted or abolished were B&Q Ireland Ltd, IKEA and Costco Wholesale UK. A number of other bodies, including the Competition Authority and the Construction Industry Federation, also suggested the abolition of the floor space cap on retail warehouses.

I am aware of concerns expressed about the possible impact of the change on existing retailers. In the first instance, I would stress that the changes now introduced relate to retail warehouses that sell bulky household goods and do not affect the existing caps on the size of supermarkets/grocery outlets. 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.

The revised guidelines indicate that any proposal for an individual retail warehouse with a floor space 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.

Development contributions are charged by planning authorities to recoup some of the costs to public funds of servicing land for private development. Development contributions collected by planning authorities are ring-fenced to pay for facilities servicing new developments, for example, roads, water, sewerage services and other amenities. All planning authorities have adopted development contribution schemes which set out how development contribution schemes apply in their areas and these schemes apply to all permissions granted after the adoption of the scheme.

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 the national spatial strategy.

Road Safety.

111. **Mr. Connolly** asked the Minister for the Environment, Heritage and Local Government his plans to ensure the early removal of inappropriate metric speed signs, particularly in the vicin-

ity of schools; if a review of speed limits is planned; and if he will make a statement on the matter. [3701/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The provision of road traffic signs, which include metric speed limit signs, is a matter for local authorities under the Road Traffic Acts 1961 to 2004. The Minister for Transport has overall responsibility for the Road Traffic Acts and for any general review of speed limits. I have no function in the matter.

Question No. 112 answered with Question No. 70.

Social and Affordable Housing.

113. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government his proposals to swap State owned land for completed housing to help fast track the building of affordable homes; and if he will make a statement on the matter. [3893/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): As a means of progressing the affordable housing initiative as speedily as possible, my Department has been looking at a range of options which may accelerate the delivery of housing units. One of these, a land swap option which involves the exchange of land for units which could be delivered more quickly elsewhere, is being piloted on the Harcourt Terrace site in Dublin. Expressions of interest were sought in November of last year and I understand that there has been considerable interest in this option. Short-listing of bids is currently under way in Dublin City Council. This project will be closely monitored with a view to using the land swap option on other sites.

The Harcourt Terrace project, along with all other projects under the initiative, is being progressed as a matter of urgency with a view to early delivery of units.

Question No. 114 answered with Question No. 104.

Consultancy Contracts.

115. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government if the contract awarded to a company (details supplied) due for renewal in February 2005 will be renewed; if not, the reason therefor; and if he will make a statement on the matter. [3987/05]

123. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government when the contract awarded to a person (details supplied) to provide public relations services to his Department will expire; the total paid out in respect of the contract in terms of remuneration

[Ms Burton.]
and expenses; if it is intended to renew the contact or to seek new tenders for the services supplied; if not, the manner in which the services provided by the firm will now be provided; and if he will make a statement on the matter. [3888/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 115 and 123 together.

The contract to the company concerned expired on 8 February 2005. The total paid out to date by my Department on the contract is €275,646. There is no provision in the contract for its renewal nor is it proposed at present to invite tenders for a new similar contract. Given that many of the major communication initiatives envisaged at the time of the award of the contract have now been well progressed, my preference is to rely on my Department's press office and other resources within my Department and its agencies for the ongoing communication of my Department's policies and programmes.

Question No. 116 answered with Question No. 110.

Waste Disposal.

117. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government if he will increase the penalties for rogue unlicensed refuse collectors; and if he will make a statement on the matter. [4039/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Waste Management (Collection Permit) Regulations 2001, all commercial collectors of waste are obliged to apply to a nominated collection permitting authority in order to collect waste in a given waste management planning region. The regulations also provide that local authorities must require permit holders to ensure that the waste collected is transferred to a waste facility that has been licensed by the Environmental Protection Agency or holds a permit from the relevant local authority. A permitting authority is entitled to refuse to grant a collection permit, or to revoke one that had been granted, in the event that an applicant or permittee is found guilty of any one of a number of specified waste offences.

Under the Protection of the Environment Act 2003, the penalties for breaches of the waste management code have been increased to a fine of up to €3000 and/or a sentence of up to 12 months on summary conviction, with convictions on indictment increased up to €15 million and/or a sentence of up to ten years.

118. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government the feedback he has received from the Environ-

mental Protection Agency concerning its crack-down on illegal dumping; and if he will make a statement on the matter. [3936/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Since the establishment, within the Environmental Protection Agency, of the office of environmental enforcement in October 2003, there has been regular contact with my Department in the context of the office developing comprehensive new structures to deliver a significantly enhanced waste enforcement service.

A major achievement for the office during 2004 was the consolidation of environmental enforcement activity through the establishment of a national enforcement network. The function of the network is to harness the collective resources, expertise and investigative capacity of those engaged in dealing with environmental crime in Ireland. The network pools and draws on the combined skills of the local authorities, the office itself, the Garda Síochána, the Environment and Heritage Service and police authorities in Northern Ireland and other relevant agencies. My Department is also represented on the network.

The initial focus is in dealing with unauthorised waste activity and, in particular, the issue of illegal cross-Border movement of waste from the Republic into Northern Ireland. The network is bringing a level of consistency and focus to waste enforcement in Ireland that did not exist prior to its establishment and targeted roadblocks and inspections of suspect premises have occurred.

Two dedicated working groups have been set up to work on the issues of unauthorised waste activities and transfrontier shipment of waste and these include representatives of the local authorities, the Northern Ireland authorities and my Department. The unauthorised waste working group's functions include coordination of enforcement actions against companies and individuals involved in the illegal movement and disposal of waste in Ireland. Information and recommendations emerging from this process support a systematic plan of action to tackle offenders.

A nationwide concerted action was held on 30 November 2004, which involved members of the Garda Síochána and waste enforcement officers from 15 local authorities, in addition to inspectors from the office and the Northern Ireland Environment and Heritage Service. The office also provided assistance to the Garda Síochána in carrying out an investigation into ten sites in the Republic suspected of being involved in illegally moving waste to Northern Ireland. This action is part of a broader criminal investigation and illustrates that the necessary communication channels, set up in the network, have already borne fruit in the successful completion of a co-ordinated action involving 18 sites in the United Kingdom and ten in Ireland.

The benefits of the network are found in the sharing of information between local authorities, and other relevant parties, on waste facilities suspected of illegal activities. A regional approach is being developed whereby concerted actions are being planned on a regional level.

The office has also commissioned a study, to be completed in mid-2005, on unauthorised waste activities. This will include establishing as completely as possible the extent of unauthorised activities, reviewing current procedures and developing improved guidance for investigation of unauthorised activities.

Significant training is also planned for local authority environmental staff on waste issues. This is designed with the aim of improving the understanding of field staff of waste legislation and providing practical tools to assist in planning, execution and follow up on waste enforcement actions.

Question No. 119 answered with Question No. 78.

Litter Pollution.

120. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he has plans to improve the collection and recycling of plastic in view of the large amount of plastic litter which is to be found in ditches around fields in which silage bale wrap has been used. [1938/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Waste Management (Farm Plastics) Regulations 2001, producers — that is, manufacturers and importers — of farm plastics, such as silage bale wrap and sheeting, are required to take steps to recover farm plastics waste which they have placed on the market or alternatively to contribute to, and participate in, compliance schemes to recover the waste in question. The farm plastics recovery scheme operated by the Irish farm film producers group, IFFPG, is the sole approved body in Ireland for the purposes of implementing a compliance scheme for farm plastics waste and has operated successfully to date, funding the collection and recycling of circa 8,500 tonnes of farm plastics in 2004.

Under the IFFPG scheme, producers apply a levy on the sale of farm plastics which in turn is transferred to the IFFPG for use in funding the collection and recovery of farm plastics waste. Manufacturers and importers who do not participate in the approved scheme, that is, self-compliers, are required under the regulations to operate a deposit and refund scheme — equating to a deposit/refund of €254 per tonne of farm plastic purchased/returned — for the collection and recovery of waste plastics, as well as comply with

other onerous reporting requirements to local authorities.

With specific regard to the issue of litter, the litter monitoring body, which is co-ordinated by my Department, has published two reports to date, in respect of the years 2002 and 2003, which provide valuable statistical data about litter pollution in Ireland. The latest report, in respect of litter composition in 2003, indicates that plastic sheeting such as silage wrap accounts for 0.02% of litter, down from 0.03% in 2002.

In light of the consistent and steady progress achieved by IFFPG since its inception, I am anxious to build on the success of the farm plastics scheme and my Department will, in consultation with relevant stakeholders, look at ways in which recovery and recycling in this sector can be further developed.

Waste Disposal.

121. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government when his Department received the study prepared by the Health Research Board on the health implications of waste incineration; when he intends to publish his response to the study, which has been promised on a number of occasions; and if he will make a statement on the matter. [3905/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Health Research Board's study on the effects of landfill and incineration was published in 2003. My Department, together with the Department of Health and Children and the Environmental Protection Agency, has been considering this report with a view to agreeing on a response to the report's findings. I accept that this process has taken longer than originally anticipated, due primarily to the need also to consider a more recently published UK Government report entitled, "A Review of Environmental and Health Effects of Waste Management".

The joint consideration by the Departments has recently been completed and an agreed draft response has been prepared for my approval. I intend to publish this response shortly.

Local Authority Housing.

122. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the breakdown of the different interest rates being charged to local authority tenants who are buying out their home from the State; the total value of and the number of loans at each interest rate; and if he will make a statement on the matter. [3925/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The most recent information on

[Mr. N. Ahern.]

the total number of tenant purchase loans was contained in the 2002 census of population. The census indicated that overall there were 44,783 homes being purchased from local authorities. Information on the total value of such loans or a breakdown by interest rate is not available in my Department.

Tenant purchasers are not obliged by the terms of the scheme to take out a mortgage from local authorities. Furthermore, those with fixed rate local authority loans are free to redeem without penalty and refinance in the private sector. My Department does not have full information on the value or number of these private sector loans and consequently is not in a position to supply the detailed information sought in the question.

However, as local authorities generally finance housing loans through borrowings from the Housing Finance Agency, HFA, the data on the outstanding loans from the HFA to local authorities given in the table below provides a good indication of the likely breakdown of loans at different interest rates. In this regard, the data indicate that the vast bulk of loans are at variable interest rates. The actual number of loans is not available as this local authority information is not aggregated at national level.

A summary of the position in relation to tenant purchase loans funded by the Housing Finance Agency is set out in the following table.

Local Authority rate to borrower (excl. mortgage protection)	Principle Outstanding 31/12/2004
	€
<i>Fixed Interest</i>	
4.45%	212,262
5.30%	272,821
5.80%	742,845
6.30%	729,312
6.75%	2,598,443
7.50%	538,664
9.00%	140,689
10.00%	2,285,131
Sub-Total	7,520,167
<i>Variable Interest</i>	
2.95%	27,041,201
Total	34,561,368

The current local authority tenant purchase mortgage interest rates are 2.95% variable and 4.45% for the five year fixed, which represent competitive rates of lending.

Prior to December 1987 when variable rates were introduced, certain fixed interest rate loans issued by local authorities would have carried rates in excess of the levels indicated in the above table. These fixed interest rates reflect the cost of the long-term funds involved.

Question No. 123 answered with Question No. 115.

Litter Pollution.

124. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the recent litter study undertaken by environmental scientists at Trinity College, Dublin, which found that at any one time there were 1,148 pieces of litter per kilometre stretch of a typical rural road; the steps he intends to take to deal with this unacceptable situation; if his attention has further been drawn to the fact that drink cans and plastic bottles were the greatest problem; if he will consider the imposition of a levy on these items to discourage their use; and if he will make a statement on the matter. [3907/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Primary responsibility for developing and implementing responses to the litter problem rests appropriately with local authorities. My Department does, however, provide financial support for a programme of anti-litter initiatives to support local authority action against litter including: the national spring clean campaign; the Irish business against litter, IBAL, national litter league; and the development of the national litter pollution monitoring system.

Information available under the national litter pollution monitoring system, based on local authority surveys to determine the scale and nature of litter pollution in their functional areas, shows that drink cans and bottles, both plastic and glass, constitute a relatively minor proportion of litter pollution. In these circumstances, I believe that existing anti-litter action by local authorities, together with my Department's support of the above initiatives, provide an effective and appropriate basis for tackling litter pollution nationally, including litter problems associated with these products.

Question No. 125 answered with Question No. 110.

Greenhouse Gas Emissions.

126. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he has met with the Environmental Protection Agency regarding its national allocation plan for emissions trading; and if he will make a statement on the matter. [4046/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have not met with the Environmental Protection Agency regarding the national allocation plan for the trading period 2005-2007.

Under the European Communities (Greenhouse Gas Emissions Trading) Regulations 2004, the Environmental Protection Agency is the designated competent authority in

Ireland for EU Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the community. The regulations also assign responsibility to the agency for developing national allocation plans for the trading periods prescribed in the scheme.

While it is a matter for the Government to decide on the total quantity of allowances to be allocated to the trading sector for each period and for my Department to provide policy direction to the agency in this regard, it is the agency that determines the individual allocations to installations in the trading sector. In addition to developing national allocation plans, it is also a matter for the agency to seek and obtain the necessary approval from the European Commission prior to implementing them.

My Department is in ongoing contact with the agency on policy matters relating to the climate change agenda, including emissions trading and the national allocation plan for 2005-2007.

National Spatial Strategy.

127. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the progress made to date with regard to implementation of the national spatial strategy; and if he will make a statement on the matter. [3914/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Government has put a wide range of measures in place at national, regional and local levels to implement the national spatial strategy and achieve its objectives over its 20 year time-frame.

The initial phases of NSS implementation have focused on embedding the policy approach of the NSS within key Government Departments, their agencies and in regional and local authorities.

Significant milestones reached during this period included: the adoption by all regional authorities of regional planning guidelines which will set the strategic policy agenda for local authority development plans; substantial progress in national development plan capital investment programmes, endorsed by the NSS, to provide the critical catch-up infrastructure such as key road and rail links needed to support the achievement of more balanced regional development; the mid-term review of the national development plan, which signalled strongly the potential for further aligning NDP expenditure with the NSS planning framework, particularly in the environmental infrastructure and regional operational programmes; planning implementation frameworks now put in place for the gateways of Cork, Galway, Limerick, Waterford and Sligo, with work on similar frameworks advancing in other areas.

The proposals announced for substantial investment in new suburban rail services in the Cork area represent a significant example of a direct response from the Government to the stra-

tegic planning policies which have been put in place at local level.

Other practical examples of implementation progress include the requirement in agreements between Department of Finance and other relevant Departments on multi-annual capital envelopes that Departments demonstrate how investments are being prioritised to implement the NSS. Account is currently being taken of the NSS and regional planning guidelines in the preparation currently of a ten-year investment plan for transport. The draft Dublin city development plan proposes a substantial increase in housing output in Dublin city to reduce urban sprawl and long distance commuting and thus achieve one on the key objectives of the NSS. In Sligo, a series of private sector hotel, leisure, retail and commercial developments totalling around €200 million in value have commenced since its designation as a gateway. The completion there of the inner relief road will provide further support for Sligo's development as a gateway.

Key priorities in implementing the NSS over the next 12 months will include: putting in place a monitoring framework to report on progress in implementing the NSS, with a special emphasis on up to date regional population and housing projections that take account of the latest CSO national population estimates of up to 5 million people by 2020; advancing a detailed study, in conjunction with key departments, the development agencies and relevant local authorities, of the potential of the NSS gateways for accelerated development in housing, commercial and employment terms, including the identification of the key infrastructure priorities necessary to facilitate such development; intensifying efforts in co-ordinating activities in the areas of housing, environmental and water services infrastructure provision and local roads programmes in my Department to support the objectives of the NSS; building on bilateral links between my Department and other Departments and agencies in order to effectively link their strategic and longer term planning of investment to the priorities identified in the NSS and in regional planning guidelines.

Question No. 128 answered with Question No. 61.

Regional Road Network.

129. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the amount being made available per kilometre of non-national road per county for 2005, with reference to funding for non-national roads; and if he will make a statement on the matter. [3704/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The total grant allocated to each county council in 2005 under the non-national road grant allocations is set out in column 1 of the following table.

[Mr. Roche.]

The only grant categories which are calculated by reference to length of road are the discretionary improvement and maintenance and restoration maintenance categories. The grants allocated per kilometre to each county council under

these categories are set out in column 3 of the table.

Separate grants are allocated to urban authorities, none of which are calculated by reference to length of roads in their areas.

County Councils	Column 1	Column 2	Column 3
	Total 2005 Grant Allocation	Total Non-National Road Length in County Council Area (km)	2005 Allocation per km under discretionary improvement and maintenance and restoration maintenance grants
	€		€
Carlow Co. Council	5,933,072	1,153	1,230
Cavan Co. Council	14,588,225	2,876	1,229
Clare Co. Council	16,845,333	3,940	1,229
Cork Co. Council	40,710,561	11,574	1,229
Donegal Co. Council	26,302,155	6,022	1,230
Dún Laoghaire/Rathdown Co. Council	8,901,296	652	2,459
Fingal Co. Council	9,360,432	1,022	1,844
Galway Co. Council	24,163,573	6,072	1,230
Kerry Co. Council	17,608,128	4,224	1,230
Kildare Co. Council	27,606,720	2,090	1,230
Kilkenny Co. Council	10,864,021	2,850	1,230
Laois Co. Council	8,311,234	1,973	1,229
Leitrim Co. Council	9,613,026	2,053	1,230
Limerick Co. Council	15,365,246	3,404	1,230
Longford Co. Council	7,069,578	1,466	1,229
Louth Co. Council	6,534,192	1,147	1,229
Mayo Co. Council	20,150,208	5,878	1,230
Meath Co. Council	29,429,220	2,925	1,230
Monaghan Co. Council	13,296,076	2,374	1,229
North Tipperary Co. Council	9,520,405	2,431	1,230
Offaly Co. Council	8,442,548	1,943	1,230
Roscommon Co. Council	12,861,484	3,720	1,229
Sligo Co. Council	10,434,662	2,499	1,230
South Dublin Co. Council	14,170,464	792	1,844
South Tipperary Co. Council	10,531,110	2,736	1,230
Waterford Co. Council	10,146,627	2,457	1,230
Westmeath Co. Council	8,220,961	2,004	1,230
Wexford Co. Council	14,173,051	3,188	1,230
Wicklow Co. Council	12,322,095	1,984	1,229

EU Directives.

130. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government his views on moves by the European Union to penalise Ireland for the non-implementation of environmental directives; and if he will make a statement on the matter. [4013/05]

171. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government the action he will take to ensure that Ireland meets its obligations to comply with EU law on environmental matters, in view of the announcement made by the Commission on 13 January 2005 that it has issued eight separate legal warnings over breaches of EU environmental law; and

if he will make a statement on the matter. [3909/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 130 and 171 together.

My Department maintains an intensive programme on the transposition and implementation of EU environmental legislation. Some 200 EU environmental measures, including more than 140 directives, have by now been transposed.

It is part of the role of the Commission to ensure that member states satisfactorily transpose EU legislation into their national laws and implement it effectively. To do this, the Commission raises issues in correspondence with member states, and if agreement is not reached

on how to address the issue, may take a case to the European Court of Justice.

Recent correspondence from the Commission, which was the subject of its press release of 13 January last, is part of this ongoing process. My Department is in communication with the Commission on a range of issues at any given time and, in addition, meets regularly with Commission officials to identify how issues of alleged non-compliance can best be addressed. A high priority is given to addressing outstanding issues in consultation with the Commission and relevant stakeholders.

My Department, through the local authorities, the Environmental Protection Agency and the office of environmental enforcement continues to work towards maintaining a high level of environmental protection for Ireland.

Question No. 131 answered with Question No. 78.

Question No. 132 answered with Question No. 73.

Question No. 133 answered with Question No. 90.

Question No. 134 answered with Question No. 66.

Water Quality.

135. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government the action his Department is taking to increase the number of blue flag beaches and to improve water quality for visitors; and if he will make a statement on the matter. [4065/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The blue flag scheme is operated by the foundation for environmental education, an international non-governmental organisation based in Denmark, and is administered in Ireland by An Taisce. A local authority which wishes to apply for a blue flag for a bathing area makes application to An Taisce which provides advice and guidance on the scheme, the criteria on which decisions are based and aspects of beach management which may require improvement in order to secure or retain a blue flag. My Department provides grant aid to An Taisce as a contribution towards the administration expenses of the scheme. A total of 77 blue flags were awarded in 2004 to 73 bathing areas and four marinas, maintaining the high number of blue flags awarded to bathing areas in Ireland in 2003.

To apply for blue flag status, a beach must be a designated bathing area under the quality of bathing waters regulations. There are 131 such bathing areas — 122 seawater and nine fresh-water — designated in Ireland. The quality of the bathing water in these areas must comply with the guideline standards laid down in the EU bathing

waters directive in the bathing season, 1 June to 31 August, of the year prior to the application for a blue flag. In order to secure a blue flag, a beach must additionally comply with criteria specified by the foundation relating to the facilities available and general management, for example, car parking, toilets, litter control, access for the disabled and environmental information.

The blue flag scheme is mainly directed towards developed, resort beaches which have, in addition to excellent water quality, appropriate infrastructure and services. As a complement to the blue flag scheme, a separate environmental award scheme called the green coast award is now being operated by An Taisce to recognise rural beaches which have excellent water quality and natural unspoilt environment but for which the blue flag criteria are inappropriate. In 2004, there were four green coast awarded beaches in Ireland and 17 beaches are under application for green coast awards in 2005.

The green coast award is funded under the Ireland/Wales INTERREG IIIA Community initiative programme, with additional financial support from my Department, and aims to improve the environment of the Welsh and Irish coasts. The award is largely focused on the establishment of local, community, voluntary coast care groups who adopt and manage stretches of coastline. In Ireland, the award is focused on counties Meath, Dublin, Wicklow, Wexford and Waterford.

My Department has requested a report from An Taisce as to the options and measures which might be pursued for increasing the number of blue flags awarded to designated bathing areas in Ireland. An Taisce has carried out research in this regard on matters such as water quality, environmental education and information, environmental management, safety and other services in these areas and expects to report to my Department shortly.

Deficiencies in water quality have frequently been a factor for failure to achieve a blue flag for a beach. I see considerable potential to increase the number of blue flag sites as a result of our greatly increased investment in new and upgraded water treatment plants and the measures to be taken for further implementation of the nitrates directive and the water framework directive.

Illegal Dumping.

136. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the progress made by his Department, in cooperation with the authorities in Northern Ireland, in the investigation into illegal cross-Border dumping; and if he will make a statement on the matter. [3910/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): While enforcement of waste regulations is a matter for the local authorities and the office of environmental

[Mr. Roche.]

enforcement, I am determined to ensure that whatever resources are required to tackle the problem of illegal dumping are made available and that current initiatives will succeed.

The office has consolidated environmental enforcement activity through the establishment of a national enforcement network. This network is harnessing the collective resources, expertise and investigative capacity of all the agencies engaged in stamping out illegal activity in Ireland. The network pools and co-ordinates the resources of the local authorities, the Garda Síochána, the Environment and Heritage Service in Northern Ireland and my Department. This is resulting in a step up in actions against unauthorised waste movement including roadblocks and inspections of premises.

The initial focus of the network is in dealing with unauthorised waste activity in Ireland and, in particular, the issue of illegal cross-Border movement of waste from the Republic of Ireland into Northern Ireland. The network is bringing a level of consistency and focus to waste enforcement in Ireland that did not exist prior to its establishment and targeted roadblocks and inspections of suspect premises have occurred.

Two dedicated working groups have been set up within the enforcement network to work on the issues of unauthorised waste activities and transfrontier shipment of waste, including representatives of the local authorities, the Northern Ireland authorities and my Department. The unauthorised waste working group's functions include coordination of enforcement actions against companies and individuals involved in the illegal movement and disposal of waste in Ireland. Information and recommendations emerging from this process support a systematic plan of action to tackle offenders.

A nationwide concerted action was held on 30 November 2004, which involved members of the Garda Síochána and waste enforcement officers from 15 local authorities, in addition to inspectors from the office and the Environment and Heritage Service in Northern Ireland. The office provided assistance to the Garda Síochána in carrying out an investigation into ten sites in Ireland suspected of being involved in illegally moving waste to Northern Ireland. This action is part of a broader criminal investigation and illustrates that the necessary communication channels, set up in the enforcement network, have already borne fruit in the successful completion of a co-ordinated action involving 18 sites in the United Kingdom and ten in Ireland. Wexford County Council has also obtained a High Court injunction against a waste operator preventing unauthorised movement of waste to Northern Ireland.

The office has commissioned a study, to be completed in mid-2005, on unauthorised waste activities. This will include, *inter alia*, establishing as completely as possible the extent of unauthor-

ised activities, reviewing current procedures and developing improved guidance for investigation of unauthorised activities.

In summary, I am satisfied that the comprehensive new structures now being put in place are delivering a significantly enhanced waste enforcement service. The allocation of dedicated waste enforcement staff to local authorities, coupled with the efforts of the enforcement network in co-ordinating activities and providing training, means that we are now in a better position to identify and suppress irregular waste movements and illegal cross-Border waste trafficking.

Question No. 137 answered with Question No. 75.

Question No. 138 answered with Question No. 99.

Departmental Properties.

139. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the number of tenders sought by his Department from interested parties before a decision was made by it to locate a biological records facility in Waterford; and the cost of setting up this facility. [3708/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The national biodiversity plan, published in April 2002, contained a commitment to put in place a national biological data management system to be co-ordinated by a national biological records centre. Subsequently, in December 2003, the Heritage Council, pursuant to sections 6 and 7 of the Heritage Act 1995, recommended to the then Minister the establishment, under the council's auspices, of a national biological records centre. In May 2004, the Minister responded, welcoming the council's initiative and requesting it to give more detailed consideration to issues such as funding, the composition of a management board and possible choices of location.

In June 2004, the Heritage Council recommended that the records centre be located in Waterford, under the aegis of the Heritage Council and in partnership with Waterford Institute of Technology. The council considered that its choice of location was supported by the emergence of an environmental node in the south east. This included the headquarters of the Environmental Protection Agency in Wexford, the Heritage Council's location in Kilkenny and my own Department's proposed decentralisation to four locations in the south east under the Government's decentralisation proposal. The capacity of Waterford Institute of Technology to bring state-of-the-art IT and administrative support as well as a strong environmental pedigree to a partnership were also cited by the council.

In response to this recommendation, my Department wrote to the Heritage Council on 15 July 2004 seeking further details on aspects of fin-

ance, governance, procurement and logistical matters. In September 2004, the then Minister, having received these details from the Heritage Council, accepted the council's recommendations regarding the proposed location of the records centre subject to an appropriate contract between the Heritage Council and the institute which specified the infrastructure and facilities which the institute would provide and relevant performance indicators for the delivery of the contract.

The Heritage Council, in its initial policy recommendation, estimated initial set up costs of a national biological records centre of €82,000 and annual running costs of €591,000. As yet no contract has been finalised between the Heritage Council and the Waterford Institute of Technology and no expenditure has been incurred on the project.

Social and Affordable Housing.

140. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the nature of the current talks with developers regarding the provision of 30,000 social and affordable houses over the next four years; the persons who are involved in the talks; the progress made to date; and if he will make a statement on the matter. [3896/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): While my Department has not received a proposal for the delivery of social and affordable housing on the precise lines indicated in the question, it is assumed that reference is being made to a proposal made during the course of last year by a group of builders/developers. These builders/developers presented their proposals to a sub-group of the cross-departmental team on housing, infrastructure and PPP, which mainly comprised officials from my Department and the Department of the Taoiseach and the Department of Finance. The IHBA was also represented at the meeting.

Consistent with the Government's objective of prioritising the accelerated delivery of social and affordable housing, a number of partnership arrangements have been developed already with the building industry to deliver social and affordable housing to positive effect. These have ranged from individual contracts to deliver mixed developments to more formal arrangements under Part V, which provide a mechanism for the delivery of social and affordable housing. The new Sustaining Progressaffordable housing initiative also involves PPP type arrangements with builders/developers.

Consultation is maintained with the industry on the implementation of these initiatives and this has produced some worthwhile suggestions which my Department and/or local authorities have acted upon.

My Department is now considering the issues raised by the latest proposal from a group of builders/developers. This consideration and wider

housing policy delivery issues will be informed by the recent NESC study on housing and the report of the managers of the four Dublin local authorities, with input from other local authorities in the wider Dublin metropolitan area, who established a special task force to advise on accelerating the supply of affordable housing in the capital.

Departmental Procurement.

141. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government the action he intends to take to implement the recommendation made in the recent report of a person (details supplied) that his Department should review and consolidate its internal advice on all aspects of procurement; if he intends to take any other action arising from the report; and if he will make a statement on the matter. [3882/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department fully accepts the Quigley report recommendation that it should review and consolidate its internal advice on all aspects of procurement and this recommendation will be fully implemented over the next few weeks. Some relevant initiatives have already been identified and others are in the process of being developed.

My Department is a large and complex organisation dealing with some 3,700 suppliers of a wide range of goods and services, and a relatively large number of officers are involved in procurement. Revised procedures are being put in place to strengthen monitoring and control of procurement and intensive briefing and refresher training is being arranged for all staff engaged in procurement. Additional resources are also being allocated to the Department's internal audit unit, and to its organisation unit which co-ordinates advice and monitoring in relation to the Department's procurement activities.

I am confident that these arrangements, which will be implemented urgently, will enable my Department to achieve the improvement and consolidation of its procurement arrangements recommended by the Quigley report.

Question No. 142 answered with Question No. 68.

Housing Design.

143. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the initiatives he intends to introduce to encourage excellence of design in housing, particularly in regard to high density developments; and if he will make a statement on the matter. [3709/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): To assist designers of social housing, my Department has published social

[Mr. N. Ahern.]

housing design guidelines which provide general design guidance at the levels of both the overall scheme and the individual dwelling unit. The purpose of these guidelines is to identify principles and criteria that are important for the design of social housing and to highlight specific design features, requirements and standards that, from experience, have been found to be particularly relevant. These guidelines are being reviewed currently in my Department and it is intended that an updated set of guidelines which will contain specific advice on urban design and higher densities will be published later this year. Guidelines for residential developments in areas designated for urban renewal have also been issued by my Department with particular emphasis on apartment developments.

My Department's inspectorate through their work on the social housing programmes promote architectural quality within local authorities and the voluntary and co-operative housing sector. The standards applicable to the planning and design of private housing schemes are governed by the requirements of the development plan for the area in which the housing is to be constructed. Planning permission is required for all private housing developments and, in making its decisions, the planning authority will have regard to the criteria for planning and design of housing developments contained in its own development plan.

The guidelines for planning authorities on residential density which were published in September 1999 indicate that higher residential densities must not be achieved at an unacceptable amenity cost to the surrounding dwellings and the residents of the proposed development. A high quality of design and layout and a good quality living environment, including the availability of adequate shopping, social, transport and leisure infrastructure, are essential if increased residential densities are to be acceptable.

A joint housing committee, representative of my Department and the Royal Institute of Architects in Ireland, organise periodic national housing conferences. The agenda for this year's conference, which is to be held next May, will address issues relating to the quality of housing including urban design and management of high density developments. In addition, this Department hosted an international conference last year for the European Forum for Architectural Policy at which the issue of excellence of design was addressed.

Local Authority Housing.

144. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the action he intends to take to ensure that moneys allocated for social housing to local authorities is spent for this purpose and not channelled into other projects, as shown by his

Department's own figures; and if he will make a statement on the matter. [3935/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): In general, over the past decade, the resources allocated to my Department for social housing purposes have been fully spent. In fact, since the beginning of the national development plan, spending on social housing has been ahead of target. My Department, in its overall responsibility for managing housing capital budgets, seeks to ensure that these are spent as effectively as possible. Where one authority does not require their full social housing allocation, my Department can reassign the balance to other authorities and there is also flexibility to use any unused resources for other housing purposes. There are no circumstances where a local authority can use funds allocated for social housing for any other purpose.

The Government are 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 outturn in 2004.

In association with this funding, my Department has initiated the development by local authorities of new five year actions 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 continuous 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 have already been approved by my Department and the remainder are likely to be approved within a matter of weeks.

It is clear that the new action plans provide a basis for monitoring performance on social and affordable housing delivery. Given the recent introduction of this mechanism and the multi-annual nature of the approach, we have allowed for a mid-term review in 2006. This will allow my Department to identify those authorities which are not performing well and take the necessary action to rectify this situation.

At a broader level, a system of service indicators has been implemented which provide a basis for monitoring performance of local authorities across the full range of their services.

Question No. 145 answered with Question No. 73.

Recycling Policy.

146. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government

the initiatives he will introduce to significantly improve recycling of paper, glass, metals and plastic; and if he will make a statement on the matter. [4018/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Directive 94/62/EC on packaging and packaging waste is based on the concept of producer responsibility, which effectively requires 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, with a minimum of 25% to be achieved by recycling, including a minimum 15% recycling rate for each type of packaging material. In accordance with this approach, a producer responsibility initiative operates in Ireland in relation to the recovery of packaging waste and is 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 individually to recover their packaging waste, i.e. self-compliance or, alternatively, to contribute to and participate in compliance schemes set up to recover packaging waste. Repak Limited was 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 94/62/EC on packaging and packaging waste and is the only such approved compliance scheme in Ireland. Repak has reported consistent progress since 1997 and in 2001 met the 25% packaging waste recovery target required by the directive.

The 2003 packaging regulations introduced an obligation on all producers involved in the placing of packaging on the Irish market to segregate their specified back-door packaging waste, that is, waste aluminium, fibreboard, glass, paper, plastic sheeting, steel and wood, and have it collected for recycling. It is widely accepted that this measure has contributed to a significant increase in the recycling rates for these materials in the commercial sector.

In light of the progressive roll out of household segregation and separate collection of dry recyclables, over 560,000 households are now served by segregated household collection of recyclables, the continued expansion of the bring bank network, circa 1,700 currently in place, and with an increased network of civic amenity centres and waste transfer stations being progressively put in place, further significant improvements in the domestic household recycling rates are anticipated.

Other measures such as the roll out by local authorities of pay by weight or volume waste charging and the landfill levy will continue to encourage waste prevention and minimisation of waste and its diversion away from landfill. The

EPA has reported in its national waste database interim report for 2003, published in December 2004, that packaging waste recovery has increased to an estimated 42% in that year and the latest indications are that Ireland is on course to meet the higher recovery and recycling targets for end 2005.

The 1994 packaging directive has recently been revised by a new amending directive which specifies higher recovery and recycling targets to be achieved by 2011 in the case of Ireland, 2008 for most other member states. The main revisions to the 1994 directive are an increase in the packaging waste recovery target to 60%, the packaging waste recycling target to 55%, with the material specific recycling targets for glass 60%, paper/board 60%, metals 50%, plastics 22.5% and wood 15%. In this regard, my Department is in discussions with Repak with a view to developing an effective strategy which will facilitate the achievement by Ireland of the new higher recovery and recycling targets over the period 2006 to 2011.

Development Levies.

147. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the burden on growers resulting from development levies on plastic poly-tunnels which apply in some counties but not, for example, in County Kildare. [1941/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Charging development contributions allows local authorities to recoup some of the costs to public funds of servicing land for private development. Without them, this servicing could not proceed or the full cost would have to be borne by the taxpayer. Under the Planning and Development Act 2000, income from development levies must be ring-fenced to pay for facilities servicing new development, for example, roads, water and sewerage services and other amenities.

Development contributions are levied by each planning authority on the basis of a development contribution scheme which sets out how contributions will apply in its area. Such schemes had to be adopted by all planning authorities by 10 March 2004. The level of contribution and the types of development to which development contribution schemes should apply has therefore been determined at local authority level in all cases in accordance with the decision vested in elected members in this matter.

Recycling Policy.

148. **Mr. English** asked the Minister for the Environment, Heritage and Local Government the action he will take to require retailers to provide disposal facilities for packaging waste. [3938/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Waste Management (Packaging) Regulations 2003, as amended, which revised and replaced previous regulations made in 1997, are intended to facilitate the achievement by Ireland of the 50% packaging waste recovery target by end 2005 as set out in Directive 94/62/EC on packaging and packaging waste. These new regulations provide the necessary legal framework to facilitate the recovery and recycling of packaging waste in Ireland.

All producers, including retailers, participating in the placing of packaging on the Irish market, must segregate the packaging waste arising on their own premises into specified waste streams, that is, waste aluminium, fibreboard, glass, paper, plastic sheeting, steel and wood, and have it collected by authorised operators for recycling. In addition, major producers, that is, those who have an annual turnover in excess of €1 million and who place more than 25 tonnes of packaging on the Irish market, have additional responsibilities with regard to the recovery of packaging waste from their customers.

Under the 2003 packaging regulations, major producers have the option of either complying directly with their producer responsibility obligations, that is, self-compliance, or alternatively getting an exemption from those requirements by becoming a member of a packaging waste compliance scheme. Repak Limited was 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 94/62/EC on packaging and packaging waste is the sole approved compliance scheme for the recovery of packaging waste in Ireland.

Major producers, who opt to self-comply with the regulations, are required, *inter alia*, to accept from any person, free of charge, at each premises from which packaging, packaging materials or packaged products is supplied, packaging waste of a type or brand supplied by that major producer and adequate facilities must be provided by that major producer at each of the relevant premises for the acceptance, segregation and storage of such packaging waste from customers. A further obligation on self compliers includes the placement of a sign at each entrance to each premises from which packaging, packaging materials or packaged products is supplied, informing the public that packaging waste of a type or brand supplied by that major producer will be accepted free of charge at that premises for the purposes of recovery.

Nuclear Plants.

149. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government the position regarding the international legal action taken by the Government with a view to securing the closure of the Sellafield nuclear

reprocessing plant; and if he will make a statement on the matter. [3918/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Government initiated international legal proceedings against the UK under the United Nations Convention on the Law of the Sea in relation to the Sellafield MOX plant. The current position on the litigation by Ireland under UNCLOS is that the arbitration remains suspended pending resolution of jurisdictional issues in the dispute, which were raised by the European Commission. However, the tribunal in the case issued an order on 24 June 2003 after hearing an application by Ireland for provisional measures.

The provisional measures award and orders recommended that Ireland and the UK enter into dialogue to improve cooperation and consultation between the two Governments and report to the tribunal on specified dates. The most recent report to the tribunal was submitted on schedule by both parties on 30 November 2004. In line with the obligation on both parties to improve cooperation and coordination arrangements, complex discussions, confidential to the tribunal and the parties pending outcomes, are at present continuing.

It was my stated intention to report on progress arising from this process at the appropriate instance and the signing of an agreement on notification and exchange of information arrangements between Ireland and the UK on 10 December 2004 afforded the two parties an opportunity to do so. The agreed package of measures announced is designed to address a wide range of issues related to nuclear safety and includes *inter alia* the facilitating of visits to Sellafield by the Radiological Protection Institute of Ireland and the Garda Síochána, provision of access for the Institute to the UK's radiation monitoring system and a series of initiatives to develop and improve existing co-operation arrangements between both Governments.

The substantive hearing of Ireland's legal action against the UK under UNCLOS is currently suspended pending resolution of jurisdictional issues raised by the European Commission. These issues are now the subject of litigation between Ireland and the Commission before the European Court of Justice. In this case, formal pleadings have been exchanged and Ireland has recently applied to the court for the holding of an oral hearing. A decision is awaited.

150. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on his recent agreement with the British Government under the United Nations Convention on the Law of the Sea by which the Garda and the Radiological Protection Institute of Ireland will be allowed to visit Sellafield. [4040/05]

157. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the

main features of the recent agreement concluded with the British authorities regarding the sharing of information relating to nuclear issues, particularly to the Sellafield nuclear reprocessing plant; the rights of access which will be provided to the Irish authorities; if he has satisfied himself that these are adequate; and if he will make a statement on the matter. [3920/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 150 and 157 together.

On 10 December 2004, I was pleased to sign on behalf of Ireland, an agreement on the early notification of an accident or incident of radiological significance and exchange of information concerning the operation and management of nuclear facilities or activities with the UK. This agreement is modelled on an International Atomic Energy Agency Convention which was adopted in 1986. The convention established a notification system for nuclear accidents which have the potential for international transboundary release that could be of radiological safety significance for another State. The agreement is designed to ensure the swift exchange of information between the UK and Ireland in the event of a major nuclear accident or other radiological emergency occurring in either country. I am satisfied that it represents a very positive development in managing the two countries respective positions on the nuclear energy issue.

At the signing of the agreement on 10 December I, together with the British Ambassador, announced the outcome to date of the discussions between Ireland and the United Kingdom stemming from the legal action brought by Ireland against the UK under the United Nations Convention on the Law of the Sea. The UNCLOS arbitration tribunal's provisional measures award in June 2003 recommended that Ireland and the United Kingdom review the existing system of intergovernmental notification and co-operation to develop suitable secure arrangements at inter-governmental level to improve that system. Following the award, confidential and complex discussions ensued to improve co-operation and consultation between the two Governments. The discussions were constructive, wide ranging and fruitful and the outcomes represent a positive and welcome development between the two Governments in relation to the nuclear issue on which Ireland and the UK continue to hold significantly different views.

The agreed package of measures announced is designed to address a wide range of issues related to nuclear safety and included a visit to Sellafield in September 2004 by the Radiological Protection Institute of Ireland. The visit focused on developments in relation to the storage of high level liquid radioactive waste on the site and the authorisation of radioactive discharges into the Irish Sea. The intention is for the UK to facilitate further visits by the Institute. The Garda Síochána visited Sellafield in June 2004 to review

aspects of the physical protection and policing arrangements in place at the site following an invitation from the United Kingdom Atomic Energy Authority Constabulary. Following this visit both parties have agreed to discuss mechanisms for exchanging security sensitive information without compromising the security needs and concerns of the UK in relation to such information. Further visits will be facilitated by the UK.

I believe the access afforded to Sellafield to the Radiological Protection Institute of Ireland and the Garda Síochána is an extremely positive development which we can all welcome and endorse. It is a substantial advance on the situation that applied prior to the discussions between Ireland and the UK under UNCLOS. While nuclear safety and security are a matter for national authorities, in this case the UK, the access afforded to the institute and the Garda Síochána represents an increasing recognition by the UK of the real concerns of the Irish people in relation to the continued operation of the Sellafield plant. I understand the RPII and the Garda Síochána have judged the visits to be welcome, constructive and useful confidence building measures and I look forward to the continued development of these and the other important information exchange and co-operation arrangements arising from the discussions under UNCLOS by the UK and Ireland.

Question No. 151 answered with Question No. 82.

Local Authority Housing.

152. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the serious disappointment expressed by the Simon Community and other organisations concerned with the welfare of the homeless of the failure to take appropriate measures in budget 2005 to assist the almost 6,000 homeless persons; if he intends to take measures during 2005 to help secure accommodation for those who are homeless; and if he will make a statement on the matter. [3897/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I am aware of the concerns expressed by some voluntary bodies about this matter.

The Government is committed to addressing the issue of homelessness on a sustained basis. Government funding for the provision of accommodation and related services has increased from €12.6 million in 1999 to €51 million in 2004 and there is general agreement among the statutory and voluntary agencies that the emergency accommodation sector is at this stage adequately catered for. The focus is now shifting to the provision of long-term accommodation and the supports required to meet the non-accommodation needs of homeless persons. This aspect will be

[Mr. N. Ahern.] addressed in the context of the Department's social housing programmes in future years.

In 2005, it is planned to build up a programme of about 5,500 starts under the main local authority social housing measure and substantial investment will continue to be made in regeneration projects such as the Ballymun programme. The voluntary and co-operative sector will continue to be supported as they increase and consolidate their contribution to the delivery of social rented accommodation. It is estimated that the needs of over 13,000 households will be met under various social and affordable housing measures over the course of the year.

In addition to this, the rental accommodation scheme announced by the Government in July 2004 may offer possibilities for meeting the accommodation needs of the homeless. Under the new initiative local authorities will progressively assume responsibility, over a four year period, for meeting the long-term housing needs of social welfare rent supplement recipients. Under the new scheme local authorities will use a range of measures, including entering into arrangements with private accommodation providers, to provide accommodation on a medium to long-term basis.

Question No. 153 answered with Question No. 92.

National Parks.

154. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position in relation to a project at Ballycroy National Park in County Mayo; the reason for the delay in this project; if a working group was set up between the community, the OPW and the council; when the planning process for the project will be sorted out; and if he will make a statement on the matter. [3702/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A sum of €3.81 million has been allocated by my Department under the National Development Plan 2000-2006 for the construction of a new visitor centre to serve Ballycroy National Park, County Mayo. This is Ireland's sixth national park which was established in 1998 and incorporates some 11,800 hectares of blanket bog. An attractive and extensive site of 42.3 hectares has been purchased by my Department for the visitor centre in the village of Ballycroy.

A working group consisting of officials of my Department as well as representatives of local community and tourism groups, Mayo County Council and the Office of Public Works has been established and has met frequently, most recently on 13 December 2004. A planning application for the proposed visitor centre was lodged with Mayo County Council by the Office of Public Works, on behalf of my Department, last summer. Additional detailed information requested by the

council is being finalised at present and I expect that this will be supplied to Mayo County Council by mid-February. Subject to planning approval being obtained, I am hopeful that this project can proceed and that Ballycroy National Park, County Mayo, will have an excellent new visitor centre before long.

Waste Disposal.

155. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the measures he intends to introduce to prevent fly tipping; if he will significantly increase the fines for fly tipping; and if he will make a statement on the matter. [4038/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under section 32(1) of the Waste Management Act 1996 persons holding, transporting recovering or disposing waste cannot do so in a manner which causes or is likely to cause environmental pollution. Similarly under the Litter Pollution Act 1997, persons are forbidden from depositing litter in a public place or anywhere that is visible from a public place. In addition, the owner or occupier of any lands has a statutory duty to keep the lands litter free.

While enforcement is a matter for the local authorities and the Office of Environmental Enforcement, I will continue to ensure that the regulatory framework and the resources are appropriate to deal with the problem. Very significant powers are available to local authorities under the Waste Management Act 1996 and the Litter Pollution Act 1997 to enable them to tackle illegal waste activity and littering and these powers were further strengthened by the Protection of the Environment Act 2003. These include powers to halt vehicles and inspect premises. Maximum penalties attaching to illegal waste activities are substantial and were increased in the 2003 Act.

To further assist local authorities in acting on these powers, over €7 million has been allocated from the environment fund to support a more vigorous approach to environmental enforcement, with a particular emphasis on combating dumping and other unauthorised waste activities. This is now being reflected in the presence of additional enforcement personnel on the ground. A major study has been commissioned by the Office of Environmental Enforcement to establish and document the extent of unauthorised waste activities in Ireland. Among the objectives of the project are to review and document current procedures and practices used by the relevant authorities to investigate unauthorised waste activities, as well as the use of powers available to tackle unauthorised activities. I will carefully consider the results of this study to identify any further actions or indeed legislative changes that may be necessary in consequence of its findings.

Question No. 156 answered with Question No. 82.

Question No. 157 answered with Question No. 150.

Question No. 158 answered with Question No. 82.

House Prices.

159. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the impact which changes made in budget 2005 to benefit first time buyers is having; his views on whether this impact is enough to alleviate hardship and barriers to entry into the housing market; and if he will make a statement on the matter. [4064/05]

178. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if his Department is monitoring the impact on house prices of the changes introduced in budget 2005 in relation to stamp duty; and if he will make a statement on the matter. [3809/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Question Nos. 159 and 178 together.

The stamp duty reductions for first-time buyers announced in budget 2005 are assisting affordability for first time buyers by easing the financial burden faced by such buyers of second-hand homes with savings of up to €12,000 in some cases. This is helping some first time buyers to afford a starter home who might not otherwise have been able to do so, and is helping to open the second-hand market more to first time buyers who had previously been deterred by the impact of stamp duty.

The major driver of house price increases in recent years has been the unprecedented demand for housing fuelled mainly by rapid economic growth and demographic changes. Relative to these factors and the level of housing supply, the influence of stamp duty changes on house prices is likely to be more limited. However, these reductions in stamp duty for second hand houses should have a restraining effect on new house prices by removing distortion between the two categories, and reducing the degree of concentration of first-time buyer demand on the new house market. The Government will ensure that effective policies and measures continue to be applied and reviewed as necessary, with the overall aim of meeting the broad spectrum of housing need in the context of balanced and sustainable growth of the housing market.

Question No. 160 answered with Question No. 99.

Planning Issues.

161. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government his views on recent media reports suggesting that developers have paid off objectors in order that

they do not appeal proposals for development to An Bord Pleanála; if he intends to introduce changes in the Planning Acts or regulations to ensure that evidence of such payments may be used as legitimate grounds for the refusal of granting permission; and if he will make a statement on the matter. [3932/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Allegations are sometimes made of payments being provided to or demanded by persons to withdraw objections to planning applications or appeals. Under section 138 of the Planning and Development Act 2000, An Bord Pleanála has the power to dismiss an appeal which is, in the board's opinion, made with the intention of securing the payment of money, gifts, consideration or other inducements by any person. Section 34 of the Planning and Development Act 2000 sets out the matters which the planning authority must have regard to when making its decision. I have no plans to amend planning legislation in this area.

Local Authority Housing.

162. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government the basis on which it was claimed in a statement issued on 13 December 2004 that the 10,000 target under the Sustaining Progress and affordable housing initiative had been achieved; the breakdown on a county basis of the location of these houses; the number of these houses which have been occupied; and if he will make a statement on the matter. [3890/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The 10,000 unit target figure, proposed by the parties to the pay agreement under Sustaining Progress, was reached following the Government decision of 16 November 2004 which agreed to the release to the affordable housing initiative of a series of health board lands by my colleague, the Tánaiste and Minister for Health and Children. The release of these lands, together with the increase in Part V activity to a projected 2,500 affordable housing units for the period 2004-6 and the more efficient utilisation of the lands already provided, means that the total potential yield to the initiative is now over 10,000.

Some time is required between a decision to build housing units and their being finally occupied. While large amounts of land have been made available to this initiative and construction has commenced on a number of projects, there are zoning and infrastructural issues which need to be resolved and local area plan considerations to be taken into account. My Department is working closely with local authorities to expedite matters, with activities being paralleled to ensure the earliest possible delivery of housing units.

In addition, affordable houses built under the Part V arrangements, are an important contributor to the initiative, and while final figures for

[Mr. N. Ahern.]

2004 are not yet available, it is estimated that Part V completions last year will be in the region of 500 housing units, many of which are now occupied. Alternative strategies are also being considered, including the possible use of land swaps, which could speed up the process. For example, the Harcourt Terrace site was advertised last November on a pilot basis and this project will be closely monitored with a view to the possibility of using the land swap option for other sites released to the initiative.

The information requested in relation to the breakdown on a county basis of the location of these proposed housing units is set out in the following table.

Affordable Housing Initiative.

Breakdown by county of the location of housing units.

County/Local Authority Area	Total
Clare	22
Cork	1,280
Cork City	710
Cork County	570
Dublin	3,920
Dublin City	1,540
Dún Laoghaire Rathdown	270
Fingal	730
South Dublin	1,380
Galway	939
Galway City	54
Galway County	885
Kerry	195
Kildare	700
Limerick City	50
Meath	450
Sligo	130
Waterford	100
Wexford	60
Wicklow	50
Part V Affordable (countrywide)	2,500
Total	10,396

Note: The potential yield from sites depends on site characteristics, housing mix, other facilities and sustainable development, that is, in terms of local development and in terms of meeting peoples' needs. The final number of units will therefore be determined through the planning process.

Water and Sewerage Schemes.

163. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government the position regarding the proposed sewerage scheme for Gweedore, County Donegal; and when it is expected that work will commence on the project. [3700/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Gweedore sewerage scheme has been approved for funding in my Department's Water Services Investment

Programme 2004 — 2006 as a scheme to commence construction in 2005.

A certificate of completion of planning has been requested from Donegal County Council to enable my Department's examination of the council's contract documents for the scheme to be finalised.

Question No. 164 answered with Question No. 68.

Environmental Policy.

165. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the action he intends to take to prevent the extinction of the freshwater pearl mussel, *margaritifera durrovensis*; and if he will make a statement on the matter. [3667/05]

170. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to a recent report in a publication (details supplied) that a unique species of freshwater pearl mussel, *margaritifera durovensis*, found only on a short stretch of the River Nore, is facing extinction; the efforts that have been made to save this mussel; and if he will make a statement on the matter. [3587/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 165 and 170 together.

Freshwater pearl mussels of the genus *margaritifera* are protected under the Wildlife Acts 1976 and 2000. Designation of special areas of conservation, SACs, for *margaritifera* is also required by the EU habitats directive. Ireland has proposed 21 sites as candidate SACs for two subspecies of *margaritifera*, one being *margaritifera durrovensis*, which is confined to one stretch of the River Nore.

My Department is developing strategies to stabilise the population of this critically endangered sub-species. These consist of the development of a species action plan, a translocation programme, development of rehabilitation measures and the establishment of a captive breeding programme. With regard to the captive breeding programme, my Department, together with the Central Fisheries Board, is currently selecting a suitable fish hatchery to begin the breeding program for *margaritifera durrovensis* as a matter of urgency — the early stages in the life cycle of *margaritifera* being dependent on the presence of trout.

Advice is being obtained from a similar facility in Northern Ireland which has been successfully breeding *margaritifera margaritifera* for some years, in order to speed up the process of establishing a successful breeding program for *margaritifera durrovensis*. In addition, my Department will seek to ensure that the water quality requirements of this species are addressed by the river basin management plan. During 2005, my Department will also further develop the scien-

tific basis for draft margaritifera water quality standards, on which work was initiated last year.

Waste Management.

166. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government if he intends to provide for a national waiver system for those on low incomes who are unable to pay service charges without undue hardship, especially in view of the greatly increased level of charges faced by householders in many areas as a result of the introduction of the pay by weight system, the great variation in waiver systems operated by local authorities and the fact that no waiver system is available in some areas; and if he will make a statement on the matter. [3898/05]

172. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government his estimate of the average amount likely to be paid by a householder in refuse charges as a result of the change over to the pay by weight lift system of charges; his views on whether these charges are reasonable and if there are sufficient opportunities for householders to recycle; and if he will make a statement on the matter. [3899/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 166 and 172 together.

The determination of waste management charges is statutorily a matter for the relevant local authority in cases where it acts as the service provider. Where, as commonly occurs, a private operator acts as service provider then that operator will determine the charges. Similarly, in regard to waiver schemes for waste charges, it is the responsibility of the local authority concerned to decide on the nature and extent of any such scheme.

I recognise that the issue of waste charges and low income persons or households has been raised in a social partnership context. Arising from this, discussions are continuing between my Department and the Department of Social and Family Affairs with the objective of identifying relevant issues and how these might be addressed.

In the context of the move to a pay by use system of charging, my Department is now compiling details of service provision and charges in each local authority area. However, these data cannot identify prospective costs for 2005 as by their nature pay by use charges are dependent on the level of service usage.

All local authorities have made recycling facilities available. While my Department does not compile comprehensive statistics on the recycling facilities provided in each local authority area, regular returns are submitted by local authorities seeking to avail of subvention of operating costs of recycling facilities. The most recent returns submitted, in respect of the first six months of 2004, revealed a total of 1,780 bring bank sites in

the relevant 34 local authority areas, where varying materials are accepted, particularly glass, aluminium cans, paper and textiles. There were also 57 civic amenity sites in 30 local authority areas.

Significant capital grant assistance has been made available to local authorities towards the provision of recycling and recovery infrastructure and both further capital funding and financial support towards the current operating costs are being provided on an ongoing basis.

Question No. 167 answered with Question No. 73.

168. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the extra resources which are being provided for national spring clean week 2005; and if he will make a statement on the matter. [4049/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keefe): My Department is in the process of determining the grant allocations for a number of national anti-litter initiatives from the environment fund for the current year, including the An Taisce led national spring clean campaign of 2005, due to take place during the month of April. An Taisce, which organises the campaign, will submit details of the estimated costs of the 2005 campaign to my Department shortly.

Decentralisation Programme.

169. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government the position in regard to the number of his Department's Dublin based staff who have applied through the central applications facility for decentralisation to the proposed new locations for his Department at Kilkenny, New Ross and Wexford; the grades of the staff who have applied; and if he will make a statement on the matter. [3904/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A total of 495 applications had been received at the central applications facility, CAF, priority cut off date on 7 September 2004, in respect of the 661 posts to be decentralised from my Department's Dublin offices and which are fillable through the CAF.

A total of 31 staff from my Department's Dublin offices, as detailed in the following table, have applied for decentralisation to the Department's proposed four locations in the south east, Wexford, Kilkenny, New Ross and Waterford. Some 139 staff of my Department have also applied for decentralisation to other Departments or agencies.

My Department has drawn up and submitted to the decentralisation implementation group an implementation plan which sets out the broad issues to be addressed in implementing the decentralisation programme for this Department. A

[Mr. Roche.]

revised implementation plan will be submitted to the group by 31 March 2005.

The Department will be co-operating with the Department of Finance, the implementation group and the Office of Public Works to ensure the Government's decentralisation programme is implemented efficiently and effectively. Following the recent Government decision on the first phase of moves under the programme, the transfer of my Department's headquarters to Wexford is included in the list of those organisations considered potential "early movers".

	Number
Principal Officer	3
Assistant Principal Officer	3
Higher Executive Officer	4
Administrative Officer	3
Executive Officer	5
Staff Officer	1
Clerical Officer	5
Accountant	1
Inspector	3
Senior Meteorological Officer	1
Archaeologist	1
Assistant Fire Adviser	1
Total	31

Question No. 170 answered with Question No. 165.

Question No. 171 answered with Question No. 130.

Question No. 172 answered with Question No. 166.

Question No. 173 answered with Question No. 104.

Question No. 174 answered with Question No. 95.

Road Network.

175. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government when he intends to make a decision on the application submitted to him from the roads authority for the carrying out of a programme of archaeological works and mitigation measures in regard to the proposed route of the M3 through the Tara-Skyrne valley; if his attention has been drawn to the serious concerns expressed by archaeological experts at the implications of the proposed route; and if he will make a statement on the matter. [3879/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An Bord Pleanála, which has an independent statutory

mandate, is responsible under the Roads Act 1993 for the approval of motorway schemes following an assessment of the environmental impact of the proposal. In the case of the M3 motorway, the process involved a detailed environmental impact assessment in which archaeological considerations and other factors were extensively addressed and a lengthy public oral hearing was conducted by the board. Following this process the motorway scheme, including the route of the proposed M3, was approved by An Bord Pleanála in August 2003.

Under the National Monuments (Amendment) Act 2004, once a motorway scheme has been approved by An Bord Pleanála any associated archaeological works, for example, excavations which are to be undertaken in connection with the approved road, must be carried out in accordance with directions issued by the Minister for the Environment, Heritage and Local Government, following consultation with the director of the National Museum of Ireland. This procedure is designed to ensure that appropriate standards apply to the carrying out of archaeological works in connection with an approved road development.

In the case of the M3 motorway, an application for the carrying out of a programme of archaeological works and mitigation measures on a portion of the route has been made by the road authority to my Department and is being considered. I have seen much media coverage and received various representations in regard to this scheme. These offer a variety of views from a range of parties, both on archaeological issues and the need for the scheme to proceed. As I have indicated, however, the statutory role of the Minister relates solely to the regulation of the archaeological works associated with the proposed development.

In determining the matter, I will receive advice from the archaeological staff of my Department. I will also, in accordance with the Act, consult the director of the National Museum of Ireland before directions are issued. I intend that a decision on the matter will be made as soon as possible.

Question No. 176 answered with Question No. 107.

Question No. 177 answered with Question No. 108.

Question No. 178 answered with Question No. 159.

Orthodontic Services.

179. **Mr. Costello** asked the Tánaiste and Minister for Health and Children the reason persons (details supplied) in Dublin 10 are still waiting for orthodontic treatment; when they will receive

treatment; and if she will make a statement on the matter. [4100/05]

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 eastern area to investigate the matter raised and to reply directly to the Deputy.

Accident and Emergency Services.

180. **Mr. Costello** asked the Tánaiste and Minister for Health and Children the number of persons who have spent time sitting on chairs or lying on trolleys awaiting treatment in the accident and emergency department of the Mater Hospital for each month since she became the Minister for Health and Children and for each month for the five years previous to her becoming so; and if she will make a statement on the matter. [4101/05]

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 the Mater 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 issues raised and to reply to the Deputy directly.

Hospital Services.

181. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason there is a delay in arranging an angiogram for a person (details supplied) in County Kilkenny; and if the request will be expedited. [4102/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. As the person referred to by the Deputy resides in County Kilkenny, my Department has requested the chief officer for the executive's south eastern area to investigate the matter raised and reply directly to the Deputy.

182. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 193 of 26 January

2005, if a person (details supplied) in County Wexford will receive scan results before an outpatient's appointment on 15 April 2005; if the results will be available on 15 April 2005; if her attention has been drawn to the fact that this person was scanned on 1 July 2004 and has not yet received the results; her views on whether seven months is a long period to wait for results; if this case will be dealt with as a matter of urgency; and if she will make a statement on the matter. [4103/05]

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. As the person referred to by the Deputy resides in County Wexford, my Department has requested the chief officer for the executive's south eastern area to investigate the matter raised and reply directly to the Deputy.

Medical Cards.

183. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Kildare who applied for same several months ago; and if she will make a statement on the matter. [4104/05]

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 south western area to investigate the matter raised and to reply directly to the Deputy.

Health Services.

184. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if assistance will be given to a person (details supplied) in Dublin 9; and if she will make a statement on the matter. [4105/05]

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 and occupational therapy. Accordingly, my Department has

[Mr. T. O'Malley.]

requested the chief officer of the executive's northern area to investigate the matter raised and reply to the Deputy.

185. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the position in relation to the case of a person (details supplied) in County Wicklow; if this person will be seen as a matter of urgency; and if she will make a statement on the matter. [4106/05]

186. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the position in relation to a person (details supplied) in County Wicklow; if this will person will be seen as a matter of urgency; and if she will make a statement on the matter. [4107/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 185 and 186 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, deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services in County Wicklow. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matters raised and to reply direct to the Deputy.

Vaccination Programme.

187. **Ms McManus** asked the Tánaiste and Minister for Health and Children the level of the take up of the MMR vaccine in each health board area for the latest period for which figures are available; the steps being taken to promote fuller take up, especially in view of reports of a significant increase in the number of cases of measles in some areas of the country; and if she will make a statement on the matter. [4284/05]

Tánaiste and Minister for Health and Children (Ms Harney): The MMR vaccine protects against measles, mumps and rubella and, in accordance with the recommendations of the immunisation advisory committee of the Royal College of Physicians of Ireland, can be administered to children between 12 and 15 months of age. A vaccine uptake rate of 95% is required in order to protect children from the diseases concerned and to stop the spread of the diseases in the community. Measles, in particular, is a highly infectious and serious disease. Approximately one in 15 children who contract measles suffers serious complications.

In Ireland, uptake of the first dose of the measles, mumps and rubella vaccine, MMR1, is calculated on a quarterly basis among children of 24 months of age. In quarter three 2004, the national uptake rate for this vaccine was 81%.

This represents an increase of 1 % in the national uptake rate when compared with the same quarter in 2003. In addition, uptake rates reported by individual health boards ranged from 76% to 92%. Table 1 refers.

Table 1 MMR1 Uptake rates by Health Service Executive, HSE, areas in quarter three 2004*.

	Uptake at 24 months — Q 3 2004
	%
HSE — Eastern Area	76
HSE — Midland Area	92
HSE — Mid-Western Area	84
HSE — North Eastern Area	82
HSE — North Western Area	87
HSE — South Eastern Area	86
HSE — Southern Area	85
HSE — Western Area	79
Ireland	81

*The most recent period for which uptake figures are available from the NDSC, now the Health Protection Surveillance Centre, HPSC, of the HSE.

The national uptake rate of MMR1 has increased from 69% in quarter four 2001 to 81% in quarter three 2004. This trend has been reflected in each of the HSE areas with all areas having reported an increase in the uptake rate for MMR1 over this time period. Although MMR1 uptake rates have been improving over the past year and a half, they are still 14% lower than the national target rate of 95%.

I am concerned about the unsatisfactory MMR immunisation uptake rates because of the risk of unimmunised children contracting the potentially serious diseases concerned. The outbreak of measles in 2000, which resulted in approximately 2,000 cases and three deaths, is evidence of the consequences of insufficient immunisation uptake. However, I am encouraged by the fact that the immunisation uptake rates are steadily improving. Meanwhile, data provided by the HPSC indicate that from week one to 52, inclusive, of 2004, 327 cases of measles were notified which compares with 567 cases notified for the comparative period in 2003. This represents a significant reduction in the number of measles cases reported.

A national immunisation steering committee was established to address a wide range of issues relating to the childhood and other immunisation programmes including the identification of issues that are hampering the achievement of uptake targets. The report of the steering committee was launched in April 2002 and a national implementation group was subsequently established to draw up a phased national implementation plan based on the report's recommendations.

Following consideration of proposals in relation to childhood immunisation which were submitted by the national implementation group through the Health Boards Executive, HeBE,

€2.116 million was allocated by my Department in 2003 and €2.778 million in 2004 to fund initiatives to improve childhood immunisation uptake. Funding in the region of €800,000 was allocated to health boards via HeBE in 2004 specifically for regional and localised projects focused on measures to improve immunisation uptake. A further €3.378 million has been allocated to the HSE this year.

There is concern among some parents in relation to the measles, mumps and rubella, MMR, vaccine. Negative coverage on this issue has added to the confusion of parents in deciding whether or not to vaccinate their children. In April 2002, the MMR vaccine discussion pack — an information guide for health professionals and parents — was launched. The pack was produced by the NDSC and the department of public health, Southern Health Board, and was published by HeBE on behalf of the health boards. The pack sets out the facts in relation to the most common concerns about MMR in a way that will help health professionals and parents to explore these concerns together, review the evidence in relation to MMR and provide the basis for making an informed decision. The information is presented in such a way as to allow full discussion between health professionals and parents on each issue. The pack also contains an information leaflet for parents. The pack is set out in question and answer format and addresses such issues as the alleged link between MMR and autism and Crohn's disease, the safety and side effects of the vaccine, the purpose of a second dose of vaccine, combined vaccine versus single doses and contraindications to the vaccine. The pack enables health professionals to respond to the very real concerns of parents.

In 2003, CEOs in all health boards and the ERHA were asked to ensure that specific immunisation measures were prioritised in all areas in order to prevent a serious measles outbreak. Health boards have undertaken a range of measures in their regions in order to improve vaccine uptake in their region. These include: information sessions for professionals, for example, doctors and nurses in the area; information sessions for parents; distribution of information to the public, for example, leaflets on MMR available in public areas; advertisements taken out in local papers; advertisements on local radio stations; advice regarding immunisation, including MMR, forms part of every public health nurse consultation with parents; information leaflets displayed prominently in all health centres; information given to schools regarding the booster MMR; follow up of parents by letter and telephone where children have not been vaccinated; follow up with GPs and nurses regarding children in their area who have not been vaccinated; and information sessions for staff.

Furthermore, my Department has convened a measles eradication committee to develop a national five year action plan for the elimination of measles and rubella in line with the World

Health Organisation strategic plan for 2010. This committee had its first meeting on 30 September 2004 and is due to report to me by the end of June 2005.

I would like to take this opportunity to again urge all parents to have their children immunised against the diseases covered by the childhood immunisation programme in order to ensure that both their children and the population generally have maximum protection against the diseases concerned.

Contaminated Blood Products.

188. **Ms McManus** asked the Tánaiste and Minister for Health and Children the position regarding the Government's undertaking, following the publication of the Lindsay report, to consider the possibility on initiating legal action against US drugs firms who supplied contaminated blood products to Irish haemophiliacs; if he has sought the promised legal opinion from US lawyers; and if she will make a statement on the matter. [4285/05]

Tánaiste and Minister for Health and Children (Ms Harney): In July 2003 the Government was approached unilaterally by a firm of New York lawyers with the proposal that the Government could sue certain pharmaceutical companies in the United States arising from the manufacture of blood products which caused hepatitis C and HIV infection to persons with haemophilia.

Initial advices received from counsel appointed by the Attorney General raised serious concerns in relation to the proposal. Following careful consideration of these advices, the Attorney General recommended that an independent opinion be obtained in the United States in respect of the proposed litigation. Arrangements to procure such advice are ongoing.

Hospital Waiting Lists.

189. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of persons on hospital waiting lists at the latest date for which figures are available; the reason she has decided to end the practice of publishing hospital waiting lists every six months (details supplied). [4286/05]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the collation and publishing of waiting list and waiting time data rests with the national treatment purchase fund, NTPF. The NTPF has found that waiting list data shows widespread variation in the recording and reporting of patient data across the hospital system. A new on-line national patient treatment register will now be developed by the fund. The new patient treatment register will allow for more accurate identification of waiting lists, and more importantly waiting times. It is intended that the register will be implemented on a phased basis commencing this year.

Vehicle Registration.

190. **Mr. Naughten** asked the Minister for Finance the number of vehicles first registered in County Leitrim in 2004; the number of such vehicles registered by persons resident in County Roscommon; and if he will make a statement on the matter. [4117/05]

Minister for Finance (Mr. Cowen): In 2004, 1,388 vehicles were assigned identification marks containing the index mark LM, the vehicles having been declared as, for registration, not to have been previously registered, and to be owned by a resident of Leitrim, in accordance with vehicle registration tax legislation. The vehicle registration number is assigned by Revenue on the basis of the information provided by the declarant, including address, for the purpose of registration. The penalty for making a false declaration is €1,265. Therefore, assuming false declarations have not been made, the 1,388 vehicles registered in Leitrim are in respect of persons resident, at time of registration, in Leitrim.

Public Service Retirement Scheme.

191. **Cecilia Keaveney** asked the Minister for Finance if the regulations pertaining to the early retirement scheme for persons in the public service have been completed; and if he will make a statement on the matter. [4129/05]

Minister for Finance (Mr. Cowen): My Department is currently preparing guidelines for the operation of a scheme of cost neutral early retirement in the public service, as decided on by Government in September 2004. The process of drafting these guidelines, which has involved consultation with the public service unions, is well advanced. On this basis, I expect that the guidelines will issue shortly, thereby allowing the scheme to become operative. In line with the Government decision, the guidelines will provide for the early retirement facility to be made available to serving staff and to persons who resigned with an entitlement to preserved superannuation benefit on or after 1 April 2004.

Planning Issues.

192. **Mr. McGuinness** asked the Minister for Finance further to Parliamentary Question No. 218 of 2 February 2005, his views on whether planning permission is needed for the fencing erected along a section of the river bank at Lacken Weir, Maudlin Street, Kilkenny; if consultation with the local community at this section of the river will be arranged as part of the process in order that safety can be maintained while at the same time allowing those who use the river to gain access at this point and those who use the space as an amenity to enjoy without having to look through a four ft. fence and wire; the person who in the local authority authorised the erection of the fence; if it was Kilkenny Borough Council

or Kilkenny County Council; and if he will make a statement on the matter. [4130/05]

Minister of State at the Department of Finance (Mr. Parlon): Under the 2001 planning and development regulations, planning permission is not required for the erection of fencing of 1.2m in height or less. The timber post and rail fence erected along a section of the river bank at Maudlin Street, Kilkenny, falls within this category. A detailed consultation process took place between the Office of Public Works, the local authority and the various local water safety and water based sporting groups on the subject of safety measures and public amenity access to the river.

The area at Maudlin Street is not considered suitable for public amenity access and the provision of fencing, as agreed in the consultation process, considerably reduces the risk of serious incident. OPW appreciates that the installation of fencing has changed the view from Maudlin Street, but would point out that both they and the local authority consider that a risk to public safety must outweigh aesthetic concerns. The area in question is under the jurisdiction of Kilkenny Borough Council. The Deputy may wish to approach the local authority directly with queries regarding its role in this matter.

Sculpture Siting.

193. **Mr. McGuinness** asked the Minister for Finance further to Parliamentary Question No. 217 of 2 February 2005, his views on the sculpture (details supplied) which was the subject of the parliamentary question which is located on the river bank close to the Lacken Weir, Kilkenny, and not the sculpture in the grounds of the council offices; if he will consult the artist and relocate the sculpture; if the two pieces of sculpture will be retrieved from the river; and if he will make a statement on the matter. [4131/05]

Minister of State at the Department of Finance (Mr. Parlon): The sculpture was originally located on the river bank close to Lacken Weir and was disturbed as a result of the drainage scheme works. Provision for reinstatement of the sculpture was included in the plans for the area and discussions with the local authority are currently ongoing. As the sculpture is located on local authority property, OPW's discussions are with Kilkenny Borough Council.

Lacken Weir Fish Pass.

194. **Mr. McGuinness** asked the Minister for Finance when the extension to the fish pass at Lacken Weir, Kilkenny was fabricated; the cost of same and the labour costs for installation; the reason it proved unsuitable; the action to be taken now; if the long-term solution has been identified; if the original drawing of the fish pass and the proposed extension will be made available to this Deputy; and if he will make a statement on the matter. [4132/05]

Minister of State at the Department of Finance (Mr. Parlon): The extension to the fish pass at Lacken Weir, Kilkenny, was fabricated in early January. Costs for same and the labour costs for installation have not yet been received by OPW. The Department of Communications, Marine and Natural Resources and the Southern Regional Fisheries Board are satisfied that the extension is suitable.

The next action to be taken is the establishment of a long-term solution to the problems associated with the functioning of the fish pass. To this end, a review of the functioning of the pass is currently being carried out by the OPW, the Department of Communications, Marine and Natural Resources and the Southern Regional Fisheries Board. On completion of the review, OPW will be in a position to confirm the exact nature of any work required to affect a long-term solution. Any permanent alterations or modifications that are deemed necessary will be carried out under safe conditions during the coming summer months. Copies of the relevant drawings are available to all interested parties on request. Copies will be forwarded to the Deputy in the coming week.

Tax Code.

195. **Mr. Wall** asked the Minister for Finance if a person (details supplied) in County Kildare will be provided with a P21 balancing statement; and if he will make a statement on the matter. [4133/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that a PAYE balancing statement for the year 2003 will issue to the taxpayer on 9 February 2005.

196. **Mr. Wall** asked the Minister for Finance if a person (details supplied) in County Kildare will be provided with a P21 balancing statement; and if he will make a statement on the matter. [4134/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that a PAYE balancing statement for the year 2003 will issue to the taxpayer's spouse on 9 February 2005 as the taxpayer and her spouse are taxed under joint assessment.

197. **Mr. Ring** asked the Minister for Finance if VAT will be waived for community groups providing security pendants and telephone alarm systems. [4135/05]

Minister for Finance (Mr. Cowen): The purchase of security pendants and telephone alarm systems, and their monitoring, are subject to the standard rate of VAT of 21%. The VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. While we can maintain the zero rating on those goods and services which were zero-rated before 1 January 1991, the purchase, installation or monitoring services for the aforementioned alarms do not fall within this category.

Therefore, it is not possible to apply a zero VAT rate as referred to by the Deputy.

However, under the Value Added Tax (Refund of Tax) (No. 15) Order 1981, it is possible to obtain a VAT refund in respect of the purchase of a pendant alarm system, as it is considered a medical device for the purpose of this refund order. Monitoring and maintenance fees are not recoverable. Applicants should contact the Revenue Commissioners, VAT Repayments (Unregistered Section), Kilrush Road, Ennis, County Clare.

Furthermore, I understand a scheme of community support for older people is operated by the Department of Community, Rural and Gael-tacht Affairs. The purpose of the scheme is to encourage and assist the community's support for older people by means of a community-based grant scheme to improve the security of its older members. Funding under the scheme can be provided for small-scale security equipment designed to strengthen points of entry to the dwelling, for security lighting, for smoke alarms and for the once-off cost of installing socially monitored personal alarm systems. Annual monitoring fees or maintenance fees associated with socially monitored alarm systems are not provided for under the scheme.

The VAT refund for the purchase of a personal security alarm by or on behalf of a disabled or elderly person combined with the scheme of community support for older people outlined above are important measures that go towards ensuring that those who are most in need of security systems can avail of them.

Departmental Properties.

198. **Mr. Gregory** asked the Minister for Finance, further to Parliamentary Question No. 318 of 19 October 2004, if he will list the items stolen or removed; and if he will make a statement on the matter. [4136/05]

Minister for Finance (Mr. Cowen): Further to our correspondence to the Deputy regarding this matter, dated 17 April 2002 and 4 July 2003, the only further item that has come to light is the theft of a twin-axle trailer for carrying building supplies stolen from an Office of Public Works maintenance depot that was reported to the Garda Síochána. The item has not yet been recovered.

Tax Collection.

199. **Ms Burton** asked the Minister for Finance the capital value of assets held in trusts liable to the 6% entry and 1% annual tax on such trusts; and the declared value of such assets, and classes thereof, on an annual basis from 1997 to date. [4181/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the information requested by the Deputy in regard to trusts is not readily available and either could not be obtained, or could not be obtained without conducting a protracted investigation of the Revenue Commissioners records.

[Mr. Cowen.]

However, some information is available solely in regard to the larger trusts now dealt with in the Revenue Commissioners large cases division,

namely the capital value of the assets, the taxable value of the assets and an analysis of the capital value as between investments and other assets, and details are set out in the following table.

Breakdown of Capital Value.

Year	Capital Value	Taxable Value	Investments	Other
	€	€	€	€
1997	819,261,663	884,499,815	812,036,387	7,225,276
1998	853,232,309	938,639,304	849,716,619	3,515,690
1999	1,056,040,027	1,134,404,085	1,052,242,574	3,797,453
2000	1,087,263,497	1,223,257,731	1,084,853,062	2,410,435
2001	1,059,625,130	1,150,793,480	1,058,208,089	1,417,041
2002	63,621,185	131,397,755	38,458,973	25,162,213
2003	52,853,538	105,932,151	40,347,108	12,506,430
2004	56,903,609	112,733,929	43,846,941	13,056,668

It should be noted that while the figures in the table for taxable value are complete, the figures for capital value and the analysis of the breakdown of these capital value figures between investments and other assets do not include the amounts for one particular trust as the relevant figures are not readily available within the time allowed.

200. **Mr. Rabbitte** asked the Minister for Finance the proportion of PAYE taxpayers and taxpayers other than PAYE taxpayers who are earning amounts (details supplied), estimated by reference to the income tax year 2004, and if possible by reference to the income tax year 2005;

and if he will make a statement on the matter. [4182/05]

Minister for Finance (Mr. Cowen): It is assumed that what the Deputy requires is the proportion of PAYE and self-employed income earners in the ranges of income specified as determined by reference to the income tax record.

I am advised by the Revenue Commissioners that the information requested, estimated by reference to the income tax years 2004 and 2005, is set out in the following tables. They indicate the proportions of all PAYE and self-employed income earners on tax records, including tax-exempt individuals, by ranges of income.

Income Tax Year 2004.

Gross Income €	PAYE		Self-Employed	
	Numbers	% of all PAYE income earners	Numbers	% of all self-employed income earners
Not exceeding €14,244	459,950	28	49,824	23
€14,245 — €19,890	204,530	12	24,387	11
€19,891 — €29,251	315,596	19	35,620	17
€29,252 — €40,419	255,621	15	29,923	14
€40,420 — €49,999	146,213	9	17,720	8
€50,000 — €74,999	182,850	11	25,473	12

Income Tax Year 2005.

Gross Income €	PAYE		Self-Employed	
	Numbers	% of all PAYE income earners	Numbers	% of all self-employed income earners
Not exceeding €14,244	436,873	26	46,339	21
€14,245 — €19,890	196,365	12	22,759	10
€19,891 — €29,251	313,519	19	35,158	16
€29,252 — €40,419	265,306	16	31,065	14
€40,420 — €49,999	154,963	9	18,509	8
€50,000 — €74,999	203,334	12	28,047	13

The Deputy should note that these numbers are provisional and are subject to revision. A married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit. Some figures in the columns in the table for income tax year 2004 differ from those given previously. This is due to revised information becoming available in the meantime.

Tax Code.

201. **Mr. Penrose** asked the Minister for Finance if consideration will be given to granting an exemption in VRT payment, in regard to kit cars which are constructed by the owners thereof; when the full amount of VRT would become payable; and if he will make a statement on the matter. [4183/05]

Minister for Finance (Mr. Cowen): Vehicle registration tax, VRT, is a tax on the registration of vehicles, regardless of their source, and is charged at the time when the vehicle is registered in the State. It is not a tax on the manufacture, supply or importation of motor vehicles.

Section 130A of the Finance Act 1992 provides that VRT is payable on the registration of a kit car, where in the construction of the vehicle, a new chassis is used or where the chassis is derived from a vehicle which is not registered in the State. However, VRT is not payable on the registration of a kit car, where in the construction of the vehicle, the chassis is derived from a vehicle which was already registered in the State.

The amount of VRT to be paid on a kit car is determined by the Revenue Commissioners and is comparable to the amount payable in respect of a conventional car of the same size and specification. A specialist consultant is engaged by the Revenue Commissioners to assist in this determination. It is ascertained by reference to the type of kit used in the manufacture of the vehicle and the donor vehicle used where appropriate.

The current legislation ensures equality of treatment in regard to VRT as between kit cars and conventional cars. In this respect, I do not intend to make any changes.

202. **Ms Burton** asked the Minister for Finance the medical services and expenditure by a taxpayer which qualifies for tax relief; and if plastic surgery or other medical works on procedures undergone to provide cosmetic improvements qualify when such work is undertaken for bodily enhancement as opposed to medical necessity. [4189/05]

Minister for Finance (Mr. Cowen): Tax relief for health expenses is provided for under section 469 of the Taxes Consolidation Act 1997. The relief is granted at the highest rate of tax at which the taxpayer is chargeable for the year of the claim. Relief cannot be claimed for any expenditure that has been or will be reimbursed by a medical insurer or where a compensation pay-

ment is or will be made in respect of the expenditure.

The first €125 of any medical expenses incurred in any tax year is borne by the taxpayer. In the case of an individual claiming relief in respect of two or more persons, the taxpayer must bear the first €250. Claims for health expenses are made on form MED1. While it is not necessary to submit receipts with the form MED 1, the receipts relating to the costs must be retained by the individual as he or she may be asked to produce them if the claim is chosen for detailed examination.

An individual may claim tax relief on certain medical expenses incurred by him or her on his or her own behalf, on behalf of a dependant, or on behalf of a relative. A dependant is any relative of the taxpayer or any other person who at any time during the year of claim is aged 65 years or over or who is permanently incapacitated by reason of mental or physical infirmity. A relative is defined as a husband, wife, ancestor, lineal descendant, brother or sister; mother or father of the taxpayer's spouse; brother or sister of the taxpayer's spouse; spouse of the taxpayer's son or daughter; or the taxpayer's child or any other child, who for the year of the claim, is in his or her custody and maintained at his or her expense and under 18 years of age, or, if over 18 years of age, is receiving full-time education.

Only health expenses incurred in the provision of "health care" qualify for tax relief. Section 469 of the Taxes Consolidation Act 1997 defines "health care" as meaning the prevention, diagnosis, alleviation or treatment of an ailment, injury, infirmity, defect or disability, and includes care received by a woman in respect of a pregnancy as well as routine maternity care. Expenditure that qualifies for relief includes costs of doctors and consultants fees; diagnostic procedures carried out on the advice of a practitioner; drugs or medicines prescribed by a doctor or consultant; maintenance or treatment in a hospital or nursing home which is approved by the Minister for Health and Children or approved for the purposes of health expenses relief by the Minister for Finance after consultation with the Minister for Health and Children; supply, maintenance or repair of any medical, surgical, dental or nursing appliance used on the advice of a practitioner; physiotherapy or similar treatment prescribed by a practitioner; orthoptic or similar treatment prescribed by a practitioner; costs of speech and language therapy carried out by a speech and language therapist for a qualifying child, allowable from 6 April 2001 where a speech and language therapist means an individual approved by the Minister for Health and Children; transport by ambulance; costs of educational psychological assessments carried out by an educational psychologist for a qualifying child, allowable from 6 April 2001 where an educational psychologist means an individual who is registered with the Minister for Education and Science; certain items of expenditure in respect

[Mr. Cowen.]
of a child suffering from a serious life threatening illness; kidney patients' expenses, up to a maximum amount depending on whether the patient uses hospital dialysis, home dialysis or CAPD; specialised dental treatment; routine maternity care, allowable from 6 April 2001; and in vitro fertilization.

Where qualifying health care is only available outside Ireland, the cost of reasonable travelling and accommodation expenses can also be claimed as a health expense. In such cases, the expenses of one person accompanying the patient may also be allowed where the condition of the patient requires it.

Plastic surgery or other medical works or procedures undertaken on purely cosmetic grounds do not qualify for tax relief; nor does the cost of routine dental or ophthalmic care.

203. **Ms Burton** asked the Minister for Finance the situation for tax relief purposes of medical expenses incurred outside the State by a taxpayer; if they are allowable for tax purposes; and if there are any limitations or conditions on qualifying expenditure. [4190/05]

Minister for Finance (Mr. Cowen): Medical expenses incurred outside of the State qualify for tax relief on the same basis as medical expenses incurred within the State provided that the following conditions apply. As regards the cost of a medical practitioner, the medical practitioner is entitled, under the laws of the country in which the care is provided, to practise medicine or dentistry there; and as regards the cost of the hospital or nursing home, the hospital or nursing home is approved for the purposes of tax relief under the heading of health expenses by the Minister for Finance after consultation with the Minister for Health and Children. A full list of approved hospitals and nursing homes is available on the Revenue Commissioners website, www.revenue.ie.

Where qualifying health care is, in regard to a specific health expense, obtainable only outside the State, reasonable expenses of travelling and accommodation for the patient may be allowed. In such a case, the expenses of one person accompanying the patient may also be allowed where the condition of the patient requires it. Where the patient is a child, the expenses of one parent may generally be allowed and, exceptionally, of both parents where it is clear that both have to be in attendance.

Relief cannot be claimed for any expenditure that has been or will be reimbursed by a medical insurer or where a compensation payment is or will be made in respect of the expenditure. The first €125 of any medical expenses incurred in any tax year is borne by the taxpayer. In the case of an individual claiming relief in respect of two or more persons, the taxpayer must bear the first €250.

While there is no upper limit to the amount of qualifying health expenses that a taxpayer may

claim, tax relief is available only against tax that is actually paid in the State and only to the extent that tax has been paid.

Special Savings Investment Scheme.

204. **Mr. Ferris** asked the Minister for Finance if he will make a statement on the case of a person (details supplied). [4194/05]

Minister for Finance (Mr. Cowen): The Deputy's question relates to a situation where it is claimed that interest accumulated in respect of savings in an SSIA of a deceased spouse is not being paid over to the surviving spouse. The question does not make clear if there is a difficulty specifically in regard to the SSIA itself or if the difficulty is in some way related to the distribution of the estate of the deceased person. Accordingly, it is only possible to answer the question in general terms.

It must be borne in mind that there are specific provisions in general law in regard to the administration of an estate of a deceased person and these must be followed before the assets of the estate can be distributed. The funds in the SSIA constitute an asset of the estate of the deceased person. The net assets of the estate will be distributed to the beneficiaries by the executors or administrators following grant of probate or letters of administration.

The SSIA scheme commenced on 1 May 2001 and is administered by qualifying savings managers in accordance with legislation and guidelines issued by the Revenue Commissioners. In general terms, the amount of funds available on the death of an SSIA holder are set out in SSIA rules.

The maturing of an SSIA on the death of an individual is an automatic process and is administered by the qualifying savings manager concerned. The tax liability which falls due in the event of death is arrived at by deducting, from the aggregate market value of the assets in the account, the aggregate amount of all subscriptions and tax credits made to the SSIA, in so far as that amount has not previously been treated as withdrawn from the SSIA on a partial withdrawal. A rate of 23% is applied to the resulting figure to give the tax due. Once tax has been deducted, the SSIA maturity process is complete and the remaining funds become part of the estate of the deceased. In the case of an SSIA that was a deposit account from which no withdrawals had been made up until the date of death, tax at 23% would only apply to the interest earned.

National Monuments.

205. **Mr. Durkan** asked the Minister for Finance if any action is proposed or intended in respect of Connolly's Folly, Maynooth, County Kildare, which is showing serious signs of deterioration; and if he will make a statement on the matter. [4295/05]

Minister of State at the Department of Finance (Mr. Parlon): I confirm that lightning protection was installed recently to protect the folly and that the condition of the folly continues to be monitored. In the event of any essential repairs being required, these will be undertaken. In addition, consideration is being given to the provision of a CCTV security system around the folly to combat vandalism.

However, as indicated in replies to similar questions from the Deputy on the same issue, I confirm that major works are not planned for Connolly's Folly at this time.

Gas Pipelines.

206. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources if he will address the fears expressed by residents of Rossport, County Mayo regarding the upstream Corrib field pipeline; his views on whether they have cause to have health and safety concerns; if he will consider carrying out a qualified risk assessment; his views on whether it is feasible or useful to add mercaptan for safety; and if he will make a statement on the matter. [4188/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am assured that every precaution has been taken to ensure the safety of the Corrib gas field pipeline. At no point along the pipeline route will the gas pipeline pass closer than 70 m to any dwelling. A condition imposed in the pipeline consent includes as absolute requirement that the pipeline passes no closer than 70 m to any inhabited dwelling.

In addition, a quantified risk assessment has been undertaken for the onshore section of the pipeline which included a detailed analysis of the risk of damage to the pipeline and consequences of any such damage. This showed that even in the very worst case of the pipeline being ruptured and the gas being ignited, the occupants of a building 70 m away would be safe. The design of the pipeline means that the risk of such an event or any other type of gas escape is very small. Also the pipeline will be buried to a depth of at least 1.2 m.

The design of the pipeline is in accordance with international design codes and is to a pressure of 345 barometers. The pressure in the pipeline will initially be 150 barometers, reducing over the life of the field. In 2002, my Department commissioned an independent expert to confirm that the design is fully in compliance with international codes.

As regards the feasibility or usefulness of adding mercaptans for safety, I am advised by my technical expert that there would be no benefit from doing so. Gas is lighter than air and in the very unlikely event of gas escaping from the pipeline, it would be rapidly dispersed away from ground level and any people in the area. Mercap-

tans are added to enable leaks to be detected by smell in confined areas such as buildings.

While the control umbilical will carry high pressure liquids, the volumes are very small. The umbilical will be buried to a depth of at least 1.2 m so these liquids pose no threat to people in the area.

Diplomatic Representation.

207. **Ms Burton** asked the Minister for Foreign Affairs the status, terms and conditions of the appointment of the envoy (details supplied) to the tsunami region; the rank in terms of the foreign service which applies; and the remuneration or expenses which attach to the post. [4191/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Mr. Chris Flood, former Member of Dáil Éireann and current chairman of the advisory board for Development Co-operation Ireland, has been appointed as an envoy to the tsunami-affected region, particularly Indonesia, Sri Lanka and Thailand. This appointment was announced in the Dáil on 26 January by my colleague, the Minister for Foreign Affairs, Deputy Dermot Ahern. The period of the appointment is six months from February.

Mr. Flood will report on the status of the recovery effort in each of the affected countries. He will also report on the overall contributions of the UN agencies and non-governmental organisations to the post-tsunami recovery efforts. He will examine to what extent funds have been used effectively and efficiently by organisations benefiting from Government assistance with a particular focus on co-ordination, building local capacity and rebuilding people's livelihoods. He will also seek to determine whether lessons can be learned in responding to future disasters. Mr. Flood will be assisted by the emergency, recovery and technical sections of Development Co-operation Ireland.

The position of the envoy does not have a rank within the diplomatic service. Normal travel and subsistence expenses only will apply.

Foreign Conflicts.

208. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he will bring the plight of the people of Darfur, Sudan to the attention of the UN Security Council without delay; and if he will make a statement on the matter. [4313/05]

Minister for Foreign Affairs (Mr. D. Ahern): The political and humanitarian situation in the Darfur region remains a matter of the deepest concern for Ireland. The Government continues to use all avenues open to it to urge action in addressing the humanitarian, security and political challenges, which exist there.

The United Nations and the Security Council has been centrally involved in efforts to address the Darfur crisis. I expressed support for the UN's role and our willingness to assist its efforts in any way we can when I met the UN Secretary

[Mr. D. Ahern.]

General in New York yesterday. I also indicated to the Secretary General my agreement with the recommendation of the international committee of inquiry investigating allegations of genocide in Darfur that those responsible for crimes against humanity or other serious human rights violations should be held accountable before the International Criminal Court.

The comprehensive political agreement signed in Nairobi last month has highlighted the need for parallel political progress with regard to the Darfur conflict. The UN Secretary General's Special Representative, Mr. Jan Pronk, has provided further and deeply worrying evidence in a recent report of how both the Sudan Government and the rebels are continuing to violate the ceasefire agreements. Humanitarian delivery continues to be jeopardised by the escalation in security incidents across many parts of Darfur. I am deeply conscious that some 2 million people are now displaced from their homes and this figure is still rising. Violent attacks by both sides in the conflict have heightened the atmosphere of insecurity, and this is having a negative impact on the delivery of humanitarian aid.

Sustained international pressure needs to be maintained on all the parties to honour their commitments and work to improve the security situation in Darfur. The Government of Sudan must be pressed to accept its responsibility for security and the protection of its own citizens by disbanding the Janjaweed militia and bringing all those responsible for serious human rights violations to justice. There must also be an end to any attempts at forced relocation of internally displaced persons. The rebels, for their part, must cease all attacks and ceasefire violations. All sides must co-operate fully and constructively with the international presence in Darfur, including the UN, African Union and all engaged in the humanitarian effort.

Ending impunity and bringing to justice those guilty of serious human rights violation is an imperative in attempting to resolve the conflict in Darfur. I very much welcome the report of the UN's international commission of inquiry investigating ending impunity and bringing to justice those guilty of serious human rights violation is an imperative in attempting to resolve the conflict in Darfur. I very much welcome the report of the UN's international commission of inquiry investigating whether serious violations of human rights, international humanitarian law and genocide have occurred in Darfur which was published last week. The commission found that crimes against humanity of an ethnic nature have been committed in Darfur and has recommended that the allegations be referred to the International Criminal Court. I agree with the commission that the ICC, of which Ireland has been a strong supporter, would be the most appropriate body to try those accused of these dreadful crimes.

I note that the Commission has concluded that, serious and systematic as the abuses of human rights and violations of international humanitarian law may have been, they could not be classified as genocide, based on the definition of genocide under international law. The Security Council will commence its consideration of these findings this week. I would strongly urge that it takes a speedy and positive decision on the commission's recommendation. In addition to deciding on the referral of the matter to the ICC, the option of sanctions is also available and is one which should be considered.

The UN Security Council has been endeavouring to work through the African Union on improving security on the ground in Darfur. The AU-led monitoring mission, AMIS, is continuing to play a vital role in this regard. Ireland and the EU continue to co-operate closely with the African Union in support of the AMIS II mission and are providing substantial financial and logistical support for the deployment of the expanded AMIS II mission. The African Union and UN are also working together to ensure a successful outcome to the AU-mediated peace talks for Darfur which are due to resume in Abuja at the beginning of March. I would urge the Sudanese Government and the rebel groups to recommit themselves fully to this process, with a view to reaching an early and final political agreement.

Grant Payments.

209. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the number and value of grants decided under the community enterprise support scheme in 2004; the total budget available under this scheme in 2005; and if he will make a statement on the matter. [4120/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The allocation of grants under the community enterprise centre, CEC, scheme is the responsibility of Enterprise Ireland, the agency charged with administering the scheme, and not a matter in which I have a direct role. I am informed by Enterprise Ireland that no grants were approved under the CEC scheme in 2004. The most recent CEC scheme was the community enterprise centre 2002 scheme under which a sum of €8 million was approved to support the scheme. The objective of the scheme was to enhance the development of an enterprise climate through the provision of infrastructural facilities to support the establishment and expansion of micro enterprises through local community participation.

Under the CEC 2002 initiative, which was a competitive scheme, a total of 70 projects were approved for support by Enterprise Ireland. These were announced in two tranches — the first on 6 August 2002 in respect of 50 approvals to the value of €5,166,306, the second on 29 September 2003 in respect of 20 approvals to the value of €2,838,472.

Under the CEC 2002 scheme, Enterprise Ireland has to date paid nearly €2 million. Shannon Development has also paid out more than €500,000 in respect of projects undertaken within the Shannon region. It is anticipated that the remainder will be paid from 2005 onwards as the promoters incur the costs against which the grants can be claimed and paid. A time lag in requests for payment normally occurs as approximately 70% if approvals were for capital grant support, where planning permission and construction is part of the process.

Price Inflation.

210. **Mr. O'Connor** asked the Minister for Enterprise, Trade and Employment the position regarding action being taken to control the rise in the cost of living; the initiatives which are planned; and if he will make a statement on the matter. [4144/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Government recognises the importance of this issue as reflected in the anti-inflation provisions in the Sustaining Progress partnership agreement which are being followed up and monitored by a group, chaired by the Department of the Taoiseach, on which my Department is represented.

Empowered consumers seeking the best value possible when making purchasing decisions are a vital part of curbing rising prices in any economy, as are competitive markets, which allow consumers to exercise choice. It is important that consumers are given sufficient information to make choices. To this end we have legislation in place, which ensures that consumers are provided with clear price information prior to making a decision to purchase goods. The Office of the Director of Consumer Affairs, ODCA, enforces this legislation.

I also want to increase the information available to busy consumers on general price levels prevailing and my Department's close co-operation with the Central Statistics Office, CSO, has led to a new initiative whereby data for average prices in Dublin and outside Dublin in May was published last July. These data were drawn from the national average prices published for the consumer price index. This continued with the publication of figures for November being brought forward to December and my issuing a press release highlighting and welcoming the analysis. My Department will continue to work with the CSO, ODCA, the Consumers Association of Ireland and Forfás on ways to provide consumers with more user-friendly data on prices.

Early last year the Government established the consumer strategy group to advise and make recommendations for the development of a national consumer policy. In the performance of this role the consumer strategy group has carried out a range of activities, including studies that investigate issues of special concern. Price trends with other parts of Europe have been examined

and some prices have been the subject of additional investigation, including those of fruit and vegetables, alcoholic beverages, and pharmaceuticals. The group will report to me at the end of this month and I plan to give the report prompt attention and consideration as soon as I receive it.

Work Permits.

211. **Mr. Healy** asked the Minister for Enterprise, Trade and Employment if and when he will introduce amending legislation to issue work permits to individual workers rather than to employers, in view of the continuing difficulties being experienced by non-EU workers here; and if he will make a statement on the matter. [4145/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): A work permit is granted to an employer in respect of a specified employee and job vacancy, where the employer can demonstrate that the vacancy cannot be filled from within the wider European Economic Area, EEA. The EEA comprises the 25 member states of the EU, Iceland, Norway, Liechtenstein and Switzerland.

Apart from the renewal of existing permits, which now constitute the bulk of applications, new permits are confined to highly skilled and highly paid positions. Present policy is, informed by the imperative to address the identified labour and skill needs in the economy. In order to best achieve these ends, the work permit is granted to the employer. This ensures greater traceability, the more effective enforcement of the employees' rights and enhanced administrative efficiency. The Labour Inspectorate of my Department is responsible for monitoring certain employment conditions for all categories of workers in Ireland, including migrant workers. Inspectors pursue allegations of worker mistreatment, and when evidence of non-compliance with the relevant employment rights legislation is found, the inspectorate seeks redress for the individual or individuals concerned and, if appropriate, a prosecution is initiated.

An application for a work permit requires a statement, counter signed by the would-be employer and employee, of the main functions of the job: salary or wages; deductions — other than statutory; other benefits; and hours to be worked per week. Work permits are not granted unless there is compliance with minimum wages legislation. Applications for renewals require documentary proof that the stated wages have been paid.

Persons employed in Ireland under the work permit scheme in recent years have been readily facilitated in changing jobs. In such circumstances a new work permit is issued to the person's new employer. This allows an employee to move to a new employer where there are genuine reasons why the employee wishes to leave his or her existing employment.

[Mr. Martin.]

A new employment permits Bill, currently at the final stages of preparation, will include provision for additional protections for migrant workers. It is intended that employers will be prohibited from deducting from the remuneration of migrant workers any costs associated with their recruitment and the retention by employers of personal documents belonging to migrant workers.

If the Deputy has evidence that particular employers are exploiting their workforce this should be brought to the attention of the labour inspectorate for investigation.

212. **Mr. Murphy** asked the Minister for Enterprise, Trade and Employment if he will examine the case of a person (details supplied). [4152/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The person referred to made an application for a work authorisation on 27 January to the Consulate General of Ireland in San Francisco. Her application was incomplete, thus it was returned to her by express post on 31 January for completion.

Family Support Services.

213. **Mr. Stanton** asked the Minister for Social and Family Affairs the supports available to self-employed workers with families who are on low incomes; if the family income supplement can be availed of in such circumstances; and if he will make a statement on the matter. [4138/05]

Minister for Social and Family Affairs (Mr. Brennan): Family income supplement was introduced in 1984 with the purpose of providing an incentive to low-paid employees with families to take up or remain in full-time employment in circumstances where they might otherwise be only marginally better off than of claiming another social welfare payment. The scheme does not apply to self-employed people.

Arrangements already exist whereby self-employed people on low income can receive additional payments under the social welfare system. Self-employed people whose income falls below the rate of unemployment assistance, UA, appropriate to their family circumstances are entitled to claim assistance. The rate of assistance payable depends on the person's means. In assessing means, account is taken of the net income, which the applicant may reasonably expect to receive in the next year, and all expenses necessarily incurred by the applicant in carrying out the business are disregarded. Currently almost 1,764 unemployment assistance recipients are categorised as self-employed, receiving an average of €156.72 assistance per week.

The farm assist scheme was introduced in 1999 to provide income support for low-income farmers. At present, a total of 8,350 farmers are in

receipt of farm assist, receiving an average weekly payment of €163.27. Any extension of FIS to other categories of persons would have to be considered in a budgetary context. I have no plans for such an extension in present circumstances.

Services for People with Disabilities.

214. **Mr. Stanton** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 178 of 1 December 2004, the funding which has been made available for 2005 to introduce the groundwork for the new personal advocacy service aimed specifically at persons with disabilities; when the new service will commence; and if he will make a statement on the matter. [4139/05]

Minister for Social and Family Affairs (Mr. Brennan): As announced in budget 2005, €1 million has been provided this year to the national information agency, Comhairle, to prepare the groundwork for the introduction of the new personal advocacy service. It is envisaged that the new service will be introduced in early 2008 subject to the necessary legislation being enacted. The introduction of a personal advocacy service aimed specifically at people with disabilities is provided for in the Comhairle (Amendment) Bill 2004 which was published last September in conjunction with the Disability Bill 2004 and outline sectoral plans and as part of the Government's national disability strategy.

Under the provisions of the Bill, the new personal advocacy service will provide for the assignment of a personal advocate to a person with a disability who is unable to obtain or who has difficulty in obtaining a social service without the assistance or support of the personal advocate. The main function of the personal advocate will be to assist, support and represent the person with a disability in applying for and obtaining a social service and also in pursuing any right of review or appeal in connection with that service.

Social Welfare Benefits.

215. **Mr. O'Shea** asked the Minister for Social and Family Affairs the reason social welfare increases were not awarded from 1 January 2005, as had been the case in the previous two years; and if he will make a statement on the matter. [4310/05]

Minister for Social and Family Affairs (Mr. Brennan): The approach to determining the effective dates for increases in social welfare weekly rates of payment following December's budget was the same as in previous years. The effective dates of increases for each scheme are determined by reference to the payment weeks for each scheme, which may commence on different days of the week, and the fact that some schemes are paid in advance and some in arrears. The effective date varies for different schemes depending on the year in question and does not necessarily coincide with the first day of January.

Over the period from 1997 to 2002, the Government brought forward the effective dates of increases in weekly rates by 23 weeks and all increases in these rates are now due with effect from the first week of January.

216. **Ms Shortall** asked the Minister for Social and Family Affairs his policy in respect of the eligibility for unemployment benefit of mothers who give up work due to the cost of child care exceeding their net wage or reducing it to a negligible amount; and if he will make a statement on the matter. [4312/05]

Minister for Social and Family Affairs (Mr. Brennan): A person is regarded as being available for employment if he or she is prepared to accept any offers of suitable full-time employment. In considering entitlement under this condition, account is taken of the person's skills, qualifications and experience, duration of period of unemployment and the availability of job vacancies in the locality. 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 whose Department administers the equal opportunities childcare programme under the national development plan.

My Department administers the family income supplement, FIS, scheme, an in-work income support designed to provide cash support for employees on low earnings with families, to help preserve the incentive to remain in employment in circumstances where the employee might only be marginally better off than if they were claiming other social welfare payments. A range of improvements introduced to FIS in recent years, including the assessment of entitlement on the basis of net rather than gross income and the progressive increases in income limits, has made it easier for lower income households to qualify under the scheme.

Road Safety.

217. **Ms McManus** asked the Minister for Transport the reason a national speed sign (details supplied) has been removed; if a sign indicates a certain speed now, if a person is to presume that bends on a road can be negotiated at the specified speed limit; and if he will make a statement on the matter. [4125/05]

Minister for Transport (Mr. Cullen): The working group established in 2003 to review speed limit structures and policies recommended that the general speed limit of 60 mph that applied in respect of rural roads other than motorways should be replaced by separate default maximum speed limits for the rural national, and rural regional and local roads. The general speed limit sign, while it did not refer to the actual speed limit value, indicated the locations from which the 60 mph speed limit applied. The provisions in the Road Traffic Act 2004 establishing the default speed limits for roads generally reflect 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 working group also recommended that each new speed limit sign should display the value in figures together with the unit 'km/h'. The Road Traffic (Speed Limit — Traffic Signs) Regulations 2005 support the structures provided in the Road Traffic Act 2004 and provide for the deployment of regulatory speed limit traffic signs to indicate to road users that a speed limit of 120 km/h, 100 km/h, 80 km/h, 60 km/h, 50 km/h or 30 km/h applies. In the case of all speed limits applying under the Road Traffic Act 2004 or previously under the legislation that preceded that Act, the speed limit represents the maximum speed at which vehicles may be driven in optimum circumstances. In all cases a driver must not drive a vehicle at a speed exceeding that, which will enable him or her to stop within the distance he or she can see to be clear. This rule applies irrespective of the speed limit.

Driving Licences.

218. **Mr. Durkan** asked the Minister for Transport if a further provisional driving licence can issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4127/05]

Minister for Transport (Mr. Cullen): Under the Road Traffic Act 1961 and the Road Traffic (Licensing of Drivers) Regulations 1999, it is a matter for the appropriate licensing authority, in this case Kildare County Council and not the Department of Transport, to determine the eligibility of a person for a driving licence and to issue licences.

219. **Mr. O'Connor** asked the Minister for Transport the number of driving licence applications that are being declared false on renewal and that were issued in the period September to December 1994; if he is investigating the matter; and if he will make a statement on the matter. [4146/05]

Minister for Transport (Mr. Cullen): Under the Road Traffic Act 1961 and the Road Traffic (Licensing of Drivers) Regulations 1999, it is a matter for the appropriate licensing authority and not the Department of Transport to determine the eligibility of a person for a driving licence, including renewal of a licence, and to issue licences. I am not aware of any general problem regarding the renewal of licences which were issued between September and December 1994.

Driving Tests.

220. **Mr. Crowe** asked the Minister for Transport the reason for the record number of drivers awaiting tests; the measures he proposes to introduce to reduce waiting times; and if the filling of

[Mr. Crowe.]
vacancies in this sector is seen as a priority and part of the problem by him. [4147/05]

Minister for Transport (Mr. Cullen): The increase in the number of people awaiting a driving test resulted from the unprecedented number of people who applied for a driving test in 2003. A total of 233,889 applications were received in 2003, an increase of 23% over the previous year's record total of 192,016. The Department of Transport is in communication with the Department of Finance about measures to reduce the backlog, including the recruitment of additional driver testers.

Taxi Hardship Panel.

221. **Mr. Crowe** asked the Minister for Transport if, in view of the demand, he has new proposals to top up the original taxi hardship fund. [4148/05]

Minister for Transport (Mr. Cullen): The taxi hardship payments scheme is based on the recommendations and parameters of the taxi hardship panel report, which was approved by the Government. The report of the panel recommended the establishment of a scheme to provide payments to individual taxi licence holders who fall into one of six categories that the panel assessed as having suffered extreme personal financial hardship arising from taxi liberalisation. The payments ranged from €3,000 to €15,000 depending on the category of hardship involved. The Government approved the implementation of the recommendations. The payments are not compensation but compassionate payments in respect of extreme personal financial hardship.

The taxi hardship payments scheme is being administered by Area Development Management Limited on behalf of the Department of Transport. Most of the applications received by ADM have been dealt with. I expect the applications which remain on ADM's files to be dealt with in the coming weeks. Sufficient funds have been made available to ADM to enable it to meet the cost of all successful applications. I do not propose to reopen the terms of the taxi hardship panel report or the Government's decision on it.

Rail Services.

222. **Mr. Crowe** asked the Minister for Transport if his attention has been drawn to the financial expense incurred by a commuter travelling on the Dublin to Tralee rail route; and if he will make recommendations on this and similar examples to CIE. [4149/05]

Minister for Transport (Mr. Cullen): The only fares I regulate are standard fares. Discounts on standard fares are a commercial matter for Iarnród Éireann. It is open to the company to offer promotional or discounted fares within this framework. I understand from the company that it offers a day saver return ticket as an example

of such a discounted fare. This promotional ticket is offered at the same price as a single journey ticket as part of the company's policy to encourage the use of train services by offering value for money for day return journeys.

Airport Development Projects.

223. **Cecilia Keaveney** asked the Minister for Transport the position in relation to having the runway at Derry City Airport extended to facilitate the larger aeroplanes in use; and if he will make a statement on the matter. [4150/05]

Minister for Transport (Mr. Cullen): Last year, Derry City Council submitted proposals for the development of City of Derry Airport to the Department of Transport and to the relevant authorities in Northern Ireland which, of course, have lead responsibility in this area. A report on all aspects of the proposed development, including the extent of works required to make the airport fully operational and compliant with safety requirements, is being considered by the Department following consultation with the relevant authorities in Northern Ireland.

224. **Ms O. Mitchell** asked the Minister for Transport if, in view of his recent trade mission to China and the need to develop long haul flight capacity from Dublin Airport, the Government intends to direct the DAA to either extend the existing runway or to fast track the construction of a second runway. [4187/05]

Minister for Transport (Mr. Cullen): I am not aware of any evidence to suggest that infrastructure at Dublin Airport, including the capacity of its runways, is acting as a constraint or barrier to the development of long haul routes. The proposed new parallel runway is required to meet projected traffic growth and to ensure that the runway capacity at Dublin Airport continues to cater for the future requirements of airlines and passengers. In recognition of the long lead-in time on planning approvals, construction and commissioning, the Dublin Airport Authority submitted its planning application for the new runway to Fingal County Council last December. Subject to planning permission, this will ensure that the additional capacity provided by the new runway will be available and operational when needed in about six years time.

Community Development.

225. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the reason lone parents, widows and widowers are not allowed to participate in the rural social scheme; his views on whether this is discrimination; and if he will make a statement on the matter. [4137/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): One must have a herd number and be in receipt of one of the following

payments — farm assist, unemployment assistance, unemployment benefit if previously on a FÁS community employment scheme, or disability allowance — if one is to be eligible to participate in the rural social scheme. Self-employed fishermen whose fishing boats have been entered in the register of fishing boats, or have been issued with a fishing licence from the Department of Communications, Marine and Natural Resources for fishing for salmon at sea, and who are in receipt of either unemployment assistance, unemployment benefit — if previously on a FÁS community employment scheme — or disability allowance, are also eligible for the scheme. There is nothing to prevent a lone parent, widow or widower from participating in the scheme if they meet the eligibility conditions I have outlined. A review of the scheme will be undertaken by the Department of Community, Rural and Gaeltacht Affairs within the coming months. The review will include an examination of the current eligibility criteria.

Grant Payments.

226. **Mr. Naughten** asked the Minister for Agriculture and Food the plans she has to remove the 20 livestock units cap on grant aid for farm development; and if she will make a statement on the matter. [4118/05]

Minister for Agriculture and Food (Mary Coughlan): A minimum of 20 income units from farming is required for grant applications under the on-farm investment schemes. The European Commission has repeatedly opposed any relaxation of the minimum income provision, despite several approaches from the Department of Agriculture and Food on the matter. The conditions of the farm waste management scheme, including the 20-income unit restriction, are under consideration.

227. **Mr. Naughten** asked the Minister for Agriculture and Food if she will review the payment structure for the SFP to facilitate two instalments rather than one payment in December; and if she will make a statement on the matter. [4119/05]

Minister for Agriculture and Food (Mary Coughlan): European Council Regulation 1782/2003, which governs the single payment scheme, stipulates that payments under the scheme will be made once a year, within the period from 1 December of the year of application to 30 June of the following year. The regulation also provides for advance payment circumstances to be decided by the European Commission, subject to the budgetary position. The Deputy will appreciate that it is not possible for a member state to decide on different payment dates to those specified in the Council regulation or those which may be specified by the Commission in certain circumstances. As the rules governing the single payment scheme are prescribed under European Council and Com-

mission regulations, the Department of Agriculture and Food has no option but to adhere to them.

Departmental Supports.

228. **Mr. Naughten** asked the Minister for Agriculture and Food further to a meeting (details supplied), the plans she has to facilitate the group concerned; and if she will make a statement on the matter. [4121/05]

Minister for Agriculture and Food (Mary Coughlan): The group has received assistance from several public bodies. I support close co-ordination between the bodies and the group in making available their full range of expertise and assistance.

Organic Farming.

229. **Mr. Naughten** asked the Minister for Agriculture and Food if she will report on the recommendations of the report of the organic development committee which have been implemented; the timescale and status of the implementation of the outstanding recommendations; and if she will make a statement on the matter. [4122/05]

Minister for Agriculture and Food (Mary Coughlan): The report of the organic development committee, which was published in April 2002, contained a number of recommendations to develop the organic sector in Ireland. The committee's main recommendations have been implemented, including the establishment of a national steering group. This group has met on eight occasions and continues to monitor the implementation of the other recommendations of the organic development committee.

Among the recommendations on which progress has taken place are the following. A partnership expert working group has been set up to co-ordinate, facilitate and monitor the provision of training, education, advice and research and an organic market development group has been established with overall responsibility for developing a national marketing strategy for organic food. A census of Irish organic production was carried out and published in October 2003. My Department's website now includes a dedicated section on organic food and farming. Seven organic demonstration farms were selected last year as a pilot project, and this successful initiative will be further extended in 2005. Teagasc has also expanded its organic advisory network. It has identified advisers nationwide and their contact details are also available on my Department's website.

Teagasc, Bord Bia and the Food Safety Authority of Ireland have produced publications in the areas of research and advice. My Department undertook preliminary investigative organic seed trials for suitable barley, wheat and oat varieties on the farms of two organic producers. A study of the organic poultry sector was published in 2004. In addition to rolling out education and

[Mary Coughlan.]
advice on organic production, Teagasc is currently developing an organic beef research programme.

The REPS organic supplementary measure was reviewed as part of the general review of the scheme, and some of the changes recommended in the organic development committee report were included in the new REP3 scheme.

A statutory instrument was adopted in March last year, which gave full effect to Council Regulation (EEC) No. 2092/91, as amended, and to the additional standards contained in Chapter 7 of the report of the organic development committee. It gives, *inter alia*, powers to my Department to prosecute those operating illegally.

Substantial consideration has been given to the development of a national label. A final decision has been deferred pending the outcome of deliberations on the information campaign proposed in the European action plan for organic food and farming. An information leaflet on organic food and farming was published in September 2004, the objective of which was to raise awareness among consumers of what organic food and farming is about.

Teagasc has developed and delivered a number of organic courses to farmers and will expand this area in response to demand. Substantial progress, in partnership with the existing course providers, has also been made in the establishment of a FETAC accredited course in organic horticulture. The national steering group will continue to oversee the implementation of the report's recommendations in line with the timescales provided for in the report of the organic development committee.

Disadvantaged Areas Scheme.

230. **Dr. Cowley** asked the Minister for Agriculture and Food if her attention has been drawn to the fact that moves are afoot to try and negotiate down disadvantaged status to just one criterion, namely soil quality; her views on whether this has to be vigorously resisted and is very serious (details supplied); the steps she is taking to resist any interference with disadvantage status; the other steps she is taking to ensure the survival of farming in Mayo; and if she will make a statement on the matter. [4123/05]

Minister for Agriculture and Food (Mary Coughlan): Some 11,877 farmers in Mayo qualified for payments, totalling €25.6 million, under the area based compensatory allowance scheme in 2004. At present, all of County Mayo is classified as more severely handicapped under the current criteria for designating areas as disadvantaged: low land productivity, low economic returns and low or dwindling population.

As part of the suggested rural development framework for the period 2007-13, the European Commission has proposed new criteria for less-favoured areas. These lay emphasis on soil and climatic conditions. In line with other member

states, Ireland has highlighted the sensitivity of this issue. Ireland has also sought clarification on the Commission's intentions. A promised Commission clarification paper is due towards the end of February. I will seek to ensure that all of Mayo's farmers continue to benefit to the maximum extent possible under the area-based compensatory allowance scheme.

Grant Payments.

231. **Mr. Deenihan** asked the Minister for Agriculture and Food when a REP scheme payment will be made to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [4124/05]

Minister for Agriculture and Food (Mary Coughlan): Payment has issued this week in this case.

232. **Mr. Ferris** asked the Minister for Agriculture and Food if the entitlements under the single farm payments of a person (details supplied) in County Monaghan will be reviewed. [4176/05]

Minister for Agriculture and Food (Mary Coughlan): A certificate of provisional entitlements under the single payment scheme issued to the person named on 18 November 2004. This statement included a detailed breakdown of how the provisional entitlements were calculated. Farmers are advised that if they are not satisfied that the statement is correct, they may seek a review by completing a provisional entitlements review form, which is available from all local offices of the Department and from the Department's website. To date, a review form has not been received from the person named.

State Shareholdings.

233. **Mr. Wall** asked the Minister for Agriculture and Food the legal position regarding the golden share as determined by her Department in regard to shares of Irish Sugar Limited; and if she will make a statement on the matter. [4177/05]

Minister for Agriculture and Food (Mary Coughlan): As Minister, I hold a special share in Greencore plc. That share has the same monetary value as any other share in the company but has conditions attached which prevent the company from engaging in a number of activities without the prior written consent of the Minister. It does not empower me to become involved in operational matters or ordinary business decisions made by the company. In summary, the special share prevents the disposal of the controlling interest in Irish Sugar Limited, or a certain percentage of the sugar assets and prevents a single shareholder or group of shareholders acting together from gaining control of Greencore plc.

Grant Payments.

234. **Mr. P. Breen** asked the Minister for Agriculture and Food if consideration will be given to an application for forestry development (details supplied) by a person in County Clare; and if she will make a statement on the matter. [4178/05]

Minister for Agriculture and Food (Mary Coughlan): An application for afforestation grant aid on behalf of the person in question was refused by the forest service of my Department in February 2003 and again in April 2003 following an appeal by the applicant. The application was refused on environmental grounds.

Milk Quota.

235. **Mr. Kehoe** asked the Minister for Agriculture and Food the position regarding a pilot scheme for the allocation of milk quota to certain qualified farm managers; when this pilot scheme will start; if the criteria and conditions governing the allocation of quota have been finalised; and if she will make a statement on the matter. [4179/05]

Minister for Agriculture and Food (Mary Coughlan): The statutory basis for a pilot scheme for the allocation of milk quota to farm managers, which requires the formation of a special type of milk production partnership, was put in place in 2003 and refined in 2004, through amendments to the milk quota regulations. I expect discussions on the relevant criteria and conditions will conclude in time to allow for the introduction of a pilot scheme during the 2005-06 milk quota year.

Grant Payments.

236. **Mr. McGuinness** asked the Minister for Agriculture and Food, further to Question No. 69 of 26 January 2005, if the years used in the calculation of the single payment entitlements for this person are correct. [4180/05]

Minister for Agriculture and Food (Mary Coughlan): An application for consideration under the *force majeure* or exceptional circumstances criteria of the single payment regulations was submitted by the person named on 7 January 2004. Following consideration by the Department and the independent single payment appeals committee of the circumstances outlined, including additional information submitted, the Department is satisfied that *force majeure* criteria can be applied in respect of the medical condition of the person named in 2000, which resulted in decreased production in that year. Consequently, 2000 will be excluded and only the years 2001 and 2002 will be used in the calculation of the single payment entitlement. As production increased in 2001 and 2002, this two-year average will have the effect of increasing the single payment entitlement for the person named. An amended statement of provisional entitlements reflecting this position will issue shortly to the person named.

237. **Mr. Connaughton** asked the Minister for Agriculture and Food if consideration will be given to an application under the national reserve for entitlements under the single payments for a person (details supplied) in County Galway; and if she will make a statement on the matter. [4305/05]

Minister for Agriculture and Food (Mary Coughlan): The position with regard to the 2005 single payment national reserve is that all applications are being processed at present. In view of the number of applications received and accompanying documentation submitted, it will be some time before processing is completed.

The Deputy will appreciate, therefore, that it is not possible to indicate at this stage whether the person named will qualify for an allocation of entitlements from the reserve on foot of an application submitted. Applicants will be notified of their eligibility or otherwise as soon as all applications are processed.

238. **Mr. Connaughton** asked the Minister for Agriculture and Food the level of grant aid received for all headage, special beef premium and dairy for the years 1997, 1998 and 1999 under the herd number of a person (details supplied) in County Galway; the level of grants awarded in 2000, 2001 and 2002; and if she will make a statement on the matter. [4306/05]

Minister for Agriculture and Food (Mary Coughlan): The person named received the following payments under the special beef premium scheme for the years 1997 to 2002:

	€
1997	3,144.06
1998	3,098.57
1999	2,633.46
2000	2,639.92
2001	2,618.20
2002	2,079

The person named received the following payments under the extensification premium for the years 1997 to 2002:

	€
1997	1,503.89
1998	1,026.13
1999	1,259.63
2000	1,422.28
2001	627
2002	554.40

The person named received the following payments under the deseasonalisation slaughter premium scheme and slaughter premium scheme for the years 1997 to 2002:

[Mary Coughlan.]

	€
1997	38.16
1998	302.16
1999	391.30
2000	765.91
2001	1,567.91
2002	2,070.60

The person named received the following payments under the ewe premium scheme for the years 1997 to 2002:

	€
1997	1,775.08
1998	3,000.84
1999	2,916.95
2000	1,881.20
2001	1,887.23
2002	2,408

The person named received the following payments under the sheep headage scheme for the years 1997 to 1998:

	€
1997	121.89
1998	807.55

He was not an applicant under the sheep headage scheme in 1999 and 2000.

The person named received the following payments under the cattle headage scheme for the years 1997 to 2002:

	€
1997	1,286.24 (after shortfall penalty applied to €1,328.15)
1998	1,328.15
1999	1,328.15
2000	1,328.15

The area based compensatory allowance scheme replaced the cattle and sheep headage schemes in 2001 and the person named received the following payments under the scheme for the years 2001 to 2002:

	€
2001	3,999.60
2002	3,959.60 (after 1% late area aid penalty applied to €3,999.60)

239. **Mr. Connaughton** asked the Minister for Agriculture and Food if consideration will be given to an application by a person (details supplied) in County Galway to have his reference years changed to 1997, 1998 and 1999; and if she will make a statement on the matter. [4307/05]

Minister for Agriculture and Food (Mary Coughlan): An application for consideration under the *force majeure* or exceptional circumstances measure of the single payment regulations was submitted by the person named on 22 January 2004.

The person named has been notified that the circumstances outlined by him do not satisfy the criteria for *force majeure* or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. The person named has been advised that he can appeal the decision to the independent single payment appeals committee which will carry out a full review of the circumstances outlined.

Rights of the Child.

240. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the widespread concern among unmarried fathers regarding the lack of legal protection in respect of their right of access to and custody of their children; his views on whether these rights should not be dependent on the discretion of their children's mother but rather enshrined in law; his proposals to reform the law in this regard; and if he will make a statement on the matter. [4096/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Under section 6A of the Guardianship of Infants Act 1964, as inserted by section 12 of the Status of Children Act 1987 an unmarried father may apply to the court to be appointed a guardian of his child. Alternatively, where there is agreement between the parents, they can make a statutory declaration under section 2(4) of the Guardianship of Infants Act, as inserted by section 4 of the Children Act 1997, conferring on the father the status of guardian. Under section 11 of the 1964 Act, a guardian may apply to the court for its direction on any question affecting the welfare of the child.

Examples of such proceedings are applications for custody and access orders. In making such orders and, in determining whether an unmarried father should be appointed guardian, the court has to regard the welfare of the child as the first and paramount consideration. Where appropriate and practicable, the court in making any order takes into account the child's wishes in the matter having regard to the age and understanding of the child. In considering whether to make an order under section 6A or 11 the court is directed — under provision in the Act of 1997 — to have regard to whether the child's best interests would be served by maintaining personal relations and

direct contact with both his or her father and mother on a regular basis.

The Act of 1964 — by way of amendment in the Act of 1997 — encourages parties to a dispute over a child to agree on the custody or guardianship of or access to a child. Prior to institution of proceedings the legal representatives of the parties must discuss with them the possibility of agreement. The court may adjourn any proceedings to assist agreement between the parties.

These legislative provisions are extensive. They permit the court in cases of disagreement to decide on arrangements for the child's care and upbringing having regard to the child's best interests. I am aware of the concerns of unmarried fathers regarding custody and access rights and the issue of enforcement. My Department keeps the operation of the law in this area under review.

Garda Deployment.

241. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if there will be more regular Garda patrols in the Marino area, Dublin 3, to deter the culprits responsible for graffiti and other anti-social behaviour. [4097/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Clontarf Garda station is responsible for policing the Marino area and the current strength there, all ranks, is 67, an increase of 10 gardaí since 1998. The policing strategies for the area are predicated on the policy of reducing and preventing incidents of public order offending, the prevention of crimes of violence against persons and property and the maintenance of an environment where the quality of life of the residents can be assured and consolidated. These strategies are, and will continue to be, the core value in policing plans for the area for the future.

Additional supporting patrols are provided by divisional units and detective branch personnel. Garda management will continue to monitor and appraise the policing and administrative strategy employed in Marino with a view to ensuring an effective Garda service is maintained.

Child Care Services.

242. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding correspondence about the application by a person (details attached) for staffing grants; when a decision will be made; if there are problems in regard to the application; and if he will make a statement on the matter. [4098/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The equal opportunities child care programme provides grant assistance towards the staffing costs of community and not for profit based child care services which have a clear focus on disadvantage.

The group in question was awarded a staffing grant of €136,824, over three years in August

2000. In addition, it was awarded staffing continuation funding totalling €76,667, up to 31 August 2005. This amount was deemed sufficient to enable the group to maintain its service and meet the targets set.

Funding under the staffing measure of the programme is made available only to those projects which can demonstrate that they provide child care in areas of significant disadvantage and that they support disadvantaged parents to access employment, education or training. It is not intended that the programme will meet the full costs of running a service. The programme makes staffing grant assistance available for a few years, usually three, to enable projects to move towards self sustainability which would normally be achieved when the service is operating at capacity and with an appropriate fee structure.

In several services, the levels of disadvantage among parents are such that the families would be unable to pay economic fees and therefore those services are likely to require ongoing State support towards their staffing costs. My Department is reviewing the arrangements for the ongoing support of such services in very disadvantaged areas and plans to introduce new arrangements to support those services in cases where they will have received staffing grant assistance for three or more years, at any date prior to 31 August 2005. Information regarding the introduction of these new arrangements, which will be effective from 1 September 2005, will be forwarded to the group in question as soon as it is available. In the interim, it would be premature of me to comment further on future staffing grant assistance to this group.

Garda Deployment.

243. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the outcome of pilot schemes of the new rostering programmes in the gardaí; the position regarding same at present; and if he will make a statement on the matter. [4099/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An agreed pilot scheme was implemented in the cities of Cork, Limerick and Waterford between 20 March 2000 and 28 October 2002 in respect of those stations where the three relief system operates — shift system covering 24 hours. Consultation took place between Garda management and the Association of Garda Sergeants and Inspectors and the Garda Representative Association during the pilot roster.

Having consulted with both associations, the Commissioner introduced this roster on a permanent basis in Cork, Limerick and Waterford on 28 October 2002. The Garda authorities are examining the question of a pilot scheme in the Dublin Metropolitan Region. Under the new roster system, superintendents can determine the number of members required to meet demands at peak times. Other members can be detailed for

[Mr. McDowell.]
non-peak times on the early and night tours of duty.

Refugee Accommodation.

244. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the reason for choosing a premises (details supplied) in Dublin 1 as a refugee holding centre; the number of persons that can be accommodated in same; the further reason Broc House is not being used for the purpose purchased; and if he will make a statement on the matter. [4108/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 25 January 2005, I introduced new arrangements were introduced for the speedier processing of asylum applications by nationals of five states, Nigeria, Romania, Bulgaria, Croatia and South Africa. The new arrangements also provide for the speedier processing of deportation orders for those applicants who are found not to be in need of refugee protection and have no other protection or humanitarian needs. Dedicated accommodation centres will provide accommodation for applicants covered by the expedited arrangements. In order to facilitate the holding of interviews, hearings and so forth these dedicated accommodation centres will be located in central Dublin.

It had been intended that a reception centre in central Dublin would be used for this purpose but the reception and integration agency was forced to close it late last year because of maintenance problems. The situation has been further complicated by the unavailability since before Christmas of the main reception centre in Dublin due to a continuing outbreak of chicken pox. An alternative centre had to be sourced in the same general area and the agency entered into a contract for service with the proprietor of the premises mentioned in the question, which has a capacity of 110.

As I informed the Deputy last week, the expenditure which the Office of Public Works indicated in 2004 would have to be incurred in bringing Broc House up to regulatory standards would not be warranted.

Visa Applications.

245. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if a travel document will be issued to a person (details supplied) in Dublin 12; and his views on documentation submitted on this person's behalf to his Department and their prospects of obtaining an Albanian passport. [4184/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The documentation submitted to the Department conflicts with certain other information supplied independently to the Department by the authorities of the applicant's country of origin.

My Department has now written to the authorities in question, enclosing a copy of the information supplied by the applicant. I am not in a position to issue the document in question pending a resolution of this matter. The applicant does not have refugee status.

Registration of Title.

246. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if steps will be taken to expedite a section 49 application by a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [4185/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): This is an application under Section 49 namely, acquisition of title by virtue of long possession, of the Registration of Title Act 1964, which was lodged on 4 March 2004. Dealing Number D2004XS003669E refers.

Due to their complicated nature, applications under section 49, which require detailed examination as owners, can take some time to process. Accordingly, it is not possible to estimate a completion date at this stage. This application is receiving attention in the Land Registry.

Special Educational Needs.

247. **Mr. Deenihan** asked the Minister for Education and Science if she will sanction an additional special needs assistant for the autism unit at a school (details supplied) in County Kerry; and if she will make a statement on the matter. [4109/05]

Minister for Education and Science (Ms Hanafin): The special class for autism has the services of one classroom teacher and two special needs assistants to cater for six pupils. My Department is considering an application for an additional special needs assistant at the school and a decision will be conveyed to the school as quickly as possible.

Schools Building Projects.

248. **Mr. O'Connor** asked the Minister for Education and Science if she will report on plans to provide educational facilities in the new communities in Ballycullen and Fortunestown in Dublin 24; if her attention has been drawn to the fact that many families must bus their children to schools outside the area; the consultations she has had in the matter; and if she will make a statement on the matter. [4110/05]

Minister for Education and Science (Ms Hanafin): My Department meets regularly with the planning department of South Dublin County Council with a view to identifying the need for additional educational provision and reserving sites for schools, where required. Arising from this process, sites for primary school purposes have been reserved in the Ballycullen and Fortunestown areas.

A decision on the provision of any new schools in these areas will involve further consultations with the local authority regarding the likely time-scale for the delivery of proposed housing developments together with an ongoing assessment of the capacity of existing schools to meet anticipated demand.

With regard to Ballycullen specifically, a large scale building project for Ballycragh national school is progressing through the architectural planning process. This project will increase the school's capacity to 24 classrooms. I am satisfied that this measure will alleviate pressure for places in the area in the short to medium term.

249. **Mr. Kenny** asked the Minister for Education and Science the situation regarding further developments at a school (details supplied) in County Mayo; and if she will make a statement on the allocation of money which will be made available for these developments in 2005. [4111/05]

Minister for Education and Science (Ms Hanafin): The project to which the Deputy refers is listed for proceeding to tender and construction over the next 12 to 15 months. My Department's building unit held general information meetings for all schools due to go to tender and construction in the next 12 to 15 months to guide them through the process involved in moving projects to tender and construction.

These meetings took place on 31 January and 1 February in Tullamore and the school in question attended the meeting. My Department expects to be in contact with the school in the coming weeks about the delivery of this project. It is not possible to outline the allocation of money that will be made available to this project until the tendering process is complete.

250. **Ms O'Sullivan** asked the Minister for Education and Science if she has plans to establish a post primary school in the Laytown area of County Meath to cater for the expanding population in the area; and if she will make a statement on the matter. [4112/05]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, a new school planning model involving published area development plans is being piloted in five areas over the current school year. Laytown is included in the pilot scheme as part of an overall plan for the north Dublin, east Meath, south Louth area. The need for a new post-primary school in that area will be considered in this context.

The purpose of this new approach to school planning is to ensure that in future the provision of school infrastructure will be decided only after a transparent consultation process. Parents, trustees, sponsors of prospective new school and all interested parties from a locality will have the opportunity to have their voices heard in the process. Arising from this process, an individual plan will set out the blueprint for the future of edu-

cational provision in an area, which will be the basis on which all decisions about capital investment will be made for the next decade.

The draft plan for the north Dublin, east Meath and south Louth area is nearing completion in the school planning section of my Department and I hope to be in a position to publish it soon.

Schools Recognition.

251. **Ms O'Sullivan** asked the Minister for Education and Science if she has received an application for a new primary school in Laytown, County Meath; if she will make a decision in the near future on this application in view of the large number of children who live in the area and cannot be accommodated in the existing national school; and if she will make a statement on the matter. [4113/05]

Minister for Education and Science (Ms Hanafin): My Department has received an application for the recognition of a new primary school in Laytown, County Meath, for September 2005. As the Deputy may be aware, the new schools advisory committee, which was established in 2002, independently assesses and makes recommendations to me on all applications for the recognition of new primary schools. Decisions in respect of applications for the recognition of new schools with effect from the commencement of the 2005-06 school year will issue to applicants by the 15 April 2005.

Alcohol Abuse.

252. **Mr. McGuinness** asked the Minister for Education and Science, further to Parliamentary Question No. 38 of 28 October 2004, if the information requested is now available; and if she will make a statement on the matter. [4114/05]

Minister for Education and Science (Ms Hanafin): My Department will make direct contact with the Deputy shortly with the information requested.

Schools Building Projects.

253. **Mr. McGuinness** asked the Minister for Education and Science if her Department has examined the plans for a school extension submitted by this Deputy on behalf of a school (details supplied) in County Kilkenny; the way in which the school should proceed to progress its interest in the project; and if she will make a statement on the matter. [4115/05]

Minister for Education and Science (Ms Hanafin): The project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners. All available information was taken into consideration in the context of this assessment.

Progress on the project is being considered in the context of the school building programme. In

[Ms Hanafin.]

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 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.

Teachers' Remuneration.

254. **Mr. Ring** asked the Minister for Education and Science if teachers who have received back payments under the part-time legislation will move up a point on the pay scale. [4116/05]

Minister for Education and Science (Ms Hanafin): The issue of the reckoning of casual and non-casual teaching service for the purpose of incremental credit has been the subject of discussions at the teachers conciliation council. As no agreement has been reached the issue is now being referred for arbitration in accordance with the terms of the revised conciliation and arbitration scheme for teachers.

My Department is not in a position to award incremental credit for such service in second level schools pending the outcome of the arbitration hearing.

Psychological Service.

255. **Ms Enright** asked the Minister for Education and Science the number of psychologists employed by the National Educational Psychological Service; and if she will make a statement on the matter. [4308/05]

Minister for Education and Science (Ms Hanafin): The complement of the National Educational Psychological Service, NEPS, has increased from 43 psychologists — 30 in permanent full-time posts and 13 on secondment — on

the date of establishment to 128 in January 2005, plus two psychologists on career break and one on assignment to another section of the Department.

Recruitment of psychologists has, until recently, been undertaken by the Civil Service and Local Government Commissioners. The last Civil Service Commission panel of 69 psychologists has now been exhausted and arrangements for the recently established public appointments service to set up a new panel are at a preliminary stage. Further recruitment will depend on the availability of resources and must also take account of Government policy on public sector numbers.

256. **Ms Enright** asked the Minister for Education and Science the number of primary schools in each county in the State; the number of these schools in each county which are covered by the National Educational Psychological Service; and if she will make a statement on the matter. [4309/05]

Minister for Education and Science (Ms Hanafin): I attach the information requested by the Deputy as an Excel spread sheet. The schools listed as NEPS schools in the spreadsheet have NEPS psychologists directly assigned to them and have access to the full NEPS service.

All schools that do not currently have NEPS psychologists assigned to them may avail of the scheme for commissioning psychological assessments, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved by NEPS and NEPS will pay the psychologist the fees for this assessment directly. Details of this process, and the conditions that apply to the scheme, appear upon the Department's website.

NEPS provides assistance to all schools that suffer from critical incidents, regardless of whether they have a NEPS psychologist assigned to them. The Deputy should note the significant expansion in the number of NEPS psychologists in recent years. There are now 128 psychologists in NEPS, compared to just 43 in 1999.

With regard to in-school support for children with learning difficulties, it should be noted that the number of resource teachers has increased dramatically in recent years, from just 104 in 1997 to 2,600 in 2004. This is in addition to the expansion in the number of special needs assistants for children with disabilities.

County	Primary (not including special)		Primary (including Special)	
	NEPS schools	Total Schools	NEPS schools	Total Schools
Carlow	13	43	13	44
Cavan	40	78	40	79
Clare	33	118	33	120
Cork	207	357	208	371
Donegal	64	174	64	176
Dublin	333	418	343	473

County	Primary (not including special)		Primary (including Special)	
	NEPS schools	Total Schools	NEPS schools	Total Schools
Galway	184	235	184	239
Kerry	139	141	139	144
Kildare	38	95	39	99
Kilkenny	14	76	14	80
Laois	39	66	39	68
Leitrim	19	41	19	41
Limerick	16	142	18	148
Longford	10	39	10	40
Louth	39	70	40	73
Mayo	124	180	124	184
Meath	62	105	63	107
Monaghan	46	64	47	65
Offaly	45	66	45	67
Roscommon	38	95	38	96
Sligo	19	65	19	67
Tipperary NR	26	73	26	74
Tipperary SR	64	87	64	90
Waterford	32	73	33	77
Westmeath	26	74	26	77
Wexford	28	102	28	104
Wicklow	49	80	50	85
Total	1,747	3,157	1,766	3,288

Ministerial Transport.

257. **Mr. P. McGrath** asked the Minister for Defence the occasions between June 2002 and September 2004 on which the Government jet was used to carry the Minister for the Environment, Heritage and Local Government to conferences and trips abroad; the destination and duration of the trips; the number of persons carried on each occasion; and the total cost of each

of the trips, including personnel and accommodation costs. [4093/05]

Minister for Defence (Mr. O'Dea): The following table outlines the occasions on which the Minister for Environment, Heritage and Local Government availed of the ministerial air transport service between June 2002 and September 2004, the destination and duration of each trip and the number of persons carried on each occasion.

Date	Mission Details	Flying Time	Aircraft	Number of persons carried
30/05/02-01/06/02	Baldonnel-New York-Baldonnel	13 hours 5 minutes	Gulfstream IV	4
20/07/02	Billund(Denmark)-Cork-Dublin	2 hours 30 minutes	Gulfstream IV	2
20/10/02-21/10/02	Dublin-Rotterdam- Dublin	3 hours	Gulfstream IV	13
10/12/03	Baldonnel-Geneva-Milan	2 hours 55 minutes	Gulfstream IV	7
01/03/04	Baldonnel-Brussels	1 hour 30 minutes	Learjet 45	7
18/04/04	Baldonnel-Paris	1 hour 35 minutes	Gulfstream IV	10
27/06/04- 28/06/04	Baldonnel-Luxembourg-Baldonnel	3 hours 30 minutes	Learjet 45	7

The total flying cost of the Gulfstream IV is calculated as €5,550 per hour, which includes fuel, handling, maintenance, depreciation and personnel costs. The manufacturer's estimated direct hourly flying cost for the Learjet 45 is approximately €1,000 per hour — a more detailed costing is not yet available for this aircraft, which came into service in January 2004.

The personnel and accommodation costs incurred by the Minister and his travelling party are a matter for the Minister's own Department. Where Air Corps personnel are required to over-

night as part of a mission, they are reimbursed for accommodation and subsistence at standard Defence Forces rates.

Planning Issues.

258. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the claim of An Taisce that Kerry County Council has overstepped its remit in drawing up a list of serial objectors to one-off rural housing planning applications; and if he will make a statement on the matter. [3985/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has not been approached either by An Taisce or Kerry County Council about the compilation of a list of serial objectors nor does planning legislation envisage or accord any status to such a list. Kerry County Council has recently sent me a copy of a council resolution seeking an increase to €250 in the fee for making a planning objection for anyone from outside the local electoral area in which a development is proposed to take place. I intend to reply to this correspondence shortly.

Litter Pollution.

259. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself that the 140% increase in expenditure on street cleansing from €25 million in 1997 to €60 million in 2001 has realised a commensurate improvement in street cleanliness. [3989/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): It is a matter for each local authority to determine the level of expenditure on individual local services, including its cleansing and anti-litter operations, as part of its annual estimates process. It is important, however, that local authorities provide an adequate level of funding for their street cleansing and litter warden services. In this regard, three national anti-litter initiatives — the An Taisce led project, national spring clean, the Irish business against litter, IBAL, national litter league, and the national litter pollution monitoring system — confirm that local authorities are taking more extensive, rigorous and targeted action to tackle litter pollution and are also raising public participation in local awareness and clean-up actions. I am pleased to note that these initiatives show that national litter pollution levels generally are falling.

Primary responsibility for developing and implementing responses to the litter problem rests appropriately with local authorities. Since the introduction of the Litter Pollution Act 1997, local authority performance on enforcement of the litter laws has improved significantly, with more litter wardens employed and substantial increases in the number of prosecutions taken and on-the-spot fines issued.

Environmental Pollution.

260. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the report by PharmaChemical Ireland which claims that in the pharmaceutical and chemical sector carbon dioxide emissions were reduced by 12%, overall polluting potential of discharged waste waters decreased by 42% and hazardous waste production was reduced by 13%; and if he will make a statement on the matter. [3991/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I recently received a copy of the PharmaChemical Ireland report, responsible care Ireland annual report, 2004, and I welcome and encourage the efforts of the industrial sector concerned towards improving environmental performance. I am currently considering the detail of the report.

Water Quality.

261. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he has received deputations from businesses which will be financially penalised by new charges on dumping of waste water; his views on whether such charges will ultimately be borne by consumers through higher charges; and if he will make a statement on the matter. [3994/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have not received a request from the business sector to meet a deputation specifically about charges for water services. The Government's water services pricing policy framework requires local authorities to recover the cost of providing water services from the users of these services, other than households using water services for domestic purposes. In line with Government policy and EU requirements on the application of the polluter pays principle to water services, local authorities are required to recover from all non-domestic customers the average operational costs and the marginal capital costs of providing such users with water and waste water services.

The operational charge by a local authority for the provision of such services to non-domestic users under the water pricing policy framework is based on the actual cost of providing the service. The capital contribution required of non-domestic users towards the cost of new or additional water treatment capacity is on a concessionary basis related to the marginal cost of providing the additional capacity. I consider that the basis on which these charges are calculated is reasonable.

Waste Management.

262. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the Environmental Protection Agency's discussion paper on centralised anaerobic digestion released on 2 February 2005; and if he will make a statement on the matter. [3995/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has only recently received a copy of the Environmental Protection Agency's discussion paper Anaerobic Digestion: Benefits for Waste Management, Agriculture, Energy and the Environment and is at present examining the paper.

Nuclear Plants.

263. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if and when his Department intends to draw up a risk analysis of the world's nuclear plants to assess the plants which pose the greatest risk to Ireland; and if he will make a statement on the matter. [4001/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not propose at present to draw up a risk analysis of nuclear power plants world-wide.

There are various international bodies which work to ensure that nuclear power plants throughout the world comply with strict safety standards. These bodies include the International Atomic Energy Agency, IAEA, the Nuclear Energy Agency, NEA, and the European Union, EU. The operation of a nuclear power plant is regulated by the national competent authority of the country on whose territory the plant is located. It is regulated in accordance with safety standards laid down by the competent authority and having regard also to international safety standard requirements, notably those of the IAEA which are regularly updated.

In addition, in the context of the recent enlargement of the EU, particular requirements in regard to nuclear safety were imposed on those acceding countries with nuclear installations. These requirements followed a review by an EU working party on nuclear safety, made up of technical experts from the EU national regulatory authorities which included the Radiological Protection Institute of Ireland, RPII, of the safety standards applied in the accession countries. The relevant accession countries were required, where deemed necessary, to upgrade safety standards in their nuclear power plants to western European standards, or, where this is not possible, to close down the plants.

The Convention on Nuclear Safety, adopted under the aegis of the IAEA, establishes a legal obligation on the part of the contracting parties to the convention to apply certain general safety principles to nuclear power plants under their jurisdiction. The parties to the convention are also required to submit a report to the IAEA every three years on the steps they are taking to implement the obligations of the convention. These national reports are discussed and reviewed at a peer review meeting of the contracting parties convened every three years by the IAEA. This peer review process allows each party the opportunity to discuss and question, as appropriate, the national reports submitted by the other parties. Ireland will be participating in the next peer review meeting which will take place in April 2005.

Given their proximity to Ireland, the nuclear facilities in the UK, notably the Sellafield plant and also the power generating plant at Wylfa in North Wales, would pose the most immediate threat to Ireland in the event of a major accident

or incident having the potential for a major release of radioactivity affecting Ireland. There are regular contacts at ministerial level between Ireland and the UK, particularly regarding Sellafield, which the Irish Government regards as posing the greatest risk because of the multiplicity of operations carried on there. In addition, there are regular contacts at official level with the UK involving my Department and the RPII.

As the House will be aware, Ireland has in place a national emergency plan for nuclear accidents designed to ensure an effective and swift response to any such accident or incident at a nuclear installation abroad. Ireland also has in place a formal bilateral agreement with the UK in regard to early notification and exchange of information in the event of a major nuclear accident or radiological emergency occurring in either country. There are also internationally managed early warning notification systems in place whereby, through the IAEA and the EU Commission as appropriate, states are notified promptly of a major accident or incident.

Ireland regularly participates in meetings held by relevant international organisations such as the IAEA, the NEA and the EU in order to be informed of developments in nuclear safety and security and to influence developments in those areas. Overall, therefore, given the measures in place both at national and international level for regulating and overseeing safety in nuclear power plants, it would not be my Department's intention to carry out a risk analysis of nuclear facilities worldwide.

Waste Management.

264. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if the waste infrastructure capital grant scheme will be made available to the private sector. [4002/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): When the capital grants scheme was launched it was intended that it be made available to both public and private sector applicants. The latter, however, was conditional on obtaining the necessary state aid approval from the European Commission. As it transpired, the state aid approval given was of a limited nature. In the interim, however, the industry's scale increased very significantly over a short period of time, a marked process of consolidation became evident and some of the projects for which grant applications had been submitted proceeded in any case.

It became clear, therefore, that a grant scheme for private companies would be more likely to distort competition in the sector or to impact on enhancing acquisition values in the context of industry consolidation, than to have a significant effect on the provision of recycling and recovery infrastructure. On foot of this, my predecessor decided that it would be more effective to redeploy the funding in question to other related

[Mr. Roche.] initiatives and in particular towards greater enforcement of waste legislation. The latter measure had been strongly advocated by the industry, to address the problem of unfair competition from contractors operating outside the law. I have no plans to reverse this decision.

265. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on whether an increase in the purchase of so called flat pack furniture may lead to an increased packaging waste stream; and if he will make a statement on the matter. [4004/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): European Parliament and Council Directive 94/62/EC on packaging and packaging waste 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 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 42% in that year, up from 33% in 2002. The placing on the market of any product, including flat pack furniture, will inevitably contribute to waste generation both in terms of the product itself at the end of its useful life and the packaging associated with the containment, transport, handling, protection, promotion, marketing and/or sale of the product concerned. The normal producer

responsibility obligations described above apply to all producers obligated under the packaging regulations, including any new entrants to the Irish market.

Archaeological Site.

266. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he attended meetings with the Orange Order concerning the historical significance of the Battle of Aughrim site in County Galway which is the proposed location of the M6; and if he will make a statement on the matter. [4014/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have not attended such meetings regarding the Aughrim battle site. The development of motorway schemes is a matter for the NRA and the local authority concerned and I understand an application for approval of the M6 scheme is currently before An Bord Pleanála.

Regional Authorities.

267. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the nature of his Department's contact with regional authorities; his views on whether the structure of these authorities is working well and offering value for money; and if he will make a statement on the matter. [4016/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is in regular contact, at both designated local authority manager and director levels, with regional authorities in relation to their role in the co-ordination of public services at regional level. The preparation of regional planning guidelines under the national spatial strategy has also involved close and ongoing contact by my Department with all of the regional authorities.

My Department was represented, along with other relevant interests, on the steering committees chaired by the regional authorities which oversaw the preparation of the regional planning guidelines. This close co-operation will continue as the regional planning guidelines are implemented over the coming years. As part of this process, officials of my Department meet regularly with a national committee which comprises the directors of the regional authorities along with the designated local authority managers for each region. Before drafting the guidelines, the authorities, in line with guidance issued by my Department, prepared regional strategies for the economic, social and cultural development of their regions as a whole, which inter alia informed the regional planning guidelines process.

My Department also facilitated the establishment of an Irish Regions Office in Brussels and provides assistance and support to the members of the Irish delegation to the committee of the regions who are also members of the regional

authorities. Regional authorities play a role as regional partners in support of the implementation of development programmes funded by European Structural Funds. The regional authorities are assisted in this and other functions by senior officers of the local authorities and State agencies in their regions and representatives of Government Departments.

In light of the important contribution of the regional authorities to regional development in Ireland, I have no proposals to amend their structure.

Question No. 268 answered with Question No. 78.

Environmental Policy.

269. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the action he intends to take to promote a green purchasing policy on foot of the publication of the EU handbook on environmental public procurement; and if he will make a statement on the matter. [4041/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The EU handbook on environmental public procurement was published in October 2004 by the European Commission and has the aim of explaining to public purchasers how to integrate environmental considerations into their purchasing practices for goods and services.

The Department of Finance has responsibility for public procurement policy. The website *www.etenders.gov.ie*, maintained by the national public procurement policy unit of the Department of Finance, contains comprehensive guidance on all aspects of public procurement including the EU handbook and other guidance and clarification for public bodies on how environmental considerations may be taken into account and promoted in public procurement. The Department of Finance has indicated that the etenders website is to be the principal means of disseminating procurement guidance.

My Department actively promotes green procurement in a number of ways by adopting green procurement specifications for goods and services purchased for use by the Department itself and reporting on this in our annual report and on our website; encouraging and facilitating the Government Supplies Agency to include a range of environmentally preferable products in their supply contracts for Government Departments and hosting green trade fairs for procurement officers from across the public service. The second such fair is scheduled for the end of this month, to coincide with the publication of a green procurement specifications booklet by my Department. The booklet will outline basic environmental criteria for a number of office products and services by participating in a tender for the supply of green electricity as part of a contract being organised by the Department of Finance.

In communications with local authorities on procurement, my Department provides advice and information regarding the inclusion of environmental criteria in the award of contracts. Furthermore, the national construction and demolition waste council, the national waste prevention committee and the market development group will be considering issues relating to the advancement of green procurement.

EU Directives.

270. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the guidelines for regional and planning authorities on strategic environmental assessment submitted by Comhar; and if he will make a statement on the matter. [4048/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): On 26 November 2004, I published planning guidelines for regional and planning authorities on implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment — commonly known as the “SEA directive”. A copy of the guidelines has been placed in the Oireachtas Library.

The guidelines were finalised following a public consultation process which involved consideration of 26 submissions, including a submission from Comhar.

Waste Management.

271. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the progress to date on the cross-Border waste awareness campaign; and if he will make a statement on the matter. [4051/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The cross-Border waste awareness campaign referred to was launched on 14 September 2004 and was completed in December 2004. The cost of the campaign was €3.2 million of which 75% was provided from EU structural funds under priority 2, measure 2 of the INTERREG IIIA programme administered through the special European Union programmes body.

The project was designed to support the implementation of the Waste Management Strategy for Northern Ireland, 2000, and my Department's Changing Our Ways, 1998, and Preventing and Recycling Waste: Delivering Change, 2002, policy statements. These strategies are intended to achieve fully sustainable waste management. The funding enabled an all-island waste awareness campaign to be conducted that focussed primarily on the cross-Border regions.

It is recognised that raising awareness is central to achieving fully sustainable waste management and both North and South have initiated innovative branded marketing campaigns “Wake up to Waste” and “Race Against Waste” to support the implementation of their policies and waste man-

[Mr. Roche.]
agement plans. Both campaigns have been successful in raising awareness of the need to reduce waste and have identified the willingness of individuals to participate in waste reduction and recycling measures. The INTERREG campaign complemented and gave additionality to these campaigns.

The main objective of the campaign was to reduce the volume of waste going to landfill and increase the recycling of waste materials in the cross-Border area. The approach taken incorporated the following elements: a TV advertising campaign, incorporating a common advert for both jurisdictions; radio advertising on local stations, North and South; weekly and trade press to reinforce messages across the island with targeting of publications in the border areas; development of a dedicated website highlighting the innovative cross-border activities under the INTERREG banner with links pages to Wake up to Waste and Race Against Waste websites; production of fridge magnets for distribution by local authorities to reinforce the messages transmitted through other media and extend their impact beyond the life of the campaign; e-marketing through advertising on selected web sites; cinema advertisements; advertisements displayed on buses and billboards displayed in supermarkets and shopping centres; high profile public launch of the campaign in the Border area; a cross-Border workshop event on 8 November which brought together consumers, businesses and the community to identify networking opportunities during the media campaign and research and tracking to measure outcomes and provide infor-

mation on activity and behaviour in the cross-Border area.

An evaluation of the campaign outcomes is currently in progress.

Ministerial Responsibilities.

272. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the number of times he has met the County and City Managers Association; the topics which were discussed; and if he will make a statement on the matter. [4052/05]

273. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the number of times he has met with the General Council of County Councils; the topics which were discussed; and if he will make a statement on the matter. [4054/05]

274. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the number of times he has met with LAMA; the topics which were discussed; and if he will make a statement on the matter. [4055/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to answer Questions Nos. 272, 273 and 274 together.

Since coming into office I have had a number of meetings with representatives of local government organisations — the General Council of County Councils, GCCC, Local Authority Members Association, LAMA, Association of Municipal Authorities of Ireland, AMAI, and the City and County Managers' Association, CCMA.

Details of those meetings are contained in the following table.

Date	Organisation	Topics Discussed
12 November 2004	LAMA	Addressed the Annual Conference in Dundalk, Co. Louth
10 December 2004	GCCC, AMAI, LAMA	Met with Cathaoirleach/ Chair /President and members of executives at annual Christmas lunch for local authority associations.
19 January 2005	GCCC	Introductory meeting with the executive of the GCCC. Discussion covered a range of matters of concern to local government, including local authority housing programmes, local authority funding, rural housing and planning guidelines, waste management, retail planning guidelines, the quality of local authority service delivery, costs associated with translation of documents into Irish and the release of volunteer local authority personnel to work in disaster struck areas damaged by the recent tsunami.
31 January 2005	AMAI	Meeting with delegation. Topics discussed included town council representation on County/ City Development Boards (CDBs), the review of local government financing; Municipal Policy Committees (MPCs); representational payments for town councillors and town local government.
6 December 2004	CCMA	In conjunction with the Management Advisory Committee of my Department, I met with the Chairman of the CCMA, and the Chairs of the CCMA Sub-Committees, and had a broad-ranging discussion covering a number of housing, planning, waste management, local government, financing and service delivery issues.

In addition, I have accepted invitations to address the AMAI spring seminar in February and the annual conference of the GCCC in March. I have arranged to meet with a delegation from LAMA in March prior to my addressing their 25th anni-

versary conference later that month. I will also be meeting again with the executive of GCCC in the near future. I consider it very important to meet with all their representative associations on a regular basis in order to maintain an up to date

exchange of ideas on matters concerning local government.

Question No. 275 answered with Question No. 73.

Planning Issues.

276. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if all outstanding documentation concerning the introduction of the rural planning guidelines has been furnished to local authorities; the number of local authorities which have amended their development plan to implement the new guidelines; and if he will make a statement on the matter. [4126/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In March 2004 guidelines for planning authorities on sustainable rural housing were published in draft form for public consultation to give all those interested an opportunity to comment before the guidelines are finalised. I expect to be in a position to issue the guidelines in final statutory form shortly.

On the publication of the draft guidelines planning authorities and An Bord Pleanála were urged to put the measures necessary to implement the guidelines in place immediately in respect of their development plans and in the processing of relevant planning applications. My Department does not have detailed information on the steps taken by planning authorities to amend their development plans to implement the draft guidelines. When issued in their final form, the guidelines will constitute statutory ministerial planning guidelines under section 28 of the Planning and Development Act 2000, to which planning authorities and An Bord Pleanála will be required to have regard in exercising their planning functions.

Water and Sewerage Schemes.

277. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position regarding a proposed new sewerage scheme (details supplied); if funding has been provided; the timescale for the commencement of the scheme; and if he will make a statement on the matter. [4203/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A sewerage scheme to serve the Curragh, Brownstown, Cutbush and Suncroft areas of County Kildare has been approved for construction in my Department's water services investment programme 2004 to 2006 at an estimated cost of €8.2 million. The scheme is being funded jointly by my Department and by the Department of Defence.

My Department conveyed approval to Kildare County Council's tender recommendations in respect of the scheme in July 2004 and it is matter for the council to arrange with the appointed contractors for the carrying out of the works.

Architectural Heritage.

278. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which representations, discussions or negotiations have been made or received with reference to the possible preservation or restoration of Donadea Castle and ancillary buildings, having regard to their historical significance. [4287/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Donadea Castle and its associated buildings are an integral part of Donadea Forest Park, which is owned and managed by Coillte Teoranta. Any development proposals in respect of the property would, in the first instance, be a matter for that organisation. My Department has not been approached by Coillte Teoranta regarding the possible restoration of the castle.

Water and Sewerage Schemes.

279. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if any procedures have been put in place to entirely eliminate the escape of methane gas at Main Street, Leixlip, County Kildare; and if he will make a statement on the matter. [4288/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The lower Liffey valley sewerage scheme is included in my Department's water services investment programme 2004 to 2006 to commence construction this year. The scheme, under which the waste water collection systems in Leixlip, Kilcock, Straffan, Celbridge and Maynooth will be upgraded and improved, also includes measures to eliminate odours from the existing collection system in Leixlip's main street.

Contract documents for the scheme, which were received in my Department from Kildare County Council this week, are under examination and will be dealt with as quickly as possible.

Waste Management.

280. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the projected waste management disposal requirements for the future; the extent to which it is expected to meet these requirements; and if he will make a statement on the matter. [4289/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Waste management infrastructure requirements in each region are identified in regional waste management plans by the relevant local authority or group of local authorities. These plans are under review at present and I expect that they will identify the range of waste management infrastructure required to deliver an integrated waste management strategy maximising the reuse, recycling and recovery options and dealing with residual waste

[Mr. Roche.]
in the most environmentally sustainable way possible.

Local authorities are responsible for delivering on the requirements identified in their plans, whether through direct provision, public private partnerships or through co-operation with private sector operators. Where local authorities identify infrastructure needs in their waste management plans, that must be seen as a real commitment to ensuring that need is addressed, and in a timely fashion. I will expect regions to report on progress in meeting the needs identified in their plans and to maintain the current momentum in addressing existing deficits and developing a truly integrated, well-managed and well-regulated set of waste management facilities.

Road Network.

281. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has received any submissions from Kildare County Council in regard to improvement, realignment or replacement of Cope Bridge, Confehy, Leixlip, County Kildare; and if he will make a statement on the matter. [4291/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The improvement and realignment of non-national roads and bridges in County Kildare is a matter for Kildare County Council to be funded from its own resources supplemented by State grants.

In 2004, my Department sought applications from road authorities for funding under the 2005 EU co-financed specific improvements grant scheme. Kildare County Council submitted a number of applications but these did not include an application for funding for Cope Bridge.

282. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which negotiations have been entered into or completed with Kildare County Council with regard to road and bridge realignments at Bond Bridge, Maynooth, County Kildare; if these plans will reach fruition in the near future; and if he will make a statement on the matter. [4292/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The improvement and realignment of non-national roads and bridges in County Kildare is a matter for Kildare County Council to be funded from its own resources supplemented by State grants.

In 2004, my Department sought applications from road authorities for funding under the 2005 EU co-financed specific improvements grant scheme. Kildare County Council submitted a number of applications but these did not include an application for funding for Bond Bridge.

Greenhouse Gas Emissions.

283. **Mr. Durkan** asked the Minister for the

Environment, Heritage and Local Government the extent to which Ireland's commitment to the Kyoto Protocol has been achieved; his plans for the future in this regard; and if he will make a statement on the matter. [4293/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As part of the overall EU commitment to reduce greenhouse gas emissions by 8% during the Kyoto Protocol period 2008-12, Ireland is committed to limiting emissions to 13% above 1990 levels. Greenhouse gas emissions figures from the Environmental Protection Agency show emissions in 2003 at approximately 25% above 1990 levels, down from approximately 29% in 2002 and 31% in 2001. These figures show that significant progress is being made towards the 13% target.

Work is currently in progress in my Department on a review of the national climate change strategy, taking account of developments since its publication four years ago. I intend that this review will be completed early this year.

Waste Disposal.

284. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of locations throughout the country in respect of which illegal dumping is suspected or detected; and if he will make a statement on the matter. [4294/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested is not available in my Department. The enforcement of the waste code is a matter for each individual local authority and the Office of Environmental Enforcement. The office has consolidated environmental enforcement activity through the establishment of a national enforcement network. The initial focus of the network is on dealing with unauthorised waste activity. In this regard, the office has commissioned a study on unauthorised waste activities that is due to be completed in mid-2005. This will include, *inter alia*, establishing as completely as possible the extent and location of such unauthorised waste activities, reviewing current procedures and developing improved guidance for investigation of unauthorised activities.

Water and Sewerage Schemes.

285. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the current daily domestic household water requirement; the requirements for industry; the maximum storage space and time available; and if he will make a statement on the matter. [4296/05]

292. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself regarding the adequacy of domestic water treatment, storage and supply in the future for County Kildare; his plans in this

regard; and if he will make a statement on the matter. [4303/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 285 and 292 together.

Average domestic water consumption in Ireland is estimated at 250 litres per person per day. The requirements for industry will vary due to the nature of the industry. To meet anticipated demand for water for domestic and non-domestic consumption, the national development plan provides for investment of €4.4 billion in water services infrastructure up to the end of 2006. Substantial increases in water treatment and storage capacity are being achieved as a result of this increased investment. Schemes completed since 1997 have produced additional drinking water treatment capacity equivalent to the needs of a population of 985,000. The increase in storage capacity over the same period was sufficient to meet the requirements of a population of 1,575,000.

In support of the water services activities of local authorities, my Department coordinates and finances a major programme of investment in improved infrastructure, active leakage control, telemetry and rehabilitation of water mains. Details of approved proposals for further new and upgraded public water supply schemes for Kildare and other areas are set out in my Department's water services investment programme for 2004-06, which is available in the Oireachtas Library. This programme is largely derived from assessments of needs undertaken every five years by local authorities, at my Department's request, as an input to the overall strategy for meeting additional water supply requirements. The most recent assessment was carried out in 2003.

The planning and resources are in place to ensure that the national water supply infrastructure can cater adequately for current and forecast requirements.

Local Authority Housing.

286. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of local authority houses provided directly by each of the local authorities in each of the past five years; and if he will make a statement on the matter. [4297/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Detailed information on the number of local authority houses completed/acquired by individual local authorities for 2000-03 is published in my Department's annual housing statistics bulletins, copies of which are available in the Oireachtas Library. The information for 2004 is being finalised at present and will be published shortly.

Election Management System.

287. **Mr. Durkan** asked the Minister for the

Environment, Heritage and Local Government the total all in costs to date of the electronic voting system, including training, promotion, marketing, public relations, research, technology or any other cost associated with the procedure or likely to become a cost in the future; and if he will make a statement on the matter. [4298/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The total cost to date of the electronic voting and counting project is €51.6 million. Apart from annual storage costs, details of which are given in the reply to Question No. 93 on today's Order Paper, it is not possible at this stage to quantify additional costs that may arise for the electronic system. Such costs are likely to be small relative to the capital investment already made.

Question No. 288 answered with Question No. 99.

Local Authority Housing.

289. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the total acreage of land held by the various local authorities throughout the country; the number of houses provided on such lands in the past five years; the amount of any such lands disposed of and the purpose for which in the same period; and if he will make a statement on the matter. [4300/05]

290. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which local authorities have augmented their land bank, with particular reference to future housing needs; and if he will make a statement on the matter. [4301/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 289 and 290 together.

Details of the total acreage of land held by local authorities are not available in the precise form requested. Data on zoned land owned by each local authority as at June 2004 were sought by them as part of the national inventory of zoned residential land survey. While the overall results of this survey were published this week, the remaining data have not yet been fully collated or verified. These data will be provided to the Deputy when available but it will only provide a picture at one point in time.

Broader data on total land holding by local authorities will be reflected in the local authority accounting system under the accruals accounting basis. Details are not yet available as returns, containing the value of both zoned and un-zoned lands held by the local authorities at 31 December 2004, are currently being submitted to the Department. Details of disposal of lands and the purpose of disposals are matters for the local authorities concerned.

[Mr. N. Ahern.]

Many local authorities have incurred borrowing in recent years to build up their land banks for social and affordable housing purposes. In total, €438 million has been borrowed between 2000 and 2004 from the Housing Finance Agency for this purpose. With the passing of the Planning and Development Act 2000, as amended, local authorities have the option of acquiring land or sites from developers to meet these needs.

Full information on social and affordable housing provision is available in the statistical bulletins on the Department's website and the Oireachtas Library. Output under schemes, which would be specifically built on land acquired by local authorities, is set out in the following table.

	Local authority Social housing units new build	Local authority affordable housing units under 1999 Scheme
1999	2,909	40
2000	2,204	86
2001	3,622	272
2002	4,403	882
2003	4,516	1,524

The figures would not include full provision of social and affordable housing by the local authorities as other measures, most particularly acquisitions including turnkey projects and lettings of existing stock, form an important element of their response to social housing need.

Air Quality.

291. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of air pollution monitoring points located throughout County Kildare; the extent to which modern technology is being used; if readings have given any information of interest to his Department; and if he will make a statement on the matter. [4302/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): Air quality assessment is the responsibility of the Environmental Protection Agency and air quality management a matter for local authorities informed by air quality measurement data. The extent of local air quality monitoring and the adequacy of monitoring equipment is a matter for the relevant local authority in the first instance and in consultation with the agency in the overall national context.

The Environmental Protection Agency Act (Ambient Air Quality Assessment and Management) Regulations 1999 designate the EPA as the competent body for assessing air quality in Ireland. This includes responsibility for ensuring, or causing to be ensured, that air quality monitoring equipment is accurate, and checking, or causing to be checked, the maintenance of equipment accuracy, in particular by internal quality controls carried out in accordance with

the requirements of European quality assurance standards, the analysis of assessment methods and co-ordination within the State of Community-wide quality assurance programmes organised by the Commission of the European Communities.

The 2002 air quality monitoring annual report published by the Environmental Protection Agency contains details of the monitoring and assessment of national air quality, including details for County Kildare. A copy of the report is available in the Oireachtas Library, as is Kildare County Council's annual report on ambient air quality for 2003-04.

Neither Kildare County Council nor the EPA has drawn my attention to any particular issue in regard to air quality in County Kildare on the basis of the most recent data available to these bodies.

Question No. 292 answered with Question No. 285.

Road Network.

293. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he intends to make a decision on the application submitted to him from the roads authority for the carrying out of a programme of archaeological works and mitigation measures in regard to the proposed route of the M3 through the Tara/Skryne valley; if his attention has been drawn to the serious concerns expressed by archaeological experts at the implications of the proposed route; and if he will make a statement on the matter. [4091/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An Bord Pleanála, which has an independent statutory mandate, is responsible under the Roads Act 1993 for the approval of motorway schemes following an assessment of the environmental impact of the proposal. In the case of the M3 motorway, the process involved a detailed environmental impact assessment, in which archaeological considerations and other factors were extensively addressed, and a lengthy public oral hearing, which was conducted by the board. Following this process the motorway scheme, including the route of the proposed M3, was approved by An Bord Pleanála in August 2003.

Under the National Monuments (Amendment) Act 2004, once a motorway scheme has been approved by An Bord Pleanála, any associated archaeological works that are to be undertaken in connection with the approved road must be carried out in accordance with directions issued by the Minister for the Environment, Heritage and Local Government, following consultation with the director of the National Museum of Ireland. This procedure is designed to ensure that appropriate standards apply to the carrying out of archaeological works in connection with an approved road development.

In the case of the M3 motorway, an application for the carrying out of a programme of archaeological works and mitigation measures on a portion of the route has been made by the road authority to my Department and is at present being considered. I have seen much media coverage and received various representations in regard to this scheme. These offer a variety of views from a range of parties, both on archaeological issues and the need for the scheme to proceed. However, as I have indicated, the statutory role of the Minister relates solely to the regulation of the archaeological works associated with the proposed development.

In determining the matter, I will receive advice from the archaeological staff of my Department and I will also, in accordance with the Act, consult with the director of the National Museum of Ireland before directions are issued. I intend that a decision on the matter will be made as soon as possible.

National Development Plan.

294. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the serious concern expressed by the Institute of Engineers of Ireland regarding the failure to meet targets set out in the national development plan, particularly in regard to housing and waste management; the steps he proposes to take to deal with these delays; if he will act on the institute's recommendation for the creation of a national waste management agency; and if he will make a statement on the matter. [4092/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am satisfied, having regard in particular to the mid-term review of the national development plan overseen by the Economic and Social Research Institute, in cooperation with a number of consultancy firms, that progress on the various NDP programmes and measures falling within the remit of my Department has been generally satisfactory. I am determined that we will continue to make progress on achieving our targets for the remainder of the programme and I am committed to maintaining a high level of activity around those measures which are the responsibility of my Department.

In including housing as a major area of activity under the national development plan, the Government demonstrated its commitment to increasing support for social and affordable housing programmes. Since the plan's inception in 2000 the needs of almost 60,000 households have been met under the range of social and affordable housing programmes. Between 2000 and the end of 2004 provisional out-turn figures show investment under the housing aspect of the NDP is 10% ahead of forecast.

While output levels for social housing by the local authority and voluntary sector have been less than envisaged in the NDP targets, record

levels of completions have been achieved over the period of the plan. The shortfall in achieving output targets can for the main part be attributed to higher than anticipated construction costs. This factor has been acknowledged in external evaluations of the programmes, which also indicate that the expenditure on social housing was making positive impacts in terms of tackling poverty and social exclusion.

The Government's decision to introduce multi-annual capital investment programmes provides an important opportunity to ensure a structured basis for the planning and delivery of all social and affordable housing programmes. Through five year action plans for social and affordable housing developed by local authorities, resources will be used to best effect. The plans will be used to maximise output and value for money and ensure that priority is given to those most in need. Overall, the priority is to ensure that housing is delivered in a manner which breaks cycles of dependency and disadvantage.

On waste management, the last six months of 2004 have seen significant progress both on local authority recycling and recovery and disposal infrastructure. In terms of grant assistance, my Department has made some €50 million available to date for over 90 projects.

I do not consider it opportune at this time to create a national waste management agency to promote waste infrastructure, as recommended in the report; a more urgent issue at present may be to advance arrangements for the improved economic regulation of waste infrastructure.

On the regionalisation of waste management planning, the rationale is to ensure local authorities assume greater responsibility for dealing with waste in their functional areas, including working in collaboration with neighbouring authorities and giving consideration to the role of the private sector. My Department has asked local authorities to ensure there is effective engagement with the private waste industry in the context of review of the waste management plans.

The report recommends making the waste infrastructure capital grants scheme available to the private sector. When the capital grants scheme was launched it was intended that it be made available to both public and private sector applicants. The latter, however, was conditional on obtaining the necessary state aid approval from the European Commission. As it transpired, the state aid given was of a limited nature. In the interim, however, the industry's scale increased very significantly over a short period of time, a marked process of consolidation became evident and some of the projects for which grant applications had been submitted proceeded in any case.

It became clear, therefore, that a grant scheme for private companies would be more likely to distort competition in the sector or to impact on enhancing acquisition values in the context of industry consolidation than to have a significant

[Mr. Roche.]
effect on the provision of recycling and recovery infrastructure. On foot of this my predecessor decided that it would be more effective to redeploy the funding in question to other related initiatives and in particular towards greater enforcement of waste legislation. The latter measure had been strongly advocated by the

industry, to address the problem of unfair competition from contractors operating outside the law.

Good progress is being made on the measures under the national development plan which come within the remit of my Department. I accept, however, that we must constantly renew our efforts to maximise the opportunities for economic and social progress under the plan.