



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Tuesday, 15 February 2005.*

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# DÁIL ÉIREANN

—  
*Dé Máirt, 15 Feabhra 2005.*  
*Tuesday, 15 February 2005.*  
 —

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

—  
*Paidir.*  
*Prayer.*  
 —

## Ceisteanna — Questions.

### Northern Ireland Issues.

1. **Mr. Kenny** asked the Taoiseach if he will report on recent developments in the Northern Ireland peace process; and if he will make a statement on the matter. [34087/04]

2. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [34088/04]

3. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the British Government; and if he will make a statement on the matter. [34089/04]

4. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with a delegation from Sinn Féin on 13 December 2004. [34247/04]

5. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with a delegation from the SDLP on 14 December 2004. [34248/04]

6. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his telephone contact with the leader of the DUP, Dr. Ian Paisley, on 13 December 2004. [34249/04]

7. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his contacts with the political parties in Northern Ireland since 15 December 2004. [34250/04]

8. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his contacts with the British Prime Minister since 15 December 2004. [34251/04]

9. **Mr. Rabbitte** asked the Taoiseach his assessment, based on his contacts with the British Prime Minister and the political parties in Northern Ireland, of advancing the political situa-

tion in Northern Ireland; and if he will make a statement on the matter. [34252/04]

10. **Mr. Rabbitte** asked the Taoiseach if he has plans for a new initiative to advance the political situation in Northern Ireland; and if he will make a statement on the matter. [34253/04]

11. **Mr. Rabbitte** asked the Taoiseach his views on the implications for the situation in Northern Ireland of the statement by the Chief Constable of the PSNI, Mr. Hugh Orde, that the IRA was responsible for the pre-Christmas 2004 robbery of the Northern Bank in which more than £26 million was taken; and if he will make a statement on the matter. [34601/04]

12. **Mr. Rabbitte** asked the Taoiseach if he has discussed with the British Prime Minister the implications of the statement by the Chief Constable of the PSNI, Mr. Hugh Orde, that the IRA was responsible for the pre-Christmas 2004 robbery of the Northern Bank in which more than £26 million was taken; and if he will make a statement on the matter. [34602/04]

13. **Mr. Rabbitte** asked the Taoiseach if he has raised with representatives of Sinn Féin the implications of the statement by the Chief Constable of the PSNI, Mr. Hugh Orde, that the IRA was responsible for the pre-Christmas 2004 robbery of the Northern Bank in which more than £26 million was taken; the response he has received from Sinn Féin representatives; and if he will make a statement on the matter. [34603/04]

14. **Mr. Sargent** asked the Taoiseach if he will report on recent developments in the Northern Ireland peace process; and if he will make a statement on the matter. [34611/04]

15. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his participation in the peace process since 17 December 2004; and if he will make a statement on the matter. [1382/05]

16. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with the British Prime Minister, Mr. Tony Blair. [1449/05]

17. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the parties in Northern Ireland. [1452/05]

18. **Mr. J. Higgins** asked the Taoiseach when he next expects to meet with the British Prime Minister; and if he will make a statement on the matter. [1455/05]

19. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting on 26 January 2005 with representatives of Sinn Féin. [2328/05]

20. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting on 26 January 2005 with representatives of the SDLP. [2329/05]

21. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting

[Mr. Rabbitte.]  
on 26 January 2005 with representatives of the Ulster Unionist Party. [2330/05]

22. **Mr. Rabbitte** asked the Taoiseach if he has received a request from the International Monitoring Commission for a meeting; if he intends to meet the commission; and if he will make a statement on the matter. [2331/05]

23. **Mr. Kenny** asked the Taoiseach if he will report on his meeting in Dublin with representatives of Sinn Féin on 25 January 2005; and if he will make a statement on the matter. [2459/05]

24. **Mr. Kenny** asked the Taoiseach if he will report on his meeting in Dublin on 25 January 2005 with the SDLP leader; and if he will make a statement on the matter. [2460/05]

25. **Mr. Kenny** asked the Taoiseach if he will report on his discussions in Dublin on 25 January 2005 with representatives of the Ulster Unionist Party; and if he will make a statement on the matter. [2461/05]

26. **Caoimhghín Ó Caoláin** asked the Taoiseach when he will next hold a summit meeting with the British Prime Minister, Mr. Tony Blair; and if he will make a statement on the matter. [2611/05]

27. **Mr. J. Higgins** asked the Taoiseach if he will report on the matters discussed and conclusions reached at his recent meeting with the British Prime Minister in Brussels; and if he will make a statement on the matter. [2798/05]

28. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting on 1 February 2005 with the British Prime Minister, Mr. Tony Blair. [3495/05]

29. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with members of the International Monitoring Committee on 31 January 2005. [3496/05]

30. **Mr. Sargent** asked the Taoiseach if he will elaborate on media reports that he has encouraged the Independent Monitoring Commission not to recommend penalties against Sinn Féin in its report; and if he will make a statement on the matter. [3562/05]

31. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with the British Prime Minister, Mr. Tony Blair, on 1 February 2005; and if he will make a statement on the matter. [3621/05]

32. **Mr. F. McGrath** asked the Taoiseach if the Northern minority will not be excluded in future developments in the peace process; and if he will make a statement on the matter. [4489/05]

33. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with the Independent Monitoring Commission. [4646/05]

34. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent meeting in London with

the British Prime Minister, Mr. Tony Blair. [4647/05]

**The Taoiseach:** I propose to take Questions Nos. 1 to 34, inclusive, together.

Last week, in the course of Private Members' business, we had the opportunity to address comprehensively developments in the peace process, and the agreed motion received the overwhelming endorsement of the parties in this House. Without restating the text of that motion, it is clear that we all want to protect and develop the achievements of the Good Friday Agreement and to continue to work to secure its full implementation.

The agreement must form the basis of a lasting settlement in Northern Ireland. The Government's proposals published in December addressed the key issues that we had identified as being necessary to make progress. Regrettably, however, we could not secure agreement on two key issues: an end to all forms of paramilitary and criminal activity, and decommissioning.

The Northern Bank robbery brought into sharp relief the need to address and resolve these key issues if trust is to be restored. That was the emphatic message that the Government conveyed to the Sinn Féin leadership when we met in January. The same clear message was imparted by Prime Minister Blair and it was the message that both Governments conveyed publicly after we met in Downing Street on 1 February.

At my meeting with the Prime Minister, I raised with him the issue of an apology for the Conlon and Maguire families and I am grateful to him for his prompt response. I also raised our concerns about the British response to the Dublin and Monaghan bombings of the early 1970s and separate questions have been tabled on this issue. The Prime Minister and I will continue to meet as and when necessary.

The two Governments published the latest report from the Independent Monitoring Commission whose representatives I met recently. The conclusions drawn by the independent commission concur with the intelligence available to both Governments concerning the Northern Bank robbery and other incidents in Northern Ireland. The findings of the report underline the clear need for the issue of IRA paramilitarism, including all forms of criminal activity, to be resolved satisfactorily once and for all.

At my most recent meetings with the parties, we discussed recent developments and possible ways of moving the process forward. Both I and the Minister for Foreign Affairs, Deputy Dermot Ahern, will continue our contacts with them in the period ahead.

**Mr. Kenny:** Following the publication of the Independent Monitoring Commission's report, has the Taoiseach spoken to Prime Minister Blair about it? Has the Government considered the findings of the report and, if so, what action does it propose to take?

Has any evidence or information been given to the Government about the brutal murder of Robert McCartney in Belfast? Has the Government considered any action it might be able to take to assist in the detection of those responsible? I welcome the statement by the president of Sinn Féin asking that persons who might have any information about this matter should relay it to the authorities. That is to be commended. The nature, timing and brutality of this murder and the fact that there are allegations that the persons responsible were able to return to the public house and clean the place out forensically mean that this is a crime of the most serious type. The Taoiseach may wish to respond to those two points.

**The Taoiseach:** The Government considered and discussed the IMC report last Tuesday, before its publication. These reports are normally given to both Governments some days beforehand. Obviously, the report highlights the need to keep the implementation process on track and to continue with all aspects of the Good Friday Agreement, even if it takes some time to make progress on the political issues, given the impending local elections and possibly the Westminster elections.

As regards the McCartney killing, the PSNI has refused to comment on the basis that the investigation is ongoing. Therefore, there have been no reports or intelligence on this matter, other than what has been in the media. As the Deputy said, the president of Sinn Féin, Gerry Adams, has repudiated the killing in very strong terms, and has said that people who have reservations about assisting the PSNI should give any information to the family's solicitor or any other authoritative person or body. The chief constable of the PSNI stated that it was not a crime by some political group in furtherance of its objectives but that it involved people who belong to illegal organisations. That is as far as he went.

The issue for us, as we prepare for the British-Irish Intergovernmental Conference, is to take the issues on which progress has been made and, over the next few months, make as much progress on them as we can. We hope to have a substantive agenda for the conference, which the Secretary of State, Mr. Paul Murphy, and the Minister for Foreign Affairs will attend.

**Mr. Kenny:** I thank the Taoiseach for his comments. Mark Durkan, the leader of the SDLP, called for the reconvening of the Forum for Peace and Reconciliation so that persuasive discussion could take place in an atmosphere that would lessen tensions arising from recent difficulties. Has the Government considered this? Will the Taoiseach agree to this? Mr. Durkan's call was echoed by me and others in the House last week.

Has the Minister for Justice, Equality and Law Reform reported on the activities of the Criminal Assets Bureau in respect of recipients and beneficiaries of the illegal proceeds of paramilitary

criminality? The CAB has done a fabulous job in tackling crime in general by sitting on drug barons and confiscating their assets. Will the bureau be given the resources to deal with the beneficiaries of paramilitary criminality?

The *Limerick Leader* reported this week, probably following reports in the Sunday newspapers, that the McCabe issue might be revisited. Will the Taoiseach reiterate that this issue is off the table and, in his own words, that he does not see it coming back on the table again?

**The Taoiseach:** I will take the questions in reverse order. There is no change in the position on the latter issue. I can see that people want to nail things down to the last degree. I do not have a changed position. I do not want to engage wordsmiths on this but it is off the table and that is it.

On the Criminal Assets Bureau, assets accumulated through criminal conduct by persons involved in paramilitary organisations are among those that have been investigated in recent years. In particular, many of the cross-Border cases involved people with past or current paramilitary links. A major joint initiative between the law enforcement authorities, North and South, has been undertaken, which has resulted in joint investigations on both sides of the Border. The CAB has worked with the Assets Recovery Agency and, in some cases, the Police Service of Northern Ireland and the Northern Ireland customs in carrying out processes in parallel in both jurisdictions. Assets have been frozen in both jurisdictions and a number of people face charges.

The legislation used by the CAB was amended in the past few days to allow criminality outside the jurisdiction to be taken into account and to allow the bureau to work more closely with the Assets Recovery Agency in Northern Ireland. These changes will help the CAB to examine assets with a paramilitary origin. The bureau keeps its resources under review in light of its workload but I understand there is no difficulty currently in this regard.

With regard to the Forum for Peace and Reconciliation, I will have to consult the chairperson. It is a long time since we met. I have an open enough mind if we can frame a helpful, constructive and useful agenda. If, in the few months prior to the British election, it turned into a criticising match, it would not serve any purpose. Perhaps the convenors could examine this. The Deputy will recall the difficulty in the forum's previous life was not alone the non-attendance of the Unionist parties, but their comments outside it, which were not always useful. If we can have a constructive agenda, I have an open mind on it.

**Mr. Rabbitte:** May I return to the ghoulish murder of Robert McCartney? The Taoiseach seemed to suggest that although the information in the public domain is that this savage killing was carried out by members of the republican movement, they were not on a mission sanctioned by



[Mr. Rabbitte.]  
the republican movement. Is that not the point, that this type of thuggish behaviour is being used to control communities in Northern Ireland? It is at least as offensive to me as robbing the Northern Bank that domination and sway is held over certain communities by sheer intimidation. In these circumstances, according to what is in the public domain, a number of people went back to the pub, took out the video tape that might be of use in prosecuting these terrible offences — Brendan Devine was also seriously injured in the circumstances — and cleaned the place forensically, as adverted to by Deputy Kenny. Is this Tony Soprano style killing not sufficient reason alone for the democratic parties and the two Governments to break the power of the republican movement in controlling paramilitary activity, even when not on an officially sanctioned job?

I also wish to ask the Taoiseach about the story that appeared in *The Star*. It was reported that the wife of one of the prisoners convicted for the killing of Detective Garda Jerry McCabe, apparently a councillor in County Cavan, said, more or less, that the Taoiseach did not know what he was talking about and that she was satisfied that her husband would be released early. Will the Taoiseach address that?

Is the provision the Taoiseach announced previously in terms of the side agreements with Sinn Féin and representation in the Oireachtas also off the table in the current context?

**The Taoiseach:** Deputy Rabbitte is correct on the McCartney issue. Anything that involves people using heavy-handed action is wrong. I want to remain consistent with my statements. The PSNI refused to comment on the basis that the investigation is ongoing. The only two statements the Chief Constable has made on this, or that have been passed because they were in the public domain and were not in any way confidential, are that it was not a crime by some political group in furtherance of its objectives but it did involve people who belong to an illegal organisation. Regardless of whether they belonged to an illegal organisation, a crime like that, where a person is stabbed to death and another — Brendan Devine — badly injured, is horrific. I agree with Deputy Rabbitte's comment. The Chief Constable also said there had been intimidation of people who might be able to help the police. He said "might be able" and was not very firm on that. Police who carried out searches in the area were attacked by stone throwing youths. There were widespread reports in Belfast that senior members of the IRA were involved and the crime was cleaned up afterwards. As I said to Deputy Kenny, the PSNI has not given detailed reports to us on these matters.

I agree with the point made by Deputy Rabbitte and others on Northern Ireland, that in many ways some of these issues are more serious from the perspective of the Nationalist com-

munity than a bank raid. A bank raid does not affect people as much, other than the two families affected by the robbery, but this kind of behaviour does. That is the reason we need an end to criminality. I agree with that. I do not wish to wind these things up again but the point we have been making is that it is not just a question of money or petrol. A person has been stabbed to death and that is much worse. That is not to say the other acts are not bad, but it is much worse that somebody is dead. That is the reason and motivation for wanting to see an end to all these for everybody's sake, not least the people in Nationalist communities who are being affected in this particular instance.

On the McCabe issue, those responsible have release dates and will be released when those dates are reached. That is the position. Some of those dates are soon and some of them are not, "soon" meaning in a few years' time.

I have given no more thought to the question of Oireachtas representation. Naturally it would be a good development were we to achieve a comprehensive agreement, and we should still be able to do that although it would be in the context of a comprehensive agreement. It was only ever considered when the parties looked at this in the context of the Agreement back in 2001 and early 2002. It was on the basis of us having normality, and I hope we will return to that situation. I do not see a difficulty in that regard.

**Mr. Rabbitte:** Does the Taoiseach expect any evolution in this impasse, although I do not think one can have evolution in an impasse? Are there likely to be any developments between now and the British general election? How does the Taoiseach see the way forward? In particular, will he give a commitment to the House that he will involve the SDLP more centrally from here on? He is as familiar as I am, or more so, with the manner in which the SDLP feels it has been essentially excluded from the real negotiations. Given that party's democratic credentials down through the years, it deserves better than that.

In terms of an earlier reply from the Taoiseach, has the Criminal Assets Bureau been asked to investigate the issue of republican funding?

**The Taoiseach:** As to where we go from here, a number of issues are being dealt with. The Minister for Foreign Affairs, Deputy Dermot Ahern, is preparing the agenda for the British-Irish Intergovernmental Conference. We are trying to get as comprehensive an agenda as possible. At this stage that is the only forum in which we can progress matters with the British Government, and we want to progress a number of issues. Many issues in the various processes have been stalled or delayed and we want to try to make progress on them.

The care and maintenance issues of the North-South bodies are still outstanding. Useful work is taking place in that regard even though it is progressing more slowly than we would like. We

still intend driving these matters forward. Co-operation is ongoing on a number of aspects regarding police oversight. The Minister for Justice, Equality and Law Reform will be in Northern Ireland next week for meetings on that matter. Other Ministers are involved in their individual areas of co-operation. We can usefully do a number of things.

We will continue to make as much progress as we can within the terms of the Good Friday Agreement. The Government remains committed to the Agreement and to the principle of parallel consent that underpins it. That principle creates a problem in that if trust and confidence are not built up, one cannot do many of the things one would wish to do. This has been the difficulty since the assembly collapsed. Since then we have endeavoured to pursue three major initiatives, namely, the joint declaration, the sequence of the autumn of 2003 and the document of 8 December, which address the outstanding issues, namely, decommissioning, ending paramilitary activity, completion of the policing project and ensuring stable institutions. We will continue to try to make whatever progress we can, to engage with all the parties and see what work we can do even if, as Deputy Rabbitte suggested, we are unlikely to get back to the comprehensive agreement in the next few months. Everyone accepts that position but it does not mean we will do nothing — we can continue to engage.

The most recent negotiations failed because agreement could not be reached on the transparency elements of the process of arms decommissioning because the IRA was unwilling to commit itself to clearly and definitively ending criminal activity. Nevertheless, the good side was that both the DUP and Sinn Féin signed up to the many political aspects of the comprehensive agreement, including the policing provisions, which I do not want to lose because we worked on them from the talks at Weston Park. We now have agreement on the issue, which is a significant and encouraging element. We got close to resolving many of the issues.

I understand that among the assets investigated by the Criminal Assets Bureau in recent years have been those accumulated through criminal conduct by persons involved in paramilitary organisations. The CAB has our absolute support in dealing with those issues and for its activities in that regard. I do not know what are its achievements but it is involved in activity and is co-operating with the Assets Recovery Agency in Northern Ireland. Progress is being made in terms of these issues.

**Mr. Sargent:** I was glad to hear the Taoiseach recognise in his contribution the difference between a stabbing and a robbery and state that a physical assault is worse in terms of a “moral league”, if one can call it that. However, did he really mean to refer to the bank robbery as showing the problem with the peace process in sharp relief, a statement which surprised me? Does he

agree that the punishment beatings show the problem in sharp relief too? Perhaps he needs to put the two issues in the same phrase at least if he is making a reference to such a key issue or event.

Does the Government clearly distinguish between a conflict resolution process and a post-conflict situation? There has been some mixing of the interpretation of the two concepts which does not help us to reach the point at which we have a resolved conflict. Will the Taoiseach explain the Government’s view on the matter given that it appears different Ministers might have different views on whether we are engaged in a conflict resolution process or a post-conflict situation?

Given that the Good Friday Agreement, which all Members wholeheartedly support and want to see implemented, is stuck on strand one, can strands two and three be given any hope of proceeding as quickly as possible in the areas of justice, human rights, cross-Border institutions and so on in order to give hope to people who are yearning and grasping for whatever hope can be engendered?

I acknowledge that it is not the Government’s decision but the Taoiseach’s view is important in regard to the Forum for Peace and Reconciliation. Does he support the proposal to reconstitute the forum so that not just the parties in this House or the Government but rather all parties, including the SDLP, other constitutional parties and all those in civic society who have a role to play, could be involved in pushing forward our agreements rather than our disagreements? Can this be implemented as soon as possible given the sense of despair which is beginning to grow in respect of the whole process?

**The Taoiseach:** I said earlier that the bank robbery in Northern Ireland brought into sharp relief the need to address and resolve the key issues if trust is to be restored. That applies to assaults on people or other aspects which damage the process. I think everybody agrees with that.

I do not want the forum to meet if there is no great purpose in doing so. If people believe that forum meetings with an agreed agenda can help towards the goal of full implementation of the Good Friday agreement, let us hold them. Otherwise I am not sure there is a purpose in doing so. If the convenors want to discuss holding meetings which would be worthwhile, I have an open mind on that.

I apologise for not replying fully to Deputy Rabbitte’s question regarding the SDLP, which Deputy Sargent also touched on. I do not feel that people are excluded from discussing any issue. In terms of the process in Northern Ireland, if one does not meet people on almost the same day as one meets someone else, people feel excluded. That is the nature of how things happen, with somebody or some small parties feeling excluded. It is not possible to meet everyone together. The Minister for Foreign Affairs, the Minister for Justice, Equality and Law Reform

[The Taoiseach.]

and I do our best and have done over the years to keep closely in touch with the parties. In the period up to the end of 2003, the parties felt excluded because they thought we gave all our time to working with the two parties which were then in the key positions, the UUP and the SDLP. That situation changed last year to include the DUP and Sinn Féin so naturally we gave a lot of time to them. We did not do so, however, to the exclusion of the other parties.

I take the point and I assure the House that we do our best to keep all the parties involved all the time. The difficulty is that round table discussions, which would make my life much easier, do not work because for obvious reasons one cannot get people around the table. Over the years some parties, by and large not the Nationalist parties, have contributed more than others to that problem, but I will not get into that. That is a difficulty. Mr. Blair and I have tried on many occasions to organise round table discussions, but someone fails to turn up and the story then revolves around that, which does not help the process.

Deputy Rabbitte is right that the SDLP has played a huge positive and constructive role in the peace process at all levels over the years and we have never deliberately left it out of the process. We treat the smaller Unionist parties and the Alliance Party similarly because we take an even-handed approach to dealing with the situation.

**Mr. Sargent:** I asked a question about conflict resolution.

**An Ceann Comhairle:** We will hear Deputy Ó Caoláin first as we are running out of time.

**Caoimhghín Ó Caoláin:** I ask the Taoiseach to note my abhorrence and that of Sinn Féin of the brutal murder of Robert McCartney, and our absolute rejection of this terrible deed. I repeat the call of Gerry Adams for people to assist the family in any and every way they can in its quest for truth and justice in this case.

Is the Taoiseach aware that in an interview in *Irish News* last Friday, 11 February, the Chief Constable of the PSNI, Hugu Orde, was asked if the Sinn Féin leadership knew about the Northern Ireland bank robbery and he replied that he had no idea? How does the Taoiseach square that with his own claims? He has supposedly based his opinion heretofore on PSNI information. His view is that the Sinn Féin leadership was in some way involved or conspired with others to carry out the Northern Bank robbery. I have addressed this issue with the Taoiseach previously. Is it not clear from all that has been said by the former Secretary of State, Mo Mowlam, the former Taoiseach, Albert Reynolds, and now by Hugu Orde himself, that there is no basis to the charge, which is political and without any basis in fact? I appeal to the Taoiseach calmly to

recognise and appreciate the importance of clarity on this specific issue.

Has the Taoiseach raised with the British Government the admission by a representative of MI5 at a British House of Commons committee meeting that it had planted electronic listening devices at the Connolly House offices of Sinn Féin in Belfast? The Taoiseach will recall that we raised this matter in the House at the time. There was some dismissal of the claims that we made. However, they have been vindicated, and I believe the Taoiseach was present when the apparatus was returned at the Leeds Castle engagement in which I also participated.

Does the Taoiseach recall that the institutions were brought down by the British Government regarding another so-called “spying” allegation which is, as yet, unproven? One of the parties to the Good Friday Agreement, the British Government, through its arm, MI5, has admitted it was directly involved in eavesdropping on another party to that Agreement and the ongoing discussions and negotiations, the party I represent. Has the Taoiseach raised the issue? Does he agree that its acknowledgement now is very damaging and that he should insist to the British Prime Minister that it must never be repeated?

**The Taoiseach:** I acknowledge what Deputy Ó Caoláin has said about the murder of Mr. McCartney, reiterating what the president of Sinn Féin, Gerry Adams, has said. That is helpful. On Connolly House, I recall raising the issue on the day in September at Leeds Castle when the device was handed over by the Deputy and his colleagues. We raised the matter then and made it clear that the idea of using bugging devices anywhere was totally unhelpful. As the Deputy will recall, it was not admitted at the time, when the British professed to have no knowledge of it. I will have to check with the Secretariat to follow that up, but we conveyed our abhorrence at the use of such tactics by MI5 or MI6 on the day.

I read the interview with Hugu Orde last week. He is not a politician, and he made his professional assessment very clear when he met the British Prime Minister and me in the presence of the Garda Commissioner, Noel Conroy, and some of my colleagues. Of course, the difficulty for me is that the only way that I can get intelligence — the reason that I refused to make it up earlier today — is when it is presented to me with a categorical assurance. Then one must either say nothing about it, which is what I did many times last year, or one must express it, which is what I did in this instance this year. That is the position, and I cannot change that unless either one or both individuals does so. The more I say about it, the worse I make it, so I will say no more.

**Mr. J. Higgins:** Is the Taoiseach aware that, to this day in both Protestant and Catholic areas, loyalist and republican paramilitary organisations, leaving aside major criminal acts, have a heavy hand on their respective communities,



interfering with the democratic rights and free expression of groups and political organisations opposed to them? This is manifested in many invidious ways, even in terms of making it difficult to book community halls for meetings or distribute leaflets freely. The Taoiseach appears to have ignored that in the talks, at least until the time they broke down. I put it to the Taoiseach that his Government and the British Government have been somewhat hypocritical in that they have been quiet on this issue but also on major criminal jobs, for example, the Makro and Galahers robberies, which many believe were carried out by republicans, because talks were still going on. When they broke down, however, they jumped all over the IRA and Sinn Féin over the Northern Bank job.

In regard to the Northern Bank robbery, there are not many people in Belfast who do not believe the IRA did it, but as a member of the Socialist Party, a small party whose members North and South slog around from door to door in winter and summer to get small amounts of money to fund our political activities, I do not recognise the legitimacy of any group to kidnap and rob to back political activity. Will the Taoiseach agree, however, it is extremely dangerous to go down the road of mere assertion of guilt by senior police officers or indeed the International Monitoring Committee instead of producing proof and is not a precedent with which we want to go forward? Will he agree that proof and evidence should be brought forward, that trial and convictions should follow and that the idea, for political reasons, of assertion of guilt should not become a norm? On the killing of Robert McCartney, those who did that bestial act should be put on trial but can the State guarantee the safety of those who can come forward to give evidence to do that?

**Mr. McGinley:** To return to the issue of exclusion, will the Taoiseach agree that, with the benefit of hindsight, it was a tactical mistake to allow the agenda for the talks which were abruptly terminated before Christmas to be set by the parties of the extreme? Moderate parties such as the SDLP, the UUP and others, which were the main architects of the Good Friday Agreement, were virtually excluded and sidelined. The DUP is on record as having pledged to wreck the Good Friday Agreement, and I do not know whether Sinn Féin signed it. Will the Taoiseach agree that in future negotiations a more central and meaningful role should be given to the parties of the centre which were the architects of the Good Friday Agreement?

**The Taoiseach:** To answer Deputy Joe Higgins's question first, if we follow the process over a number of years, and I say this in a serious way, it was a process of trying to get away from a situation where people on all sides were being killed almost nightly and where there were incidents of maiming, burning and other serious

issues, and trying to build a peace process. That was done. We then tried to build co-operation at the interfaces, de-escalate the tensions of the marching season, stop the number of shootings and beatings and all of those issues. Over the years, the effort incrementally was to change all those positions and when one position was completed, we moved on to the next series of offences. It is true that as we were going through the process year by year, we were making progress incrementally. Other issues were overlooked because there was a question over which acts were the most serious or vicious, and their effect on people's lives and homes.

In recent years we argued about trying to make progress in respect of policing and this was something we achieved in December. We made such progress because if there was no policing in communities, people were taking the law into their own hands or using what they believed to be corrective action against youths in their areas. The only way to deal with the problems in such communities was to have a proper police force. That was why we invested so much effort into policing.

The issue of acts of completion is outstanding but, as with moving towards the end of criminality, we are making a great deal of progress in respect of it. These were the final matters on the list and the Deputy is correct that action was forthcoming in respect of some issues. If we had tried to take action on all of them at the same time, we could never have been able to do so. It was not that they were ignored to the extent that nobody cared about them, it was merely the case that progress had to be made in other areas.

I hope that Northern Ireland will some day soon reach a position where, as is the case in the normal world of law and order and respect therefor, people will feel free to give evidence and prosecutions will take place. I will not comment on particular cases but, unfortunately, there is intimidation by loyalists and republicans of witnesses in many cases. This may also occur in criminal cases, in which those involved may not be affiliated to either side. That creates difficulties and may lead to evidence not being produced. I could cite many cases in which this type of behaviour takes place.

As regards acts of completion and everything that has been said since 8 December, the process in this regard did not start on that date. Since autumn 2002, we have been discussing acts of completion in terms of what these mean and how they will be achieved. I acknowledge the huge amount of work carried out in March 2003, October 2003 and during all 2004 was about those issues. It is not the case that these matters arose after 8 December.

On Deputy McGinley's point, we were accused in 2003 of devoting all our time to the SDLP and the UUP and not dealing with other issues, except in respect of issues with which they were not involved. I refer here to matters of decommissioning where these parties could not play a role because they did not have anything to



[The Taoiseach.]  
decommission. Last year we were accused by others of not being involved as much. That was because the Good Friday Agreement ordained that — this was decided by the people — the two largest parties should bring together the Executive. We have, however, always tried to be inclusive and will continue to be so in respect of the SDLP and every other party.

### Priority Questions.

#### State Airports.

90. **Ms O. Mitchell** asked the Minister for Transport the reason a second deadline on the future of Aer Lingus has been passed without a decision on the future strategic development of the State airline having been taken; the further reason a decision on a proposal for a second terminal at Dublin Airport has not yet been taken; the obstacles which are preventing these critical decisions from being taken; when these decisions will be made and announced; and if he will make a statement on the matter. [5046/05]

92. **Mr. Connolly** asked the Minister for Transport his view on the provision of a second air terminal to provide for increased traffic at Dublin Airport; and if he will make a statement on the matter. [4897/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 90 and 92 together.

As regards the future of Aer Lingus, I reject any claims that there has been a delay on the part of Government to progress the matter. It is important that any decisions we reach about the company's future are correct and take account of the nature of the sector, the company business model, the needs of the economy and the views of stakeholders. In that context, as the House is aware, the Cabinet sub-committee and the Government considered the future of Aer Lingus in December last. Arising from that consideration, it was decided, in line with the terms of Sustaining Progress, to initiate a process of consultation with ICTU to assist in reaching an understanding on the airline's future funding requirements. In that regard, I met representatives of ICTU on 16 December 2004. Since then there has been intensive engagement between Aer Lingus and ICTU's financial advisers on the issue and I expect the process to conclude very shortly. When the process with ICTU is completed, I will reflect on its outcome in consultation with ICTU prior to making a further submission to Government on the future of Aer Lingus.

On the second terminal issue, it is the policy of the Government to encourage as wide a range as possible of reliable, regular and competitive air services to and from Ireland. The central tenet of this policy is the belief that a strong, competitive

and efficient network of air links is vitally important for developing our trade and tourism sectors, particularly having regard to our island status and peripheral location.

Passenger traffic through Dublin Airport is forecast to grow from last year's level of more than 17 million passengers to 30 million by approximately 2018. New infrastructure capacity and facilities, both airside and landside and including further terminal capacity, will clearly be needed to cater for this growth. The issue at this point is how best to provide that additional capacity to meet passenger growth.

The programme for Government includes a commitment to examine proposals for a new independent terminal at the airport and to progress such proposals if the evidence suggests that such a terminal will deliver significant benefits. A report in 2003 by a panel of experts chaired by Mr. Paddy Mullarkey assessed the independent terminal concept taking account of 13 "expressions of interest" submitted to my Department on the development of an independent, competing terminal at Dublin Airport.

I recognise that an early decision is desirable in respect of this matter so that, regardless of how it is provided, adequate terminal capacity will be in place at Dublin Airport when required to meet the growth in passenger traffic. I am in the process of finalising proposals which I will bring to Government shortly. My objective in putting proposals to Government will be to ensure the provision and operation of terminal capacity on an efficient and cost-effective basis.

**Ms O. Mitchell:** Does the Minister accept the Government's treatment of Aer Lingus is inexcusable at this stage? It was the injudicious remarks of the Minister for State at the Department of Transport, Deputy Callely, when he said there was no urgency for a decision, which precipitated the loss of the senior management at Aer Lingus and which now means that effectively very few options remain open for the restructuring and refinancing of the company. The Minister for Transport, Deputy Cullen, promised a decision before Christmas. At Christmas he promised there would definitely be one before January, and still there is no decision.

Is the Minister aware that recently at a meeting of the Joint Committee on Transport, the lame duck chairman of Aer Lingus said the company must have a decision on financing early in the first half of this year. Is that decision going to be made by the Government and when is it going to be made? Negotiations with Airbus and Boeing have dragged on. The critical moment approaches when an order must be placed. Where is the money to come from? Aer Lingus is being greatly disadvantaged as a result of the way it is being treated by Government and decisions must be made. I believe the Minister accepts that, but why are they not being made? What are the barriers in the way of making a decision? Is there tension within Cabinet or what is going on? Is the

Taoiseach afraid to upset someone? Why has no decision been made?

**Mr. Cullen:** I thank the Deputy for her questions, but I disagree with the basis of what she has said. The reason for the three executives leaving the company is a matter for themselves. As I have said before, they did——

**Ms O. Mitchell:** They were told no decision was going to be made, particularly by the Minister of State.

**Mr. Cullen:** I had met them shortly before they decided to leave the company. I was quite surprised, as was everyone else, that they did, particularly on the basis of what I had to say to them. However, that is history and it is over and done with. By the way, I certainly do not accept that the current acting executive chairman of Aer Lingus is a lame duck. I want to emphasise my——

**Ms O. Mitchell:** Perhaps the Minister does not understand the meaning of the term “lame duck”. It means somebody whose term is over and who is due to leave.

**An Ceann Comhairle:** The Minister is entitled to answer questions, without interruption.

**Mr. Cullen:** I want my thanks to the current acting chairman, who is doing a tremendous job, to be recorded. He has certainly garnered the respect of all involved in Dublin Airport for his efforts on this matter.

**Ms O. Mitchell:** I am not disputing that, but he is on his way out the door.

**Mr. Cullen:** That has not been decided.

**Ms O. Mitchell:** His term is up. He is there on a temporary basis.

**Mr. Cullen:** That has not been decided. There is a long way from someone who is in a position of acting chairman——

**Ms O. Mitchell:** Why is he arguing with the reality?

**Mr. Cullen:** No, I am not arguing with the Deputy.

**An Ceann Comhairle:** The Deputy must allow the Minister to answer.

**Ms O. Mitchell:** When will the Minister make a decision on the funding of Aer Lingus?

**An Ceann Comhairle:** Deputy Shortall has also submitted questions on this issue and she is entitled to ask a supplementary. I would prefer if the Minister did not answer questions submitted by way of interruptions.

**Mr. Cullen:** The Deputy is asking me straight questions based on her assertions in the three points she has made. I disagree with her; that is all. My role here is to answer questions. I do not accept for a minute that the current acting chairman is a lame duck. That is a nonsensical statement.

**Ms O. Mitchell:** It is a statement of fact that the acting chairman is a lame duck.

**Mr. Cullen:** He is doing a tremendous job——

**Ms O. Mitchell:** Does the Minister understand the meaning of the term?

**An Ceann Comhairle:** Deputy Olivia Mitchell should obey the Chair. We want an orderly Question Time and it is not appropriate to interrupt the Minister constantly.

**Mr. Cullen:** I have met him on numerous occasions. I know from my engagement with many different stakeholders involved in Aer Lingus, that they are equally confident of his ability and grateful to have someone of his stature, knowledge and standing——

**Ms O. Mitchell:** I have confidence in his ability, but he is not going to be there for long.

**An Ceann Comhairle:** Will Deputy Olivia Mitchell please desist from interrupting?

**Mr. Cullen:** ——driving this agenda forward. I said I would bring the matter to Government before Christmas. I did and told the Deputy and others afterwards that because of the Sustaining Progress arrangements, I would immediately engage with the stakeholders involved in the national wage agreement and with the ICTU in particular. I have done that. There has been considerable engagement, both at my level and between officials. The ICTU has its own experts reviewing the financial situation. I have told the Deputy that I expect that process to be completed shortly. I want to go to Government on the issue of Aer Lingus and to conclude it quickly. However, I want to do it by way of partnership involving the sharing of information and knowledge so that no stakeholder involved in the process feels excluded from knowing the basis on which a decision is being made.

As regards the terminal, I am happy to inform the Deputy and the House that there has been excellent engagement on this issue both at my level and through officials over recent weeks and months. I fully accept, as does the Government, that clarity and decision needs to be made immediately on the terminal issue. The numbers clearly indicate we must have a second terminal at Dublin Airport. I want to see that decision and I expect to go to Government shortly with my proposals. We are coming to a conclusion on the matter with all the stakeholders.

**Mr. Connolly:** To some extent the Minister has answered my question, but not quite all of it. Does he agree that numbers are growing at an alarming rate at Dublin Airport? In 2004, 17.4 million passengers went through the airport, an increase of 8% on the previous year and 350% on 1990 when the figure was approximately five million. Dublin has one of the fastest growing airports in Europe. There are two solutions. I am glad that the Minister agrees a second terminal is needed while indicating it may be coming on stream shortly.

Has the Government considered opening the airport at Baldonnel to commercial or passenger traffic. That would take much of the pressure off the north side of County Dublin. It is adjacent to the M50 motorway and it would make sense. Rather than channelling 17.5 million passengers through north County Dublin every year, it would make much sense to consider opening Baldonnel to commercial traffic.

If a second terminal is opened at Dublin Airport, will it be an independently owned airport or a mixture of State and private ownership?

**Mr. Cullen:** As the Deputy has said, the numbers are growing massively. That is a mark of the economy's success in terms of trade and tourism. I have not considered the issue of Baldonnel at this stage. My focus has exclusively been on expanding capacity at Dublin Airport by providing a second terminal. I believe, as does the Government, that it is vital for future economic development. Whatever happens with other airports will be a matter for consideration later. I am not considering that issue at the moment, rather I am specifically considering—

**Mr. Connolly:** Is the Minister ruling out Baldonnel?

**An Ceann Comhairle:** The Minister must not be interrupted.

**Mr. Cullen:** I have not considered it at this stage. I am focused entirely on the issue of providing the second terminal. I hope to be in a position to go to Government shortly to sign off on that issue.

**Ms O. Mitchell:** On the question of the terminal, the Minister of State at the Department of Transport, Deputy Callely, announced that a decision would be made on the second terminal. The Minister mentioned the possibility of a competing terminal. Is it possible, given the present structure of the Dublin Airport Authority which provides not only a terminal but also other services, to have real competition where another terminal competes with the existing one which also provides these shared services? Is it not leaving one of them in a dominant position? Is it possible to have that type of competition arrangement and has the hiving off of the terminal from the Dublin Airport Authority been considered?

**Mr. Cullen:** The Deputy raises an important question. Clearly, it is an important issue to be considered in the context of the infrastructure at Dublin Airport and how an airport functions. From the point of view of the passengers and the 90 airlines using the airport, we want the most competitive and cost-efficient terminals, including the existing one. That forms part of the consideration on how we ensure that.

#### **Rail Network.**

91. **Ms Shortall** asked the Minister for Transport his views on the optimum manner of providing a rail link to Dublin Airport; and when he expects to make proposals to Cabinet on this. [5093/05]

93. **Ms O. Mitchell** asked the Minister for Transport the proposals which exist to provide a commuter rail service to Dublin's northside and to Dublin Airport; if he remains committed to the development of a metro from Dublin city centre either to the airport or to Swords; his views on a metro service for this area; his preferred alternative; if alternatives are currently being advanced by his Department in order to develop a rail connection for Dublin's northside; if not, the reason therefore; and if he will make a statement on the matter. [5047/05]

**Mr. Cullen:** I propose to take Question Nos. 91 and 93 together.

The programme for Government contains a specific commitment to develop a metro for Dublin with a link to Dublin Airport. The Railway Procurement Agency has submitted to my Department a detailed business case for a metro from the city centre to Dublin Airport while Iarnród Éireann submitted proposals last July for an integrated rail network in the greater Dublin area. These proposals include the electrification of the Kildare, northern and Maynooth lines, a DART service to the airport off the northern line and an interconnector tunnel linking Heuston Station to the Docklands to enable greater integration of rail services.

I expect to put proposals to Government in the near future for a ten year transport investment framework in the light of the announcement by the Minister for Finance in his Budget Statement of agreement in principle to a ten year capital investment envelope for transport. This plan will set out a comprehensive investment strategy for the greater Dublin area within the policy framework established by the document published by the Dublin Transportation Office, entitled A Platform for Change, and will take account of the proposals referred to above.

**Ms Shortall:** I was not looking for a history lesson. We all know what proposals are there. I asked for the Minister's thinking on the proposal. What does he believe is the best way of serving the northside and the airport in particular? Does the Minister accept that the northside has lost out badly in transport infrastructure, in spite of hav-

ing a northside Taoiseach? Will the Minister give priority to serving the northside and Dublin Airport? What is his current thinking on the alternative proposals? On the one hand, there is the prospect of having a metro to the airport, serving Ballymun *en route*. On the other hand, there is a proposal by Irish Rail to take a spur off the DART line. When is the Minister likely to bring firm proposals to the Government?

**Mr. Cullen:** I agree with the Deputy. There is no doubt that north Dublin is in serious need of a transport solution. I dislike the way it is often presented as an airport solution, because that is not the full capacity of what we should be delivering. There is the issue of the population base and the location of the metro, as well as the opening of further land for housing development. We need a transport solution for north Dublin.

This ten year envelope changes the perspective that I can bring to transport solutions for Dublin and the rest of the country. That is why the Minister for Finance announced this in his budget speech. The issues outlined in my response and those raised by the Deputy are on the desk. I want to make sure we pick the best of everything, but not in isolation. There has to be connectivity between all of the elements. We have to look at the connectivity between central Dublin, its suburbs and surrounding towns like Kildare, Maynooth and Drogheda. The different solutions, such as the metro, the interconnector and electrification of the lines, are all on the table.

**Mr. Eamon Ryan:** They have been on the table for five years.

**Mr. Cullen:** If Deputy Ryan was in charge, they would be sitting there for the rest of his life. I want to conclude this. Since the budget speech, we have been involved in putting these solutions on the table. I also want to have real costings.

**Ms Shortall:** What does the Minister mean when he says that they have been involved in putting these things on the table? They already are on the table.

**Mr. Cullen:** That is what I am saying. They are on the table.

**Ms Shortall:** What is needed is decision making.

**Mr. Cullen:** I will not come into this House with a few populist items. I want a cohesive solution to be presented in totality, which can bring—

**Ms O. Mitchell:** That was called A Platform for Change. The Minister's party ran for election on it.

**Mr. Cullen:** —a marrying of both public and private transport initiatives to get the best value

for the public. It will bring safety benefits as well as a modal shift.

**Ms Shortall:** When is he likely to go to Government with it?

**Mr. Cullen:** I expect to go to the Cabinet subcommittee on this issue next month.

**Ms O. Mitchell:** The former Minister with responsibility for public transport, Senator O'Rourke, promised us a metro seven years ago. She abandoned a Luas line for the northside in favour of an all-singing, all-dancing metro, saying we would all be riding on it within seven years. We have now lost seven years of planning, while costs have escalated and traffic has got worse. The current Minister is telling us that it is all on the table. The Government went to the electorate with A Platform for Change, which was a lovely map of everything that was going to be built in Dublin. We still have no evidence that any of it is anything other than a figment of the imagination. The Taoiseach stated two weeks ago that the metro was not going to happen as it was too costly. What has happened in the last couple of weeks that the Minister's trusty lieutenant was able to announce yesterday that the metro was going to go ahead? Will it happen? Has a decision been made? If a metro is not to be developed, then what will be developed? We have lost seven years of planning. We have already spent €8 million on establishing the feasibility of a metro. Is it feasible? The Taoiseach stated that it was not. Could we spend the same money building five Luas lines? When will we get a decision? We have had decisions in the past. Do they mean anything when this Minister makes them? Can he give us a timeframe for when this will be built if the decision is to be made?

**Mr. Cullen:** The timeframe will be short. The ten year envelope was only announced in the budget speech in December. I have been involved in intensive preparation and I intend to go to Government at the first available meeting in March to put all these proposals before it. That is a reasonably short timeframe in respect of my tenure in office.

**Ms O. Mitchell:** It did not all start when this Minister assumed office. It started seven years ago when the promise was made on a metro. Where is it?

**Mr. Cullen:** If the Deputy wants me to answer the question, then I will do so. Does the proposal of the development of the metro and the many other proposals present solutions for north Dublin? The answer is that they do. However, I want to get the best solution, which is that which marries all of the different proposals together. We do not want to cherry-pick the sexy metro as a solution to everything. There are issues relating to interconnectivity with Dublin, for the DART and the lines from Maynooth, Kildare, Drogheda



[Mr. Cullen.]

and so on. There are issues relating to capacity on the existing lines and stations. When I announce these proposals on behalf of the Government, I will face Opposition Deputies who will ask these questions. I want to make sure that my proposals can be delivered and are not idealistic.

I accept what the Deputy said about my Minister of State. I am blessed to have such an enthusiastic Minister of State. His commitment sometimes overruns with enthusiasm. Some of his recent pronouncements to the Fourth Estate are just guess work and are not based on any fact. I am sure he will join with me in supporting our proposals enthusiastically when they are made public.

**Ms Shortall:** Did he steal the Minister's thunder? We look forward to an early decision. The Minister is answering for his two predecessors who dragged their heels on transport initiatives in the Dublin area. What is the status of the commitment in the programme for Government to provide a full metro serving the airport? The Minister seems to be indicating he is still considering the possibility of a metro. The Taoiseach has stated that it is out of the question. Where does the overall plan for the metro now stand?

**Mr. Cullen:** That is a key question. I do not claim to be an expert on public transport. However, some of the issues are clear. If one is to provide the best in terms of maximum capacity on a daily basis, then that presents one obvious solution. If one opts for different solutions, one provides different loading capacities, different levels of capacity and different usages.

As I acknowledged at the outset, the Deputy is correct to state that north Dublin has a clear need for significant investment in a transit system. I have publicly stated as much and there is no question about it. It is ironic that the Taoiseach who is from north Dublin has been so generous to the people of south Dublin in terms of the transport solutions which have been provided there. As I tried to explain to the Deputy, it was wrong to present a solution for north Dublin merely as an airport link. Deputies Shortall and Olivia Mitchell have often raised with me issues of spatial planning, capacity, the opening of new land in north Dublin for good quality, good value housing and the need to connect existing residential areas on the northside. One must examine the cost of making such provisions without distorting one's investments in other areas of Dublin and the rest of the country. Many Deputies raise with me the question of the western rail corridor. My aim in the ten-year envelope is to balance all of these competing needs. Clearly, everybody's wish list cannot be fulfilled.

**Ms Shortall:** Is the Minister saying the metro is dead?

**Mr. Cullen:** I am saying no such thing until I go to Government early in March to address the Cabinet sub-committee. I will bring proposals to Government which will be considered and, subsequently, made public.

The ten-year envelope changes the way we can deliver all infrastructure. One can provide for a great deal of parallel development. Where necessary, one can go straight to the planning, tender, design or construction stage. One can set a number of projects in train at the same time though they will be completed at different times. Having to wait until one project is completed before starting the next has prevented us from providing the level of infrastructure required. The new procedures change the basis on which we can move forward in public and road transport provision with a mixture of investment from the State and private sector.

### Road Network.

94. **Mr. Eamon Ryan** asked the Minister for Transport the role his Department will play in the possible planning of new orbital motorways around Dublin; the work which has been done to set out the design, cost and possible timescale for the building of such roads; and if he will make a statement on the matter. [5090/05]

**Mr. Cullen:** I assume the Deputy's question refers to the concept of a Dublin outer orbital route. Strategic Planning Guidelines for the Greater Dublin Area 1999 and the Dublin Transportation Office document, Platform for Change 2000, identified a possible need for a Dublin outer orbital route to link Drogheda, Navan and Naas. More recently, Regional Planning Guidelines for the Greater Dublin Area 2004 made provision for the development of such a route in the medium to long term on the basis that the centres in question would be strengthened by the provision of decent links which do not pass through the Dublin city area.

A 2001 strategic study commissioned by the NRA concluded that a Dublin outer orbital route had significant merit and was feasible on engineering and environmental grounds. Apart from identifying a possible corridor for an outer orbital, the 2001 report did not consider route options, appropriate road type and costs as it constituted simply a high-level strategic study of the concept. Detailed consideration of these and other issues, including spatial planning, land use, environmental impact and the appropriate type and class of road to be provided, will be the subject of further studies.

I have asked the NRA to carry out these further studies and consider the proposed route as part of future road infrastructure development plans. The NRA will take into account in its deliberations the national spatial strategy, regional planning guidelines and the planning and traffic implications of the route for greater Dublin and neighbouring regions. The proposal will also be considered in the context of the ten-

year transport investment framework being prepared within my Department.

**Mr. Eamon Ryan:** History tells us that if we ask the NRA whether it is a good idea to build a road, it will inevitably say "Yes". As it is a road building agency, its function is to build roads. The Minister's Department should plan transport in this city. I contend we have no planning of a proper transport system for the city as evidenced by the fact that much as one might think of the southside as the land of milk and honey, it does not work because the road system the Government has put in place does not function. I do not want to know what the NRA's answer to a question would be because I know what it would say. I want to know when the Minister's Department will begin to provide joined-up thinking in transport and make a decision as to whether public transport or yet more roads will provide a solution which works.

Does the Minister agree that the plan to widen the M50 to an eight-lane highway will not work, as the Taoiseach acknowledges? Road building cannot solve the transport problems of this city as traffic merely increases as the capacity of a road expands. When will we learn that lesson and begin to invest in public transport instead of roads? When will we stop allowing the National Roads Authority to set the country's transport policy?

**Mr. Cullen:** I am not sure what question the Deputy is putting.

**Mr. Eamon Ryan:** When will the Government plan transport?

**Mr. Cullen:** Clearly, he has not listened for the last half hour to the debate between the other Deputies and me.

**Mr. Eamon Ryan:** I was embarrassed listening to it.

**Mr. Cullen:** The debate centred on the provision of public transport in and around the Dublin area.

**Mr. Eamon Ryan:** It was nothing but waffle.

**Mr. Cullen:** If the Deputy's friends and colleagues did not hold up every development in the country, particularly the M50, we might be much further down the road to satisfying the needs of the public.

**Mr. Eamon Ryan:** The Minister is holding up the metro and the public transport provision which would solve the problem.

**An Leas-Cheann Comhairle:** Order please.

**Mr. Cullen:** I reject fully Deputy Eamon Ryan's assertion that there is a lack of proper thinking. Clearly, there is very good thinking in

this area in which regard I acknowledge the bodies engaged in the process with me and my departmental officials.

**Ms Shortall:** In that case, why is there traffic gridlock?

**Mr. Cullen:** There is no question that it is evidence of the growth of the economy in the last few years.

**Mr. Eamon Ryan:** It is the car-based transport system.

**An Leas-Cheann Comhairle:** Order please.

**Mr. Cullen:** No country could have provided the level of infrastructure Ireland required due to the pace and suddenness of the growth in the economy.

**Mr. Eamon Ryan:** Zurich, Barcelona, Madrid and Helsinki did.

**Mr. Cullen:** The only thing that is sinking is the Deputy and his colleagues. If they would sink out of the way and let us get on with building the roads and putting in the bus and rail network, we would all be in a much better position. I hope that when we announce the ten-year package which will contain a tremendous solution for Dublin and many other parts of the country, the Green Party will for once be supportive of the investment.

**Mr. Eamon Ryan:** What happens to the ten-year fairytale if the Government is not re-elected, something to which we all look forward? What possible validity can a ten-year plan have when it requires the *imprimatur* of the people to decide who will be in Government in ten years time? Does the Minister believe there is a need for a greater Dublin transport and planning authority to implement the joined-up thinking to which he referred but which the Government has never addressed?

The Minister said that before he could present a project to Cabinet, he had to ensure it was robust and would work. Why is he, his Department and the NRA presenting a project to widen the M50 which the NRA and everyone else acknowledges will not work? Why does the Minister contend that public transport projects cannot be presented until every detail has been examined while it is full steam ahead in the area of roads which are prioritised in every instance whether or not they are expected to work? It does not seem to matter that traffic modelling demonstrates there will be absolute chaos on the M50. The solution is another orbital road while the regional planning guidelines refer to a further orbital road beyond that one. When will the Government reject road building solutions and begin to fund public transport? It should be this year rather than in ten years time.

**Mr. Cullen:** I question what solutions the Deputy has for transport.

**Mr. Eamon Ryan:** The metro, a rail interconnector, two or three more Luas lines and the western rail corridor.

**An Leas-Cheann Comhairle:** Please allow the Minister to speak.

**Mr. Cullen:** He does not want any roads and does not believe in any investment in public transport. Clearly, the Green Party has no interest in Platform for Change 2000, the Dublin Transportation Office, Iarnród Éireann or the RPA. All of the bodies which have proposals on the table will exist irrespective of who is in Government to work with them.

**Mr. Eamon Ryan:** All I have heard is waffle about them for years.

**Mr. Cullen:** The Green Party's only platform is to object to anything being done in the name of transport. When it comes to making decisions, the Green Party is sadly lacking.

**Mr. Eamon Ryan:** We promoted the Luas for years before the Government. The Minister's comments are nothing but waffle.

### Other Questions.

#### Rail Network.

95. **Mr. English** asked the Minister for Transport his position regarding the proposal to re-open the Navan to Dublin rail link; his views on whether the re-opening of this line should be a priority in view of the fact that Census 2002 indicated that Navan was the fastest growing town here and in view of the significant growth in commuter traffic from Meath to Dublin in recent years; and if he will make a statement on the matter. [4741/05]

132. **Mr. O'Dowd** asked the Minister for Transport his views on whether the reopening of a rail-link between Dunboyne and Dublin's city centre as expressed by Irish Rail cannot go ahead unless Irish Rail develops a third intercity rail station in Dublin, such as that proposed at Spencer Dock in view of the recent support for same; and if he will make a statement on the matter. [4754/05]

157. **Mr. S. Ryan** asked the Minister for Transport if he will report on the factors inhibiting an increase in the number of trains accessing the Dublin city area (details supplied) per hour at peak periods; his plans to increase this capacity; if such should require the construction of a new station at the docklands; the timescale for submitting a planning application if required; the projected commencement and completion dates; and if approval has been given by the Government to

Irish Rail for the funding of this phase of development. [4712/05]

171. **Mr. Perry** asked the Minister for Transport if, in view of his allocation of €5 million for commencement of work on a new rail station in the Dublin docklands, announced during the budgetary Estimates 2004, this money has been allocated to Irish Rail; if a decision has been taken on the exact location of this new station; when this decision will be announced; and if he will make a statement on the matter. [4827/05]

344. **Mr. S. Ryan** asked the Minister for Transport his views on the proposals from Irish Rail for the construction of an interconnector tunnel linking Connolly and Spencer Dock with Heuston Station with the provision of underground stations linking existing services including Luas in the context of an integrated transport system for Dublin. [4871/05]

354. **Mr. Durkan** asked the Minister for Transport the extent to which the passenger capacity of the various trains serving Kilcock, Maynooth, Leixlip and Confey in north Kildare can be increased to meet the ever increasing numbers of commuters who currently have to remain standing for the entire journey with consequent health and safety risks; and if he will make a statement on the matter. [5059/05]

360. **Mr. Durkan** asked the Minister for Transport the extent to which it is possible to increase the frequency of the commuter rail services serving Kilcock, Maynooth, Leixlip and Confey in line with growing demand; and if he will make a statement on the matter. [5069/05]

**Mr. Cullen:** I propose to answer Questions Nos. 95, 132, 157, 171, 344, 354 and 360 together.

Iarnród Éireann has submitted a business case to my Department for the development of a greater Dublin integrated rail network, the aim of which is to meet the projected demand for rail services in the area into the future. The business case includes proposals to construct a new rail station in the city centre, provide an interconnector tunnel linking Heuston to the Docklands, provide a spur off the Maynooth line to the N3 beyond Dunboyne and expand the capacity of the DART.

My Department is assessing the Iarnród Éireann proposed integrated rail network plan and I expect to respond to the company in the context of the ten year transport investment framework being finalised in my Department at present. In the meantime, Iarnród Éireann has undertaken preparatory work on some of the projects in the integrated plan.

Phase 2 of the DART upgrade project, to commence later this year and be completed by 2007, involves an upgrade of signalling in the city centre that will result in additional train paths across the loop line bridge and help alleviate existing congestion.

The company in consultation with Meath and Fingal County Councils has just completed a



feasibility study into the possibility of providing a spur off the Maynooth line at Clonsilla to a point off the N3 beyond Dunboyne. While there are no plans at present to extend this line to Navan, the provision of a park and ride site near the N3 to cater for Navan traffic is being considered. It is now a matter in the next instance for Iarnród Éireann to decide how it wishes to proceed with this proposal.

The current technical constraints at Connolly Station mean it is essential that a new station is built in the city centre before the proposed Dunboyne spur is operational or before the additional city centre capacity required for Maynooth and Sligo services can be provided. While the Maynooth service has improved significantly in recent years, following the dualling of the track and the introduction of new rolling stock, projected future demand can only be met by provision of this new station, which would alleviate the current technical constraints and enable increased capacity to be provided.

Iarnród Éireann is examining suitable sites for locating the new station. I have provided €5 million this year for this project and expect a report on progress shortly.

**Mr. English:** When will there be a decision with regard to the new station at Spencer Dock, which determines the speed of delivery? There is a question mark about whether it will go over or under ground. Can we expect an expedient decision on the matter? It would have a greater effect, especially on the Dunboyne Navan link.

The Iarnród Éireann study has shown it is viable to open the line to Dunboyne and beyond. Will funding be provided to carry out these works parallel to works in Dublin, so that when Dublin is sorted out the line will be ready to start operating from Meath?

Will the Department fund a feasibility study — similar to that carried out with regard to Dunboyne — into extending the line the rest of the way to Navan? We were told a year or two ago the Dunboyne line would not work. It is now part of the plan and on the agenda. It can be done. This is after a report was completed and a study undertaken, driven at council level then through the Department and on to Iarnród Éireann. We were proven right in that we have a case for a railway line to Meath. No doubt, the same case will be proven with regard to Navan if the feasibility study is carried out and it is given a chance. It is wrong to banish the link to Navan without proper study and say it is not to be done because it is not on the agenda.

Navan and areas beyond must be serviced by rail. Navan is part of the greater Dublin region. The Department's spatial strategy states that the success of the greater Dublin region is based on rail. Navan is not mentioned as a hub or a gateway, but linked to Dublin. It is wrong not to provide a rail link and goes against common sense with regard to Government policy. The Government's spatial strategy states we should do it.

We should at least provide a few hundred thousand euros to complete the study with regard to the rest of the way from the N3 to Navan. Navan will serve north Meath, Kells, Cavan and beyond. A railway line is badly needed to reduce congestion. It will be proved viable. The Department should examine the matter and guarantee funding for the line to be built to Dunboyne. It should make a quick decision regarding the Spencer Dock development. It should certainly speed up matters with regard to Navan.

**Mr. Cullen:** I expect to hear of progress regarding decisions on the work done by Iarnród Éireann regarding feasibility. I have already provided substantial funding for the station. We all agree that we urgently need the station in Dublin. Deputy Olivia Mitchell has spoken on the issue several times. I hope Iarnród Éireann will come to a conclusion on the sites it is currently considering.

With regard to the line from Clonsilla to Dunboyne, I am pleased that both Meath and Fingal local authorities are working with Iarnród Éireann on the issue. They do not have plans at present, but I take the Deputy's point. Navan is an important area and there is no doubt there will be continued growth there. Continued investment in connectivity into Dublin from Navan will probably be required. However, we must start somewhere. We are currently looking at the Dunboyne route being agreed. Clearly there is a logic to follow on from that. I do not deny that, but all things are not immediately possible.

**Mr. English:** We accept the line must be built in a phased way. Money could at least be provided and we should encourage completion of the study with regard to extending the link the rest of the way to Navan. It will make the entire line more economically viable. The least we could do is to agree to study the matter and have it ready, so that it can be built when funding becomes available. We do not expect it tomorrow. The feasibility study could be completed. It proved successful with regard to the Cork-Midleton line. Such studies are worth doing. It is not fair to banish the chance of a railway line to Navan without proper homework to prove the case one way or another. That is what happened with the rail review of 2003. It was put to one side on the basis of false figures.

**Mr. Cullen:** I understand the Deputy's perspective; it is reasonable. When I get the report in progress, I will consider the Dunboyne issue. I will query the next step and ask whether there is any thinking beyond that and whether they will proceed with further feasibility studies on connectivity to Navan. It is a reasonable question, although I cannot promise an instant solution. However, it is a logical consequence if we proceed with the Dunboyne route.



**Ms O. Mitchell:** I support the concept of the extension to the Docklands or Spencer Dock, wherever it may be. I hope there will be an early decision, as so many other issues hinge on it. I also support the notion of an interconnector from that station out to Heuston. However, what is the Minister's opinion on the priority that might be given to the interconnector considering it is largely concerned with the important issue of interconnecting and integrating this system? It is mainly about facilitating people who are already off the road, out of cars and into public transport. They travel in from Maynooth or some other direction on a train. In terms of taking cars off the streets of Dublin, their contribution might not be as great as a metro or several Luas lines.

Given that we are spending €1 billion on a port tunnel to clear the quays, is there a great deal of sense making it our priority to build a tunnel under the quays? Are there other possible solutions that the quays might now present to meet that need? I am only looking for an opinion, not the answer.

**Mr. Cullen:** The Deputy is bang on the money in every sense. That is one of the issues with which I am grappling. I have been asking similar questions in recent weeks to try to establish what exactly should be included. Where does one get best value? I do not just mean best value in terms of money, but also in terms of modal shift and getting people out of cars. The interconnector will encourage a further substantial modal shift because it will be possible to bring the trains directly into the centre of Dublin. That is a completely different concept to where we are at currently. That is why the new train station in the city centre is crucial to a whole range of issues, which cannot work without that station being in place.

The interconnector is a good idea and I see what it does. It also adds a route from Heuston, which will not be a direct line. One must do it in a manner that loops and creates further access and egress at different points along the route in and around the city. It adds another dimension to traffic in and around Dublin. It is a very good proposal, although that is all I am prepared to say at this stage. Unfortunately, I have many good proposals from many different sources. However, some are becoming more clear than others in terms of what they can do.

**Ms Shortall:** Can the Minister give an indication of his priority? Is he giving an undertaking that the northside will receive priority? Within days of his appointment, the Minister talked about joining up the two Luas lines. That is off the top of the head stuff and not helpful in the area of transport. The problem over the years is that there has not been joined up thinking.

Will the Minister confirm that the north side of Dublin will receive his priority attention in the implementation of the ten year plan? That is criti-

cal. I accept that the interconnector is required and that it is a good proposal. However, it will predominantly assist the south side of the city. Will the Minister give an undertaking that he will deal with the problem of providing a major rail link to the north side of the city before dealing with the other projects in the pipeline?

**Mr. Cullen:** There is no question that there is a glaring deficit in north Dublin and it must be tackled immediately. There is no prevarication on my part on that issue. However, I am in a stronger position than having to concentrate only on that matter. The ten year envelope changes dramatically what I can recommend to the Government and what we can decide to do. We are focusing on Dublin in this debate but there are other huge issues with regard to the west and the midlands as well as Dublin. They are three big sections and each of them requires equal consideration.

However, the Deputy hit the nail on the head in referring to the interconnector. The issue I am trying to resolve is the connectivity of public transport. I referred to connecting the two Luas lines but what I was trying to illustrate was taken badly out of context. We can have interconnectors or metros and the existing or even expanded Luas lines as well as expanded bus corridors but the paying passenger must be able comfortably to use one mode of transport and switch to another mode. The question is whether it is easy, after getting off one mode of transport, to get on to the other mode of transport to travel somewhere else.

That type of connectivity is crucial. Regardless of whether one is talking about metros, interconnectors, the Luas, the DART or mainline rail services, all of them must be such that the user of public transport can be confident that wherever they embark on whatever mode of public transport he or she wishes to use, on leaving that mode of transport the passenger who wishes to travel from point B to point C can move to another mode of transport in a seamless way. If one travels into the city on the DART or by mainline rail, for example, one should be able to hop on the Luas or, if travelling to north Dublin, hop on to whatever service will be provided there. That is the challenge. One can continue to provide these services but I am anxious to get the best from all the proposals and much more than just the A to B element of them. I must ensure that the connectivity works and that it is seen to work by the public. However, I agree that north Dublin has a clear need.

**Mr. Eamon Ryan:** The Minister says he has no plans to extend the rail line to Navan. What will it take to change his mind and to start planning for a rail line to Navan? Has he not considered changing his plans in view of the recent EIS on the widening of the M50? It showed that the M50 will not work even if its width is doubled. Regardless of what super highway is provided, there will

be gridlock at the junctions with roads from Navan. Did that not encourage the Minister to change his plans and consider the alternative of providing a rail line which does not get stuck at the M50?

If the Minister for the Environment, Heritage and Local Government decided it was not a clever idea to run a motorway through an area of such important archeological and historical interest as the Tara-Skryne valley and decided not to proceed with the project, would that prompt the Minister for Transport to question and change his current plans and consider planning a rail link to Navan? That would provide the connectivity in public transport solutions to which the Minister refers.

**Mr. Cullen:** That is a matter for Iarnród Éireann. Iarnród Éireann is willing to come forward with plans if there is a market and a need for—

**Mr. Eamon Ryan:** Does the Minister have plans for a line?

**Mr. English:** Will the Minister provide the funding?

**Mr. Cullen:** —the expansion of that line. I was open in giving my views to the Deputy earlier. I will raise the matter and I have no problem with that. The Deputy made a reasonable point earlier and I will come back to him about it on my next Question Time. I will try to expand on that point and see what the precise position is.

I do not accept the Deputy's suggestion that the expansion and widening of the M50 will achieve nothing. That is not the case. The Deputy forgets that people in this country, like people in other countries, choose the car as their primary mode of transport regardless of whether we like it. There has been huge growth in car usage in Ireland but Ireland is still below the EU average in terms of car ownership. One can only presume, therefore, that the number of cars on our roads will continue to grow.

We are trying to do two things. We are trying to create massive improvement in public transport, which the taxpayer has been funding for the past five or six years, and at the same time provide massive improvement in road infrastructure. The difficulty is that neither can be done overnight. There is a lead-in time and a number of years will pass before all the elements are in place to resolve the issues. That is a simple fact. Neither I nor anybody in any other country has encountered a solution whereby one can parachute something in overnight and solve the problems.

The taxpayer has been funding the huge investment in public transport and road infrastructure and will continue to do so for at least another ten to 15 years. Recognising that challenge, the Government has provided, for the first time in the history of the State, a ten year envelope to do that work.

**Mr. Eamon Ryan:** People in this country do not choose public transport because the public transport options are not available to them due to the failure of this and previous Governments to provide them. With regard to setting out plans, the Minister said earlier that he had asked the NRA to consider plans for a new orbital motorway. Why does he not tell Iarnród Éireann that he, as the public policy maker, wishes to provide public transport options and ask that body to bring forward a detailed plan of how that would work? Why does the Minister not take a lead and, rather than throwing his hands up in the air and saying people like their cars and that he can do nothing about it, start providing the public transport people desperately want?

**Ms O. Mitchell:** Connectivity is a good policy. One of the areas on which the Minister was in dispute with Ivor the terrible when he was first appointed to office was the Luas connection and the possibility of connecting the two lines. The Luas lines have been wildly successful beyond everybody's dreams. They are popular with the public and have been successful in taking cars off the road. They would be even more successful if they were connected. What is the position with the connection? Has the Minister asked the RPA to examine ways of connecting the lines that do not involve going through Trinity College and the like? There are other possibilities and suggestions for connecting the two lines. Has progress been made in selecting a route? A connection would make a big difference, even if it is mainly on the south side of the city.

**Ms Shortall:** If the Minister proceeds with the interconnector, I take it he will not come up with a separate solution for joining the two Luas lines. The interconnector connects those lines. I hope the Minister will not duplicate it.

**Ms O. Mitchell:** It is heavy rail and I am not sure that is the solution.

**Ms Shortall:** The Minister mentioned the increase in the rate of car ownership and said these projects cannot be carried out overnight. However, what could be done overnight to greatly improve the traffic situation is increase the number of buses. Despite the undertaking given in the national development plan, why has not one additional bus been provided for Dublin Bus since 2000? It beggars belief that the Minister would allow that to happen. The local authorities are providing extra bus lanes and reducing the amount of space on the roads for drivers. That is a good approach but it is pointless unless the extra buses are provided.

Dublin Bus cannot meet the demand that exists because it does not have enough buses. This particularly applies to the commuter belt in Meath, Kildare and Wicklow. There are growing population centres in those counties and there is huge demand for public transport. Residents are

[Ms Shortall.]

meeting public representatives and representatives of Dublin Bus to ask for new services but Dublin Bus is obliged to explain that it cannot provide new services because it does not have the buses. The Government promised 275 buses under the national development plan but only 93 have been provided. Why is that? Why can the Minister not sanction the provision of these buses, which could be on the streets in a matter of months?

**Mr. Cullen:** As regards the three issues, Deputy Eamon Ryan and I clearly have a different view of the world. We will just have to leave it at that. The only one throwing his hands in the air in the House today, that I can see, is Deputy Eamon Ryan.

Deputy Olivia Mitchell asked me about connecting the two Luas lines. I believe both lines should be connected. I have stated that publicly and I have asked the Railway Procurement Agency to examine the matter. I do not know where the notion arose that the link line would have to go through Trinity College.

**Ms O. Mitchell:** It was somebody's suggestion.

**Mr. Cullen:** It amazes me that when one makes a reasonably sound statement, somebody hijacks it and talks about Trinity College almost being knocked down to accommodate the Luas line. It was never a suggestion of mine and it has no basis in fact.

**Ms O. Mitchell:** In fairness, I know that.

**Mr. Cullen:** It is nonsense. I do not know where it came from but I can guess. I presume it was stirred up by those not far behind Deputy Olivia Mitchell.

**Mr. Eamon Ryan:** Public relations consultants.

**Mr. Cullen:** Deputy Eamon Ryan would know a lot about that all right.

**Mr. Eamon Ryan:** So would the Minister.

**Mr. Cullen:** I would and I can stand over everything I have ever done.

Deputy Shortall's comment with regard to connecting the Luas lines is true up to a point but not entirely so. It depends on how one routes the lines, as well as the stops along the way. The Deputy's point is fair but it does not necessarily mean that one excludes the other; it depends on how one does them. That matter is currently on the table. In terms of operational good sense and capitalising on the success of the Luas, as a point of principle, it would be good for both lines to be interconnected. It would be good for the integration of public transport in Dublin.

**Mr. Gormley:** It was a Green Party idea.

**Mr. Cullen:** I disagree with the Deputy about buses. In recent years, the State has provided major investment in CIE for replacement purposes. I do not have the figures in front of me but we have provided approximately €400 million or €500 million.

**Ms Shortall:** The additional funding was €275 million.

**Mr. Cullen:** I know the point the Deputy is making and I will come to it but I just wanted to place on the record what we have done. As regards the Deputy's point with regard to CIE, of course I want to continue to invest in CIE and I will do so.

**Ms Shortall:** Why does the Minister not keep the promises he made?

**Mr. Cullen:** Hang on. Of course, I want to provide new buses for CIE and I will do so——

**Ms Shortall:** The Minister has not done so and is not doing so.

**Mr. Cullen:** ——but I also want to examine how Dublin Bus and Bus Éireann's operations are run in order to get the maximum value for them as efficient, well-run companies. This concerns how they organise all their current assets. My view is that they can do much more with what they have.

The second point is that private investment in bus operations around the country has been phenomenal in recent years. There has been a huge investment in such transport capacity. I have met with the social partners — the unions and company management — and we have all agreed that the Dublin market needs to be opened up. The trade unions have agreed with that also. We now want to bring to a conclusion what exactly that means. I have views, as do the trade unions and company management, and we are not that far apart.

**Ms O. Mitchell:** Deputy Cullen is the Minister.

**Mr. Cullen:** Yes, exactly, but I want to be fair and give them the opportunity to make their points. I agree with both Deputies in this regard — I want to see greater capacity for buses operating in Dublin because that could make a further substantial contribution to public transport.

**Ms Shortall:** Why does the Minister not deliver on his commitment?

**Mr. Cullen:** I will deliver on my commitment.

**Ms Shortall:** He has not done so.

**Mr. Cullen:** I said I will.

### Road Safety.

96. **Dr. Upton** asked the Minister for Transport if he has had discussions with the Department of Justice, Equality and Law Reform in regard to private operators conducting speed checks on roads here; if any report on this matter has been conducted; when a decision on this issue may be reached; and if he will make a statement on the matter. [4767/05]

**Mr. Cullen:** The Minister for Justice, Equality and Law Reform and my predecessor jointly determined in late 2003 to consider the engagement of operators from the private sector in the operation of speed cameras. This consideration responds to a provision in the Road Safety Strategy 2004-2006 — a copy of which is available in the Oireachtas Library — that the number of speed checks annually should be 11.1 million and this speed enforcement target could be achieved through the deployment of additional enforcement assets through the engagement of private sector camera operations.

The engagement of the private sector in the operation of speed cameras would have to be supported by new road traffic primary legislation. A working group representing our Departments and other relevant agencies is examining a range of issues, including the parameters for operation and deployment of speed cameras and the interaction of any private sector operation with other agencies. I understand the working group is due to report shortly. This will allow my colleague, the Minister for Justice, Equality and Law Reform, and myself, to consider all the implications that arise concerning this issue. When we have completed that process, we will consider presenting the matter to Government.

*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 Connaughton — the proposed amalgamation of St. Jarlath's College and St. Patrick's College, Tuam, Co. Galway; (2) Deputy Crowe — the crisis being faced by the family of a person (details supplied) currently receiving care in St. James's Hospital and left in a coma; (3) Deputy O'Dowd — issues arising in relation to electronic voting and the cost of storage of electronic voting machines throughout the country; (4) Deputy Durkan — the ongoing boardroom dispute in the ESB now likely to lead to industrial action with consequences for continuity of supply and serious implications for the economy; (5) Deputy Neville — the construction of a new school at Kilfinane; (6) Deputy Naughten — that the Minister issue an instruction under section 41 of the Road Traffic Act 1993 to improve the road specification on the N5 between

Strokestown and Ballaghadereen, Co. Roscommon; (7) Deputy Upton — the Minister's views on proposed reforms to address the problem of children under 16 being induced into signing contracts for services; and (8) Deputy Cuffe — that the scope and remit of the Standards in Public Office Commission be extended.

The matters raised by Deputies Crowe, Cuffe, Connaughton and O'Dowd have been selected for discussion.

### Leaders' Questions.

**Mr. Kenny:** I notice that the Minister, Deputy Cullen, seems to be a little happier in his brief today.

**Mr. F. McGrath:** The great survivor.

**Mr. Kenny:** Prior to the European Parliament elections in 1979, I recall that the late and much loved Seán Flanagan, from my county, announced a £500 million package to save the west. When the truth was discovered, however, the election was over. I notice that at a recent Fianna Fáil meeting, the Minister of State, Deputy Callely, seems to have got a rush of Valentine's blood to the head. He announced a package of €16 billion—

**Mr. Durkan:** Million.

**Mr. Kenny:** —over ten years for transport. The package included a metro line from Dublin city centre to the airport, running underground to Dublin's northside; a second terminal at the airport; an investment in road construction of over €1 billion per year; the reopening of rail services to County Meath at a cost of €156 million; a new rail station at Spencer Dock; and an underground rail interconnector linking Heuston and Connolly railway stations at a cost of €1 billion. What struck me was that at the end of Deputy Callely's contribution, as reported in the newspapers, he said he did not want to pre-empt any decision of the Minister in having this matter brought before the Cabinet.

**Mr. J. O'Keeffe:** He left the loose change in the kitty.

**Mr. Kenny:** Later in his remarks, Deputy Callely said he had ordered reconstruction works to commence at the exit from the Dublin port tunnel that will spit out 6,000 trucks per day. He also said: "You will see a visible improvement in this shortly." Will the Taoiseach comment on the Minister of State's Valentine's Day message? Does the Taoiseach agree with this kind of carry on? Did he hear the Minister, Deputy Cullen, say a short time ago that the figures released by Deputy Callely "are just guess work and are not based on any fact"?

We now have a Minister for traffic, appointed by the Government, yet he is making remarks that are not based on facts, merely on guess work.



[Mr. Kenny.]

Everybody knows that travel times have increased dramatically.

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

**Mr. Kenny:** The average car journey time is now very much more than it was. Arising from that, does the Taoiseach agree with Deputy Callely's carry on? Will the Taoiseach clarify the position in so far as the metro is concerned? Is there any basis in fact for this €16 billion, ten-year programme that has been announced?

**The Taoiseach:** As Deputy Kenny knows, the Minister dealt with all these questions earlier today. The Government is in the final stages of preparing the ten-year plan which was agreed in the budget. We said we would extend the envelope to a ten-year programme and would examine transport projects in all areas. That brings into play what the Minister of State, Deputy Callely, was referring to — all the current proposals that have been presented in one form or another. The Government is committed to delivering a 21st century transport infrastructure. There is an unparalleled commitment to the transport sector, including €2.1 billion in Exchequer support this year alone. Obviously, the figure for the ten-year period will be enormous. However, all these matters are under discussion at the Cabinet sub-committee. It is hoped they will be finalised in March and then the Minister will formally present them.

**Mr. Kenny:** I thank the Taoiseach for the clarity he has brought to this matter. I have known for years that the Minister of State, Deputy Callely, is not shy, particularly at Christmas, but I saw his photograph some time ago in the newspaper and he looked like Napoleon in a hard hat when the giant underground cutter broke through at the port tunnel. He proclaimed victory on behalf of the people of Dublin as he single-handedly achieved this wonderful breakthrough. Given that he will be known as the Minister for fantasy in terms of transport, does the Taoiseach propose to speak to him about such wild announcements which are based on guess work? Despite all the remarks he made, he never referred to outside greater Dublin.

Will the Taoiseach elaborate on his views regarding an outer relief road for Dublin, which has been mooted for many years? Is there room in these proposals for any other part of the country? For instance, the former Minister for Transport, Deputy Séamus Brennan, who was equally good at making announcements, stated it would cost €300 million to reopen the western rail corridor between Sligo and Ennis. Will that ever appear at the Cabinet table? What about the south east, south and south west which have not been mentioned by the Minister for fantasy?

**The Taoiseach:** The figures sound enormous but the five-year plan will cost €10.2 billion. The budget for infrastructure this year alone is more than €2 billion. The levels of expenditure on public transport and the roads programme are enormous.

In reply to Deputy Kenny's important question on the regions, in recent years an unprecedented number of major high quality road projects have been completed. Under the ten-year plan, all the regions will get a fair share of the resources. The final plan must be drawn up but the intention is to build on what has been done in recent years at Port Laoise, Balbriggan, Cavan, Arklow, Donegal, Callan, Nenagh, Blackpool, Croom, Kilmacthomas, Kildare, Watergrasshill, Drogheda, Youghal, Skibbereen, Monasterevin, Ashford, Rathnew, Ballincollig, Cork and Limerick.

**Mr. Howlin:** What about the south east?

**Mr. Sherlock:** The Mallow northern relief road should be included.

**The Taoiseach:** The latest on the south east is that a previously unknown, unheard of and undocumented historical site has emerged in the area but it is hoped that will be resolved. Deputy Howlin will help us to do that. The regions will get a fair share and a plan will be announced next month.

**Mr. Rabbitte:** Just when we had grown accustomed to getting Christmas cards from the Minister of State, Deputy Callely, we will have to prepare for Valentine's cards as well. I am not sure the system will be able to cope with that.

Will the Taoiseach outline to the House honestly whether he has any regrets about appointing the Tánaiste, Deputy Harney, as Minister for Health and Children? She came into the House on 18 November 2004 and promised to provide 200,000 "yellow pack" medical cards and 30,000 ordinary medical cards. The doctors welcomed this, as one would expect, but there were no more discussions with them. The cards could not be provided and the Tánaiste then found it necessary to bring in legislation, which was promised within a few weeks but has not appeared. None of that explains where are the 30,000 ordinary medical cards which were to take effect from 1 January. What has happened to them?

I refer to the figures of the GMS payments board, which show that more than 8,000 people, comprising 6,296 in January and 2,068 in December, have lost their medical cards. A total of 64,478 people have lost medical cards since before the general election. In case the Taoiseach says it is because they have received great wage increases, I remind him that the threshold for a single person living alone is €153 a week while it is €284.40 for a married couple with two children. This is after the 7.5% increase in the thresholds from 1 January 2005. Did the Minister for Health and Children miscalculate? Did she think that the

simple application of the 7.5% increase would result in 30,000 additional medical cards?

More than 8,000 fewer people have medical cards than were promised. How much more will we accept? People in pain and suffering on paltry incomes are not able to get a medical card and more than 8,000 have lost theirs in the past two months alone.

**The Taoiseach:** At the beginning of the year, 1,145, 083 people were covered by medical cards, which is just short of 29% of the population.

**Mr. Sherlock:** It used to be 40%.

**The Taoiseach:** Deputy Rabbitte is correct. The health boards continued last year with their management review of the medical card database, which has been a factor in reducing the number of medical cards. The Tánaiste made that clear in the House recently. This exercise last year removed approximately 104,000 cards from the medical register for various reasons.

**Ms B. Moynihan-Cronin:** What reasons?

**The Taoiseach:** The Tánaiste is taking steps to ensure people on low incomes can visit their general practitioner and bring their children without being put off by cost.

We expect 230,000 more people to benefit this year.

**Ms McManus:** When?

**The Taoiseach:** A total of 30,000 will receive the traditional medical card and 200,000 will get the doctor visit cards.

**Ms McManus:** They are being short-changed.

**The Taoiseach:** A short Bill is needed, which must be passed in the House shortly. The Tánaiste hopes all the cards will be circulated before the end of April.

**Mr. Rabbitte:** If it is such a short Bill, why is it taking such a long time to emerge? It has nothing to do with the provision of 30,000 traditional medical cards. What is the point in repeating statistics? More than 8,000 fewer people have medical cards and there is no sign of the Tánaiste changing that.

How can the Taoiseach say this Minister is performing? She lost the chief executive of the Health Service Executive and she has presided over the robbing of people in nursing homes. She was not present last night when 1,500 people attended a protest demonstration about the condition of Wexford General Hospital nor was she present last week when 795 people met under the disability banner to protest at the useless nature of the Disability Bill. Her predecessor, Deputy Martin, may have done nothing except commission consultancy reports but she is going backwards. No chief executive has been appointed, no

“yellow pack” medical cards have emerged while 30,000 medical cards that were promised have not been delivered and cards have been taken from more than 8,000 people.

The accident and emergency service is in crisis but the Minister did not forget to increase the charge for this service by €10 or increase the drugs refund threshold or increase bed charges by €10 from 1 January but she forgot to deliver medical cards, negotiate with the doctors and to prevent the loss of the chief executive of the health service.

**The Taoiseach:** The 30,000 traditional medical cards will be given in April. They are not part of the legislation, which covers the 200,000 doctor visit cards.

**Mr. Stagg:** They should be given now.

**The Taoiseach:** Both will be given before the end of April. This year will see more openings, action and movement across a range of hospitals.

**Mr. Stagg:** What about patients entering Mullingar Hospital who have to be taken out because there is no nurse?

**Mr. Howlin:** The Taoiseach should listen to the anger of the people.

**An Ceann Comhairle:** The Taoiseach, without interruption please.

**The Taoiseach:** We have seen enormous expenditure, €300 million into St. Vincent's Hospital and money spent on Tullamore hospital, Roscommon hospital and a range of other hospitals that have opened up.

**Mr. Hayes:** There are a few to which no money was given.

**Mr. Stagg:** I suppose Naas hospital will do well now.

**An Ceann Comhairle:** The Taoiseach, without interruption please.

**The Taoiseach:** The Health Service Executive is up and running since January. The reform structures have been put in place, the Tánaiste has put in place a significant action programme in the accident and emergency area. Naas hospital is doing very well as the Deputy knows. His colleague, former Minister for Finance, Mr. McCreevy, put that in place.

**An Ceann Comhairle:** Deputy Stagg should know this is his leader's question and he is not entitled to ask a supplementary question or to comment. The Taoiseach, without interruption.

**The Taoiseach:** He was not interrupting. He just wanted to congratulate the Government on Naas hospital. There are also all of the other

[The Taoiseach.] developments. In the accident and emergency area this year we have a planned programme to put almost €70 million into improving those accident and emergency areas that are deficient. We have also put significant additional staff into these areas.

**Mr. Sargent:** I wish to ask the Taoiseach about his prodigal Minister, sitting beside him, the Minister for Transport, particularly in the context of the EU Commission report today about Irish women being at greatest risk of poverty in the European Union compared to other member states. It is important to examine how we use public money. Has the Taoiseach anything to say with regard to the loss of public money such as money lost on electronic voting machines, €52 million, and storage of €680,000 per annum, rising to €1 million if we include maintenance, for machines which it seems will never be used? I raised the issue of the escalating costs for the upgrade of the M50 previously. Over a few months the costs have risen from approximately €200 million to €800 million, an enormous increase. Also, should a PR consultant effectively charging twice as much as a rival PR consultancy company be hired? On the issue of public money —

**An Ceann Comhairle:** The Deputy is entitled to ask a question on one topical issue only.

**Mr. Sargent:** My question is all about one topic, public money. The Ceann Comhairle knows well that asking about the Minister who oversees that spending is asking on one topic. How can the Taoiseach say that the Minister is exonerated when Mr. Dermot Quigley's report states there is no comprehensive inventory of work done under the PR contract in question, that monitoring and recording of the work done was not satisfactory, and in the case of a number of areas of work, as well as support work at various international meetings, he was not convinced that the services were fully within the scope of the contract? Is the Taoiseach serious when he says the Minister is exonerated? Is he going to lay out criteria to ensure we do not have a repeat of this debacle? Will he set out criteria with regard to foreign travel for consultants, fund raising by consultants for their ministerial employers and for the hiring of consultants? Will he set out performance indicators to measure achievements and performance? Will the Taoiseach put these measures in place and ensure we do not have a repeat of this debacle?

**The Taoiseach:** Is the question about the Quigley report and the Standards in Public Office Commission report?

**Mr. Sargent:** It is about the outcome of the Quigley report and what the Taoiseach intends to do?

**The Taoiseach:** The subject of controversy raised by the Deputy has been examined in detail by two separate bodies. There is nothing to suggest that the Minister, Deputy Cullen, acted inappropriately in the matter in question. The House knows that when we drew up the terms of reference, care was taken to ensure that nothing would be done to pre-empt any investigation the Standards in Public Office Commission might decide to carry out.

By and large, Mr. Quigley was asked to address the issues relating to the procurement process and he concentrated his inquiry on that area. His report, which is in the public domain, shows that while there are issues we must improve on in the procurement process, the Minister did nothing wrong. The Standards in Public Office Commission found there was no basis on which to undertake an investigation.

With regard to what I intend to do, I have already stated that we will introduce new procedures to deal with these issues. The Cabinet has discussed and almost finalised these matters and the new procedures will be announced shortly. I hope this will alleviate the pressure with regard to this issue and tighten up the procurement system. The Department of Finance must also examine some aspects of the issue raised by Mr. Quigley. It will do that as part of a review it will undertake on procurement generally. We will follow up on the two aspects raised by Mr. Quigley.

**Mr. Sargent:** The Taoiseach mentioned the Standards in Public Office Commission. I am not surprised it found no *prima facie* case, given that the Quigley report was quite rushed in the sense that the Taoiseach asked for it to be back on his desk before the Dáil reconvened. The Standards in Public Office Commission had a long debate on the issue. I imagine the members did not all agree on the position, but the commission put a position into the public domain.

Does the Taoiseach think the investigation done was comprehensive? Is it acceptable, given that it was just dealing with procurement? It did not deal with other pertinent issues such as whether a consultant should be able to conduct fund raising for a ministerial employer or some of the issues raised somewhat obliquely in the Quigley report.

Following on previous investigations carried out by the Taoiseach, is it any wonder there is not much comfort in him saying he will vet appointments made by other Ministers? Are we to expect the Taoiseach to look up every tree in County Waterford, or wherever it happens to be—

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

**Mr. Sargent:** —to investigate the merits or otherwise of an appointment? Would it not be better for him to concentrate on the Standards in Public Office Commission putting in place regu-



lations and criteria that would ensure it would know what it had to do and could do its job?

**The Taoiseach:** Again, the Deputy is raising two points. I do not intend to examine every aspect of it. The Government discussed the matter and we have agreed to incorporate guidelines into the Cabinet handbook in this area. These guidelines will apply, particularly in the PR or communications area, where there is a significant element of direct service to a Minister, or where a Minister suggests a name of a person or enterprise for a consultancy or contract. What will happen is that the Secretary General of the relevant Department will be required to inform the Secretary General to the Government who will arrange, if necessary, for the Cabinet secretariat to inquire about any aspects of the proposed procurement that it considers necessary. I hope an inquiry would not be necessary as the procurement process will be strengthened. The Department of Finance is already dealing with that.

The question raised by the Deputy of whether somebody with a contract to a Minister should be involved in fund raising is a wider area. If anybody has a Government contract, should he or she be debarred from political activity and debarred from a significant sector of the State? If some company such as PricewaterhouseCoopers had a contract with the Department of Finance, should everyone in the company be debarred from the system? I do not think that is what we are talking about. The issue concerns whether somebody works directly for a Minister, or works directly in a Minister's office. What we are doing is changing the regulations to deal with that area. Broadening out in a wide area is where this problem started. We have investigated the issue and two bodies have examined it. Mr. Quigley has made suggestions for change, both in the procurement process adopted by the Department of Finance and in our Cabinet handbook. We have taken action on both.

### **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. O'Dowd:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the recent revelations regarding the significant variation in the cost of storage of electronic voting machines throughout the country.

**Mr. Morgan:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public concern, namely, the ridiculous situation which has arisen in the HSE north east where ambulances and their crews are dispatched to collect employee time

sheets throughout County Louth while patients are transferred between hospitals by taxi, and the necessity for senior HSE management who instruct such bad practice to be replaced immediately.

**Mr. Durkan:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of vital national interest, namely, the ongoing issue of boardroom disagreements in the ESB with the obvious implications for the generation of electricity, continuity of customer supply and the general stability of the board at a time when the focus needs to be on the board's future and the impact of deregulation.

**Mr. Neville:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent national importance, namely, the findings of a study of mental health problems in under-18 year olds, showing the overall prevalence of mental health problems at 17%. The problem among pre-school children is at 12%, national school children is at 11% and secondary school children is at 24%.

**Mr. Connolly:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public and national concern, namely, the lack of an independent inspection of residential institutions where upwards of 7,000 intellectually disabled adults and children live, the absence of legislation to permit the Irish Social Services Inspectorate to inspect care homes for disabled children and the urgent need to adopt the national standards for disability services presented to the Government last October and passed over to the Health Information and Quality Authority, a body that is yet to be established.

**Mr. Crowe:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent national importance, namely, the unacceptable situation that has arisen in Loughlinstown, County Dublin, where ten people employed through FÁS and job initiative schemes are given no written notice and only days' verbal notice before their jobs are terminated, and the impact that such a loss will have not only on the individuals concerned but on the wider Loughlinstown community that is a designated RAPID area.

**Mr. Boyle:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent national importance, namely, that the Minister for the Environment, Heritage and Local Government would make a statement as to why the director general of the board of the Environmental Protection Agency should not be dismissed in light of his arrogant reaction to calls for the involvement of the board and its director general in the public oral hearing for a proposed



[Mr. Boyle.]  
toxic waste incinerator for Ringaskiddy, County Cork.

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

### Order of Business.

**The Taoiseach:** It is proposed to take No. 11, motion re proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to Central Fund) Order 2005; No. 11a, motion re by-elections for Kildare North on the Supplementary Order Paper; No. 4, Criminal Justice Bill 2004 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 11 shall be decided without debate, the proceedings on No. 11a shall, if not previously concluded, be brought to a conclusion after 40 minutes and the following arrangements shall apply: the speeches shall be confined to the Minister for Finance and the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group who shall be called upon in that order. Speeches shall not exceed ten minutes in each case and Members may share time. In the event of the motion for the by-election for Meath being moved, the proceedings thereon shall, if not previously concluded, be brought to a conclusion after 40 minutes and the following arrangements shall apply: the speeches shall be confined to the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group and the Minister for Communications, Marine and Natural Resources, who shall be called upon in that order and who shall not exceed ten minutes in each case. Members may share time. Private Members' business shall be No. 44, motion re waiver scheme for domestic refuse charges.

**An Ceann Comhairle:** Is the proposal for dealing with No. 11, motion re proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to Central Fund) Order 2005, to be taken without debate, agreed? Agreed. Is the proposal for dealing with No. 11a, motion re by-election for Kildare North agreed? Agreed. Is the proposal for dealing with No. 12, motion re by-election for Meath agreed? Agreed.

**Mr. J. Brady:** We are waiting for them.

**Mr. Hayes:** That is not what I heard.

**Mr. J. Brady:** We are ready.

**Mr. Connaughton:** Deputy Brady will be all right.

*(Interruptions).*

**An Ceann Comhairle:** On the Order of Business, I call Deputy Kenny. Deputy Kenny should be allowed to speak without interruption.

**Mr. Kenny:** I have two questions for the Taoiseach. Newspaper reports indicate that the visit of the President to the North of Ireland is in doubt. Has that matter come before the Cabinet for the normal approval that is given for presidential visits?

**An Ceann Comhairle:** Questions on Northern Ireland came up in the House this afternoon. The matter does not arise on the Order of Business.

**Mr. Kenny:** She was due to visit there on 24 February. Has the Cabinet given consent to that?

**An Ceann Comhairle:** What is the Deputy's second question?

**Mr. Kenny:** Last week in the Dáil the Fine Gael deputy health spokesman, Deputy Neville, raised a number of important issues which he has continued to raise for some time regarding mental health. In response to a question, the Minister of State at the Department of Health and Children, Deputy Tim O'Malley, said that Deputy Neville spoke about stigma——

**An Ceann Comhairle:** Deputy Kenny should ask a question appropriate to the Order of Business. He had an opportunity to raise the matter on Leaders' Questions. He may submit a question to the line Minister.

**Mr. Kenny:** I know the Ceann Comhairle is not shielding the Minister of State, but he said that Deputy Neville's constant raising of the mental health services was——

**An Ceann Comhairle:** The Chair is shielding nobody. The Chair is trying to get the Deputy, like everyone else, to stay within the Standing Order.

**Mr. Kenny:** —— "becoming a bit tiresome" to many organisations.

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

**Mr. Kenny:** Does the Taoiseach share that view or would he like to comment on it?

**An Ceann Comhairle:** That does not arise. Neither question arises on the Order of Business. I call Deputy Rabbitte.

**Mr. Kenny:** A Cheann Comhairle, a Minister of State——

**An Ceann Comhairle:** The Deputy should submit the question in an orderly manner under the Standing Orders of this House.

**Mr. Kenny:** —said that a Deputy raising matters relevant to mental health was becoming a bit tiresome to many organisations.

**An Ceann Comhairle:** As a party leader, Deputy Kenny has a better opportunity than most to obey the Standing Orders. I call Deputy Rabbitte.

**Mr. Kenny:** If you think, a Cheann Comhairle, that matter is not important, you better listen to the voices of people outside.

**An Ceann Comhairle:** Please, Deputy Kenny.

**Mr. Durkan:** Hear, hear.

**Mr. Rabbitte:** Has the Progressive Democrats Party withdrawn its objections to the Campus Stadium Ireland Bill and when will it be before the House?

**The Taoiseach:** It is due this session.

**Mr. Sargent:** Many people would be interested in the Charities Bill finally seeing the light of day after many years. I will not talk about the Minister, Deputy Cullen, again, but fundraising needs to be put in proper order.

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

**Mr. Sargent:** The Charities Bill has been on the list for years and it still has not seen the light of day.

**An Ceann Comhairle:** I call Deputy Ó Caoláin.

**Mr. Sargent:** We do not have a date. I am asking on the Order of Business if a date can be given.

**Mr. J. O'Keeffe:** Every year.

**An Ceann Comhairle:** The Deputy should confine himself to what is on the Order of Business.

**Mr. Sargent:** That is.

**The Taoiseach:** Work is proceeding as speedily as possible. The Bill is being given priority within the Department.

**Mr. Sargent:** For years.

**Caoimhghín Ó Caoláin:** Will the Taoiseach clarify the position regarding immigration legislation? He will note that it has been reported in recent days that legislation will be introduced to bring in a green card system for immigrant workers. Last week in this House in response to questioning from me the Taoiseach said work permits would move from employers to workers.

**An Ceann Comhairle:** Is legislation promised?

**Caoimhghín Ó Caoláin:** Will two separate legislative items be required or will comprehensive legislation be introduced incorporating access to work permits by employees rather than employers, as the Taoiseach has promised?

**An Ceann Comhairle:** Is legislation promised?

**The Taoiseach:** The work permits legislation is separate legislation which is due before the House this session. The immigration and residence Bill is being prepared and I hope it will be available later this year. A discussion document is being prepared at the moment which will allow for public consultation on the issue.

**Caoimhghín Ó Caoláin:** When does the Taoiseach expect the first one to be before the House?

**The Taoiseach:** This session.

**Mr. Gilmore:** I have asked the Taoiseach for a number of months about the possibility of a debate in the House concerning the report of the All-Party Oireachtas Committee on the Constitution regarding the cost of building land. When I asked him about this before Christmas he said he was waiting for the NESC report on housing. The NESC reported before Christmas. Is the Taoiseach now in a position to indicate when the House might at last debate the related issues of housing and the cost of building land?

**The Taoiseach:** I will ask the Whips to look at that. We have received the three reports on which we were waiting. I will ask the Whips if we can have the debate this session.

**Mr. Gilmore:** I thank the Taoiseach for making representation to the Government Whip on my behalf.

**Mr. N. Dempsey:** A first success.

**Mr. Wall:** There is great disappointment and concern among the more than 1,000 families who are affected by the closure of Carlow sugar factory. Will the Taoiseach and the Minister for Agriculture and Food intercede with Greencore to postpone the closure of the factory for another year to allow everyone time to come to grips with the problems which will arise as a result?

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

#### **Finance Act 2004: Motion.**

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

That Dáil Éireann approves the following Order in draft:

Finance Act 2004 (Section 91) (Deferred Surrender to Central Fund) Order 2005, cop-

[Mr. Kitt.]

ies of which have been laid in draft form before Dáil Éireann on 9 February, 2005.

Question put and agreed to.

### **Issue of Writ: Kildare North By-election.**

**An Ceann Comhairle:** Before calling on the Minister of State at the Department of the Taoiseach, Deputy Kitt, I wish to make a brief comment. Although it does not arise today, in view of the relative lack of clarity in the procedural rules concerning a motion to move the Writ for a by-election, I wish to make two points. First, I am allowing the motions to be moved on short notice, in accordance with precedent whereby the four day notice was not insisted upon by a number of my predecessors.

Second, where arrangements for taking a motion for the issue of a by-election Writ are included as a proposal on the Order of Business that day, the motion should be taken after and not before or during the Order of Business. In taking the motion after the Order of Business, the Deputies' right to move the motion is not being denied but I feel the House should be afforded the opportunity to make its own arrangements for taking the motions as it sees fit before the motion can be taken. This means the proposal on the Order of Business would be taken first and would accord with our modern practice of organising business in the Dáil.

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

That the Ceann Comhairle direct the Clerk of the Dáil to issue his Writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil, consequent on the resignation of Deputy McCreevy, a Member for the constituency of Kildare North.

**Minister for Finance (Mr. Cowen):** I have great pleasure in supporting the motion for the issue of this Writ today in respect of the by-election in Kildare North. I do so as a successor to the outgoing Deputy, Mr. McCreevy who, as all Deputies will acknowledge, has served that constituency with great distinction, both as a backbencher and as a Minister in successive Governments. Kildare North has benefited in the past eight years particularly from the strong voice that Mr. McCreevy represented in Government on behalf of the people of the constituency. He did so effectively and despite his critics, from whom we will hear shortly and in the weeks ahead, the people of the constituency know precisely the stature of that record and the impact he has made.

The Government looks forward to going to the people of Kildare North to ask them in a sensible way whether it is in their interest that they face the prospect of not being represented by a

Government Deputy for the next two and a half years, given the enormous contribution their outgoing Government Deputy made in the past seven or eight years. I believe the people will give a resounding affirmative answer to us in reply to that question.

Based on Mr. McCreevy's record and that of the Government, we are anxious and willing to have our record tested at this time. The only two people who will outwork us on this election campaign are Deputies Durkan and Stagg, whom I am sure will be out day and night working hard for their prospective running mates for the next general election.

*(Interruptions).*

**Mr. Cowen:** All the indications are that Deputy Stagg is already out running for one of the new brooms which Deputy Rabbitte has brought forward, whom we wish well in their first electoral contest. I was amused by some of the commentary last night about the prospect of the Government deferring this by-election and the Opposition being very anxious to get out there and show the substance of the Mullingar accord, as it lowed with the other livestock in that area.

I was a by-election candidate who had to wait for six months when the then Government, composed of Fine Gael and the Labour Party, decided that the people of Laois-Offaly could wait for more than six months before it was prepared to take on the motion at that time.

**Ms O. Mitchell:** Look at the prize they got in the Minister.

**Mr. Cowen:** I am glad to see Deputy Stagg has concluded his canvass for this evening and has returned to the House. From the Government's point of view, the people of Kildare North have an opportunity to decide if three Opposition Deputies will serve their purposes over the next two and a half years or whether they would like to have a Government representative to add to their two distinguished Members from Fine Gael and the Labour Party. We will choose our candidates and we will go forward with a real charter of achievement which was accomplished by my predecessor in the Department of Finance, the long-serving Deputy, Mr. McCreevy.

During the course of the campaign I will be in the happy position to refer to many of Mr. McCreevy's achievements, which have benefited not only the constituency but the country as a whole. To be able to go into a by-election on the basis of reducing unemployment, which is now down to 4.2% of the total workforce — some 86,000 out of work of a total of 1.8 million — is an unprecedented record for any Government.

When one examines the package of tax reform, those who go to work, very many of whom live in Kildare, are better off. Since Fianna Fáil returned to Government in 1997, it has reduced the live register by 2,840, notwithstanding that there has

been an increase of more than 27,000 in the population of County Kildare. This is another indication of the huge impact this Government has made to the benefit of the people who live in Kildare North as part of the wider community and a country which is the most successful economy in Europe.

Eminent companies such as Intel, Hewlett-Packard and others have made a record investment in the constituency, exemplifying the modern economy we are building. Mr. McCreevy has a great deal more credit to take than he has ever sought, or has been given him by his opponents in this House, for the enormous changes for the better which have occurred in Kildare since he took the reigns of representation in 1977.

Since then, important investment has been seen at Naas General Hospital, which issue Mr. McCreevy took up after the rainbow coalition looked on helplessly for three years. There was huge investment in the national roads programme and in non-national roads. Investment in public transport, which was a nil figure during the rainbow coalition, was resumed. All of these issues are an indication of Mr. McCreevy's impact and influence. Quite apart from the fiscal and financial policies he brought forward on behalf of the Government in successive budgets and which improved the disposable income of working men and women throughout the country, including in his own constituency, these are indications of the impact for the better he made for the people.

Since his leaving office and taking up his post in Europe, one is aware of the enormous admiration for Mr. McCreevy across the party political spectrum; an admiration not replicated for many of us in this House in terms of the esteem and respect in which he was genuinely held for his openness and forthrightness and independent-mindedness. Fianna Fáil and the Progressive Democrats will field two eminently suitable candidates for selection. The merits of our opposition will be extolled by Opposition Deputies this evening as this campaign begins. However, it cannot be contradicted that, as a Fianna Fáil Deputy for Kildare North, Mr. McCreevy was throughout his career a person who made a positive impact and a difference to thousands of people in the county of the lily-whites. We will produce a winner from the Government benches as this campaign begins as a result of the writ being moved.

**Mr. Durkan:** A.N. Other?

**Mr. Cowen:** I see that Munster too is taking an interest in this Leinster championship campaign. From our point of view, the basic point needs to be reiterated. In what way, for the remainder of this Dáil term, does it suit or coincide with the interests of the people of Kildare North that we have another Opposition Deputy without influence or impact being suggested as a prospective candidate who will support their interests?

**Mr. Hayes:** A weak argument.

**Mr. Cowen:** In a democratic country, people can put their view, but I strongly contend that based on the record of the outgoing Deputy—

**Mr. Allen:** Whom the Government shafted.

**Mr. Cowen:**—his performance, and the quality of life and improved situation of the people of Kildare, which they know about, which needs no extolling by me in this House and which will not be denigrated despite the best rhetorical attempts of the Opposition today or for the course of the next three weeks, the people of Kildare will see that it is in their interests to ensure that they are represented on the Government benches for the remainder of this term. The Government parties will bring forward two eminently qualified candidates for consideration by them and, at the end of the day, we will emerge successful.

**Mr. Kenny:** I wish to share my time with Deputy Durkan.

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

**Mr. Kenny:** I am pleased that the Government has agreed to hold the two by-elections on 11 March. The objective of my party was principally to exercise our traditional prerogative in moving the writ for the Meath by-election. Since I made that announcement on Sunday, most of the indications were that the Government would vote down the writ. I am pleased therefore that in conjunction with the Labour Party, the Government has reconsidered and is now ensuring that the electorates in Meath and Kildare North will have their Oireachtas representation brought back to 2002 levels within a month. In fact, as the boundary commission has recommended that both constituencies will be entitled to an extra seat at the next general election, it is important that the electorates be given the opportunity to fill these seats at an early date.

I listened to the Minister, Deputy Cowen, who like myself is the product of a by-election. In his case, I remember canvassing in Ferbane, where I did not get too many votes, and where the by-election in question was, I think, on the same day as the European elections.

**Mr. Cowen:** Is that right? It was not clear to me at the time. I am glad the Deputy has figured it out.

**Mr. Kenny:** I also remember that after the Inchydoney meeting and the thinking that took place at it, the feeling was that the former Deputy McCreevy, then Minister for Finance, who in fairness was always his own man with his own view, was to be removed from the Cabinet or could stay there and be demoted. He was then dispatched to the relative safety of the European Commission where he could no longer be a thorn in the side of some backbenchers, because there was a per-



[Mr. Kenny.]

ception that Fianna Fáil was suffering as a consequence of his being Minister for Finance.

In Kildare, Fine Gael has chosen as a candidate councillor Darren Scully, a young man with a very bright future. He is a first-time elected member of Naas Town Council, a young father acutely aware of the needs of north Kildare. No more than anyone else contesting a by-election, this is a difficult time for him. His mother passed away only last week, always an extra burden for any candidate of any party to bear.

Since the vacancy was announced last July, Fianna Fáil seems to have had some difficulty in the constituency and I am glad that as a consequence of the Cabinet meeting today, it has decided to hold its convention on Thursday. I listened to the Minister of State, Deputy Kitt, who has some relations in the contest, so let the party decide whatever it wants to do. I am sure stories will be told about the selection. However, I expect that the combined strength of the Fine Gael and Labour parties in north Kildare will ensure a victory in this case for the alternative Government.

I will speak only once in this debate. In respect of Meath we recognise the scale of the challenge. The Minister for Communications, Marine and Natural Resources, Deputy Dempsey, is director of elections. I know that over the last 50 years, Fianna Fáil got an average of 47% of the vote in Meath and that the lowest it ever got was 42%, in the 1997 general election when John Bruton was Taoiseach. Given that performance, in fairness to the Fianna Fáil party over the years there is a considerable difficulty for anyone in trying to take that Meath seat. However, Shane McEntee is an exceptional candidate and the people of Meath are fair-minded. In the previous general election they gave two seats to the Fine Gael party and we intend, with an outstanding candidate, to fight this by-election very competitively, to win and to put the credentials of Shane McEntee before the electorate so that it will restore the balance as it did through its general election vote in 2002.

Both constituencies, making up as they do one of the fastest-growing conurbations in the country, epitomise all the difficulties now faced by modern constituencies on the edge of greater Dublin in terms of commuter travelling times and pressure on housing, mortgages, schools and health services. The Government has failed appallingly in so many of these areas, which is why it must contend with massive public meetings where frustration and anger are expressed by people. The Government members will feel that is they canvass.

**Mr. N. Dempsey:** Are they the meetings the Deputy organised against the M3?

**Mr. Kenny:** It was the Minister, Deputy Noel Dempsey, who made the point the other day that he wanted long days for the by-election. The

people of Meath are well able to make up their minds on the quality of the candidates, whether the days be dark or bright.

As far as Fine Gael is concerned, this by-election will be fought strongly but fairly. I will make two points. Given that 11 March is a Friday and given the extreme commuting difficulties faced by people in north Kildare and Meath, the Government should arrange to keep open the polling stations for the maximum time, from 7 a.m. to 10 p.m., to allow for that. Apathy is the great difficulty in elections these days. It is difficult to make politics exciting in a time of economic prosperity. I hope that across the electorates of Meath and Kildare North, people will register their protest at the concerns flowing into our offices regarding how the Government has failed to deliver. From the Fine Gael perspective, I hope that Shane McEntee in Meath and Darren Scully in Kildare will register their protest votes against the Government on those issues, and in respect of the quality of the candidates.

**Mr. Durkan:** I was delighted to hear the Minister for Finance, Deputy Cowen, extol the virtues of my former colleague, the former Deputy McCreevy. I knew him well——

**Mr. Cowen:** I still know him well.

**Mr. Durkan:** I did not say that. We worked very well together. I was delighted to note that even at this late stage the Government recognised his talents and paid tribute to them because when he was ushered out of this hallowed hall and into other places, there were no voices of support from the Government side of the House. I got along very well with him but intend to get along even better with the next Member to be elected in Kildare because I expect it will be a colleague of my own.

**Mr. N. Dempsey:** The worst thing about having two parties in Opposition is that they cannot do anything.

**Mr. Durkan:** Darren Scully, a young candidate running for election to the Dáil for the first time, has a great deal to offer and is a fine public speaker. Without any doubt he will be an excellent Dáil Deputy after the by-election.

The by-election will give Government Deputies an opportunity to visit County Kildare which is a microcosm of the country, in particular the east of the country. They will see the lack of adequate schools, hospital and health services, and policing in terms of the numbers of gardaí promised before the previous general election. They will see the failure to deliver. They will see the number of pre-fab schools, primary and secondary, throughout the constituency. It is disgraceful that in this much-vaunted economy, children exist in such primeval conditions. That is something from which the Government Deputies will learn. They will be able to examine our roads, another

area given Government attention recently in terms of the billions it expects to spend on them. They will be able to see the roads and potholes and that every by-road in the place a disgrace.

Members of the Government will be very welcome in the constituency, since they will be able to see their own work at first hand. They will also be able to see the disgraceful housing situation, with 3,500 young families on the housing list, many of whom have been sitting there for the last seven years. They will be there for another seven years unless the electorate in Kildare decides otherwise, as I believe they will.

It will also give an opportunity to both Ministers and backbenchers on the Government side to come forward and see the commuter traffic passing through County Kildare, with people heading far into the country to where they must buy houses, travelling 50, 60 or 70 miles morning and evening to and from work. It will give a great opportunity to Government Deputies to see the effects of this decentralisation at first hand. They had not planned it, except by way of squeezing the young population out of their houses. It will give Ministers and backbenchers an opportunity to see the number of applications for medical cards and rent support that has been refused recently. Seriously ill people have sought rent support and been refused in this much-vaunted economy.

It will give Ministers, Ministers of State and backbenchers a chance to come to County Kildare and see the results of their handiwork. They will see at first hand that all is not as they present it. It will not be a time for spindoctors but for reality. Reality TV is about to come of age, and I have no doubt that Darren Scully will be victorious, something that I will do my utmost to ensure.

We should pay tribute to those other candidates in the race. There is no doubt that they are people of integrity, and that will be seen in the course of the election.

**Mr. Rabbitte:** I wish to share time with Deputy Stagg.

I welcome the last-minute conversion of the Government parties to the necessity of running these two by-elections now. I have no idea what all the fuss was about or why such bogus excuses were advanced for not running the elections. I heard the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, on radio today. He reminded me of the corncrake in that I could hear him clearly but did not know what side of the argument he was on.

**Mr. Cowen:** The Deputy is a cuckoo.

**Mr. Rabbitte:** I am glad that they have now come around to our view. I join with the Minister for Finance, Deputy Cowen, in wishing former Deputy Charlie McCreedy well. I have no idea what he means when he says that Mr. McCreedy made such an impact that it is a shame he is gone.

We did not send him anywhere; it was the Government that shafted him. If he were making such an impact, why did you send him to Europe? It is a complete mystery to the rest of us.

**Mr. Cowen:** The Deputy's party is in permanent opposition.

**An Ceann Comhairle:** Please allow Deputy Rabbitte without interruption.

**Mr. Rabbitte:** He was the best thing that ever happened to us on this side of the House.

**An Ceann Comhairle:** If Deputy Rabbitte addressed his remarks through the Chair, he might not invite interruption.

**Mr. Rabbitte:** Why they wanted to exile him I do not know. The Minister for Finance, Deputy Cowen, says he is confident the Government benches will produce a victory in Kildare. To do that, the Minister will first have to produce a candidate. If he follows the pattern of the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, in Meath and gets the wrong candidate the first time, now that the election is under way, he will find great difficulty in changing horses—

**Mr. Cowen:** We know what the Labour Party did with Deputy Michael Higgins. There was no candidate.

**Mr. Rabbitte:** —in time for polling day.

**Mr. N. Dempsey:** At least I knew the names of our candidates.

**An Ceann Comhairle:** Deputy Rabbitte without interruption.

**Mr. Rabbitte:** I welcome the opportunity to promote the credentials of our young candidate, Councillor Paddy McNamara, who was elected at the top of the poll in his area. He is a lecturer dedicated to public service. The only reason the Government parties did not make their minds up until this morning is that they did not want to confront the people, given their experience on the last occasion. It is entirely bogus to send Ministers and Ministers of State out to say they do not want the election because it would disrupt the business of the Dáil. The Taoiseach has just scampered off; he disrupts the business of the Dáil at will. If he had his way, he would close it down entirely. The number of days the Dáil sits was never fewer, and now we find that an extra week has been added to the Easter recess, for no reason that we have been told. There was no consultation between Whips on the issue. The Government simply went ahead and did it.

It is entirely spurious to say a by-election would disrupt the legislative programme of the Dáil. It would do nothing of the kind, and Ministers know that. The reason is that people want to talk to

[Mr. Rabbitte.]

the Government about prices, hospitals, medical cards, child care and transport. It is all very well for the Minister for Finance, Deputy Cowen, to say the boom has created significant extra jobs, as it has for a dozen years. There are more people at work, but they cannot get there.

We get a fantasy package from the Minister for State at the Department of Transport, Deputy Callely, who claims we are to invest €10 billion. It reminds me of what happened at Ballymascanlon before the general election. The then Minister for Health and Children, Deputy Martin, announced a package of €7.7 billion for the health services. Not only did that never happen; the much-exalted Minister for Finance, former Deputy McCreavy, had written to the same Minister three weeks before to say that there was no question of any additional funding being made available. That letter was subsequently published in the national news media.

The last time I heard of Deputy Callely being busy was when he announced at Christmas that he had intervened with National Toll Roads to stop the 20% increase on the toll bridge. I came over it last night and paid the extra 20%. If Deputy Callely has the same success in delivering the upgrade and investment needed for transport to Kildare, I am afraid the outlook for the country's hard-pressed commuters is very bleak.

I will resume my seat in favour of my colleague, Deputy Stagg. The one thing the Tánaiste and Minister for Health and Children, Deputy Harney, has said that she is standing by is the Hanly report. I know there is collective amnesia on the Government benches about it, but the people of Kildare should know that if the Minister for Health and Children is standing by it and the Fianna Fáil Ministers are standing by her — I do not want to make that presumption — the accident and emergency department in Naas is gone. The people of Kildare should know that. I will return to the question.

**Mr. Cowen:** We put it there. That is a disgrace.

**Mr. Durkan:** We did.

*(Interruptions).*

**An Ceann Comhairle:** Deputy Durkan has already had his opportunity. Deputy Stagg has possession.

**Mr. Stagg:** The vacancy in Kildare North was created by my personal friend and political opposite, former Deputy McCreavy. He was a good friend of mine, and I wish him well in his banishment to Europe. Appreciation has been shown on the Government side for him, and it was a pity that it was not shown before he was shifted out, since he certainly did not want to go. That is well known there and everywhere else — it is certainly well known in Kildare.

For the information of the Minister for Foreign Affairs, Deputy Dermot Ahern, I have been canvassing with our candidate, who was selected without difficulty, since last November and not merely for the last few minutes. I welcome the Government's decision to accede to the demand of the Labour Party leader, Deputy Rabbitte, and others that the by-election be held in Kildare North without further delay. Given the disarray in Fianna Fáil ranks in the constituency, it is understandable that they were anxious to put off the day of reckoning for as long as possible.

The disarray to which I refer is well known. The two Fianna Fáil front runners refused to get out and withdrew from the field of play altogether. Subsequent attempts by Fianna Fáil headquarters to impose a candidate of its choice was and is resisted by the other potential candidates in Fianna Fáil and to make matters worse for Fianna Fáil, the front-runner among the others lives, works and operates politically seven miles outside the Kildare North constituency. He is the likely successor.

The real reason Fianna Fáil sought to delay the by-election in Kildare North was that it was not ready, it had no candidate and it was in disarray. However, despite the disarray in Fianna Fáil ranks, the combined pressure from Labour and Fine Gael forced the Government, including Fianna Fáil, to cave in and agree to an early date for this election. This is a good day for democracy in general and especially for Kildare North. The electorate will now get the opportunity to pass judgment on the litany of failures and broken promises in my constituency of Kildare North.

The Labour Party did not have the same difficulty as Fianna Fáil in finding a candidate. In October last year, the Labour Party selected poll-topper Councillor Paddy McNamara as its standard bearer to contest the Kildare North by-election. Paddy is a young married professional who has been togged out and campaigning since then. He has identified five major issues that are of serious concern to the citizens of north Kildare, problems arising from false promises and under-provision — they are transport, education, child care, housing and health.

In each of these vital areas of policy and service provision, the Government has failed to deliver or keep its promises. Trains are packed to danger point. New tracks and carriages have not materialised as promised. Pregnant women can no longer travel on trains because of the crush. Promised buses have not been purchased. An extra 15 buses were intended for north Kildare under the Government's plan and they have not been delivered. They would make a huge difference to the morning queues in Celbridge, Maynooth, Leixlip and Naas. The M50 is a modern instrument of torture or very expensive parking lot and all we get are promises of more of the same or worse, as the Taoiseach told us.

Paddy McNamara found our education system to be in a state of crisis. There are prefabs at every school in north Kildare, both secondary



and primary, but some schools cannot get funding for prefabs from the Government. In Sallins, for example, 50 pupils who were otherwise eligible to do so could not be admitted to primary school this year. In one school in Naas, the entrance age is six years because there is no room to take the pupils. All we have got are houses from massive zoning, mainly by the Fianna Fáil councillors at Kildare County Council level, without the required infrastructure being put in place. Child care and health were two other issues mentioned by my colleague.

Our candidate, Paddy McNamara, is toggled out and ready for action. I now invite Fianna Fáil to find its best man or woman and give him or her a jersey. We should have no more delays. The referee's whistle has been blown and I am confident that at the end of the game, our man, with the co-operation and assistance of the other parties in opposition, will take the seat in Kildare North.

**Mr. Cowen:** What about Deputy Durkan?

**Mr. Durkan:** We will wait to see what the Members opposite have to say.

**Mr. Sargent:** I wish to share time with Deputies Ó Caoláin and Finian McGrath.

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

**Mr. Sargent:** It is a good day for democracy that the parties in a position to move the writ do so today. I welcome the opportunity to put on the record the good wishes of the Green Party for the former incumbents, Charlie McCreevy in Kildare North and John Bruton in Meath. I have no doubt they will be missed in many ways but the people of Kildare North and Meath now have an opportunity to review their situation and look to the future. The Green Party will contest those by-elections with that sentiment in mind.

A by-election is often seen as a barometer of the Government's performance. I have no doubt that will be the case on this occasion and to that extent the Government has good reason not to want these by-elections and try to postpone them for as long as possible. It has been flushed out, however, and we now have a date of 11 March. Given that the Government is squandering a great deal of taxpayers' money on projects that do not give any benefit and widen the gap between rich and poor, as well as increasing the debt on future generations from the point of view of energy and environmental degradation, these by-elections will be a serious acid test for the Government.

A by-election is an opportunity to make a real difference and in the case of our party, which has six TDs, an additional representative, or ideally two, would bring us up to the level where we would be recognised as a group. The dynamics in the Dáil would clearly change in that regard. That

is serious motivation from our point of view to have a successful outing at these by-elections.

Our candidate, Councillor J.J. Power, representing Naas and County Kildare in general, is somebody whom I look forward to working with, as I have done in Kildare North. Apart from being a family man and an elected councillor, he is someone who is very highly regarded by the people of Kildare. Fianna Fáil will know him well, given that he has a long family tradition in politics, but the Green Party is his chosen party and I know he will highlight the problems which are all too familiar to many people in terms of communities in the area not having proper school, health or public transport facilities.

Driving from Kildare to Dublin I am aware of the congestion at any time of the day, never mind peak hours, but I also know that opportunities exist to put forward solutions, and many of the Green Party solutions are to do with proper planning, investment in public transport, the provision of local facilities, primary health care and facilities for children. The provision of child care and playground facilities will be warmly welcomed and viewed as a resolution of the problems. I wish Councillor Power well and, on behalf of the Green Party, I hope the by-election will be an opportunity to address all the issues that need to be discussed and that it will be free of the type of in-fighting that sometimes bedevils by-elections.

**Caoimhghín Ó Caoláin:** I welcome the moving of the writ by the Government in respect of the Kildare by-election. It has been awaited for far too long. The seat should not have been left vacant since last autumn, which is effectively what has taken place. The shenanigans — there is no other word that can best describe what we have seen over the moving of these writs — show the dire need for reform of electoral legislation. What is appropriate in this instance is that by-elections should be called within a specified period of the vacancies occurring, and that should be enshrined in legislation. It is the responsibility of the party or the Independent group of the departing Deputy in whatever circumstances, but it should be done within a specified period. The idea that this can go on for a protracted period is simply insulting to the electorate and disenfranchises the specific constituency by rendering it less represented here over a protracted period of time.

I ask members of Government and those who will form Government in the future to seriously examine this issue as an aspect of electoral reform and ensure that a specified period is laid down in law. These seats are not the property of the parties or the individuals, they are the property of the electorate in the respective constituencies, and what happened here is simply unacceptable.

If we were to examine the comparison with local government, there can be no doubt in our minds that if a vacancy occurred at local authority level, there would be no such delay. The co-option process, now catered to in local govern-



[Caoimhghín Ó Caoláin.]

ment legislation, would have been employed, enacted and concluded a long time ago.

Regarding the Kildare by-election, it is unlikely at this point that our party will contest it. All candidates going forward are taking up an important role and responsibility. Whatever the outcome, I hope the victor will make an important, useful and appreciated contribution in this House.

**Mr. F. McGrath:** I thank the Ceann Comhairle for the opportunity to contribute to the debate on the motion. This is an important by-election and a further development of our democratic process. It also shows the urgent need to change Irish society. It will provide an opportunity to support and highlight the case of independent candidates and their important role.

In this by-election an independent councillor, Catherine Murphy, from Leixlip is standing on her own against the major political parties. She has a great chance of causing a major upset and adding to the number of Independent Deputies in the Dáil. She has been a full-time public representative for many years, working on behalf of the people of Kildare North. She will be contesting the by-election as an independent candidate. Based on her record of public service and commitment to the issues that matter to the community, she is best placed to provide an effective voice for the people of Kildare North in the Dáil. Her track record speaks for itself: she has been a Kildare county councillor since 1991 and a Leixlip town councillor since 1988. She is chairperson of the Kildare Community Network and a member of Kildare County Development Board. She is also a board member of the County Kildare Centres for the Unemployed.

Councillor Murphy's priorities in the forthcoming by-election are: planning for community need, not private greed, resulting in the building of strong and healthy communities with sports, leisure, education, medical and social facilities; frequent and efficient rail and bus services and expanded taxi services; supporting campaigns for affordable housing and child care; the provision of Garda resources to meet the needs of Kildare North's rapidly growing population; and an increase in Government funding to match the growth in the constituency.

The by-election is an opportunity for us to show that there are credible independent candidates who are prepared to run. Many Independent Deputies will wish Councillor Murphy well, particularly as she is up against the odds. However, she is an excellent candidate and could prove to be an effective member of this group. If successful, she will bring our numbers in the Dáil up to ten. Members of the public see Independent Deputies as the credible alternative to party political neglect. They see that such Deputies are answerable only to the people, not political parties or vested interests.

Independent Deputies represent a highly credible percentage of the total numbers in Dáil

Éireann. We contribute to all debates in the Dáil, are community based and believe in straight-talking politics, not wasting public money on spin. Independent Deputies have also shown that they can work together, that they can accommodate differences and diversity and that they will always put the people and the country first. Most of us came up the hard way; we never demanded respect, we have always earned it and stuck with the poorer sections of society. That is why I welcome this opportunity to endorse and support Councillor Catherine Murphy.

Question put and agreed to.

### Issue of Writ: Meath By-election.

**Mr. Kehoe:** I move:

That the Ceann Comhairle direct the Clerk of the Dáil to issue his Writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the resignation of Deputy John Bruton, a Member for the Constituency of Meath.

**Mr. Bruton:** I propose to share time with Deputy English.

It is an honour for me to open the debate on this motion because, as the House is aware, the voters of Meath entrusted their confidence in my brother, John, over a period of 35 years. That was a major vote of faith in Fine Gael and his service to the constituency.

It is appropriate that we have, in Shane McEntee, a candidate who carries on the great political traditions created in County Meath. Shane is steeped in the traditions of the county. His name is synonymous with Gaelic football in County Meath and both he and members of his family have trained teams throughout the county. His family is known for its commitment to many voluntary organisations for a long period and has built up a huge amount of what we term "social capital". There is no doubt that County Meath badly needs this because, despite the best efforts of Government over many years, major problems have been created in areas of the county such as Ratoath, Dunshaughlin, Dunboyne and Ashbourne. These places were just villages but have become major centres obliged to absorb huge numbers from Dublin. A similar position obtains in the traditional centres of Trim, Navan and Kells.

The challenge in the forthcoming by-election is for the people of County Meath to give voice to their frustration with the failure of the Government to address their needs. It is difficult to believe the Government spends three times more on health today than it did seven years ago but that the accident and emergency service is in crisis and that fewer people possess medical cards. In towns such as Ashbourne and Dunboyne there is a complete lack of community and

school facilities to match the pace of growth. The pressures in County Kildare to which Deputies referred earlier are equally apparent in County Meath. Increasing numbers of those who live and vote in County Meath are obliged to rise early, become involved in unendurable commuting difficulties, cope without child care support and fund new schools that are not adequately developed and which lack facilities. The voices of the people to whom I refer need to be heard.

I was disappointed that there was a suggestion from the Government to the effect that the by-election might be delayed. Elections are a great leveller. Everyone is aware of the verdict the people passed on the Government's efforts last year when it was obliged to go before them in the local and European elections. People have not forgotten all that was promised, namely, the end of waiting lists and the fact that first-time buyers would be cherished. None of the promises has come to pass. One can see the extreme pressures caused in counties Meath and Kildare by a lack of proper planning and proper use of the resources given to the Government.

In Shane McEntee we have the sort of candidate who can give momentum to the need to express what is required throughout County Meath. This is a great opportunity for the people of the county to express their confidence in alternative strategies to address their needs. Many commentators refer to the need to offer an alternative Government and the creation of the basis on which one can be formed. It is to address the problems that counties Meath and Kildare, more than any other, have experienced that such an alternative Government must be forged. This is an opportunity for the parties in opposition to show their capacity to work together to deliver seats in counties Meath and Kildare. I will not spare my efforts in that regard.

Shane McEntee has already done great work in County Meath. We will deliver a message to the Government, namely, that this country needs change and that it can do so much better than it has done to date.

**Mr. English:** I welcome the opportunity to contribute to the debate on the forthcoming by-election in County Meath which I am glad is going ahead. The people of the county and the Opposition had an excellent Deputy in John Bruton. He is greatly missed, particularly in County Meath which has suffered a great deal since the Government came to office.

We will be campaigning with our excellent candidate, Shane McEntee, whose record stands for itself. His family are well known. He is an upstanding, honest and straightforward man and a hard worker. He has great passion and is stubborn. When he believes in something, he will stand by and fight for it. The three Fianna Fáil Deputies already representing the county do not seem to be fighting for it.

**Mr. Rabbitte:** Deputy Johnny Brady is not bad.

**Mr. English:** We had a discussion earlier with the Minister for Transport, Deputy Cullen, in respect of rail services in County Meath. It seemed as if it was the first occasion on which he had heard Navan being mentioned. I wonder whether the Minister discusses Meath issues with them when he is there. I know he is working for the country, but does Meath every get a say at the Cabinet table? Surely the Minister for Transport, Deputy Cullen, can talk to Iarnród Éireann to secure an update on the Navan line. He did not know that was happening or what was needed but he indicated that he would consider it. I wonder who he sits beside at Cabinet.

I thought Deputy Johnny Brady and his colleagues would hide when it came to defending the Government's record. Perhaps Deputy Cassidy might give a hand with this election because it will be some challenge. If one accepts the Minister for Finance, Deputy Cowen's point that the outcome of the by-elections will be based on records, I am afraid Fianna Fáil is in for trouble in County Meath. Its record there is terrible. Deputy Johnny Brady must admit this when he goes canvassing. How will he be able to stand on doorsteps where people, four years later, are still waiting for the disabled persons housing grant and are still suffering? I heard him say recently that he has known a woman for the last seven or eight years who still has to leave her house to use the bathroom facilities. What will he say to her when he is looking for the vote? Who was in Government for the last seven or eight years? It was not us. That is the Fianna Fáil record.

The Navan hospital issue is one of the largest—

**Mr. J. Brady:** They are still at it.

**Mr. English:** What has happened since John Bruton's Government left office, the rainbow Government, with Fine Gael leading it?

**Mr. J. Brady:** They tried to close it years ago and the Deputy is still at it.

**Mr. English:** Nothing has happened in Navan hospital. There has been no capital investment. I am sorry if Deputy Johnny Brady cannot admit it. Can the Leas-Cheann Comhairle believe it?

**Mr. Dempsey:** He cannot believe it because it is not true.

**Mr. J. Brady:** The Deputy will be writing to Santa Claus, like he was, for a train. He has been writing to Santa for the last three years.

**Mr. English:** Santa has never failed to look after County Meath, which is not like Fianna Fáil. Let us hear what Deputy Johnny Brady has to say about Navan hospital.

**Mr. Cassidy:** Is the Deputy backing Mr. Shane McEntee?

(Interruptions).

**Mr. English:** There has not been one euro of capital investment in Navan hospital since this Government took office. That cannot be argued with.

**Mr. J. Brady:** That is a lie.

**Mr. English:** The proof is there. The last time Navan hospital got any investment — the female medical ward — was under the rainbow coalition Government. Let us see what it got. The Minister for Health and Children, Deputy Harney, tried to defend the Government's record as regards Navan hospital. She talked about painting the place and the refurbishment of the accident and emergency department. The accident and emergency department is a cardboard box, a portakabin. To talk of refurbishment is an insult to the people of Meath and they will not forget that.

I warn anyone coming to Meath to bring a car because one cannot get access by rail. If there is a meeting at 10 o'clock in the morning, one had better leave at 7 o'clock because there is no guarantee of getting there on time. That is because the Government is failing.

**Mr. Penrose:** They were lucky it was not photographed and then closed again.

**Mr. English:** My office and that of the Minister, Deputy Johnny Brady and Deputy Mary Wallace are besieged by parents who cannot get school places for their children, despite the promises made. Boards of management are having to discriminate on grounds of age, taking children who are five and a half years of age before those who are a year younger.

**Mr. J. Brady:** There is a new school in Oldcastle and another in Kells.

**Mr. English:** Deputy Johnny Brady will get his chance to defend his record on the doorsteps and I bet he will hide from most of the criticisms. He will probably be seen in Leinster House more than normally.

**Mr. Cassidy:** A new school was opened in Castlepollard.

**Mr. Howlin:** Deputy Cassidy should give the man a chance to speak.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. Penrose:** The truth hurts.

**Mr. English:** I will continue when the Deputies are finished. We do not often see that great man, the Minister for Justice, Equality and Law Reform, Deputy McDowell, in County Meath. I hope the Minister, Deputy Dempsey, took the opportunity to inform him, when he was talking to him at the Cabinet table, that we have the

same number of gardaí in Navan as we had 20 years ago. The population of Meath has jumped by 26,000 in the last five years. Navan's population has doubled. One imagines that would justify a few extra gardaí, yet the number has stayed the same. That is indefensible and is pure neglect. Mr. Shane McEntee will have an easy election.

**Mr. J. Brady:** He will with Deputy English behind him.

**Mr. English:** He will have Deputy John Bruton's record behind him as well as his own campaign. He is a credible candidate.

**Mr. J. Brady:** It is not long since Deputy English was screwing him.

**Mr. English:** What is more he will have the Fianna Fáil record working for him. Imagine trying to defend that. It will be an easy take for Mr. McEntee.

**Mr. Penrose:** I do not believe the Deputies on that side of the House should talk too loudly.

**An Leas-Cheann Comhairle:** The Deputy should conclude.

**Mr. English:** I would like to conclude, but I should be given a few extra minutes. I will make one last point. Anyone who is canvassing in Meath should not look to change his or her job while there. To look for a new job in Meath is like trying to find a pot of gold at the end of the rainbow. There is none there. IDA Ireland jobs have been reduced over the last number of years. Most towns have seen a reduction in employment. A few might be created because of decentralisation moves to Trim but, overall, no new jobs have been created for the people of Meath. The record stands for itself. The Government is failing the people of Meath. They will not forget this in three and half weeks' time. We are looking forward to it and the people are looking forward to it.

**Mr. J. Brady:** The Deputy is uttering gloom and doom the whole time.

**Mr. English:** I am sorry, what is that?

**An Leas-Cheann Comhairle:** The Deputy should conclude. I call on Deputy McManus.

**Ms McManus:** The Deputies will get their doom and gloom on the doorstep.

**Mr. English:** The Deputies will get their doom and gloom. I will remind the Minister that yesterday he said we were afraid to go to the doors. We are not afraid to go to the doors. We will see who is right in three and half weeks.

**An Leas-Cheann Comhairle:** Order, please. Deputy McManus has the floor.

**Mr. English:** We will see the Fianna Fáil percentage vote drop from 47% to well below 35% and then we will know. We will see it in a few weeks' time.

**Ms McManus:** I wish to share time with Deputy Penrose. Today is a good day for democratic accountability and for the people of County Meath and County Kildare. Both the Labour Party candidates, Mr. Dominic Hanigan in Meath and Mr. Paddy McNamara in Kildare, have been campaigning since well before Christmas. Both of them will welcome an opportunity now to put their cases to the electorate. It is quite clear that the Government did not want to have by-elections. It was resistant and was forced to climb down as a result of pressure from the Opposition. Despite the fact that the appointment of former Deputy McCreevy dates from July and former Deputy John Bruton from last autumn, it was necessary to have by-elections to ensure that the people of those constituencies had full representation in Parliament. However, the indication from Government was that it wanted to postpone, delay and avoid the inevitable.

I thought it ironic when the Taoiseach said that having by-elections would interfere with Dáil business. The Taoiseach, more than any other Member of this House, has tried to ensure that Dáil business does not carry on to its full capacity. Holidays have been extended and he disappears on a Wednesday. In fact, this is the Taoiseach who has no difficulty in providing Government Ministers with an extra week off to go to Cheltenham. It is somewhat rich of him to start to make an argument like this. The reality is these are important by-elections—

**Mr. Cassidy:** When is it?

**Ms M. Wallace:** When is it?

**Mr. J. Brady:** When is it?

**Ms McManus:** The Deputies should just calm down.

**An Leas-Cheann Comhairle:** Order, please.

**Ms McManus:** There are three stooges there across from me and I ask them to listen and learn.

*(Interruptions).*

**Ms McManus:** In Councillor Dominic Hanigan, we have the type of candidate who would excel in this House. He would represent the people of County Meath in a new dynamic way that they deserve. He has shown himself to be a man of energy and commitment, somebody who wants to service the people and his own community.

**Mr. Dempsey:** He was elected as an independent and then joined the Labour Party. That shows some commitment.

**Ms McManus:** I ask the Minister to hold off for a minute. I know he has talked a good deal about these by-elections, but he has not said anything. He should let other people talk because these are important by-elections. This would provide the first opportunity since the local elections in June for the people to have their say. I have no doubt that the Government is going to get a rough drubbing, as it did in the local elections. In particular there is a strong case to be made to ensure that the Government is not permitted to hold four seats out of the five. Labour Party Councillor Dominic Hanigan has been campaigning intensively for several months and is in a good position, not just to express the frustrations of the people of County Meath at the Government's shortcomings, but to ensure they are met.

Some of the issues need to be recorded here. Meath has some of the largest classroom sizes in the country. According to figures obtained recently, there are 5,715 pupils in Meath schools in classes of more than 30. This is despite promise after promise from the Minister for Education and Science to reduce the pupil-teacher ratio. Meath has suffered from medical card cutbacks. Since the Government came into power in 1997, Fianna Fáil and the Progressive Democrats have taken 8,312 medical cards out of the hands of people in need. This is type of issue which needs strong representation. I look forward to Councillor Dominic Hanigan become Deputy Dominic Hanigan in the near future.

**Mr. Penrose:** I welcome the opportunity to go into the nice, fresh lands of Meath as director of elections for the Labour Party and particularly for the candidate, Mr. Dominic Hanigan. He reminds me of myself, when I started off. Many people, particularly from the large parties, wrote me off. They will attempt to do the same to Mr. Hanigan at their peril. He has been campaigning since December. He is young, enthusiastic, vibrant and intelligent, somebody who really wants to represent the people. One has to have the enthusiasm to want to represent the people.

I have had the opportunity to visit Meath. I do not purport to know everything about it, but I know that some parts of Westmeath have been annexed for the next elections. I noticed that the Minister was in that part of our county last week and I was surprised that Deputy Brady was not there. I do not know why he was not invited, because he is someone who—

**Mr. N. Dempsey:** Mick Dollard did not want him there.

**Mr. Penrose:** — lives very close to the area. I know he has an interest in the area. Deputy Mary Wallace lives a little further away than that, but she does have relations in Mullingar. Dominic Hannigan's priorities are noticeable on the campaign trail, as they are important to the people of Meath. These priorities include an enhanced rail and public transport service for Meath, an end to



[Mr. Penrose.]

the school and child-care crisis that faces hundreds of families across the county and the upgrading of the hospital facilities and major investment in primary care. We believe in upgrading hospital facilities. We do not believe in photo-opportunities where people arrive and get a photograph taken for the papers. A Minister did that in Mullingar, County Westmeath and then she disappeared, even though the 12 bed unit she visited was closed and would not open for another two months. The people of Meath do not want that kind of thing. It is time to cut out the nonsense where people are treated like fools. This Government is renowned for that and we will be telling them so on the doorsteps. The Government has three representatives in Meath and it does not want another one. It is taking people for fools. I have never taken a person for a fool. I treat people as they are, I treat them fairly.

We also need intelligent planning where people are put before profit. There are big estates in Navan, Athboy and Trim and I have been in them. Why is planning permission given to developers when they fail to complete estates to the required norms and to the exact specifications of the planning conditions? The Labour Party brought a Bill before the House in the name of Deputy Seán Ryan that was turned down. Why was it turned down? Dominic Hannigan, as chairperson of the planning committee on Meath County Council, will make sure that those issues are chased without fear or favour. He is someone who will bring the issues to the floor of this House in the same way he has articulated them at Meath County Council.

I spoke to a young mother on a doorstep in Navan the other day, who was looking after her own mother inside. She told me that her mother gets one day's respite care every year. That is some society about which the Government blows its trumpet. I asked her where the respite care places were in Navan. She told me that there was one. I asked her could she not even get that one but she replied they were lucky they got one.

**Mr. J. Brady:** That is totally untrue.

**Mr. Penrose:** That is what she told me. The woman is on a waiting list to get one day's respite care.

**Mr. N. Dempsey:** Someone is telling lies.

**Mr. Penrose:** Well she must have told me lies at the door. I do not tell lies. I relay what I hear and I have a habit of believing what I hear. Across the country that is the type of issue that arises. Where are the respite care facilities? I welcomed the disability legislation, but I have listened to what people are telling me about it. We need to look after such people, people who need social and affordable housing. We need to improve their quality of life. These are the issues that we will articulate in the Labour Party.

Child care is one of the biggest single policy failures of the Government. We will bring out a number of policy issues in this area and we will let the people of Meath decide. We have had representatives before from Meath, who fought very hard for their constituents. We hope to continue that tradition on 11 March with the election of Councillor Dominic Hannigan.

**Mr. Sargent:** This by-election will be a welcome opportunity for the people of Meath to have their say. They can pass judgement on their neglect by the main parties down the years. Meath will not be taken for granted and there are many issues about which the people feel angry. The Green Party candidate, Fergal O'Byrne, has been a campaigner and community worker for many years and knows how the pernicious and rapacious policies on waste have been carried out in an out-of-sight, out-of-mind manner. When it was thought that such a policy would be accepted by the people of Meath—

**Mr. N. Dempsey:** That is the policy of the Green Party. Scatter the ashes.

**Mr. Sargent:** —then that is the policy that will haunt this Government.

**Mr. Boyle:** We will scatter ashes on the Government.

**Mr. Sargent:** The Government now needs to be held accountable.

**Mr. Cassidy:** We will see how many people will vote for his party.

**Mr. Sargent:** This Minister has decided that he will not listen to the views of the people of Meath. He thinks he knows best, but he will get his answer this time around. The people of Meath will not be found wanting when they pass judgement—

**Mr. N. Dempsey:** I stood for election in 2002.

**Mr. Sargent:** —on a Minister who does not even want to listen to elected representatives, not to mind the people of his own county. Will he listen to the people of Meath when they speak? He will have no choice in the matter, whether he likes it or not. He will have to realise that places like Navan had an industrial base and employment which did not require people to leave their homes at the crack of dawn like lemmings to make their way to Dublin on the N3.

**Mr. Cassidy:** They have a job.

**Mr. Sargent:** They will now be told that if they want to get to Dublin, they will have to do away with much of their archaeological heritage at Tara and Skryne.

**Mr. J. Brady:** The Deputy should not kid himself.

**Mr. Sargent:** The Minister and the Government need to realise that there are much better ways of local planning and local employment. The rail corridor was closed down by Fianna Fáil many years ago. Now is the time of reckoning. This Government will have to pay the price for neglecting the people of County Meath.

**Caoimhghín Ó Caoláin:** Cuirim fáilte roimh an rún seo chun votachán na Mí a chur ar siúl ar 11 Márta. I welcome the Government's acceptance of the writ for the Meath by-election. The Sinn Féin candidate, Councillor Joe O'Reilly, has been on the campaign trail for weeks. He is by far the best known and the most experienced candidate in the field. He has a proven record in community leadership in local government and he has played a key role in Sinn Féin's national project for lasting peace and an Ireland of equals. He is chair of the forum which brings together our elected representatives from throughout the 32 counties of Ireland and he has performed in that role admirably for a number of years.

These by-elections will take place two and a half years into the term of this Government. Undoubtedly, it will be a poll on the Government, not only in Meath and in north Kildare, but throughout the State. County Meath is a prime example of how the State has been misgoverned over the past decade. The long term residents and those who have moved there in recent years are victims of bad planning—

6 o'clock

**Mr. Cassidy:** Victims?

**Caoimhghín Ó Caoláin:** —and a lack of planning that has characterised economic development under the Government. The Deputy should be aware of that. The great shortage of affordable housing in Dublin has pushed people into surrounding counties, including my own constituency. Counties Meath and Kildare continue to take up the greatest outflow of people from Dublin. However, the jobs have not followed and this point has been made repeatedly by speakers from the Opposition.

County Meath has, in effect, become a giant suburb of Dublin from which many thousands commute to the capital every day. There is no proper public transport infrastructure and the roads are unable to cope with the volume of daily traffic.

**Mr. J. Brady:** The Deputy does not want the road.

**Caoimhghín Ó Caoláin:** While employment has increased and living standards have risen for many, the truth of the matter is that the daily quality of life for ordinary people has disimproved.

**Mr. N. Dempsey:** The Deputy will not improve it by opposing the building of roads.

**Caoimhghín Ó Caoláin:** We can battle it out at the hustings.

**Mr. J. Brady:** They do not use roads but hills and backways.

**Caoimhghín Ó Caoláin:** With respect to the cackle in the background, in which I thank Deputy Mary Wallace for not participating, we will have every opportunity in the coming weeks to make these points. I am sure Deputy Brady will be heard well from behind his newspaper which is where he usually hides.

**Mr. J. Brady:** Deputy Ó Caoláin would not know what a new road was. He has used the back roads and hollows all his life.

**Caoimhghín Ó Caoláin:** The by-election is an opportunity for the people to demand delivery on the broken promises of this Administration in the areas of health and education. In the area of health, in particular, the time is ripe for the people to give the Government a very clear message. They demand the equitable and efficient health service they and we have been promised so often and clearly deserve.

The people of County Meath have not had the representation they deserve. Deputy Brady is a perfect example. If there was ever an example of the need for change in County Meath, the Deputy epitomises it 100%. Recognising that they demand change—

**Mr. J. Brady:** I come from the real republican end of County Meath. I do not represent murderers and robbers.

**Caoimhghín Ó Caoláin:** Good man. Punch the air. It is the first time I have seen the Deputy animated in the House in seven and a half years. I have every confidence in the Sinn Féin candidate.

**Mr. J. Brady:** The Deputy knows for what he had to be moved from Navan.

**Caoimhghín Ó Caoláin:** The Deputy is a mighty man. Look at him.

Councillor Joe Reilly is the voice of real change in County Meath. I have every confidence that, much to Deputy Brady's heartache, he will take the vacant seat in this corner of the House after the by-election.

**Mr. Connolly:** I had not realised the moving of a writ could be so exciting. It is a mixture of tributes and party political broadcasts. I pay tribute to the Deputies who have left the House and who were independent-minded individuals. I hope the by-election will throw up a genuine independent candidate rather than someone attached to a party. There are strong independent candidates in both constituencies. While I am pleased the

[Mr. Connolly.]

Government has decided to go ahead and announce a date, I cannot understand what difference another two weeks would have made. A great deal of political capital was made out of something from which there was no need to make political capital. It is now done but it would have been a travesty of justice if County Meath had been left without a Deputy for a long period.

As Deputy English said, the population of County Meath increased by 22% between 1996 and 2000. It increased by 86% between 1971 and 2002. It increases daily. In villages like Ratoath where the population has increased by approximately 250% there are significant implications for services and people living in the area. The county shares a substantial border with my constituency and what happens within it has serious implications for County Cavan.

There has not been enough emphasis placed on the M3 project. I would like to know what positions people are taking on the development. Every candidate should be asked about the effect the M3 will have in County Meath as well as County Cavan. It will make County Cavan much more accessible to industry and big business. I will be examining what people have to say on this issue as it cannot be dodged. That it can take half a day to get through County Meath informs our perspective on the project. The issue must be addressed.

The issue of the hospital in Navan must be considered also. I read in the newspaper today that 11 hospitals had been told not to accept paediatric admissions. Every candidate must address this issue on the doorstep.

I welcome the fact that polling stations will be open until 9 p.m. to facilitate workers and students. Many students who return to the constituency from Dublin will be tired or want to catch up with friends or play football and politics will not be at the top of their agenda. We should consider setting up polling stations in Dublin. There is no reason one station could not accommodate students from counties Kildare and Meath. Students should be allowed to exercise their voting rights from Dublin.

I want to know if electronic voting machines will be taken out of storage for the by-elections. It is costing a great deal of money to store them.

**Mr. N. Dempsey:** They were used before.

**Mr. Cassidy:** They were first used in the constituency of Meath.

**Mr. Connolly:** Perhaps they will be given another run.

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to share time with Deputies Johnny Brady and Mary Wallace.

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

**Mr. N. Dempsey:** If Deputy Connolly proposes the use of electronic voting machines for the by-election in County Meath, he will have the full support of Deputies on this side of the House as well as Deputy English. The system worked excellently before to give us a fast, good result. Fianna Fáil won three seats.

**Mr. Durkan:** It was a fast result all right.

**Mr. N. Dempsey:** Fine Gael did not do too badly either. The by-election in County Meath is caused by the departure of former Deputy John Bruton. While we were political rivals and at different points of the political spectrum for many years, I take the opportunity to acknowledge the contribution he made to politics, County Meath, Ireland and Europe. As I have done previously, I wish him a very successful tenure in Washington as EU ambassador.

John Bruton was first elected to the House in 1969 as a young man of 22 years. The by-election gives a great opportunity to the County Meath electorate to elect another young man of undoubted ability. Mr. Shane Cassells is an excellent candidate and, despite being relatively young, has a wealth of experience. He was the youngest councillor elected to Meath County Council in 1999 and in 2004 the youngest ever mayor of Navan where he was elected to the town council in 1999.

Mr. Cassells has served at various levels in the Fianna Fáil organisation during the years and his family has a long tradition in the party and a proud name. While people outside County Meath put the emphasis on the second syllable when pronouncing the family name, we place it on the first. Peter Cassells is Shane's uncle while another served Meath well on playing fields throughout Ireland. His family is very proud of his decision to put his name forward to serve the local community in Dáil Éireann.

Mr. Cassells belongs to a new generation in Irish politics. It is great to see someone in his mid-20s putting himself forward for election. As we have a young Deputy from the constituency on the other side of the House, it is important to ensure balance on this side.

**Ms O. Mitchell:** It will be hard to balance Deputy Johnny Brady.

**Mr. N. Dempsey:** I testify to Mr. Cassells' capacity as a councillor. He has shown in the past five or six years immense aptitude for hard work and a great grasp of detail which are invaluable qualities in a modern and effective politician. He will work very hard on behalf of the organisation and the people of the county. He said today that the by-election offered the voters of County Meath a chance to support a new generation of strong representatives who could voice local concerns at

national level. I have no doubt that he will help to capitalise on the unprecedented investment made in the county in the past ten years.

Opposition Deputies can see only that a glass is either half full or empty. Deputy Bruton spoke of an alternative to Fianna Fáil. He is looking for an alternative to the massive expenditure on water, sewerage, housing, roads and schools in the constituency since 1997. We have made a massive commitment to roads and motorways in the county as well as schools. I could name schools in every part of County Meath. Almost €10 million has been spent in County Meath in terms of grants from my colleague, the Minister for Justice, Equality and Law Reform. We are fully committed to the hospital and have invested in it. It is difficult to listen to the truth.

*(Interruptions).*

**Mr. N. Dempsey:** We have the lowest level of unemployment ever in County Meath. The Government continues to provide infrastructure in the county. Up until 1997, Meath's economic development was hindered by a lack of infrastructure, but we have rectified that and turned it around.

I agree with Deputy Connolly with regard to the issue of the M3. It is time that every Deputy — and prospective Deputy — put his or her cards on the table with regard to that issue. People cannot talk out of both sides of their mouth. Before he was elected, Deputy English organised meetings throughout County Meath to oppose the M3.

**Mr. English:** That is untrue.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. N. Dempsey:** The Deputy had his chance. As a Deputy, John Bruton opposed every —

**Mr. English:** The Minister is wrong.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. N. Dempsey:** I saw the Deputy at one meeting in Bohermeen. It is time for Fine Gael to make up its mind as to where it stands on the road.

**Mr. J. Brady:** I would like to——

*(Interruptions).*

**An Leas-Cheann Comhairle:** Deputy English has denied the allegation so it is on the record. Deputy Johnny Brady now has the floor.

**Mr. English:** It is not.

**Mr. J. Brady:** My time is being broken up.

*(Interruptions).*

**Mr. J. Brady:** I will not give Deputy English any of my minutes; he did not give me any of his.

**An Leas-Cheann Comhairle:** Deputy English should resume his seat. There have been charges on both sides of the House.

**Mr. English:** There have been no charges.

**Mr. N. Dempsey:** The Deputy said we did nothing for Meath.

**Mr. Cassidy:** The Deputy gives it and so he should take it. He should be a man.

*(Interruptions).*

**Mr. English:** It is a point of order.

**An Leas-Cheann Comhairle:** It is not a point of order. The Deputy is to resume his seat.

**Mr. English:** The Minister was able to defend himself against what I said. This is the first time I can defend myself.

**Mr. J. Brady:** The Deputy gave it and so he should take it.

*(Interruptions).*

**Mr. J. Brady:** My time cannot be taken up by Deputy English.

**An Leas-Cheann Comhairle:** Deputy Johnny Brady has the floor.

**Mr. J. Brady:** How many minutes have I left remaining?

**An Leas-Cheann Comhairle:** The Deputy has two minutes remaining.

**Mr. J. Brady:** Deputy Mary Wallace has two minutes also. I would like to be associated with my colleague, the Minister, Deputy Noel Dempsey, in wishing John Bruton well. As a new Deputy coming in to this House, it was a pleasure working with him over the past eight years. He was very helpful. As a councillor since 1974, I have met with Mr. Bruton at different functions across the constituency, in particular when he was Taoiseach and I was Chairman of Meath County Council. I wish him and his family well in the years ahead. I also wish our candidate, Shane Cassells, well. He is an energetic young man and will make an excellent Dáil Deputy when the election takes place on 11 March.

**Mr. J. O'Keeffe:** Does the Deputy have any good word for Tommy Reilly?

**Mr. J. Brady:** As the Minister stated, we have delivered an enormous amount into County Meath since 1997. It would be marvellous to have another Deputy in a position to deliver more. I am sure it will happen. It is vital we elect a man



[Mr. J. Brady.]

who can deliver because none of the other candidates, if elected, will be in a position to deliver to County Meath in the same manner as myself, the Minister and Deputy Mary Wallace have in the past eight years.

Not too long ago, in the 1980s, young people had to emigrate. However, thanks to Fianna Fáil and the Progressive Democrats, young people can stay at home. They have jobs in this country, and do not have to emigrate any more.

Our party has been fully behind the M3 since the day it was mentioned. We will continue to be so until it is built. It will be this Government which provides the M3.

*(Interruptions).*

**Mr. Kehoe:** We will take one of your seats.

**Ms M. Wallace:** I join my colleagues in paying tribute to John Bruton whose seat we are talking about today. He is a friend and neighbour of mine from Dunboyne. Shane Cassells is a man who can deliver. He is a young energetic councillor elected in Meath since 1999.

People on the opposite side of the House talk about quality of life issues. In Meath these issues relate to being able to travel to work on the new M3 motorway, being able to get the railway from Dunboyne and being able to be educated in all the new school buildings being built at this time. We are delivering on these issues and Shane Cassells will deliver with us.

Question put and agreed to.

#### **Criminal Justice Bill 2004 — Order for Second Stage.**

Bill entitled an Act to amend and extend the powers of the Garda Síochána in relation to the investigation of offences, to amend criminal law and procedure in other respects, including provision for the admissibility in evidence of certain witness statements, an extension of the circumstances in which the Attorney General in the case or, if he or she is the prosecuting authority in a trial, the Director of Public Prosecutions may refer a question of law to the Supreme Court for determination or take an appeal in criminal proceedings, a restriction of the offences to which section 10(4) of the Petty Sessions (Ireland) Act 1851 applies, an amendment of the jurisdiction of the District Court in criminal matters, the imposition of fixed charges in respect of certain offences under the Criminal Justice (Public Order) Act 1994, an amendment of the requirements for the issue of a firearms certificate and an amendment of the Petty Sessions (Ireland) Act 1851 relating to the issue and execution of certain warrants, and to provide for related matters.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I move: "That Second Stage be taken now."

Question put and agreed to.

#### **Criminal Justice Bill 2004: Second Stage.**

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Molaim go léifí an Bille seo don dara uair.

Táim an-shásta go bhfuilim anseo inniu chun an Bille um Cheartas Coiriúil 2004 a chur i láthair, Bille a mheasaim a bheith ina thogra reachtaíochta an-thábhachtach. Cuimsíonn sé athnuachan riachtanach dár ndlí chun a chinntiú gur féidir linn cionta coiriúla a imscrúdú agus a ionchúiseamh i slí atá éifeachtacht agus cothrom agus a chomhlíonann riachtanais an tsochaí nua-aimseartha.

Is dóigh liom i gcoitinne go bhfuil sé fearáilte a rá go gcruthaíonn an cheist d'athchóiriú dlí coiriúil díospóireacht an-láidir i measc an phobail. Bheadh díomá orm mura ndéanadh sé é sin. Is gné thábhachtach de dhaonlathas bunreachtúil beomhar é mionscrúdú a dhéanamh ar aon mholtaí a thagann ón Rialtas agus deirim nach bhfuil mórán réimsí gníomhaíochta Rialtais atá níos tábhachtaí nuair a bhaineann sé le moltaí chun ár ndlí coiriúil a léasú.

Aontaímid go léir gur chóir go bpionósófaí coirpigh agus gur chóir an tsochaí a chosaint in aghaidh caire, ach tá bun-riachtanas le cinntiú go dtugann ár ndlí coiriúil aird do chearta agus shaoirse an duine. Tá meá chriticiúil le fáil, idir an gá le haghaidh gníomh láidir agus éifeachtacht ar lámh amháin, agus le haghaidh caomhnú de chearta an duine, ar an lámh eile.

Is é príomh-fhócas an Bhille seo ná an mheá sin a lorg. Creidim go bhfuil na moltaí atá á chur ar aghaidh agam sa Bhille seo chomh cothrom chun a chinntiú go bhféadfaimis, mar shochaí, aghaidh a thabhairt ar na dúshláin a bhaineann le coirpeacht nua-aimseartha, agus ag an am chéanna bunchearta agus riail an dlí a urramú.

Arís agus arís eile cloistear guthanna á athphlé na callóide go dtógann cearta cosanta an tsochaí an dara áit chun cothromaíocht a chinntiú don amhrastach — i bhfocal eile go bhfuil an mheá gluaiste an iomad i bhfabhar an chúisí. Creidim gur ceist dlisteanach é seo a chaithfear a phlé agus táim á dhéanamh sin sa Bhille seo — fós ag iarraidh nach dtarlaíonn a mhalairt. Caithfidimid cosaint in aghaidh na gcothroime a ghluaiseacht an iomad toisc go mbeadh iomrall ceartais mar thoradh ar a leithéid. Cuirim fáilte mór roimh na díospóireachta a bhfuilim dóchasach go n-éireoidh as mo mholtaí sa Teach seo maidir leis sin.

Is é príomh-chuspóir an Bhille um Cheartas Coiriúil ná ár ndlí coiriúil a thabhairt suas chun dáta chun éifeachtacht ár gcóras dlí a fheabhsú i leith coir a ionchúiseamh agus a phionósú. Iar-rann an Bille seo é sin a dhéanamh trí chomhachtaí na ngardaí a chur chun chinn chun cur a imscrúdú. Ní hé an cineál Bille é seo a chuirfeadh

Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí ar aghaidh gan próiseas fada agus cúramach scrúdaithe. Go deimhin bhí tréimhse ghoir fhada ag an mBille seo.

Bhí a bhunús i dtuarascáil an ghrúpa stiúrtha ar éifeachtacht agus ar fheidhmiúlacht an Gharda Síochána, tagartha go coitianta mar an tuarascáil Gharda SMI. Foilsíodh an tuarascáil sin i mí na Samhna 1997. Fad is a mbaineann sé le struchtúr agus feidhmeanna an Gharda Síochána, mhol sé chomh maith athruithe áirithe don dlí coiriúil a shonraigh sé a chuirfeadh éifeachtacht agus feidhmiúlacht na nGardaí chun cinn chun déileáil le coiriúlacht. Ghlac an grúpa stiúrtha, áfach, go mbeadh gá ann chun impleachtaí a mholtaí a mheas a thuilleadh de réir forálacha an Bhunreacht agus an Choinbhinsiúin Eorpach um Chearta an Duine. Mar thoradh ar sin, bhunaigh an tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí ag an am, Teachta Ó Donnchú, grúpa saineolaithe chun a leithéid de mheasúnachta a sholáthar agus chuir siad an tuarascáil seo faoi bhráid an Aire ag deireadh mhí Iúil 1998. Ba é Eamonn Leahy S.C., trócaire air, a bhí mar chathaoirleach ar an ngrúpa.

Pointe oiriúnach é seo chun onóir a thabhairt do Eamonn agus tá a fhios agam go mothaíonn an Teach na mothúchain chéanna atá a chur in iúl agam anseo. Ba thubaiste an domhain é bás anabái Eamonn do gach duine, go háirithe sinne atá ag iarraidh a chinntiú go bhfuil dlí coiriúil éifeachtach, feidhmiúil agus cothrom. Táimid go léir faoina chomaoin le tuarascáil a eisiúint le moltaí atá mar bhunchloch an Bhille seo. Ar dheis Dé go raibh a anam.

Mhol an tuarascáil roinnt athruithe sa dlí, san áireamh cinn bainteach le cumhacht na nGardaí chun láthair na coire a chaomhnú, chun barántas cuardaigh a chur ar fáil in ócáidí áirithe ag baint le cionta tromchúiseacha, chun fianaise a urghabháil de chionta a dhéanamh agus chun amhras- taigh a ghabháil agus a choinneáil. Cheadaigh an Rialtas scéim ghinearálta de bhille a dhreachtú, bunaithe ar Thuarascáil an ghrúpa shaineolaithe, ar an 15 Feabhra 2000.

Nuair a tháinig mé in oifig bheartaigh mé ar an scéim ghinearálta a athbhreithniú. Rinne mé athruithe don chéad scéim agus chuir mé roinnt fhorálacha breise leis, thar agus níos mó ná na cinn molta ag an ngrúpa stiúrtha, chun forbairtí a chur san áireamh ó fhoilsíú na tuarascála sin i mí na Samhna 1998. De thoradh ar seo, creidim go bhfuil an Bille seo suas chun dáta i dtéarmaí na nithe atá ag teastáil ag an dlí coiriúil ag an am seo a sholáthar. Ba mhaith liom a rá freisin go dteastaíonn uaim go mbeireann an Bille seo luach reachtúil chomh mór agus is féidir sa throid ina aghaidh coire agus ina theannta sin i rith a phasáiste tríd an Teach seo tá sé ar intinn agam tuilleadh tograí a thabhairt ar aghaidh mar leasú ar an mBille seo. Tiofadh mé ar ais go dtí na tograí seo níos deanaí.

Ba choir dom a lua go bhfuilim ag úsáid na deise á chur i láthair ag an mBille chun leasuithe tábhachtacha, go bhfuil géarghá leo, a dhéanamh

don reachtaíocht airm tine. Cuimsíonn an Bille alt amháin cheana ag baint le coimeád slán d'airm. Beidh mé ag moladh forálacha breise eile chomh maith agus luafaidh mé iad seo i gcomhthéacs na leasuithe go ginearálta.

Beidh sé soiléir ón gcur chuige seo go bhfuil sé ar intinn agam go léireodh an Bille seo na riachtanais nua-aimseartha go hiomlán. Seasann sé don dlí a thabhairt suas chun dáta go forleathan maidir le cionta a imscrúdú agus a ionchúiseamh.

San áireamh ar na bearta sa Bhille tá cumhacht reachtúil chun láthair na coire a chaomhnú; cumhacht ghinearálta maidir le barántas chuardaigh a eisiúint; cumhacht choinneála méadaithe suas go 24 uair le haghaidh cionta inghabhála; roinnt leasuithe don Acht um Chearta Coiriúil (Fianaise Dlí-Eolaíochta) 1990, go háirithe chun sampla de sheile agus sváb béil a ath-rangú mar shamplaí neamh-phríobhaídeach; cumhacht an ionchúisimh a mhéadú chun achomharc a dhéanamh i gcúrsaí teoranta, go háirithe maidir le pointí an dlí; forálacha ginearálta, de chinéal teicniúil don chuid is mó, chun éifeachtacht a chur chun cinn in ionchúiseamh cionta; foráil ar inghlachtacht na ráitis ag finnétithe, a dhiúltaíonn ar fhiánú a dhéanamh nó a dhéanann a chéad ráiteas a aisghlacadh, ina dhiaidh sin; foráil le haghaidh nós imeachta pionóis seasta maidir le cionta oird phoiblí áirithe nach bhfuil trom-chúiseach; agus leasú d'Achtanna na nArm Tine a fhorálfadh go mbeidh ar iarratasúirí do theastais airm tine Ceannfort na nGardaí a shásamh go bhfuil loistín daingean curtha ar fáil acu don arm tine sin.

Mar a dúirt mé cheana, tá cothromaíocht le fáil sa Bhille i leith an gá d'éifeachtacht in aghaidh coiriúlachta agus an gá do chearta indibhidiúla áirithe a choimeád slán. Toisc an riachtanas go mba chóir é sin a bheith mar an ghnách bhí na príomh-thograí sa Bhille seo scrúdaithe go mion ag an ngrúpa saineolaithe. Ba mhaith liom a chur in iúl don Teach freisin gur lorg mé, agus go raibh mé buíoch as, tuairimí an Choimisiúin um Chearta an Duine ar scéim ghinearálta an Bhille. Thug mé na tuairimí sin san áireamh nuair a bhí sé oiriúnach. Ba chóir dom a rá leis, ó foilsíodh an Bille, go bhfuair mé tuilleadh tuairimí ón gcoimisiúin ar an mBille foilsithe atá á scrúdú agam faoi láthair. Déanfaidh mé tagairt sa chur i láthair seo do roinnt de thuairimí an choimisiúin ach de bharr iallaigh ama, beidh orm bheith gearr. Go deimhin is féidir iad a phlé a thuilleadh le linn imeachta an Bhille trí na Tithe.

Ag casadh anois ar shonraí an Bhille, ba mhaith liom léiriú gairid a dhéanamh go haicearach ar na príomh-fhorálacha. Baineann Cuid 2 den Bhille leis an imscrúdú coire agus léiríonn sé moltaí na tuarascála saineolaithe go mór mhór.

Is í aidhm alt 4 ná chun easnamh sa dlí coiriúil a cheartú ag soláthar cumhachta reachtúla chun láthair na coire a chaomhnú, go háirithe daoine a chosc ó theacht isteach sa láthair agus trasnaíl air nó folmhú fianaise. Forálann an t-alt seo san áit ina bhfuil Garda in áit go dleachtach a chreideann sé nó sí ar bonn réasúnta go bhfuil cionta inghab-

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hála déanta, d'fhéadfadh sé/sí an láthair a chaomhnú go dtí go mbeidh treorú tugtha ag Ceannfort Garda Síochána chun an láthair a chaomhnú. D'fhéadfadh treorú ó Cheannfort Gharda seasamh ar feadh suas go 24 huair. Ina dhiaidh sin d'fhéadfadh an Chúirt Dúiche, ar iar-ratas ó Cheannfort Garda, an treorú caomhnaithe a leathnú suas go trí thréimhse gach ceann de 48 n-uair. I gcásanna iomadúla d'fhéadfadh an Ard-Chúirt an t-ordú caomhnaithe a leathnú le haghaidh tréimhse gan spriocdháta.

Baineann alt 5 le barántas cuardaigh agus leasaíonn sé an chumhacht cuardaigh atá ann anois agus atá foráilte i alt 10 den Acht um Cheartas Coiriúil (Forálacha Ilghnéitheacha) 1997. Forálann alt 10 d'eisiúint ag breitheamh na Cúirte Dúiche de bharántas ag tabhairt cead do Gharda áit a chuardach le haghaidh fianaise do chionta tromchúiseacha, cuirim i gcás cionta indíotáilte ag baint le bás duine, nó dochar coirp tromchúiseach do dhuine éigin, príosúnacht neamhdhleathach, éigniú, agus cionta collaí áirithe eile. Leathnaíonn alt 5 na cionta clúdaithe ag alt 10 chun cionta inghabhála a thógáil san áireamh, is é sin a rá gach cion atá á phionósú le coimeád de chúig bliana nó níos mó. Tá súil agam go n-aontóidh an Teach liom gur chóir go mbeadh an chumhacht chun barántas cuardaigh údaraithe a fháil ar fáil go ginearálta do na gardaí le haghaidh gach cion tromchúiseach. Cuirim leis go mbeadh an chumhacht ghinearálta a bheadh ar fáil gan dochar don chumhacht cuardaigh atá le fáil i reachtanna indibhidiúla. Cinnteoidh sé nach mbeidh aon bhearna ar iarraidh ann, i gcás cionta inghabhála indibhidiúla nach bhfuil cumhacht cuardaigh ar fáil faoina gcoinne i láthair na huair.

Táim ag déanamh leasuithe teicniúla eile don alt seo freisin. Mar shampla, tá cruinneas focail na forála á athrú chun go mbeadh deis ag an mbreitheamh iar-ratas a cheadú má tá sé nó sí sásta gur cheart dó nó di a leithéid a dhéanamh ar bhonn de “eolas ar mhionn”. Seo í an fhoirmle focal á úsáidtear i bhforálacha cuardaigh go traidisiúnta agus de ghnáth feidhmíonn sé sa chaoi go dtógann oifigeach Garda mionnscribhinn faoi mhionn, ar a bhféadfadh sé nó sí a bheith ceistithe ag an mbreitheamh. Athraíodh an fhoirmle sin in alt 10 den Acht um Cheartas Coiriúil (Foralacha Ilghnéitheacha) 1997, agus chomh maith i bhforálacha cuardaigh na nAchtanna a thagraítear dóibh in ailt 35, 36 agus 37, go dtí “ar éisteacht na fianaise faoi mhionn”. Chuir an fhoirmle focal nua seo roinnt neamhchinnteachta faoi bhun maidir leis an gcleachtas agus nós imeachta is cóir a ghlacadh agus barántas cuardaigh á lorg. D'fhonn an t-ábhar a bheith gan dabht táim á mholadh go bhfillfí ar na focail atá curtha taoi thriail agus taoi mhuinín — tá na hathruithe riachtanacha á ndéanamh de réir ailt 5, 35, 36 agus 37.

Forálann an t-alt seo freisin gurbh fhéidir le Ceannfort Gharda Síochána barántas cuardaigh éigeandála a eisiúint san áit nach bhfuil sé praiticiúil barántas cúirte a fháil toisc cúrsaí dithnis.

Cuireann an Coimisiúin um Chearta an Duine in iúl ina dtuairimí ar an scéim an gá le smacht breithiúnach ar eisiúint de bharántas cuardaigh. Ní dóigh leis an gcoimisiúin go bhfuil cás déanta go bhfuil gá ann barántas éigeandála á údarú ag Ceannfort Garda Síochána. Measann an coimisiúin go bhféadtaí na deacrachtaí praiticiúla i mbreithimh na Cúirte Dúiche a fháil a shárú le réitigh eile. Aontaím go bhfuil smacht breithiúnach ar eisiúint na mbarántas an-tábhachtach. Tá an fhoráil sa Bhille a fhorálann do bharántais éigeandála bunaithe ar fhorálacha den chinéal céanna san Acht um Cheartas Coiriúil (Gáinneáil ar Dhrugaí) 1996 agus ní féidir é a úsáid ach i gcásanna iomadúla. Leagadh béim ar an bhfíric sin le cinneadh le déanaí ag an gCúirt Achomhairc Choiriúil in DPP v Peter Byrne. D'fhéadfadh deacrachtaí praiticiúla a bheith ag bhaint le teacht ar bhreithimh na Cúirte Dúiche lasmuigh de shuíonna cúirte. Tháinig a leithéid de dheacracht chun cinn le déanaí i gcás sa Chúirt Uachtarach — Dylan Creavan v CAB. B'é breith na cúirte sa chás seo ná nach bhfuil breitheamh in ann barántas a eisiúint má tá sé nó sí lasmuigh dá d(h)úiche. Táim ag moladh go réiteofaí an fhadhb seo go reachtúil trí leasú a thabharfaidh mé ar aghaidh chuig an mBille seo. Creidim go ndearbhóidh a leithéid de fhoráil, i dteannta an cinneadh soiléir in DPP v Byrne, nádúr éigeandála teoranta na forála seo. Táim fós den tuairim go bhfuil an fhoráil éigeandála riachtanach chun déileáil le cúrsaí iomadúla a thagann chun cinn ó am go chéile, san áit go bhféadfadh fianaise géibheannach a bheith curtha ar ceal nó scriosta.

Is é an phríomh-éifeacht de alt 8 ná chun an uas-thréimhse a mhéadú le duine a choinneáil atá faoi amhras cion inghabhála a dhéanamh, ón teorainn eiseach de 12 uair go 24 uair.

Tá roinnt fhorálacha reachtúla ann a fhorálfadh ar amhrastaigh a choinneáil. Forálann alt 30 den Acht um Chiontaí in Aghaidh an Stáit, 1939 do dhuine gafa a choinneáil faoin alt sin suas go 48 uair faoi údarás na nGardaí. Leasaigh alt 10 den Acht um Chiontaí in Aghaidh an Stáit (Leasú) 1998 alt 30 den Acht 1939 chun fadú tréimhse de 24 uair faoi údarás bhreithimh na Cúirte Dúiche a fhoráil. Forálann an tAcht um Cheartas Coiriúil (Gáinneáil ar Dhrugaí) 1996 do choinneáil suas go seacht lá do dhuine a gabhadh ar chion gáinneáil ar dhrugaí, an chéad 48 uair faoi údarás na nGardaí agus an fuilleach faoi údarás bhreitheamh na Cúirte Dúiche. Forálann alt 4 den Acht um Cheartas Coiriúil 1984 do choinneáil 12 uair faoi údarás na nGardaí.

D'fhéadfadh forluí idir na hAchtanna aimhrialtacht a chruthú. Mar shampla, faoi alt 4 den Acht um Cheartas Coiriúil 1984, is féidir duine faoi amhras dúnmharú a choinneáil suas go huasmhéid de 12 uair. Má tá duine faoi amhras dúnmharú, áfach, agus má tá fianaise ann ar úsáid airm tine, d'fhéadfaí an duine sin a choinneáil suas go 72 uair faoi alt 30 den Acht um Chiontaí in Aghaidh an Stáit 1939.

Cé gur mhol an grúpa stiúrtha SMI forleathnú den tréimhse choinneála suas go 96 uair, agus gur

mhol an grúpa saineolaithe tréimhse choinneála de 48 uair — treimhsí sosa san áireamh — teoranta ar chionta tromchúiseacha áirithe, táim ag moladh tréimhse choinneála de 24 uair, gan tréimhsí sosa san áireamh, a chur faoi gach cion inghabhála, sé sin cionta a phionósófaí le cúig bliana no níos mó de phríosúnacht. Táim a mholadh, dá bhrí sin, in alt 8, alt 4 den Acht um Cheartas Coiriúil 1984 a fhoralann coinneáil suas go 12 uair a leasú, le foráil do choinneáil de 12 uair eile ar cheadú ó oifigeach ag leibhéal Phríomh Cheannfort Garda ar a laghad, ag a mbeidh forais réasúnta le creidiúint aige go bhfuil an choinneáil méadaithe riachtanach le haghaidh fiosrúcháin ceart de na cionta bainteacha.

Chuir an Coimisiúin um Chearta an Duine an immí in iúl go sáródh Éireann oibleagáidí cearta an duine faoi CCDC mar thoradh ar mhéadú de thréimhse choinneála i gcás gach cion inghabhála. Ní mheasann an coimisiúin go bhfuil an cás déanta chun an forleathnú ó 12 uair go 24 uair a fhírinniú. Ní ghlacaim go mbeadh baol ann le méadú cumhachta inghabhála ar n-oibleagáidí ar chearta an duine a sharú, go háirithe ó shonraigh an Chúirt Eorpach ar Chearta an Duine sa chás *Brogan v. UK* 1988, cé go bhfuil tréimhse ceithre lá agus sé uaire neamhfheagrach do airteagal 5 CCDC, ní raibh sé ag déanamh cinnidh i ngnáth cás coiriúil, faoi aon thréimhse tugtha ar nós ceithre lá a bheith neamhfheagrach do airteagal 5 mar riail ghinearálta. Measaim, agus molann an tArd-Aighne, nach bhféadfadh tréimhse i bhfad níos lú de 24 uair a bheith neamhchuíseach i gcomhthéacs an Choinbhinsiúin Eorpaigh um Chearta an Duine. Ó tharla aimhrialtacht sa dlí atá tagartha dóibh cheana, agus ó tharla coimpléasc a bheith ag baint le fiosrúcháin coir nua-aimseartha, creidim go bhfuil an méadú ó 12 uair go 24 uair fírinneithe.

In alt 13 táim ag déanamh sholáthar do roinnt leasuithe maidir le tógáil samplaí dlí-eolaíochta. Soláthraíonn alt 2 den Acht um Cheartas Coiriúil (Fianaise Dlí-Eolaíochta) 1990 go bhfuil samplaí corpartha áirithe — iad sin a bhfuil sa chatagóir príobháideach — a d'fhéadfadh a bheith ag teastáil le haghaidh tástáil dlí-eolaíochta nach féidir a thógáil ach le cead scríofa an duine. Is féidir samplaí eile nach bhfuil príobháideach a thógáil gan chead. Molann alt 13 go mbeadh sampla seile — atá sa chatagóir príobháideach faoi láthair — aistrithe go dté an catagóir neamh-phríobháideach, agus molann sé freisin go mbeadh svábanna béil — nach bhfuil tagartha go sainiúil san fhoráil eiseach — tugtha isteach sa chatagóir neamh-phríobháideach ionas gur féidir leo san a bheith tógtha freisin gan chead. Tá svábanna béil, a d'fhéadfadh seile agus fíochán choirp araon a bheith iontu, mar fhoinsé luachmhar DNA níos mó ná seile amháin, agus is féidir é a thógáil go réasúnta discrídeach ón té i gceist. Táim sásta gur féidir samplaí a thógáil sa dá chás seo gan cur isteach ar ionracais choirp an duine agus mar sin gan an riachtanas do chead foirmiúil.

Soiléiríonn an fhoráil gur féidir falacailí gruaige a thógáil freisin gan chead. Faoi láthair, is féidir

sampla gruaige, seachas caithir, a thógáil gan cead ach tá an tAcht 1990 tostach ar cibé ar féidir falacailí ghruaige a thógáil freisin. Is foinse usáideach DNA iad falacailí gruaige. Soláthraíonn an t-alt freisin do chosaint chun teorannú ar mhéid na gruaige gur féidir a thógáil go hiomlán agus ag aon uair amháin.

Forálann an t-alt seo freisin do phionóis mhéadaithe i gcóir bacadh ar gharda atá ag iarraidh sampla a thógáil, agus leathnaíonn sé an thréimhse ó sé go dtí 12 mí gur féidir samplaí a tógadh ó dhaoine a choimeád sula scriostar iad.

Nílím ag soláthar do bhunú bhainc sonraí DNA faoi láthair. Is rún dom, áfach, tograí a ullmhú i gcóir bhanc sonraí chomh leathan agus is féidir, ag féachaint do riachtanais bhunreachtúla agus riachtanais an Choinbhinsiúin Eorpaigh um Chearta an Duine. B'fhéidir go mbeadh a fhios ag an Teach go bhfuil an t-ábhar seo á scrúdú ag an gCoimisiúin um Athchóiriú an Dlí faoi láthair ar iarratas an Ard-Aighne. Tá páipéar comhairlithe an-suntasach foilsithe acu cheana féin ar an ábhar, tá seimineár eagraithe acu leis na páirtithe go léir a bhfuil suim acu ann agus tá siad ag súil le tuarascáil deiridh a fhoilsiú i mbliana. Táim ag tnúth go mór le bheith in ann tógra mar sin a chur chun cinn i gceann na haimsire.

Tá breathnaithe déanta ag an gCoimisiúin um Chearta an Duine ar a bhfuil in alt 13. Ní cheapann an coimisiúin go bhfuil sé riachtanach na comhréireach samplaí a thógáil ó na daoine gafa go léir. Nílím á mholadh, áfach, gur ceart samplaí a thógáil ó na daoine gafa go léir mar ghnáth chleachtadh. Leanfaidh alt 2(5) den Acht um Cheartas Coiriúil (Fianaise Dlí-Eolaíochta) 1990 á fheidhmiú. Ní cheadaíonn an t-alt sin samplaí a thógáil ach sa chás go bhfuil cúiseanna réasúnta ag oifigeach nach bhfuil faoi chéim an cheannfoirt, le bheith amhrasach faoi bhaint an duine, go bhfuil an sampla le bheith tógtha uaidh nó uaithi, i gcion inghabhála, cion faoin Acht um Chiontaí in Aghaidh an Stáit 1939 nó cion gáinneáil ar dhruaí. Caithfidh sé nó sí a chreidiúint freisin go gcabhródh tógáil an tsampla lena chinntiú nó a dhíchruithú baint a bheith ag an duine sin sa chion.

Mhol an coimisiúin freisin gur chóir go mbeadh tuilleadh cosaint in áit maidir le tógáil samplaí, ar nós gur chóir na samplaí a thógáil go príobháideach agus nár chóir an iomarca ghardaí a bheith i láthair. Cé go bhfuil cosaint ann cheana san Acht 1990 agus i rialacha a rinneadh faoi, chun cúraimí an Choimisiúin um Chearta an Duine a chomhlíonadh, tá foráil san áireamh agam do dhéantús tuilleadh rialacha chun cosaint breise a sholáthar, mar a mhol an coimisiúin. Chuir an coimisiúin fáilte roimh mo mholtaí ina leith seo. Sa chomhthéacs seo, cásaigh an coimisiúin faoin bhforáil do fhórsa réasúnta a úsáid chun samplaí a thógáil. Níl an fhoráil seo san áireamh sa Bhille anois toisc go gceapaim go n-ardaíonn foráil dá leithéid de chumhachta reachtúla sin ceisteanna coimpléascacha — roinnt acu a thagair an Coimisiúin um Chearta an Duine dóibh — a d'fhéadfadh a bheith breathnaithe níos fearr nuair a



[Mr. McDowell.]

eisíonn an Coimisiún um Athchóiriú an Dlí a thuarascáil deiridh ar bhanc sonraí DNA a bhunú.

D'fhéadfadh go mbeadh an cheist d'fhoráil reachtúil maidir le fórsa réasúnta iniúchta níos fearr i gcomhthéacs an scrúdaithe an-chuimsitheach a bheadh ag teastáil ón tuarascáil sin. Idir an dá linn leanfaidh an dlí infheidhme, a ndéireann gur féidir le garda fórsa réasúnta a úsáid chun cumhacht dleathach a chleachtadh, á feidhmiú.

Tá a thuilleadh ráite ag an gcoimisiún ar an mBille foilsithe a bhfuil fós á scrúdú agam. Tá cód cleachtais á mholadh go háirithe acu i leith rialú ar shamplaí a thógáil agus ar thraenáil sainiúil a sholáthar do na Gardaí. Cé go gceapaim gurb é an tslí is fearr chun a leithéid d'ábhair a phlé ná i gcomhthéacs bunú banc sonraí DNA, táim sásta labhairt leis na Gardaí Síochána faoi conas gur féidir na moltaí seo a chur in éifeacht go heatramhach.

Soláthraíonn Cuid 3 d'inghlachtacht i bhfianaise do réamh-ráitis fhinné. Tugadh chun suntais an gá do fhorálacha den chineál seo tar éis cliseadh trial dúnmharaithe Keane, as Luimneach, nuair a rinne na finnéithe a thug ráitis cheana iad a shéanadh agus dhiúltaigh siad fianaise a thabhairt i gcoinne an chúisí sa chúirt.

An riail dlí coiteann ná nach féidir ráiteas a rinneadh do na Gardaí cheana a úsáid i bhfianaise mar chruthúnas d'aon ghníomh atá ann. Is féidir an fíoras go bhféadfadh finné rud éigin difriúil a rá a úsáid chun ionsaí a dhéanamh ar inchreidteacht an fhinné sin ach ní féidir na maíomh sa ráiteas níos luaithe a bheith mar chruthúnas do na maíomh sin. D'athraíodh gnéithe den riail tré reachtaíocht, mar shampla maidir le ráitis ag finnéithe atá marbh nó a bhí imeaglaithe. Tá cinneadh déanta agam an dlí a leasú níos mó le soláthar don inghlachtacht faoi choinníollacha dochta do ráitis fhinnéithe roimh ré i gcásanna coiriúla, ag tógáil fasaigh ó thíortha dlí coiteann eile san áireamh agus ag tarraingt go speisialta ar an gcur chuige a glacadh i gCeanada. Tá na forálacha sin leagtha amach in ailt 15 go 19.

Tá an phríomh fhoráil le fáil in alt 15 agus bunáitear é ar phrionsabail a cuireadh i bhfeidhm ag Cúirt Uachtarach Ceanada faoi ghlacadh le réamh-ráitis fhinnéithe. Ar mhaithe le soiléireacht b'fhéidir go luafaidh mé ag an bpointe seo nach bhfuil an fhoráil teoranta do ráitis déanta do na Gardaí Síochána agus d'fhéadfadh mar shampla ráitis déanta do oifigigh ioncain a bheith san áireamh chomh maith. Tá an fhoráil le feidhmiú nuair a dhiúltaíonn an finné fianaise a thabhairt sa chúirt nó nuair a thugtar fianaise nach bhfuil ag teacht leis an ráiteas a tugadh roimhe sin. Tá láithreach an duine ag teastáil sa chúirt toisc cuspoirí croscheistiú. Tá sé seo tábhachtach mar tugann sé deis don chúirt breathnú ar iompar an fhinné. Na toscaí atá riachtanach chun glacadh le réamh-ráitis mar fhianaise ná dílseacht an ráitis, go bhfuil sé saorálach agus go bhfuil an ráiteas déanta ag finné i dtoscaí ina gcaithfidh sé nó sí tábhacht an fhírinne a thuiscint. Nuair atá an chúirt ag tabhairt breith ar

dhílseacht an ráitis d'fhéadaidís a thógáil san áireamh ar tugadh an ráiteas faoi mhionn nó dheimhniú sollúnta, ar rinneadh taifeadadh físe de, nó in áit nach mbaineann na toscaí seo, má tá go leor fianaise eile dá dhílseacht. Caithfidh an chúirt aon mhíniú atá tugtha ag an bhfinné faoi dhiúltú fianaise a thabhairt, fianaise neamhfheargrach a thabhairt nó, nuair a dhiúltaíonn an finné an réamh-ráiteas a thabhairt, aon fhianaise atá tugtha ag an duine maidir leis an diúltú sin a thógáil san áireamh. Ní ghlacfar leis an ráiteas mura bhfuil sé ar son leasa ceartais nó mura bhfuil sé riachtanach. Is féidir plé níos mionna a dhéanamh ar shonraí na forála ag Céim an Choiste níos déanaí.

Tá an Coimisiún um Chearta an Duine i gcoinne na forála seo agus, i ndiaidh fhoilsiú an Bhille, d'eisigh siad roinnt tuairimí suimiúla faoi. Tá na tuairimí seo á scrúdú agam agus go deimhin má tá tuilleadh cosaint eile gur féidir liom a thabhairt isteach déanfaidh mé amhlaidh gan mhoill.

Déileálann Cuid 4 den Bhille le hachomhairc in imeachtaí coiriúla áirithe. Cé go bhfuil cearta achomhairc cosanta go leathan i ndlí na hÉireann, níl ach cearta achomhairc ionchúisimh an-teoranta ann. Tá a bunús go stairiúil sa riail dlí coiteann i gcoinne guais dhúbailte, is é sin, nach féidir aon duine a thriail faoi dhó don chion céanna. Coinnítear an ceart achomhairc ionchúisimh atá ann anois i alt 34 den Acht um Nós Imeachta Coiriúil 1967 maidir le cásanna a thriailtear ar dhíotáil. Soláthraíonn sé do cheart achomhairc ionchúisimh ar phointe dlí ag eirí as saorbhreithiúnas deachtaithe ag breitheamh. Tá an ceart achomhairc gan dochar, is é sin, ní féidir leis cur isteach ar an gcinneadh chun an cúisí a éigiontú. Dá réir tá iarmairtí na hachomhairce teoranta don pointe dlí faoi chaibidil san treoir. Is é mo dhearca ná go bhfuil sé ceart go bhforleathnaítear an achomhairc ionchúisimh teoranta i dtreo is gur féidir rialaithe ar phointí dlí atá mífhabhrach don chúisitheoir a thagann suas le linn trialach a achomharc. Tá na príomh fhorálacha in ailt 20 agus 21. Tá na forálacha seo "gan dochar" agus tá siad ag cur leis na heiseamlairí "gan dochar" atá ag Coimisiún um Athchóiriú an Dlí ina pháipear comhairlithe ar achomhairc ionchúisimh.

Leathnaíonn alt 20 alt 34 den Acht um Nós Imeachta Coiriúil 1967 chun a sholáthar go mbeadh an tArd-Aighne agus an Stiurthóir Ionchúisimh Poiblí, má tá sé nó sí mar 7 o'clock an gcumhacht ionchúisimh sa triail, in ann ceist dlí a thagann suas sa chúirt trialach a sheoladh chuig an gCúirt Uachtarach le haghaidh foirceannadh, ar bhonn gan dochar. Mar a dúirt mé cheana, ní fhorleathnaíonn an ceart atá ann anois ach go dtí saorbhreithiúnas deachtaithe ag breitheamh. Leasaíonn alt 21 alt 29 d'Acht na gCúirteanna Breithiúnais 1924 chun go mbeadh an cúisitheoir in ann pointe dlí a thagann suas sa Chúirt Achomhairc Choiriúil a chur go dtí an Chúirt Uachtarach gan dochar don chúisí.

Tá an Coimisiún um Chearta an Duine buartha faoin achomhairc ionchúisimh “gan dochar”, cé nach gcuireann sé isteach ar bhreith “ne-amhchiontach” d’fhéadfadh sé an bonn a bhaint ó shaorbhreithiúnas an duine gan seans a thabhairt dó nó di a ainm nó a hainm a ghlanadh. Glacaim leis go bhfuil an baol sin ann agus dhéileáil mé leis trí cheart a thabhairt don duine éigiontaithe éisteacht a fháil ar an bpointe i dtreis agus a dhíth nó a dhíth ainm a choinneáil ag an am céanna.

Debate adjourned.

### Private Members’ Business.

#### Domestic Refuse Charges: Motion.

**Mr. Gilmore:** I move:

That Dáil Éireann:

- calls on the Government to introduce a uniform national waiver scheme for domestic refuse charges in view of:
- the way in which the decision of the Government in 2003 to transfer responsibility for setting waste charges from democratically elected councillors to local authority managers has led to a very significant increase in the level of charges;
- the fact that these charges can result in financial difficulties for pensioners and others on low incomes, or those who have large families or exceptional household circumstances; and
- the great variation in waste charges and existing waiver schemes operated by local authorities and the total absence of any waiver scheme in some areas.

I wish to share time with Deputies Lynch, Costello and Sherlock.

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

**Mr. Gilmore:** The purpose of this motion is to persuade the Government to introduce a national waiver scheme for domestic waste charges, to apply to households with low income.

Tens of thousands of households have refuse collection bills they simply cannot afford to pay. These include pensioners, the widowed, people dependent on social welfare, workers on low wages, large families or parents of children with special needs. The widow who contacted me yesterday is a typical case in point. She is the full-time carer of her paralysed adult daughter. Her income is €179 per week. She has just received a waste charges bill from Dún Laoghaire-Rathdown County Council for €350. The maximum

waiver for which she will qualify is €80, leaving her with a bill which is almost twice her weekly income. She cannot pay it, and there is no case to justify her having to pay it. She is not alone. There are many like her in every part of the country. Theirs is the need the Labour Party is highlighting with this motion tonight. Their need is urgent. They have waste charges bills they cannot afford to pay. In some cases they are facing imminent non-collection. In most cases they are worried sick about it. These people cannot be left waiting while political parties argue over the idea of charging for waste, or the role of waste charges in environmental taxation.

The Government should introduce a national waiver scheme to address the financial hardship waste charges are now causing for low income households and families. The collection of domestic waste is now charged for in every part of the country, whether the local authority or a private operator provides the service. In preparation for this debate the Labour Party conducted a survey of the waste collection arrangements and charges in 30 of the larger local authorities. Although there are some similarities, the charging system is different in every one of the 30 local authorities surveyed.

In some counties and towns there are still flat weekly, monthly or annual charges for collection of household waste. Some charge by the bag or bin, some charge by weight, and others have a combination of weight, volume and flat charging. The amounts charged per bag, per lift or per kilogram vary from one county or town to another. No two charging systems are the same.

The stated annual amounts range from €90 in County Leitrim to €590 in County Mayo. The charge per bag ranges from €3.50 in County Limerick to €9 in County Donegal. It is difficult to estimate an average charge for areas which have a pay-by-weight system, but from the information supplied to the Labour Party the annual average appears to be around €350 to €400. The charges are higher than this in some areas.

Some people in our society can pay €350 or €400 without even noticing it. The Labour Party does not subscribe to the argument that waste charges should be abolished for everyone, so that those who can manifestly afford to pay can benefit. Many in our country, including me, are prepared to pay a reasonable charge for the waste collection service. We ask only that the service is efficient and that recycling and recovery facilities are improved so that we can reduce the amounts of waste we generate.

For many households and families the present level of charges is an unfair and unacceptable financial hardship. The sum of €350 or €400 represents more than two weeks income for a pensioner dependent on the non-contributory social welfare pension. That sum is up to €70 more than the weekly income for a couple with four children where the breadwinner is ill and the family is dependent on the disability allowance. It represents between 50 and 60 hours of work for a

[Mr. Gilmore.]

worker on the national minimum wage of €7 per hour and it is nearly twice the income threshold for a medical card for a couple which is currently €222. It is also above the income limit at which a family begins to qualify for the back-to-school clothing and footwear allowance.

Even by the restricted criteria used by the State for its various social welfare and supplementary welfare schemes, the current levels of domestic waste charges are unaffordable for low income households. However, these charges are demanded from them and their waste will not be collected if they cannot pay. That is the official position enshrined in legislation. Only a minority of low income households qualify at present for any kind of waiver for their waste charges.

The survey undertaken by the Labour Party shows that in 21 of the 30 larger local authorities, private companies now collect domestic waste. In the vast majority of these areas, there is no waiver scheme at all. It is now the case in 18 of the 30 councils surveyed that the householder must pay up or keep his or her waste. The survey suggests that 60% of householders who cannot afford the waste charges have no access at all to a waiver scheme, even an inadequate one.

In a small number of cases — three, according to the Labour Party survey — local authorities have made some arrangement with their private contractors for some kind of waiver. However, the legal basis for this appears to be in some doubt. At the end of last year the Attorney General wrote to the manager of Limerick City Council informing him that the continuation of the waiver system was illegal because the service there was private and not run by the council itself. That advice was subsequently amended and I understand there is now some court action in regard to the scheme in that area.

Even where waiver schemes exist, and these are mostly in the one third of services still run by local authorities, the terms of the waivers are varied, inconsistent and in many cases inadequate. Some councils give waivers to old age pensioners but not to other social welfare recipients. In my constituency, the county manager has changed the waiver scheme so that only a small proportion of the charge is now waived. In none of the areas surveyed is there a waiver for households where the breadwinner is working and is on low income or where there are large family responsibilities.

The Labour Party is proposing to Dáil Éireann that the Government should introduce a national waiver scheme for waste charges that would apply uniformly across the country. The scheme could easily be administered through the social welfare system and through the tax system. The waste waiver could be added as an additional free scheme for pensioners. For others on social welfare and for pensioners who would not qualify for free schemes, the waiver could be paid as an additional payment like the living-alone allow-

ance or the fuel scheme. For workers on low incomes the waiver could come as a tax credit.

The scheme should be designed to take into account the needs of differing family and household circumstances. A family with a large number of children would inevitably have more waste than a single-person household. Large families should not be financially penalised by higher levels of waste charge. Account should also be taken of households with special needs, such as a family member with a medical condition which might give rise to extra or heavier waste.

There are several advantages to the introduction of a national waiver scheme along these lines. First, it can be done quickly and thereby provide immediate relief now to those whose needs are greatest, rather than obliging them to wait until all issues relating to waste charges and waste management are resolved. Second, it would be easy to administer and would reduce the cost in local authorities of having to duplicate means testing which existing waiver schemes require. Third, the Government could introduce the waiver scheme without having to unravel its current waste management strategy, even though the Labour Party believes there is a clear need to change the Government's approach to the waste issue. Fourth, the national waiver scheme would not be vulnerable to a challenge that it infringes European regulations on charging for waste since it is confined to the "ability to pay" principle. Finally and most importantly, a national waiver scheme would be fair and would at least ensure that the poorest households do not have to bear a disproportionate share of the country's waste problem.

In any event, the Government has a particular responsibility to those who cannot afford to pay the current waste charges because it was the present Government which introduced these charges in their present form. The current waste charges arise directly from legislation which was introduced and argued for by the present Fianna Fáil-Progressive Democrats Government. The so-called Protection of the Environment Act 2003 was pushed and rushed through this House by former Minister for the Environment, Heritage and Local Government, Deputy Cullen.

The inappropriately-titled legislation, which should perhaps be better called "Cullen's law", made five major changes. It removed from elected councillors the power to decide on waste charges and waiver schemes and it transferred that power to unelected city and county managers. Section 52(8) of the Act states: "Notwithstanding the provisions of any order made under any other enactment, the making of a charge in respect of the provision of a waste service and any exercise of the power of waiver under subsection (3) shall each be an executive function". As we all know, in local government, an executive function is performed by the manager, not by the elected council.

Cullen's law prohibits elected councillors from having any hand, act or part in the making of



waste charges or waiver schemes. Section 52(9) states: "A local authority shall not by resolution under section 140 of the Local Government Act 2001 give a direction or require any act, matter or thing to be done or effected, where the effect of such direction or requirement would be contrary to or inconsistent with this section and any such resolution purporting to be passed under the said section 140 which contravenes this subsection shall be void".

Cullen's law goes on to oblige county managers and other waste operators to charge the full economic cost of the waste service. Section 43 of the Protection of the Environment Act 2003 legally obliges the operators of landfill facilities to impose charges and makes it clear that they must charge the full economic cost. Section 43(4) states: "The aggregate amount of charges imposed by the operator, in relation to the facility concerned, during the relevant period will be not less than the amount which would meet the total of the following costs (irrespective of whether these costs or any of them have been or will be met from any other financial measures available to the operator". The costs are then listed as: "the acquisition and development of the facility"; "the operating costs"; and "the estimated costs for a period of 30 years after the closure of the facility of the costs of closure, restoration, remediation and after-care".

A financial resolution which the Government introduced in this House on 18 June 2003 and which, by a vote of 70 to 57, it insisted be passed without debate, gives the Minister for the Environment, Heritage and Local Government the power to order charges for waste services. Cullen's Law also gives local authorities and other waste operators the power to refuse collection of waste from any householder who has not paid his or her charges.

It is necessary to remind the House and the public of the provisions of Cullen's law of 2003 because since the last local elections, when Fianna Fáil lost control of most councils, party members and some of their fellow travellers have been busily putting it about that the new waste charging regimes are the work of the Opposition parties which now hold the chairs of local authorities. Nothing could be further from the truth.

Cullen's law gives the councillors no say whatever over waste charges, it gives the power to managers, it forces managers to charge the full economic cost and if any manager fails to do that, it gives the Minister the power to "order" the charges and anyone who does not pay the charges will not have his or her bin collected. When that legislation was moved in this House, it was vigorously opposed by the Labour Party.

I encourage any person who is seriously interested in the politics of waste charges to read the Dail debates on this legislation. They are available on the Oireachtas website at [www.oireachtas.ie](http://www.oireachtas.ie). Second Stage debate was taken on 29 May and 13 and 17 June 2003, Committee Stage took place in the Select Committee on the Envir-

onment and Local Government on 19, 20, 24, and 25 June and Report Stage was taken on 1 July 2003.

The Labour Party argued that the main purpose of the legislation was to increase waste charges to perhaps €700 per annum. We are now well on the way to that figure. We also predicted that the waste charging regime being set up in Cullen's law would result in financial hardship for many households and an increase in illegal dumping and waste burning, and that there would be public health problems arising from uncollected waste. However, the proposals put forward by the Labour Party and other Opposition parties were voted down by the Fianna Fáil-Progressive Democrats majority in the House and in the committee.

It is little comfort to us that we have been proved right in our predictions. However, we are determined to change Cullen's law when the Labour Party is returned to Government. In the meantime, our priority is with those who are on low incomes, whether from work, pensions or social welfare, and who are finding extremely painful and sometimes impossible to pay the waste charges which were prescribed in Cullen's law.

That is why the Labour Party proposes the national waiver scheme. I ask the Government, no matter how wedded it is to waste charges, to at least release those who cannot pay. I ask every Member of this House, no matter what his or her views on waste charges or waste management, to at least agree that those who are least able to pay should get some relief now and not have to wait until some undetermined time in the future.

There are many households in this country which are struggling to get by, which the new economic fortunes have passed by and for which the waste charges represent a bill too far. Among them are people who have always paid their way and who worry about being in debt. These people need relief, and they need it soon. I ask the Government to agree to the Labour Party proposal for a national waiver scheme and I call on all Members of this House to support the Labour Party motion.

**Deputies:** Hear, hear.

**Ms Lynch:** I rise in support of the motion tabled by my colleague, Deputy Gilmore. Anyone with an ear for accents and who listens to me will have no doubt as to where I am from; I am from Cork city. We do not distinguish between constituencies in Cork city except where we have to, and in this case I have to distinguish, I represent Cork North-Central. I suppose there is no one in the country who does not know that Cork is designated European Capital of Culture for 2005. That is an honour of which the rest of the country should be proud and of which we in Cork are justifiably proud. We put much work into ensuring the city looked its best for the start of its year as European Capital of Culture. One can



[Ms Lynch.]

imagine our surprise when on 17 January, after discussions about illegal dumping and how we would manage to keep the city clean, a new regime — it is a regime — was introduced without consultation with councillors and without warning by a manager who does not have to stand for election and who does not have a great deal of contact with the ordinary Joe Soap in the street. He seems more content to meet the business community. I have to hand it to him. Cork is looking extremely well. What passed us by for years, the sort of development the rest of the country had, is beginning to happen in Cork.

On 17 January, the manager in Cork introduced a new regime. From that day people were obliged to pay a flat waste collection charge of €255 and after that a tag price of €3, €5 or €7 per lift. That seems fairly reasonable until one considers that up to 17 January the charge was €355 per year, which took in everything and included a very generous waiver scheme. That scheme was generous because councillors were in charge. They set the charge and determined the waiver scheme. Now it is set by someone who has very little contact with the ordinary public and who does not have to stand for election. As my colleague Deputy Gilmore said, he was given that power under legislation which was rushed through this House.

From 17 January, bins were all of a sudden not being collected. The following week, rubbish from a household where the bin was not collected was simply put out beside the bin, and so it continued until there was a pyramid of rubbish. That occurred on virtually every street corner and worst of all right in front of Shandon. By means of the Internet and advertising around the world, Shandon is the symbol of the European Capital of Culture for 2005, yet that pyramid of rubbish was right in front of it. That was the photograph taken.

There are people in Cork, as elsewhere in the country, who cannot afford the annual flat charge of €255 plus the additional weekly tagging. The manager in Cork has decided that an old age pensioner on €171 weekly will have the flat charge waived. However, a person perhaps next door, on disability benefit, less money than the old age pensioner gets, does not have the charge waived. That is why it is essential we have a national waiver scheme. In other areas of the country such as Naas, rubbish collection has been privatised by a council controlled by Fianna Fáil and the Progressive Democrats. In that case the manager has decided that because the scheme is privatised, there is no waiver scheme, nor will there be, even for pensioners, those on disability or people with big families and very low incomes. We cannot continue to say we have a policy on waste collection and waste management if at the same time we allow unelected members to introduce mechanisms which will ensure we will have continued uncollected dumping.

Last week and the week before I got legal advice on the manager's responsibility, an issue I raised at a committee meeting with the Minister for the Environment, Heritage and Local Government. I asked if, under the Waste Management Act, the manager was obliged to collect rubbish left for a period of time, and it seems he or she is not obliged to do so because of changes made in 2003 as a result of a Supreme Court decision. Under the Litter Act, however, the manager must collect that rubbish and pursue those who litter.

I am convinced that when the Cork council manger finishes sifting through rubbish to find evidence of who left it, and a case eventually comes to court, the manager will find that most of the rubbish was put out for collection by people who could not afford either the flat fee or the tags. That is what we will find when such cases come to court. What position will the manager be in then, when the judge says certain people cannot afford to pay the charges, and the manger must collect the litter? The only solution to this problem is a national waiver scheme. I hope the Minister will listen to what we are saying and introduce such a scheme as a matter of urgency.

**Mr. Costello:** I support this simple, straightforward and humane Private Members' motion from the Labour Party.

The European Union directive published towards the end of 1996 was not acted on by the Government until 2000. The Government then panicked because it was going to fall victim to European Union criticism, so the directive was urgently implemented by all the local authorities countrywide. There was no national structure, guideline or model. Each local authority had to try to put together an individual structure in its own right. The local authorities, of which there are more than 40, came up with different models, costs, charges and methods of collection.

In my area, covered by Dublin City Council, I have never had a wheelie-bin. I have a plastic bag but cannot get a wheelie-bin whether I like it or not because I live more or less between the canals. Major sections of that area, particularly south of the North Circular Road, are not allowed wheelie-bins. What am I to do in those circumstances? What are people in those areas to do when they see a new charge imposed on them without any additional service? They do not view this as a particularly forward-looking approach to waste management.

At the same time as having this mishmash and hodgepodge of waste management charges and collections in every local authority, nothing was done by the Government to deal with the principle enunciated by the European Union, namely that the polluter pays. As we all know, the vast majority of waste comes from the industry sector. It comes from building rubble, from certain undesirable farming methods and from excessive manufacturing packaging. The Government has done nothing about that. I hope the Minister

decides to impose the same type of penalties in this regard as on the compliant domestic householder.

As Deputy Gilmore outlined, Deputy Cullen, when Minister for the Environment, Heritage and Local Government, compounded the situation in 2003 by shifting not only the responsibility but also the right to levy a charge from the local elected representatives to the city manager. The operation of the full whack of the charges from January of this year has been an absolute mess. No proper preparation has taken place, particularly with regard to waivers. There were no waivers ready. An Post had not got them from the local authorities in order to send them out to those entitled to them. I spend half my time on the telephone contacting the waste management section of Dublin City Council to tell them that six weeks after the system has been put in place, certain people have not got the waivers to which they are entitled. The answer given is that those involved are trying to process matters. All the processing should have been done prior to the implementation of the schedules but it was not. I have been told that in many cases, certain pensioners, the unemployed or those on disability benefit will not get their waivers until April. In the meantime, they must go and purchase tags. One can only buy them in bunches of three rather than individually, and people are told they will not be refunded. Those people are entitled to a waiver in the first place because of the lack of preparation and the totally unorthodox way in which the whole system was put in place. The result is a great deal of illegal dumping in Dublin Central, my constituency and that of the Taoiseach. Tags are being stolen from plastic bags. People who are not putting their waste into bins are taking plastic bags and dumping them in an area where uplift is by plastic bag only. Great abuse of the system is taking place. Health and safety issues are not being dealt with, and of course, even the most compliant taxpayers and householders are extremely annoyed and angry with the manner in which the scheme has been implemented, with the result that there is support for anyone who does not wish to be compliant. A sense of grievance is abroad because of the total mismanagement of the system.

At least regarding waivers we should have some uniformity or national system whereby the most vulnerable, pensioners, the disabled, the unemployed and those at the lower end of the scale who are entitled to a fair crack of the whip get that. We must do it through a national scheme rather than willy-nilly, which seems to be the only way we are able to do business in this country. The Minister and Government should have examined the issue of incentives. Surely anyone in his or her right mind would start off not with a levy but with powerful recycling incentives. One does not start with a stick but with a carrot, but that has certainly not happened in this case.

**Mr. Sherlock:** As pointed out by other speakers, there is a great need for a national waiver scheme. There is no consistency in the effort. Before I come to my point, I wish to say two things. If one looks in the Gallery, one sees that there is no one from the press to report what is happening in this House. That is the issue, and that is why the Labour Party is the authentic voice of the people. I hope that is conveyed.

I was a member of a local authority for many years. The Minister should note that the Government gave local authorities a rate support grant. It changed it in later years to a "local government bond". That is only about 40% of what the Government should be giving the councils. The local manager of Cork County Council said he did not have the finances to give people the waivers it is required to grant because the Government has withheld from the local authority the funding it committed itself to provide in the first instance. For the disposal of refuse to be carried out in an equitable fashion and in line with the "polluter pays" principle, local authorities must move towards a waiver system without a standing charge. That has become a big issue in my area, and I am quite sure it is the same in many other areas.

People bought their tags when they could afford to buy them, but now they must pay an overhead charge as well as what they pay under the pay by weight system. That is not on, and that is why I am quite sure this motion will have the support of other parties in the House. Since the inception of the pay by weight system in County Cork in 2004, Cork County Council has insisted on a standing charge as well as one for every kilogram of waste disposed of. That is contrary to the polluter pays principle, as it penalises the householder who endeavours to recycle. The person recycling pays a standing charge as well as the person who does not do so, and the effect is that the former subsidises the latter.

The most equitable system is one based on weight. That allows the householder to be charged only for what is being disposed of. It facilitates smaller households, especially those consisting of pensioners who do not qualify for waivers. If local authorities were serious about the polluter pays principle, the instigation of a refuse charge based only on weight would encourage each individual to recycle more without penalising those who up to now have endeavoured to recycle most of their waste.

In the absence of any clear policy in town councils on recycling, the introduction of kerbside collection of dry recyclables must be considered. Local authorities, to keep landfill costs down, must endeavour to give householders the opportunity to recycle waste. Such a policy would be suitable for elderly people in particular who do not have the means to drive to a civic amenity or bring site. This has been mentioned many times by different speakers. It was Fianna Fáil who pressed the button and brought in the system now being imposed on people. They brought in the

[Mr. Sherlock.]

service charges with which we now have to contend. The way in which Fianna Fáil and Progressive Democrats Deputies decided in 2003 to transfer responsibility for setting waste charges from elected councillors to local authority managers has led to a significant increase in charges, resulting in financial difficulties for pensioners and families on low incomes. That must be changed, and the only way to do so is to adopt this motion and introduce a proper system giving consideration to those people who depend on an equitable system for the disposal of waste.

**Mr. S. Ryan:** I will make a brief contribution in support of this motion. In the context of this debate, both in the House and throughout the country, we need a little honesty if at all possible. The reality is very clear. The Government introduced the legislation in 2003 that took the power to set charges from elected members and gave it to an unelected person, the county manager. In my county council area, the vast majority of people have come to a realisation that, in the context of waste charges, they are prepared to make a contribution. However, they will not be taken for granted.

One of the great problems in this regard is that we will get a situation where the county manager, with the power granted him by the Government, will embark on massive increases in charges of 20%, 30% or 40% annually. That will not be accepted by the electorate. Regarding a uniform waiver system, in Fingal we have a system that works very well. If one does not pay tax, one is entitled to a waiver. In general, that is relatively fair. It can be examined and amended but a major problem is the lack of uniformity throughout the country, particularly in areas where Fianna Fáil and the Progressive Democrats have a majority — they do not have a majority now so I hope it will not happen — in that their priority is privatisation. When privatisation takes place, there is no mechanism at local or national level for a waiver. The Minister has the support of the working people to introduce a fair waiver system. The case for such a system is clear. With this motion the Minister has the support of the Labour Party and the other Members of this House. The Minister should deliver on it.

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I move amendment No. 1:

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

“(i) notes:

that the operational details of waste management services have never been the responsibility of central Government;

that local authorities have received record levels of discretionary general purpose

grants from the local government fund in the current year;

the very significant investment which has been made by the Government in developing modern integrated waste management infrastructure and services;

that the costs of maintaining these services must be met;

that many local authorities have availed of the existing statutory provisions which allow for the operation of waste waiver schemes; and

that the introduction of use based charges is a more equitable way of meeting these costs and encouraging waste reduction and recycling;

(ii) supports the continuing discussions within the social partnership process which seek to identify and address any inequitable impact which the charging system may place on the disadvantaged.”

I listened with great interest to the debate. Waste services are perhaps the most quintessentially local of all services. They have never been administered nationally; they have always been determined locally. When the then Labour Party leader, Dick Spring, introduced the Local Government (Financial Provisions) (No. 2) Bill in 1983, he touched, wisely in my view, on this issue. Speaking in regard to the application of local charges, the then Minister said: “There is no good reason why charges should be fixed centrally.” The then Minister went on to say that discretion should reside with local authorities and be determined so that “account can be taken of what is needed, and what is fair and reasonable, and also of the best means of applying the powers in the local circumstances”. At that time the Minister clearly envisaged that different service charges would be raised by different local authorities as was appropriate in their individual circumstances. The then Minister went on to discuss the general issue of waivers or the mitigation of charges—

**Mr. S. Ryan:** That was 1983.

**Mr. Roche:** If the Deputy will hold on for a second, I will bring him up to date. I am giving him a historic lesson because he spoke about honesty, but it might not be a bad idea if he applied a little honesty.

**Mr. Sherlock:** The Minister is bereft of ideas.

**Mr. Roche:** The then Minister, former Deputy Spring, went on to discuss the general issue of waivers or the mitigation of charges. He made the point that the Bill did not attempt to “define the grounds” where waivers would apply or “to restrict the exercise of this power” as this was an area where the decisions might best be based on local knowledge or experience. The Minister’s views are as valid today as they were in 1983.



Indeed, the Minister, when he held this portfolio, was so convinced that local services and the associated charges should be determined locally that he provided in the 1983 Act that centrally imposed statutory restrictions on the level of charges should be removed. In short, the Minister, in the 1983 Act, which was the basis for introducing service charging for water waste and other services, provided that the issues regarding the non-payment of service charges were a matter for local determination and decidedly not a matter in which the Minister of the day should interfere.

There was much wisdom in the then Minister's contribution, so much so that 13 years later another Labour Party Minister for the Environment returned to the theme.

**Mr. Sherlock:** Is the Minister bereft of ideas?

**Mr. D. Wallace:** Nobody interrupted the Deputies opposite when they were speaking.

**Mr. Roche:** Nobody interrupted the group of Deputies opposite when they were speling out their nonsense. I am simply telling the truth.

**Mr. Sherlock:** The Minister is bereft of ideas.

**Acting Chairman (Mr. McGinley):** The Minister, without interruption.

**Mr. Roche:** I repeat, there was so much wisdom in the contribution of the then Minister, Dick Spring, who was a good friend of Deputy Sherlock's at the time, that his wisdom was returned to 13 years later by yet another Labour Party Minister for the Environment, Deputy Howlin. In his programme, *Better Local Government — A Programme for Change*, the then Minister, Deputy Howlin, recognised the commendable clarity that locally determined charges for domestic refuse collection were "an appropriate instrument in waste management policy".

The waste management policies in place today are directly built on the policies foreseen in the policy document, *Better Local Government — A Programme for Change*, by the then Minister, Deputy Howlin. More importantly, that provided the basic foundation on which the Waste Management Act 1996 was steered through the Houses of the Oireachtas by none other than the then Minister, Deputy Howlin.

**Mr. Costello:** What about successive Governments?

**Mr. Roche:** The truth often hurts and I ask the Deputy to bear with me for a few minutes and I will give him a few more lashes.

**Mr. Sherlock:** The Minister should give us some of his own ideas.

**Mr. Roche:** Tonight's debate is about a fundamental principle, the principle of subsidiarity. It

is a debate about whether local government should be allowed to decide how local services are to be delivered, taking into account local needs and conditions, or whether we should instead look to micro-management by the Minister of the day of these essentially local services.

We have come a long way in the past eight years in terms of an integrated waste management strategy. The issue of waste charges is a central element in any sustainable waste management policy. Ireland is following an approach adopted by best practice in Europe. The comprehensive policy framework for modernising our approach to waste management was put in place in the 1998 document, *Waste Management: Changing our Ways*. That policy approach is centred on the integrated waste management approach based on the internationally adopted hierarchy of waste options.

The policy context was strengthened in 2002 with the publication of *Preventing and Recycling Waste: Delivering Change*. These policy statements will remain the bedrock of waste management policy in Ireland in the coming period. They are designed to achieve, by 2013, the ambitious targets set out in *Waste Management: Changing Our Ways*, which include recycling of 35% of municipal waste and recycling of at least 50% of construction and C and D waste. *Waste Management — Changing our Ways* also set a number of complementary targets aimed at increasing recycling rates, including, for example, a diversion of 50% of household waste from landfill, a minimum 65% reduction in biodegradable waste consigned to landfill, and the development of composting and other biological treatment facilities. I make these points because these services cost money.

Progress towards these targets has been very encouraging. In its national waste database report for 1998, the Environmental Protection Agency estimated that only 9% of municipal waste was recovered for recycling that year. The figure for 2003 is 28%. The recovery rate of packaging waste is estimated to have increased from 15% in 1998 to 42% in 2003.

All the indications are that the recycling position has improved even further with the progressive roll-out of two-bin or dual-bin collections. Dual-bin collection is now available to 560,000 households, approximately 42% of all households nationally, and there is the continued expansion of the bring bank network. Over 1,800 bring banks are currently in place compared to 850 only six years ago. The increased network of civic amenity recycling centres is now another reality.

The expansion in the waste recycling infrastructure has been assisted by significant funding provided to local authorities from the environment fund. A capital grants scheme established in 2002 has provided €50 million so far for 90 projects. However, all this notable development comes at a price. The scale of investment is reflected in the charges which need to be levied by both public and private sector operators. That



[Mr. Roche.]

our waste management costs should be met in this way has been the policy of successive Governments. I recall that Deputy Howlin, when Minister for the Environment, made the point in the document, Better Local Government, that “Unlike charges for domestic water supply and sewerage facilities, charges for domestic refuse collection can be related to usage, and will be an important instrument in waste management policy”. Deputy Howlin was correct. The move to pay-by-use charging now being implemented flows directly from that statement. It is dishonest to suggest otherwise.

The setting of such waste charges is a matter for the individual local authorities or private operators. The polluter pays principle, which is espoused by so many Members, advocates that the cost of managing waste is met by those who generate it. As in many cases, the reality is that what is preached here is quite often not practised at local level. Historically a system of flat rate charging applied in most local authorities. The switch to use-based charges will reward those who generate least waste and who are most active in recycling. Deputy Gilmore, when appearing on RTE recently, accepted that pay-by-use waste charges are an equitable method of charging for waste services.

**Mr. Gilmore:** Was that the programme for which the Minister failed to appear?

**Mr. Roche:** As far as I am aware, I never missed a programme about which I have known.

**Mr. Gilmore:** I heard the Minister was invited to appear.

**Mr. Roche:** The Deputy heard wrong. He has selective hearing.

The objective of pay-by-use charging is environmental in its focus and it encourages recycling. The less waste produced, the lower the charge. The precise charging mechanism in any given area will inevitably be fitted to local circumstances, costs and available technology. I note, for example, that Dún Laoghaire-Rathdown County Council, on the basis of a motion supported by former Labour Party Minister Niamh Bhreathnach, has opted for a quite sophisticated system with standing and lift charging components and a weight-based element.

**Mr. Gilmore:** That is not correct. The Minister is misleading the House.

**Mr. Roche:** I am not misleading the House. The Deputy’s colleague and his party supported the new charging system——

**Mr. Gilmore:** Will the Minister give way?

**Acting Chairman:** The Minister to continue, without interruption.

**Mr. Roche:** Let the record show that the Labour Party supported the system that is currently in place.

**Mr. Gilmore:** Will the Minister give way? He is misleading the House. I wish to correct the record.

**Mr. Roche:** It is worth recalling——

**Mr. Gilmore:** I wish to correct the record.

**Mr. Roche:** The Deputy is equivocating because the truth hurts.

**Mr. Gilmore:** The Minister is misleading the House.

**Acting Chairman:** The Minister, without interruption.

**Mr. Gilmore:** The Minister will not give way. He is afraid to do so.

**Mr. Roche:** I will not be filibustered either.

*(Interruptions).*

**Mr. Roche:** It is worth recalling that the service provided in Dún Laoghaire-Rathdown is not in the hands of a private operator, it is in the hands of the council which is dominated by Fine Gael and the Labour Party. I understand the Labour Party changed its long-standing view on the issue of service charging and on that of waivers. Perhaps Deputy Gilmore would like to inform the House of his record in that regard.

**Mr. Gilmore:** My record is absolutely consistent.

**Mr. Roche:** It is absolutely consistently inconsistent. The Deputy is quite right.

*(Interruptions).*

**Acting Chairman:** The Minister, without interruption.

**Mr. Roche:** Others have opted for a combination of a standing charge and a charge per lift, while the humble prepaid tag also has its place.

The point must be accepted that waste charges generally have increased in line with the exponential increase in the cost of waste management. We have moved from a position where we relied on a large number of poorly managed landfills to one where we are rapidly putting in place modern waste management infrastructure.

Each individual local authority has the power, where it is the service provider, to make a waiver scheme or to make appropriate arrangements with the private sector, where it is not. In this way local solutions can be tailored to local circumstances with proper application of the subsidiarity principle. In this regard, I again remind the

House of the sentiments of the then Minister, Dick Spring, in 1983 in proposing a legislative basis for waiver type schemes. He explained that “decisions must be made on the basis of local knowledge and experience”. I fully concur with this view. Local authorities are best placed to decide what is needed to address the differing circumstances that present to them. What is more, they now have the resources to allow them to do so.

Local authorities are now in a far better financial position than they have been for many decades. This is due in large part to the establishment by this Government of the local government fund. For 2005, I was glad to be in a position to notify local authorities of record levels of general purpose grants from the fund. This year, these discretionary block grants, which authorities can use as they see fit, will amount to a staggering €817 million.

**Mr. Sherlock:** The fact is that the Minister is not telling the truth.

**Mr. Roche:** This represents an increase of over 9% on 2004, which far exceeds the rate of inflation. It is almost 2.5 times the level of funding provided in 1997, when the parties opposite were in Government. In anyone’s language, this represents a tremendous boost for local government and it enhances the ability of local authorities to provide quality services, including the operation of appropriate waiver schemes to their customers.

**Mr. Sherlock:** The Minister is misleading the House.

**Mr. Roche:** Repeating the mantra is not in any way to deflect from the truth. The relevant figures are those I have placed before the House.

In practice, waiver schemes are generally available where a local authority provides the service directly. In general, where services are provided by private collectors, local authorities have not considered it necessary to put any supplementary arrangement in place. There are, however, a number of limited exceptions. Local authorities have the power, in existing provisions, to make special arrangements in the case of hardship if they consider it necessary to do so.

The motion tabled by the Labour Party calls on the Government to introduce a uniform national waiver scheme, irrespective of circumstances, across the board. It will be clear from what I have said that this approach would be fundamentally in conflict with the thinking of successive Ministers for the Environment, including those who served with distinction from Deputy Gilmore’s party. I do not believe it would be wise to simply reverse all of that which has gone before.

I made previous reference in the House to the discussions currently taking place between my Department and the Department of Social and Family Affairs and which follow on from dis-

cussions with the social partners in the context of the implementation of Sustaining Progress. The purpose of these discussions is to consider whether there is a role for some supplemental arrangement to address any cases of real hardship which may arise as a result of waste charges and which are not addressed by local waiver schemes.

**Mr. S. Ryan:** The Minister is coming to it now.

**Mr. Roche:** I expect these discussions to conclude shortly.

I wish to make a further point, which I think is appropriate in the context of this debate, about the private sector and the way it has operated. In recent years we have witnessed the emergence of an extensive and vibrant private waste management industry working alongside local authorities. This is to be welcomed but it brings new issues to the surface. I am determined to ensure that equity and best practice prevail in the delivery of all waste management services. In this regard, I am unhappy at an apparent lack of flexibility and customer response in the case of some private operators. In cases which have come to my attention, customers feel that their complaints are being ignored, that operators are too inflexible or that they adopt a “take it or leave it” attitude to complaints. This is not acceptable.

Waste management is unique among the commercially provided public utilities in not having a regulator. Regulators were put in place in telecommunications, electricity and gas. When the Waste Management Act 1996 was introduced, no consideration appears to have been given to appointing a regulator. I do not say this to fault the author of the legislation. The concept of regulation was novel at that stage and private sector provision of waste services was in its infancy. All of that has dramatically changed and I am giving consideration to the additional regulatory arrangements that may be necessary to ensure price competition, best practice, good customer service and to guard against monopolistic practices, whether by local authorities or private operators. This will ensure that those paying waste charges can be confident of getting value for money.

I reiterate that it has never been, nor should it be, the practice for central Government to determine operational matters in regard to waste management. Waste management is one of the oldest services provided by local authorities. Working to national and European Union environmental standards, local authorities should be free to tailor services to local needs. The Labour Party motion would involve an unacceptable degree of interference with this principle which, as already stated, has been articulated by successive Ministers for the Environment, including those from the Deputy’s party.

Deputy Gilmore represents Dún Laoghaire. The new waste charges in Dún Laoghaire-Rathdown County Council were passed without debate last month.

**Mr. Gilmore:** There was no vote on this matter. They had no say.

**Mr. Roche:** No Labour Party or Fine Gael councillors spoke out against the charges and not one of them voted against the scheme.

**Mr. Gilmore:** That is unworthy and dishonest.

**Mr. Roche:** Labour Party and Fine Gael councillors unanimously supported the council's estimates, which included the waste charges.

However, Deputy Gilmore, the local representative, is now criticising a system of local charges introduced by a council dominated by his party and its putative partner in Government, Fine Gael, in a resolution which won the specific endorsement of his party colleague and potential running mate, Councillor Bhreathnach. Labour and Fine Gael councillors unanimously supported the council's estimates, which included the waste charges. However, we now have the constituency representative, Deputy Gilmore, criticising a system of local charges introduced by a council dominated by his party and his putative partners in Fine Gael, in a resolution which won the specific endorsement of his party colleague and potential running mate, Councillor Bhreathnach. Deputy Seán Ryan is right when he calls for honesty in the House. A little bit of honesty would go long way. It is time for honesty in the issue of waste charges.

**Mr. Gilmore:** The Minister should try practising it.

**Mr. Roche:** There is no honesty in the approach that involves actions at local level which differ significantly from what has been expressed locally.

**Mr. Sherlock:** If the Minister made that speech in Cork, he would quickly be told where to go.

**Mr. Roche:** The people of Dún Laoghaire-Rathdown expect people to act as they say and to say as they act.

**Mr. Andrews:** I wish to share my time with Deputy Kelleher. The waiver is a good idea. Nobody argues with that and I have a proposal the House might consider appropriate involving a typical situation. Perhaps Members could comment on it.

**Mr. Naughten:** The Deputy should mention it to the Minister.

**Mr. Andrews:** A 50% waiver might be considered for householders living alone or with dependants, in receipt of one of the following payments: a non-contributory old age pension; blind pension; unemployment assistance. The following persons could qualify for a 50% waiver: householders in receipt of family income supplement; householders who possess a medical

card; or householders in receipt of a small occupational pension. The following persons should qualify for a further 50% waiver, which effectively means a complete waiver: any householder who qualifies for a 50% waiver and who is in receipt of a living alone allowance. To any objective observer that seems to be a generous enough scheme. This was the very proposal Labour Party councillors in Dún Laoghaire-Rathdown voted against in 1999 and in 2000.

**Mr. Gilmore:** They had no say in the scheme.

**Mr. Andrews:** I challenge anybody in the Labour Party to tell me that this is not a fair scheme or that it was a waiver scheme in the context—

**Mr. Gilmore:** The Deputy's party is in Government. Introduce it.

**Mr. Andrews:** The Deputy should hang on a second. I have a short period in which to make my points. If they do not suit the Deputy, he can reply to them tomorrow when he is winding up the debate.

This was a waiver scheme in the context of a publicly delivered waste management scheme by the staff of Dún Laoghaire-Rathdown County Council, in the context of an overall charge of £150 at the time. The Labour Party councillors voted against this. Now they are trying to go back into history and return to the stage when this type of proposal was before them. It is somewhat rich for them to say now that they would love to see this being reintroduced, when they did not have the courage to vote for what they knew to be commonsense, fair and equitable at that time. The irony was that the principle of it had been introduced by one of their own in Dáil Éireann in 1996. It is all very well to introduce legislation with all the fine words and great intentions when one cannot deliver on the ground. That was the constant theme of the Labour Party councillors' behaviour in Dún Laoghaire-Rathdown County Council in the period 1999-2004.

The next thing that happened was Labour ascended to the chairmanship of Dún Laoghaire-Rathdown. On 11 January 2005 a number of resolutions were passed. Among them was a requirement that the Government introduce the waiver scheme. There was nothing concrete in this, just a general idea that the Government should introduce a waiver scheme. Also, every Labour and Fine Gael councillor supported the passing of the resolution. A sophisticated electorate will consider that these parties' disavowal of this vote rings hollow. Nobody will believe that on the one hand Labour was against the waiver in 1999-2001 etc. and only voted in favour of all of these measures in 2005 because somebody put a gun to their head. It is also disappointing that in all that period so much progress has been made with waste management in Dún Laoghaire, with the introduction of bring centres, the green and grey



bins, waste packaging regulations and progress has been made within the green business network and on every step of the way the Labour Party refused to vote in favour of any of these measures. It is no use re-writing history and seeking to go back in time. Matters have changed and people will not believe there is any sincerity in this motion.

**Mr. Kelleher:** It is nice to see the Labour Party decided not to behave like a spoilt brat when the writs were moved today with its threat of opposition and disruption to the business of the Dáil. It is nice to see Labour Party Deputies tabling a motion that ultimately gives us the opportunity to highlight all the positive aspects to waste management that have occurred in recent years.

**Mr. Sherlock:** Does the Deputy know what is happening in the city of Cork? Has he been in the city?

**Mr. Kelleher:** I have listened to a great deal of nonsense from that side of the House with regard to waste management. The vast majority of people in Cork city pay their service charges. For years Members opposite opposed every opportunity to bring forward an equitable system. It took Fianna Fáil, Fine Gael and some other members of Cork Corporation to make bold decisions with regard to the introduction of a liberal waiver system. The figures show that one third of all waivers nationally were delivered by Cork City Council, so there is an opportunity for local authorities to be flexible in their approach to refuse charges.

The people of Cork have responded tremendously to the system introduced. A handful of people are actively discouraging others from cooperating with the system passed by Cork City Council. Many people are recycling their waste, paying their service charges and are quite willing to do so. However, a handful of people are intent on disruption and seeking to bring about what must be considered to be a state of civil disobedience in opposing this measure. I do not mind someone highlighting his or her opinions in a chamber, but it is not acceptable to encourage people to dump rubbish on the public highways of Cork city. I would like councillors to condemn this publicly.

On the question of waste management, there is no doubt that in recent years people have responded. We could not have continued as we were. Cork City Council has taken the lead in this regard and been proactive in ensuring there are proper waste management facilities, bring centres and civic amenities. However, we have a long way to go and I accept that. In recent years, though, tremendous steps have been taken nationally, as well. In 1999 9% of all municipal waste was recycled. The figure is now almost 30% and I am sure that when the figures are published for this year, after the introduction of this system, there

will be a dramatic increase in recyclable waste usage in-----

**Mr. Sherlock:** How come people from Cork city come to north Cork to dispose of their waste?

**Mr. Kelleher:** That is Deputy Sherlock's problem, not in my backyard, NIMBY. He has been saying that all his life. However, there is the greater good to be considered as well. Perhaps he should start acting in that system as well.

On bring sites, I acknowledge great advances have been made. However, we need to be proactive in ensuring that the bring sites are monitored and cleaned up on a regular basis. That is one area in which major advances must be made. In my constituency there was a case recently where the bring sites were not emptied over the Christmas period. People who had brought their bottles, cardboard, plastics and papers with the best intentions, were left with no choice but to take them home again over the Christmas period. That is an area in which we will have to move to ensure that there is a, more than adequate, supply of bring sites and always more space to cater for the volume of recyclable waste.

In general, this motion highlights the hypocrisy of the Labour Party as regards waste management and trying to bring about a fair and equitable system. If Labour Deputies were responsible they would visit the city council in Cork where there is a generous waiver system in place. A person in receipt of an old age pension does not pay the charge. However, we have ensured that those who can afford to pay will do so and those who cannot will not. That is a very equitable system. The Labour Party should actively encourage waste management charges for those who can afford to pay, so that we can assist those who cannot pay. By its continued opposition down through the years, it has forced many civic minded people to dig deep into their pockets.

**Mr. O'Dowd:** This is an important debate and I welcome the Labour Party motion. If there is some disagreement, then that is healthy because there are different views on waste management.

I was surfing the Internet recently and I went into the Progressive Democrats website for light relief to check its manifesto for the local elections.

**Mr. Roche:** It makes a change from those who check out my website.

**Mr. O'Dowd:** No one ever reads the Minister's website except myself. He should change his statistics. I discovered from the Progressive Democrats website that the party had made a promise during the local election that it would introduce a similar national waiver scheme to that outlined by the Labour Party tonight. There is a real need for it. There is much controversy over waste management and there are many fundamental issues involved. In my town, all the parties



[Mr. O'Dowd.]  
got together and dealt with the issue at a local level, as a community should do. However, there were hard men outside the door. One night, they burst in during a debate. The mayor, a member of the Fianna Fáil party, was wearing a yellow shirt and tie and he was accused of being an Orangeman. I think the protest was led by Sinn Féin that night. There were marches on our streets, with hundreds of people giving out about it. Eventually, logic won out. The logic is that we must have a waste management strategy and that everyone should pay according to their means. When a system exists where someone only pays for putting out the bin, senior citizens reduce their use. They are the best at recycling in Drogheda today, with many of them putting out the bin once every six weeks. They are very happy to do that.

The problem arises with large families or where many people are living in a home. Many people in that situation and those on low incomes cannot afford to pay. If one cannot afford to pay, there should be a system in place to deal with that. It is a tenet of Progressive Democrats policy and it is something on which we all agree. I welcome the Minister's reference to that in his statement. I ask the Minister of State to write to all local councils to state what the Minister actually said, which is that where the service is privatised, the local authority can make an arrangement with the service provider to have a waiver system. Many councils are not aware of that. If that is clarified, it could make a significant difference on how councillors view the issue. I think it was in Limerick that the opposite view was expressed by senior counsel.

I also want to address the question of a regulator. The Minister spoke about bringing in a regulator to regulate the price of refuse charges. I would not be happy about that as I believe the best regulator is competition. If a company has a monopoly it will apply to the regulator and will get its price increase. The perception is that the regulator gives price increases which consumers do not believe necessary. A regulator for refuse charges is a bad idea. We should encourage more competition and more privatisation.

Illegal dumping has been mentioned and we are aware of a national strategy on it. One of the problems is that the EPA, which has much responsibility for our waste management and for the enforcement of illegal dumping regulations, is not accountable to the Dáil. We need to make the EPA accountable to the Dáil. We can bring representatives of the EPA before a Dáil committee, but they seem to be a law unto themselves. The EPA can also do what it likes in regard to the issue of the incinerator in Cork. It does not need to have regard to public opinion.

**Mr. Hayes:** I welcome the opportunity to speak on this motion. The problem of waste, waste charges and the application of the waiver scheme is always contentious. The issue of waivers con-

cerns me particularly with respect to the financial difficulties waste charges can create for pensioners and others on low incomes. As usual, this comes back to an issue of fairness. I accept we cannot continue to produce waste without covering the costs of dealing with it. We cannot continue to bury or export our waste. Recycling and re-use is the way forward. The polluter must pay and many cases have been highlighted tonight where people are known to dump rubbish. With the advent of charges for waste, some people have a tendency to go to the countryside to dump their rubbish. That is happening on a far too regular basis and it must be condemned. We should be far more severe on people who carry out such scandalous activity.

Bring banks and bottle banks have proved very successful. Some local authorities have dumps overflowing with bottles, clothes, papers and so on. Local authorities should be to the forefront in setting an example for the community. There is a realisation across the country that we want to keep our environment clean. In South Tipperary County Council, we have run a tidy schools competition. There is a special prize-giving day which is extremely successful. It sends out the right message to young people, who look forward to the day when their school can receive a small token of appreciation for being kept tidy. This creates a healthy environment for our younger people and is something that should also be encouraged nationally by the Department of the Environment, Heritage and Local Government.

The theory that the polluter must pay, like all good progressive tax systems, must be based on the ability to pay. Large families, the sick and the elderly sometime struggle to pay waste charges and we cannot ignore them. There is a problem when the service is provided by operators and people in vulnerable situations cannot avail of such private operators. It is very unfair that they have to pay the full amount and we need to tackle that. If this motion does nothing else tonight it should highlight that situation. We need to look after the old and vulnerable people who looked after the environment in more difficult times. I fully support this motion.

**Mr. Naughten:** We are debating the principle that the polluter pays. We all accept this principle, but there is such a range of operators and charges throughout the country that there is a great variation in the existence and type of waiver system. The key concern is that the polluter-pays principle fails to take into account the ability to pay the charge with resulting difficulties for low-income households. This has been especially true in recent years as charges have increased dramatically.

There are currently two methods to reduce refuse charges. These are tax relief provided by the State and waivers or partial waivers provided by local authorities. The waivers depend on each local authority as no national guidelines have been set out by the Department of the Envir-

onment, Heritage and Local Government. An example of this farce exists in my constituency at Baylough on the Roscommon-Westmeath border. As the white line down the middle of the road through the village is the county boundary, older people or those on the minimum wage on the right hand side are entitled to a waiver while those on the left are not. There is no assistance of any kind for refuse charges for those on the left. On the left hand side of the road, the charge for refuse collection by a private contractor is approximately €100 per annum more expensive than on the right hand side where the waiver system is already in place.

There is no waiver scheme in place in my county because the collection of refuse was privatised in the late 1980s or early 1990s. The current charge for refuse collection is approximately €368. This flat-rate charge is one of the highest in the country and does not take into consideration people who recycle their refuse. Private contractors have approached Roscommon and Galway County Councils on a number of occasions to discuss the introduction of a waiver, but no assistance has been forthcoming. The local authority in Roscommon claims it does not have available to it the resources to fund a waiver. The authority has focused on the area of hardship and contends the matter should be addressed by the Department of Social and Family Affairs. When one contacts that Department or the Department of the Environment, Heritage and Local Government, the buck is passed back to local authorities. The Minister of State has done that again this evening. I note that last year in Sligo, the manager of the borough council stated that it was illegal to introduce a waiver scheme. There appears to be a great deal of ambiguity on the matter.

While the State makes support available through tax relief, it is only beneficial to those in employment who pay income tax. Those who rely solely on social welfare payments cannot benefit. While those who have an income receive a 20% discount, those who cannot afford the charge, such as pensioners, get nothing. In other words, the most vulnerable in society receive no assistance from the Government. People in low-paid employment may not be entitled to tax relief due to their low level of income. We must put in place a similar system to the one which exists to provide mortgage relief and VHI cover whereby tax relief is applied at source. Such a system would also benefit the self-employed who must currently wait for up to two years to obtain the relief.

We must put in place a sensible national waiver scheme and establish a decent level of recycling facilities. Facilities to recycle are not widely available, especially for people in isolated rural communities.

**Mr. Crawford:** I welcome the opportunity to speak on this very important motion. As one who lives in a Border area, I am more aware of illegal dumping than anything else. While the activity is

not relevant to the Bill, I mention it in passing. I raised in the Dáil the other day the fact that last week illegal dumping of oil waste took place in Monaghan once again. This cost Monaghan County Council €500,000 in 2004 and is potentially lethal.

The waiver system is not available in Monaghan though there is a relief system from which it is extremely difficult to benefit. I pay tribute to McElvaney Waste and Recycling Service which introduced the first weigh-in system in Ireland. The company belongs to my Fine Gael colleague, Councillor Hugh McElvaney. The year before the company introduced the system each customer produced 1.25 tonnes of waste. After one year, that was down to less than 0.75 tonnes, a 40% reduction. Of that reduction, 55% was related to blue bin, or kerb-side collections while some went to home composting. The cost to the consumer was reduced considerably as customers paid only for what waste had to be collected. The county manager in Monaghan introduced a charge for 2004 of €125 per tonne, but competition from landfills in Cavan and Louth forced a reduction to €115 per tonne in 2005. I question the need for a regulator when open competition is so effective.

The waiver system is important. The special hardship scheme has not worked in my county. Only last night a constituent called me and was crying because she had no idea if the scheme would apply to her. She said she lay awake at night worrying about the cost of waste. That is not what we want and it is not characteristic of a fair community. Waste charges should be realistic.

I support the comments of Deputy Hayes regarding teaching about waste in schools. We have the same programme in Monaghan where it is wonderful to see schools bringing ideas home to people and encouraging them to recycle. The rate of increase in the number of bottle banks in County Monaghan, which is the highest in the country, demonstrates how teaching can be of benefit in the context of recycling.

**Mr. Ring:** I come from Westport which is one of the tidiest towns in Ireland and has won the tidy towns competition on many occasions. It came second last year in the overall competition and was deemed Ireland's tidiest large town.

The issue tonight is not about waste, however, it is about who can afford to pay for a refuse service. I have a suggestion for the Government. I thought it had developed a new social conscience when it went to Cork and Father Healy came to talk to its members. In the recent budget, the Government lectured the House and told us there was a new socialist party in the country. While the Government says it has moved over with the Labour Party, it has failed to prove as much in its actions. Pensioners earn €179 per week but the cheapest refuse service in Westport is €300. While there is a 50% waiver for pensioners, it is not right that they must still put aside a full week's

[Mr. Ring.]

pension to pay for a refuse service. The issue is not one of keeping towns, villages or the country clean, it is one of fairness.

We have free schemes for fuel, electricity supply and telephone services. Any elderly person benefitting from a free scheme should have his or her refuse collected for free whether it is by the public or private sector. I heard Deputy Crawford refer to local authorities. Some are good and do their best to promote the environment and provide bins and bottle banks while others make no effort. The latter authorities are delighted to have as much refuse to collect as possible to allow them to earn more revenue. While they tell us it costs a great deal to collect refuse, who monitors their claims? Refuse collection has been the greatest money-making racket for local authorities across the country. They never had as much money and never found it as easy to collect. In this context, it is wrong to penalise people on pensions.

A waiver scheme should be introduced which functions like the free schemes to provide free refuse collection to pensioners. They are the people who put this country where it is today. How can a person on €179 per week be expected to put money aside to pay heavy refuse charges to local authorities? We must be realistic and fair to protect the vulnerable people in society. We must not talk about it, but take action. Local authorities do not care about the elderly or anyone else as long as they get their money. When the Minister for the Environment, Heritage and Local Government, Deputy Roche, spoke about all the money he gave local authorities this year, he failed to tell the House that most of it will, among other things, be absorbed by inflation and used to pay for benchmarking.

Debate adjourned.

### Adjournment Debate.

#### Electronic Management System.

**Mr. O'Dowd:** I asked for this debate on foot of last week's revelations regarding the variation in cost of storage of electronic voting machines. It costs in excess of €658,000 per annum to store the machines throughout the country. That was all very well, until Deputy McGrath discovered there is a difference in a variety of costing depending on the county in which the ballot box is situated. In some places the costs are exorbitant, in other places they are not so much so. Top of the list are counties Sligo and Leitrim where there is zero cost for storage and insurance of the machines. This is very welcome. In County Louth, the storage cost is less than €2 per ballot box, while in County Waterford it costs over €271 per machine per annum. That is unacceptable and there is great public concern regarding this issue.

We heard that a returning officer, I think in County Dublin, has billed the State for tens of thousands of euro for the storage of these machines — this returning officer happens to be in partnership with his daughter. That is not acceptable. It is similar to a county manager contracting labour into his workforce. One cannot be a manager and at the same time supply services. That is the kernel of the issue.

Deputy McGrath has done much work with regard to the issue. He wrote to the returning officers throughout the country and received an answer from one of them today. The Deputy cannot be here this evening and he asked me to relay this. The reply states that the Deputy's letter has been passed on to the organisation which represents returning officers in the State. In other words, there is no transparency and openness from the individual returning officer to whom he sent the letter.

We need accountability and transparency with regard to this issue. Serious questions arise. If the legislation regarding standards and ethics in public office does not cover this situation, perhaps it ought to be looked into by this House to ensure greater transparency and openness surrounding such matters.

This issue must be investigated fully. All the facts of how and why there is yet another problem with the how the Department of the Environment, Heritage and Local Government handles the issue of electronic voting machines must be known. I am amazed at the Department's brass neck in informing Deputy McGrath that it did not seek detailed information on ownership of premises used by returning officers for storage purposes and does not have this information on a comprehensive basis. Surely if the returning officers worked in partnership with local councils, they would be able to find a place that would meet the requirements of the machines and would store them much cheaper and effectively.

The Minister should outline for the House exactly what the Department and the Government intend to do with regard to the matter. Is the Minister comfortable with the practice of allowing council officials store these machines in property that they own? Why is there no central storage facility for the machines that could save taxpayers' money? Will the Government commit to progress in this regard? Does the Minister believe the current raft of ethics legislation, which seemingly does not cover this area, might be in need of upgrading?

This is another body blow for the electronic voting project. Apart from the lack of a verifiable voter audit trail, there is a lack of public faith in the system and a lack of clear direction from the Department. Again, we have a complete lack of transparency with regard to the issue. People are most amazed and concerned about the absolute waste of public money and lack of transparency and openness surrounding these issues. I look forward to the Minister's reply.



**Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. N. Ahern):** On foot of the Government decision in February 2000 to introduce electronic voting and counting and subsequent decisions with regard to the phased roll-out of the project, my Department has been tasked with developing and delivering the project in conjunction with returning officers. Voting machines for the two pilot polls were delivered in 2002, while the remaining order for the planned nationwide roll-out of the system was placed in early 2003 for delivery later that year.

Consequently, my Department wrote to all returning officers in January 2003 asking them to make appropriate arrangements for storage of the voting equipment in advance of delivery of the equipment and giving indications of the approximate space needed. The key requirement for the storage of the voting machines and ancillary equipment is that the premises are dry and not subject to damp conditions. Returning officers were asked, in the first instance, to consider whether existing storage facilities were suitable for electronic voting equipment, to inquire, with the assistance of the Office of Public Works, as to alternative storage premises in public buildings, such as local authority offices or courthouses, or, failing that, in other suitable accommodation locally.

Responsibility for the security and safe storage of manual voting electoral materials, such as ballot boxes, stamping instruments, stationery etc. has always been a matter for returning officers who are statutorily responsible for conducting elections and referenda. Accordingly, similar responsibility rests with them with regard to the storage of electronic voting machines and equipment. With significant investment being made in modernising the electoral system, returning officers were entrusted with the task of procuring suitable dry accommodation for the electronic voting machines and ancillary equipment.

In view of returning officer responsibilities and the statutory independence of their function, my Department had no involvement in the procurement processes. Nevertheless, summary information on storage costs and arrangements was received in the Department from the returning officers. Four returning officers were able to avail of storage facilities in their local courthouse free of charge. However, due to lack of space, the majority of returning officers, namely 24, had to source alternative accommodation with the average costs working out at just over €27,000 per annum.

The total annual cost for storage of electronic voting equipment, including the cost of insurance, service charges, rates, heating etc., is €659,000, including VAT. In some instances, storage comprises only an element of the rental costs, with some returning officers taking the opportunity to acquire modern accommodation for storage, the training of polling staff and other electoral administrative duties. This was a necessary step for health and safety reasons and as former accommodation in courthouses and local auth-

ority premises was gradually becoming unavailable.

There are ongoing costs for storage of existing ballot boxes and other manual election equipment. An intended consequence of electronic voting is that the requirements of the Office of Public Works and the Government Supplies Agency to maintain large elections stores facilities, containing stationery, polling information cards, ballot boxes and other related items would no longer exist.

In addition to storage cost information, six returning officers supplied details of ownership of the storage premises and this information was presented to the House in reply to Deputy McGrath last week.

To get more comprehensive data on storage arrangements, my Department has written to all returning officers seeking further information on storage and insurance arrangements, including specific data on ownership and compliance with public procurement requirements. I will make this information known to the House once these returns are received and collated.

I am confident my Department and the Department of Finance will continue to work with returning officers to ensure the necessary storage facilities are provided as economically and cost efficiently as possible. The fundamental point is that the system is continuing as it has always been.

**Mr. O'Dowd:** It is a waste of money.

**Health Services.**

**Mr. Crowe:** The case I wish to raise concerns a young man from Tallaght. He was assaulted in Dublin's Temple Bar. Such an assault is probably a parent's greatest nightmare. The young man went into town for a drink and was assaulted and left for dead. If a tourist had not spotted him and put him into the recovery position, the young man would have died. He was in a coma for a considerable period. While he was in the coma his parents were unaware of where he was, which added to their worry. They eventually found him.

The family were told there would be a care plan for the young man, which would start with hospitalisation. When he came out of the coma he was violent, which I am told is quite common in such cases. He is still being treated in St. James's Hospital. The care plan was to start with hospitalisation and proceed to rehabilitation, speech therapy and going home, after which it was hoped he would return to work. Both of the young man's parents work and there are younger children in the family. During the time the young man was in a coma, the parents took time off work. It amounted to a considerable period. The young man was assaulted on 9 January and it is now 15 February.

The difficulty is that the next step in the young man's recovery is rehabilitation but the parents have been told there is an eight to ten week waiting list for rehabilitation. There is pressure from the hospital authorities on the parents to take the young man home. However, they believe they are unable to look after him. Although the nightmare



[Mr. Crowe.] is over to some extent, the parents are at their wits' end. They are under pressure to take the young man home and, indeed, they want to do so. In fact, they took him home last weekend for a couple of hours. He watched the match but when asked after the match what teams were playing he could not remember. He is clearly in need of more help. There is also difficulty getting the young man up and down the stairs in the family home to use the toilet and so forth.

If the young man remains in hospital, he will regress. He has progressed in leaps and bounds but the difficulty is with the rehabilitation process. There is nowhere for him to go for the next step of his recovery. I have written to the Minister for Health and Children, the health executive, the hospital and the rehabilitation hospital. I have received responses outlining all types of difficulties. However, the parents are seeking help. I told them I would raise the question in the House. The parents believe the system is failing them because the next step in treatment is not available for their child.

I hope the Minister will have good news for this family. I have described this situation as a nightmare but it is one that could happen to any family. The reply I received from the hospital stated that rehabilitation should be the next step. It also outlines the hospital's concern that the young man will regress if he is left in the acute hospital environment. It is clearly a difficult case and is something that could affect any family.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I am replying on behalf of the Tánaiste and Minister for Health and Children, Deputy Harney. I am pleased to take this opportunity to clarify the matter relating to the provision of rehabilitation for Mr. Alan McCarton.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for rehabilitation services.

The Department has made inquiries into this matter. The National Rehabilitation Hospital has confirmed that Mr. McCarton has been referred to it for assessment and it will endeavour to facilitate him as soon as possible. The Deputy will appreciate that the scheduling of admission to the hospital is a matter for the consultant concerned and is determined solely on the basis of medical priority.

It is recognised that the health funded services in the disability services sector have advanced greatly over the last number of years. It is also acknowledged, however, that further work is required in the coming years. In December 2004, the Government was in a position to announce on budget day a special disability multi-annual funding package with a total value of close to €900 million over the years 2006 to 2009. This funding is being dedicated now for the period until 2009 to ensure the delivery of these high

priority disability services. This package includes guaranteed additional current spending of almost €600 million. The Government has also agreed to allocate €300 million out of the revised capital envelope to these high priority disability services.

The bulk of the new funding package will go to the health sector where it will be invested in services for persons with an intellectual disability and those with autism, services for persons with physical or sensory disabilities and mental health services. It will focus, in particular, on the provision of extra residential, respite and day places, extra home support and personal assistance and extra places in community based mental health facilities.

### Public Relations Contracts.

**Mr. Cuffe:** I raise this matter to plea that the remit and scope of the Standards in Public Office Commission be extended. Both the Quigley report and today's Standards in Public Office Commission report show that existing standards are set extremely low. To clear the air, there must be fundamental reform of the Standards in Public Office Commission to ensure the Government is accountable and transparent and to ensure decisions are made in a clear and understandable way.

Reforms are necessary to ensure that when a Minister puts pressure to have somebody employed on an urgent basis, it will be a matter of public record. Details of such contracts must be made public the moment they are signed. People deserve to know what is happening. It is not good enough that somebody can work on a lucrative contract for a Department while, at the same time, also being involved in serious fundraising in the Minister's constituency. There is a clear conflict of interest. Investigations to date have shown there is a need to reform the legislation on ethics in public office and the standards in public office legislation. We must ensure the commission is given more clout and that where there is impropriety or the perception of impropriety there will be an investigation.

Will the Minister outline the instances in the Department of the Environment, Heritage and Local Government since the Government took office where contracts have been awarded as a matter of extreme urgency without regard to the normal tendering process? The Taoiseach should lay before the House the various instances where such contracts have been awarded by each Minister so the air can be cleared on this matter. With regard to the Department of the Environment, Heritage and Local Government, was there a difficulty in external communication prior to Deputy Cullen taking office in mid-2002? Was there a crying need to employ a consultant to look after the Department's public relations?

Will the Minister for Finance or the Minister for the Environment, Heritage and Local Government consider putting in place measures to ensure companies or individuals that have substantial contracts with Departments are precluded from political fundraising for the Minister overseeing those Departments? There is a conflict of interest if those individuals are working by

day for the Department and volunteering to work for the Minister by night. That has to be addressed within the legislation.

I wonder if the Minister will ensure that an up-to-date register of consultants is kept and that their terms of reference are a matter of public record? In light of the recent investigations by the Standards in Public Office Commission, will the Minister consider putting clear criteria in place for foreign travel by consultants engaged by the Department?

Does the Taoiseach have any plans to extend the scope and remit of the Standards in Public Office Commission? I would like to know whether there are criteria in place for the engagement of public relations consultants by Departments and, if so, may we have a copy of them? It certainly leaves me scratching my head to know that there was a reputable firm of public relations consultants, Drury Communications, working on a significant contract for the Department, yet the Minister in his wisdom saw fit to engage another consultant on an *ad hoc* basis, that was later subjected to a clear tendering process.

I am concerned that a consultant engaged on an *ad hoc* basis and then ratified through a tender process was in a key position when it came to awarding another lucrative contract for the dissemination of information regarding electronic voting.

All in all, there is still a murky aspect to this affair, elements of which remain to be addressed. I want the Government to address them. The affair reflects badly on the Minister, Deputy Cullen, on the Taoiseach and on the Government. The Government should shed light on an issue that is important to the proper carrying out of its work. It is crucial to ensure that the Government is held accountable and that the Government is in touch with the people rather than remaining arrogant and aloof in its deliberations and actions.

**Mr. B. Lenihan:** I am replying on behalf of the Minister for Finance, Deputy Cowen. Deputy Cuffe's Adjournment matter calls for the scope and remit of the Standards in Public Office Commission to be extended. As the House is aware, the Standards in Public Office Commission has extensive powers to investigate matters under the provisions of the relevant legislation, in particular, sections 4 and 7 of the Standards in Public Office Act 2001.

There are no plans at present to extend the scope and remit of these powers of investigation. In the course of Deputy Cuffe's contribution I did not hear any concrete proposal as to how they should be extended. The operation of the Act and any representations in regard to its scope and remit, are kept under review at the Department of Finance, subject at all times to the independence of the Standards in Public Office Commission in the exercise of its functions.

I note that the Deputy has not made any specific proposal about the scope and remit of the Act — only a general aspiration that it should be extended. The Minister for Finance will certainly consider any specific proposals that might be

made but there is no indication available to him that the existing legislation does not provide adequate powers for the commission in this regard.

In summary, there is no specific indication that the scope and remit of the Standards in Public Office Commission require extension. However, this is relatively recent legislation and a relatively new statutory body. In monitoring the commission's operations, the Department will be receptive to suggestions, including suggestions from the commission itself as to how its operations and effectiveness might be improved.

Deputy Cuffe raised a number of matters concerning the Taoiseach and the Minister for Transport, Deputy Cullen. I must point out to Deputy Cuffe, however, that these matters have been canvassed extensively in the Quigley report. Many of the questions Deputy Cuffe has raised were dealt with and answered by Mr. Quigley in his report, which was requested by the Taoiseach and laid before the Houses of the Oireachtas some time ago.

As regards the other matters to which the Deputy referred, he can elicit the information in the normal way through tabling parliamentary questions.

Deputy Cuffe raised one other matter fundamental to the operation of democracy here — that is, his suggestion that persons who are not public servants should be precluded from engaging in political activities. I certainly do not agree with that. It is yet another example of the tendency of the Green Party to try to manufacture a political stage that will only convenience them, and to say that everyone else should get off the stage.

### Proposed Amalgamation of Colleges.

**Mr. Connaughton:** This matter concerns an eight-year battle we have had in Tuam to have St. Patrick's College and St. Jarlath's College amalgamated. I raised this matter on 28 October 2004 and I have the impression that I am speaking to the wind but I will continue to bring up the matter until I get an answer. I do not intend to go back through the history of the proposed amalgamation of the colleges. Suffice to say that it all started eight years ago and the plan was considered to be in the best interests of the school-going fraternity in both colleges. It was the best step to take from an educational viewpoint but why has it taken eight years to get to this stage? I hope the Minister of State will have some facts for me this evening.

On the last occasion, the Minister for Justice, Equality and Law Reform dealt with my query on behalf of the Minister for Education and Science. Having raised the matter last October, I met the new Minister for Education and Science, together with other representatives from east Galway. We were led to believe then that we would soon be told what would happen.

In common with every other project, I was informed at the time that the 2005 allocation — this wonderful, multi-annual programme the Government has to cover all the evils in school buildings — would be announced early in the new

[Mr. Connaughton.]  
 year. It was announced but this amalgamation was not mentioned. Some Deputies in east Galway seem to believe it is only a matter of days or weeks until this amalgamation receives the go-ahead. I sincerely hope they are right but as an opposition spokesman with a particular interest in this amalgamation, I am far from satisfied with the speed at which this matter is being handled.

Can the Minister of State explain the current status of the amalgamation? Is it true that departmental personnel are currently examining the schools' structures? Is that happening as we speak? Will the approval to proceed to the planning and subsequent stages be announced next week, next month or next year? There appears to be a body of opinion, shared by some of my colleagues in east Galway, that the amalgamation will be announced in a few days. I cannot understand why it was not announced in the 2005 allocations, which were unveiled last month. At a meeting before Christmas, my colleagues and I informed the new Minister of the current situation. God knows, after eight years all the information on the detailed work that should have been done must be available.

There is a problem with the roof of St. Patrick's College. It is a technical matter but a sum of money was made available for roofing repairs. However, I understand it has now become apparent to both the Department and the school authorities that the money should be spent in a different manner to that first approved by the Minister. It would make a huge difference to the school if it could be expended in a slightly different way. That is enough for me to put on the record because I assume the departmental officials know exactly what I am talking about. That is important.

**An Leas-Cheann Comhairle:** The Deputy should conclude.

**Mr. Connaughton:** The Minister of State should provide me and the teaching staff and students of both colleges with some indication as to when permission will be given to allow the amalgamation to proceed to the next stage.

**Mr. N. Ahern:** I thank the Deputy for raising this matter. I am replying on behalf of the Minister for Education and Science and I am not sure if the Deputy will get the answers he needs.

**Mr. Connaughton:** The Minister of State can be sure I will not.

**Mr. N. Ahern:** As the Deputy will be aware, agreement was reached some time ago on the rationalisation of post-primary education provision in Tuam. Agreement has been reached with the relevant trustees to form a single boys

and a single girls school, each to cater for a long-term projected enrolment of 700 pupils. The vocational school is not part of either amalgamation process.

The school planning section of the Department of Education and Science has agreed with the management authorities of both schools involved in the amalgamation that the optimum plan to address the accommodation needs of the single school, which will result from the amalgamation, is to extend facilities at St. Jarlath's College and to refurbish the existing facilities. The objective is to ensure facilities at the new school will serve the needs of the school community well into the future.

The project at Tuam has been assessed and assigned a band 1.4 rating in accordance with the revised prioritisation criteria published earlier this year following consultation with the education partners. This band rating will positively influence the timescale for delivery of this project. Officials in the Department are in regular contact with the school authorities to progress the detailed preliminary work necessary to facilitate this large-scale building project.

The Deputy will be aware that the Minister for Education and Science recently announced the first phase of the 2005 school building programme, which provided details of 122 major school building projects countrywide. This announcement is the first in a series that the Minister plans to make in the coming period on the schools building and modernisation programme, which 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.

The Deputy would like St. Jarlath's to fall into the latter two categories. I assure him that the needs of St. Patrick's and St. Jarlath's are being considered in this context and I will convey his comments to the Minister. It is difficult to read between the lines on these projects but a number of people may look on this proposal too optimistically. While further phases must be undertaken, the last phase to be announced will be the most significant. Progress will be possible during the year. I note the Deputy's frustrations and I will speak to the Minister.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 16 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 34, inclusive, answered orally.*

*Questions Nos. 35 to 89, inclusive, resubmitted.*

*Questions No. 90 to 96, inclusive, answered orally.*

### State Airports.

97. **Mr. Quinn** asked the Minister for Transport his views on the proposed major rationalisation programme for Shannon Airport that may result in the loss of up to 200 jobs; if further job losses are anticipated at Cork and Dublin airports under similar rationalisation programmes; and if he will make a statement on the matter. [4791/05]

108. **Mr. Wall** asked the Minister for Transport the position with regard to the break-up of Aer Rianta; and if he will make a statement on the matter. [4769/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 97 and 108 together.

In keeping with the provisions of the State Airports Act 2004, the board of the Dublin Airport Authority has a statutory mandate to do everything necessary to give effect to the restructuring of the State airports.

The Shannon and Cork Airport Authorities were incorporated in October 2004 and in line with the framework provided by the State Airports Act 2004, these two new authorities will, in due course, own and operate their respective airports once sufficient distributable reserves are available to transfer the relevant assets.

Prior to the assets of Shannon and Cork airports being vested in their respective authorities, their boards are charged with preparing to assume full responsibility for the management and development of their airports. They are also empowered to undertake functions delegated to them, on an agreed basis, by the Dublin Airport Authority. Each of the airport authorities is also required to prepare comprehensive business plans for their airports.

In accordance with the 2004 Act, the transfer of assets to Shannon and Cork Airport Authorities cannot take place earlier than 30 April 2005 and, thereafter, a phased approach will allow one of the new airport authorities to be vested first, that is, Shannon Airport, while Cork Airport will be vested once sufficient distributable reserves have been built up within the Dublin Airport Authority.

Both I and the Minister for Finance must be satisfied as to the state of operational and financial readiness of the Shannon and Cork Airport Authorities before the assets of the airports are vested in those authorities. The formulation of

comprehensive business plans by the new boards will be a key aspect of achieving operational and financial readiness. The business planning process has been initiated with a view to meeting the requirements of the State Airports Act.

Since its incorporation in September last, the Shannon Airport Authority has been considering, under the overall stewardship of the Dublin Airport Authority, a range of measures for the future successful development of the airport on a sustainable basis. The airport authority has stated that these measures include initiatives to promote traffic growth through Shannon Airport together with measures to address the airport's cost base. It has been recognised for some time that costs in Shannon Airport are high relative to comparable airports and that this is an issue that needs to be addressed to position the airport to be able to continue its valuable contribution to business, tourism and the regional economy generally of the mid-west.

I expect that arrangements for implementing rationalisation can be agreed through consultation between management and union representatives. The authority has made it clear that it is looking to engage with trade union representatives on its proposals and that it is expected that any necessary staff reductions can be achieved by means of voluntary early retirement or voluntary severance schemes. The objective is to develop a long-term sustainable business at Shannon Airport, which is a major feature of the thinking underlying the State Airports Act 2004.

As to Cork and Dublin, it is a matter for the relevant airport authorities to assess on an ongoing basis the measures necessary to ensure that the airports can operate in a financially sustainable way.

I am confident that the new boards of the three airport authorities will successfully meet the challenges ahead. Through more focused commercial operation, all three airports can play a greater role in stimulating and supporting regional and national economic activity to the benefit of their customers, both airlines and passengers, and of Irish tourism, trade and industry.

### Transport Investment Plan.

98. **Mr. Sherlock** asked the Minister for Transport the details of the new Government ten-year transport investment plan; if these proposals have been brought to Cabinet; the specific proposals that are concerned; the amount needed to fund the proposals; and if he will make a statement on the matter. [4764/05]

110. **Mr. Eamon Ryan** asked the Minister for Transport the process which his Department is engaging in to establish the ten-year transport investment plan proposed in budget 2005; the analysis which has been undertaken to help prioritise projects; and the planning guidelines which are being used to provide a background to the investment decisions that are being made. [4804/05]



**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 98 and 110 together.

In his recent Budget Statement, the Minister for Finance agreed in principle that an extended ten-year capital envelope was appropriate in the case of investment in transport. This reflects the reality of the long lead-in times required for design and planning as well as the substantial construction periods required for major capital projects in the transport sector. It also provides clear and concrete evidence of this Government's determination to provide our First World economy with a first-rate transport system.

The ten-year transport investment framework will identify the investment and outline the measures required to develop further all elements of national transport infrastructure, address existing bottlenecks and capacity constraints, enhance quality, optimise the use of the network and make prudent advance provision for future economic growth. It is not possible to outline the specifics of the draft plan pending its consideration by the Cabinet infrastructure committee and by the Cabinet itself.

The ten-year framework will take account of the substantial changes over the last 15 years or so. We have seen large increases in our population, wealth and employment. Economic growth has led to huge increases in the amount of goods being transported as well as strong growth in car ownership levels, increased travel demand and increases in the numbers of people and goods passing through our airports and ports.

The ten-year framework will also take account of the linkages between transport and land use and spatial planning so that we can develop a transport system that contributes to sustainable development in all its dimensions — economic, social and environmental. The plan will be fully informed by and will support the policies set out in the national spatial strategy. It will also take account of the regional planning guidelines adopted during 2004 and will be informed by and support a number of regional land use and transportation strategies for the cities, such as the Dublin Transportation Office's long-term strategy, A Platform for Change, and the Cork area strategic plan. I am also considering whether the development of this draft framework will fall within the scope of the strategic environmental assessment directive.

My officials have been engaging with Córas Iompair Éireann, the Railway Procurement Agency, the National Roads Authority and the Dublin Transportation Office, and the expertise and inputs of these agencies have been significant in helping to identify broad lines and priorities for programmes to be undertaken under the auspices of the new framework.

The current five-year investment envelope for transport investment is €10.2 billion over the 2005 to 2009 period. The precise financial parameters for the period to 2014 will be subject to final agreement with the Minister for Finance and the Government. Details of the draft plan are being

finalised and I will be bringing it to the Cabinet infrastructure committee early next month.

### **Road Signage.**

99. **Cecilia Keaveney** asked the Minister for Transport if a review of signage policy will be carried out nationally to allow locations in, for example, Donegal to be signposted on exit roads from Dublin; and if he will make a statement on the matter. [4491/05]

**Minister for Transport (Mr. Cullen):** The provision of destination signposting is a matter for the relevant local authority in the first instance. The traffic signs manual 1996 sets out directions given to road authorities by the Minister for Transport pursuant to section 95(16) of the Road Traffic Act 1961 regarding the provision and use of warning and information traffic signs, including directional information signs. A copy of the manual is available in the Oireachtas Library. The manual contains advice for road authorities in relation to the provision of directional signs on national routes. The policy on content of all advance directional signs on national primary routes is to display the terminal destination of the national route plus terminal of spur route.

The recognised terminal destinations listed in the traffic signs manual for national primary road N2 are Derry and Dublin and, accordingly, destination signage on routes leaving Dublin indicate Derry. My Department is pursuing a comprehensive review of the present traffic signs manual in association with the National Roads Authority and the Department of the Environment, Heritage and Local Government. Consultants have been engaged to prepare a new manual. The issue of the format and content of destination signs will be considered in the context of this review. The example referred to by the Deputy in relation to Donegal raises a wider question as to the signing of destinations and this will be the subject of particular examination in that review.

### **Public Transport Regulator.**

100. **Mr. Gormley** asked the Minister for Transport when he expects to introduce a public transport regulator; and the nature and scope that he expects such an office to hold. [4813/05]

150. **Mr. Hayes** asked the Minister for Transport the progress made to date in the introduction of competition in the bus market in the greater Dublin area; if his Department has a strategy of implementation in place to allow for the introduction of such competition; if so, when this implementation plan will commence and be fully completed; and if he will make a statement on the matter. [4746/05]

154. **Mr. Sargent** asked the Minister for Transport his plans for the introduction of private bus operators in the Dublin bus market. [4814/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 100, 150 and 154 together.

As I have indicated previously, I have met the key stakeholders in public transport and welcome the consensus that both State-owned and private bus companies have valuable roles to play in delivering future public transport needs. The overall objectives of public transport policy are to ensure the provision of a well-functioning, integrated public transport system which enhances competitiveness, sustains economic progress and contributes to social cohesion; to ensure the provision of a defined standard of public transport at reasonable cost to the customer and the taxpayer; and to ensure the timely and cost-effective delivery of the accelerated investment in infrastructure and facilities necessary to ensure improved public transport provision.

A key element of our public transport system is the bus market. The Transport Act 1932 provides the statutory basis for regulating the bus market. This Act is outdated and is in need of reform. It is a commitment of the Government to replace the Act with a modern regulatory framework which achieves a more open, effective and competitive regime.

The public transport market is an expanding market and I am committed to reforming measures to provide opportunities for both public and private companies to deliver increased public services and to ensure the taxpayer and the customer gets a high quality of service and best value for money in line with our overall objectives. I want to see more people using a better and more extensive public transport network. In this context, it remains my intention to establish an independent national public transport procurement and regulatory body to, *inter alia*, procure socially necessary bus services, licence commercial services and regulate fares.

Officials in my Department continue to meet stakeholders regarding their views on how to reform the market within the framework I have set out. When I have had an opportunity to consider these views, I will decide how best, in a spirit of partnership, to give effect to reform of the public transport market.

### Railway Stations.

101. **Ms Lynch** asked the Minister for Transport if there are plans to develop a railway station for Ballyfermot; his views on whether there is demand for such a direct rail service in the immediate area; and if he will make a statement on the matter. [4788/05]

**Minister for Transport (Mr. Cullen):** Iarnród Éireann informs me that there is already an operating railway station at Cherry Orchard on the Dublin -Kildare railway line. The company is considering re-locating this station in the context of the Kildare route project. While Iarnród Éireann submitted a business case in relation to this project recently, I understand that revised proposals on certain aspects of the project will be submitted to my Department shortly.

### Road Network.

102. **Mr. Crowe** asked the Minister for Transport if, in view of widespread concern surrounding the Dublin Port tunnel in respect of the use of so-called super cube trucks, he will reconsider or reinvestigate the possibilities of making the tunnel accessible to these vehicles. [4651/05]

119. **Mr. Durkan** asked the Minister for Transport the extent to which the Dublin Port tunnel is capable of accommodating all types of trucks currently in use; and if he will make a statement on the matter. [4725/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 102 and 119 together.

I announced on 21 October 2004 that the operational height of the Dublin Port tunnel will not be changed. My decision was based primarily on safety grounds but cost and time delays to the opening of the project were also factors. The Dublin Port tunnel, therefore, is being completed as planned and will have an operational height of 4.65 m.

It is the view of Dublin City Council and the NRA that the Dublin Port tunnel will facilitate almost all the HGV traffic currently using Dublin Port. Two vehicle height surveys of HGVs using Dublin Port, one by the Dublin Port Company and one by the National Institute of Transport and Logistics, indicate that between 0.6% and 1.7% of HGVs entering and leaving the port exceed 4.65 m.

### Driving Licences.

103. **Ms Enright** asked the Minister for Transport if advance notification of the expiration of their driving licences to all motorists affected, in the form of renewal notifications has commenced; if not, the reason therefor; and if he will make a statement on the matter. [4757/05]

**Minister for Transport (Mr. Cullen):** The Department of the Environment, Heritage and Local Government holds and administers the national driver file licence records, and my Department is liaising with it to have the necessary arrangements for the issue of renewal notices from the national driver file put in place. It is the intention that the issue of renewal notices will commence in 2005.

### Airport Development Projects.

104. **Mr. Coveney** asked the Minister for Transport the number of expressions of interest in the development of a second terminal at Dublin Airport which have been received by his Department; the evaluation of each expression which has been undertaken by his officials; when he expects a final decision to sanction the development of a second terminal and by whom; if it will be publicly announced; the criteria which will determine who is awarded the contract to build and-or operate this terminal; and if he will make a statement on the matter. [4753/05]

120. **Mr. Penrose** asked the Minister for Transport if there have been any further developments with regard to proposals to construct a second terminal at Dublin Airport; his views on reports of an agreement signed between SIPTU and private businessmen to build a private terminal at the airport; and if he will make a statement on the matter. [4790/05]

155. **Ms B. Moynihan-Cronin** asked the Minister for Transport if there have been any further developments with regard to the establishment of a second terminal at Dublin Airport; and if he will make a statement on the matter. [4795/05]

165. **Mr. Deenihan** asked the Minister for Transport the position regarding the provision of a second terminal at Dublin Airport; and if he will make a statement on the matter. [4816/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 104, 120, 155 and 165 together.

I already dealt in detail with the position in regard to the development of a second terminal at Dublin Airport in my reply to Priority Question No. 90 today.

#### **Railway Stations.**

105. **Mr. Stanton** asked the Minister for Transport the plans for the development of Kent Station in Cork; the estimated cost of same; when the work will commence; the most recent communication or meetings he has had on the issue; and if he will make a statement on the matter. [4793/05]

**Minister for Transport (Mr. Cullen):** The development of Kent Station is a matter for CIE and Iarnród Éireann to decide. It is intended that the project will be funded by CIE from its own resources rather than from the Exchequer.

#### **Rail Network.**

106. **Mr. Stanton** asked the Minister for Transport further to the recent decision by the Government to sanction the reopening of the rail link to Midleton in east Cork, the progress that has been achieved in this matter in the meantime; the estimated cost of reopening the line; when he expects the reopening to occur; and if he will make a statement on the matter. [4794/05]

**Minister for Transport (Mr. Cullen):** In May 2004, the Government agreed to the development of a commuter rail service for the Cork area. This includes the relaying of track and signalling between Glounthaune and Midleton as well as the construction of a number of new stations along the length of the route.

I understand that Iarnród Éireann is finalising an engineering feasibility study of the proposed Glounthaune to Midleton section of the line. It appears that there are no insurmountable engineering difficulties and the company will proceed to the public consultation phase shortly. An application for a railway order will follow under

the terms of the Transport (Railway Infrastructure) Act 2001. The feasibility study will identify the projected cost of reinstating the line and will establish a timeframe for the project. The project will be financed by the Exchequer, EU funds and by special contribution schemes, established by the local authorities in Cork.

#### **Road Network.**

107. **Mr. McGinley** asked the Minister for Transport if he has received correspondence from the Garda in respect of the condition of the N81; and if he will make a statement on the matter. [4775/05]

**Minister for Transport (Mr. Cullen):** My Department has not received correspondence from the Garda in respect of the condition of the N81. As the Deputy will be aware the National Roads Authority, NRA, and the relevant local authority are responsible for the maintenance and upgrade of the national roads network. I understand that the NRA receive accident reports on an ongoing basis from the Garda in respect of accidents on the national road network.

*Question No. 108 answered with Question No. 97.*

#### **Rail Network.**

109. **Mr. Howlin** asked the Minister for Transport if he will report on the latest plans with regard to the development of a dedicated rail link from the city centre to Dublin Airport; if his attention has been drawn to the recent comments from the manager of strategic planning of Iarnród Éireann that such a link would take four years to deliver; and if he will make a statement on the matter. [4787/05]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my reply to Priority Question No. 93 of today on this matter.

*Question No. 110 answered with Question No. 98.*

#### **Road Network.**

111. **Mr. Penrose** asked the Minister for Transport if his attention has been drawn to the fact that a section of the Dublin -Galway motorway being built by the private sector is costing more per kilometre than a State-financed section of the same route; his estimate of the number of years motorists will have to pay tolls to travel on the section of the motorway constructed by the private sector; and if he will make a statement on the matter. [4789/05]

**Minister for Transport (Mr. Cullen):** The planning, design and implementation of national roads improvement projects is a matter for the National Roads Authority, NRA, and the relevant local authorities concerned — in this case Westmeath County Council. I assume the Deputy is referring to a recent newspaper report compar-



ing the cost of the upgrade of the Kilcock-Kinnegad section of the N4-N6 to the estimated cost of the Kinnegad-Athlone section of the N6.

I understand from the NRA that the report was inaccurate in a number of respects. The Kilcock to Kinnegad section is a full motorway with provision for the addition of a third lane in the median should that be necessary in the future. The Kinnegad to Kilbeggan section is a standard dual carriageway. Typically, there is a construction cost difference, using standard costings, of over €2 million per kilometre between these two road types. This alone would generate a difference in costs of at least €80 million between the two road types for a 39 km motorway.

The amount of private finance assigned in the newspaper report to the Kilcock-Kinnegad scheme for the purpose of calculating the per kilometre costs was overstated by over €40 million and the length of the Kilcock-Kinnegad scheme was understated by 4 km which would cost approximately €35 million to construct. The combination of these amounted to an overestimate of €120 million.

In addition, the Kilcock-Kinnegad scheme costs include provision for maintenance and reinvestment throughout the 30 year concession period and no such maintenance or life-cycle reinvestment costs apply in the tender price for design and build schemes. The Kilcock-Kinnegad scheme will require the construction of a toll plaza. Allowing for a three year construction period tolls will be payable over 27 years.

It should also be noted that all national road schemes are procured by means of a competitive tendering process in accordance with national and EU tendering and procurement regulations and the Kilcock to Kinnegad PPP contract was subject to rigorous evaluation and the conclusion reached by independent financial advisers to the NRA was that it represented excellent value for money.

112. **Mr. Broughan** asked the Minister for Transport if he has plans to conduct a buy-out of the deal that has given National Toll Roads control over the West-Link toll bridge until 2020; and if he will make a statement on the matter. [4780/05]

**Minister for Transport (Mr. Cullen):** The West-Link bridge toll agreement, concluded in October 1987 between the then Dublin County Council and NTR, provides that the toll company, NTR plc, has until the expiry of the agreement in the year 2020, the exclusive right to toll traffic using the West-Link bridge. A buy-out of NTR's rights has not been considered having regard to the potential cost involved, the possible implications for the funding of the upgrade of the M50, and the limited contribution the removal of the toll plaza would make to the reduction of traffic congestion overall on the M50.

### Air Services.

113. **Mr. Stagg** asked the Minister for Transport if he will take action in the growing dispute between Aer Lingus unions and management over the removal of staff's right to free travel on some Aer Lingus services; his views on whether a successful resolution to this dispute can be achieved in the short term; and if he will make a statement on the matter. [4766/05]

**Minister for Transport (Mr. Cullen):** Both management and unions in the Dublin Airport Authority are continuing their discussions regarding the future of the travel concessions on Aer Lingus flights which are available to certain airport workers. If management and unions cannot reach agreement on the status of the concession travel arrangements, the State's industrial relations machinery is available to assist both sides. I understand that the Labour Relations Commission has invited the parties to talks and that the first meeting under the LRC is scheduled for the end of this week.

### Road Network.

114. **Mr. Gilmore** asked the Minister for Transport if the promised safety barriers along the middle of the M50 have been fitted; if these barriers will be permanently in place along the motorway; if they are a temporary measure; his plans to fit such safety barriers on other major roads throughout the country; and if he will make a statement on the matter. [4783/05]

122. **Mr. Crawford** asked the Minister for Transport if a decision has been made on the retrofit of crash barriers on the M50, before the completion of its upgrade; and if he will make a statement on the matter. [4739/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 114 and 122 together.

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

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

In the specific case of the M50, the NRA had originally intended to provide median barriers in the context of the upgrade project which is due to get under way, subject to An Bord Pleanála approval, on a phased basis in late 2005 for phase 1 and in 2006 for phase 2.

However, in light of a tragic crossover accident on the M50 in late 2004, in which a young woman lost her life, the NRA reviewed the position in



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relation to the M50 and have now decided to proceed with the erection of crash barriers on the M50 with the aim of having the work substantially complete or underway on all sections of the motorway by the end of 2005. This approach will achieve the permanent installation of crash barriers on the motorway at a significantly earlier date than was previously anticipated.

#### Driving Tests.

115. **Mr. Coveney** asked the Minister for Transport the number of driver testers currently employed by his Department; if this figure has increased since 2002; if he envisages additional testers will be employed in 2005; when he expects this to take effect; and if he will make a statement on the matter. [4752/05]

**Minister for Transport (Mr. Cullen):** The authorised number of driver testers, including a chief tester and supervisory testers is 130. This number has not increased since 2002. At present there are 103 permanent driver testers and 19 contract driver testers employed. There are also six former testers who have returned on short term contracts. My Department is in discussions with the Department of Finance with a view to increasing the number of testers in 2005.

#### Road Network.

116. **Mr. Crawford** asked the Minister for Transport the proposals which are being developed to create national road infrastructure (details supplied); and if he will make a statement on the matter. [4750/05]

**Minister for Transport (Mr. Cullen):** The national roads development programme being implemented by the NRA and local authorities is in line with the principles, and with the transport infrastructure priorities, identified in the national spatial strategy. A key priority of the national roads programme at present is the upgrading of the national primary road network serving the national gateways. Major road projects have been completed, are under way or are well advanced in planning on routes serving these centres including, for example, a number of major projects in the Limerick-Shannon area, Dundalk Western bypass and Sligo inner relief road.

Major road improvement projects are also underway or planned on routes serving many of the towns identified as development hubs in the national spatial strategy, including, for example, Ennis bypass, the N26 between Ballina and Castlebar, Kilkenny ring road extension, Tullamore bypass, Monaghan bypass and Cavan bypass. Work on the Kilkenny ring road extension and Monaghan bypass is due to commence this year.

As the roads programme is implemented and rolled forward, other road infrastructure priorities identified in the national spatial strategy,

which is a 20 year planning framework, will be addressed.

#### Road Signage.

117. **Mr. Cuffe** asked the Minister for Transport the number of locations in the country which have to date introduced the new 30 km/h speed limits. [4808/05]

153. **Mr. Rabbitte** asked the Minister for Transport if he has instructed local authorities to ensure that appropriate low speed limits are observed at schools and other high risk areas following the changeover to metric speed limits; the reason such low limits were not in place at the time of the changeover; and if he will make a statement on the matter. [4760/05]

347. **Mr. Quinn** asked the Minister for Transport if guidelines have been issued to local authorities regarding the implementation of 30 km/h speed limits in the vicinity of schools and other appropriate areas (details supplied); and if he will make a statement on the matter. [4919/05]

364. **Mr. Naughten** asked the Minister for Transport, further to Parliamentary Questions Nos. 127 and 128 of 27 January 2005, the progress to date; when he will be in a position to facilitate local authorities in carrying out such reviews; and if he will make a statement on the matter. [5114/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 117, 153, 347 and 364 together.

The relevant provisions of the Road Traffic Act 2004 that establish a new system of speed limits based on metric values were commenced on 20 January 2005. The changeover process involved the provision of more than 58,000 traffic signs depicting the application of speed limits across the country. The new traffic signs that were provided prior to 20 January indicate the locations at which the default speed limits provided for in the 2004 Act apply or the locations at which special speed limits that had been determined special speed limits already made by county and city councils apply in lieu of default speed limits. The power to apply special speed limits has been vested in the elected members of county and city councils since the passage of the Road Traffic Act 1994.

The determination of what speed limit should apply at particular locations in lieu of a default speed limit is a matter for the elected members of city and county councils. The Minister for Transport has no statutory power to issue instructions or directions in this regard.

Through section 12 of the Road Traffic Act 2004 determinations relating to the application of special speed limits made by county and city councils under the previous legislation are deemed to continue to apply. The application of the new special speed limit of 30 km/h could not have been applied from the date of the changeover to metric speed limits in view of the fact that

its deployment may only be pursued through the provisions relating to special speed limits under the new Act.

Section 9 of the 2004 Act sets out a new process for the making of speed limit by-laws by the elected members of county and city councils. The range of options available to county and city councils in relation to the deployment of special speed limits has been expanded by comparison to previous legislation. It also provides that the Minister for Transport may issue guidelines relating to the making of special speed limit by-laws.

With the commencement of the provisions in the Road Traffic Act 2004 relating to speed limits generally with effect from 20 January 2005 and the completion of the programme for the provision of the traffic signs necessary to support the actual changeover, county and city councils are now free to embark on the process of making new special speed limit by-laws.

The deployment of the new 30 km/h special speed limit may only be pursued in accordance with provisions in guidelines that I am empowered to issue under section 9. Draft guidelines are being prepared at present and my Department is currently engaged in a consultation process with county and city councils. That process will be completed in the coming weeks and I will then issue the statutory guidelines to the local authorities on a formal basis. Within a matter of weeks therefore, local authorities will be in a position to pursue the full range of initiatives available through special speed limit by-laws including the provision of appropriate low speed limits in the vicinity of schools and other high risk locations.

### **Transport Infrastructural Projects.**

118. **Mr. Durkan** asked the Minister for Transport the extent to which the various projects identified by his Department in the context of the national development plan are on time and within cost; and if he will make a statement on the matter. [4726/05]

**Minister for Transport (Mr. Cullen):** It is expected that all the projects in the public transport sector, which are being funded under the national development plan, will be completed. Projects completed to date have been done on time and within budget. The very significant Exchequer allocation to my Department in respect of the provision of transport infrastructure clearly demonstrates the Government's strong ongoing commitment to the NDP programme and to maintaining a high level of investment in infrastructural projects. Over €2.4 billion has been spent from Exchequer and EU funds to date, with public transport capital expenditure for this year at €486 million.

Services on the two Luas lines, the Green line from Sandyford to St. Stephen's Green and the Red Line from Tallaght to Connolly Station are operating to wide public acclaim since June and September 2004, respectively. The Railway Pro-

urement Agency, RPA, the body with responsibility for the Luas project, has assured me that the Sandyford and Tallaght lines will be completed within the €775 million budget, as notified to the Government in December 2002.

The national development plan provides for a substantial investment in the upgrade of the national roads network over the period 2000-06. Significant priorities within the national roads programme are the upgrade of the five main inter-urban routes, linking Waterford, Cork, Limerick, Galway and Dundalk with Dublin, to motorway-high quality dual carriageway standard, the construction of the Dublin Port Tunnel and the M50 and major improvement works on other national routes throughout the country. While the completion of this upgrade programme will extend beyond 2006 and will cost more than estimated in 1999, good progress is nevertheless being made in implementing the ambitious NDP upgrade programme.

The current position in relation to the upgrading of the five major inter-urban routes is that the M1 is expected to be fully complete by end 2006. Work is complete on major projects on the N7, Kildare, Monasterevin bypasses and Limerick southern ring road phase 1, and the N8, Cashel and Watergrasshill bypasses. Work is underway on the Kilcock-Kinnegad section of the N4-N6 on the Dundalk western bypass on the M1, on the Fermoy bypass, N8, and on Naas Road widening, N7. Work is expected to start this year on such major projects as, the Dundalk to Newry section of the M1, Kinnegad-Athlone on the N6, phase 1 of the M50 upgrade and Waterford city bypass.

Completion of these projects will eliminate many of the major bottlenecks on these routes. Good progress has been made also on upgrading routes other than the major inter-urban routes. Major projects completed in recent years include by-passes of Rathnew-Ashford, Ballincollig and Youghal. Projects under way or due to start in 2005 include Ennis bypass, Sligo inner relief road, Monaghan bypass, Mullingar bypass and the N55 Cavan bypass.

In addition, it is expected that compulsory purchase orders and environmental impact statements for the remaining projects in planning on these routes will either be approved by, or be before, An Bord Pleanála by early 2005.

In relation to the national roads programme overall, it should be noted that since 2000 a total of 47 projects, nearly 330 km, have been completed. Work is in progress on 20 projects, almost 200 km, and another eight projects, 140 km, are at tender stage with a further 12 projects, 167 km, through the statutory approval process.

The first round of approved projects was completed on time and within grant allocation. Projects selected for grant-aid under the second round have recently been approved and will be announced shortly.

It will be clear from the capital investment framework and the budget commitment to a ten year transport capital programme that the

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Government is fully committed to maintaining investment at high level and to the transformation of our transport networks.

*Question No. 119 answered with Question No. 102.*

*Question No. 120 answered with Question No. 104.*

### **Regional Airports.**

121. **Mr. Bruton** asked the Minister for Transport his plans for the future funding of regional airports after the conclusion of the current round of funding under the national development plan in 2006; his views on a system of rolling investment by the State in such airports post-2006; and if he will make a statement on the matter. [4740/05]

**Minister for Transport (Mr. Cullen):** The primary objective of the regional airports measure of the NDP is to provide the airports with financial assistance towards essential infrastructure projects to facilitate continued safe and viable operations. The final round of allocations for the regional airports under the NDP will be announced shortly. The question of providing further funding allocations, following the completion of the NDP will focus on any additional safety and security requirements arising at each of the airports in due course. I envisage that my Department's forthcoming investment plan will address the broad policy framework for regional airport investment over its ten year time span.

*Question No. 122 answered with Question No. 114.*

### **Public Transport.**

123. **Mr. Gormley** asked the Minister for Transport the estimated length of new quality bus corridors due to come into operation in Dublin in 2005; the number of new buses that will be added to the Dublin Bus fleet; his views on whether Dublin Bus has a sufficiently large fleet to be able to provide the frequency of bus services for these routes to be characterised as quality bus corridors. [4812/05]

**Minister for Transport (Mr. Cullen):** A key element in improving bus performance has been the provision of quality bus corridors. So far, there are nine QBCs in operation in the Dublin area — Malahide, Lucan, Stillorgan, Finglas, north Clondalkin, Rathfarnham, Tallaght, Swords and Blanchardstown. It is proposed to complete a number of projects in the course of 2005, accounting for a total of about 40 km in length. However, the sections of new QBCs that will be completed in 2005 depend on the outcome of public consultation and tendering processes.

I have allocated €40 million to the traffic management grants scheme for 2005. The QBCs account for a significant proportion of the fund-

ing under this scheme, is administered by the Dublin Transportation Office. The specific amount to be allocated for QBC projects has not yet been finalised by the DTO steering committee. Therefore, these projects are also dependent on funding being provided.

The capacity of Dublin Bus and Bus Éireann has been significantly expanded, particularly at peak times, with capacity increased by almost 25% in recent years. I understand the management of Dublin Bus is currently examining ways of maximising utilisation of the existing bus fleet in light of the significant investment made to date under the national development plan, including investment in other modes and the ongoing changes in demand patterns for Dublin. In this context, it would be premature to make any decisions on further investment in additional capacity.

### **Road Network.**

124. **Mr. Gogarty** asked the Minister for Transport the role his Department will have with regard to the possible construction of a new outer orbital motorway for Dublin. [4810/05]

**Minister for Transport (Mr. Cullen):** I assume the Deputy is referring to the concept of a Dublin outer orbital route. Both the strategic planning guidelines for the greater Dublin area 1999 and the DTO's, Platform for Change 2000, identified a possible need for a Dublin outer orbital route linking Drogheda-Navan-Naas. More recently the regional planning guidelines, RPG, for the greater Dublin area 2004 also provide for the development of such a route in the medium to longer term on the basis that these centres would be strengthened by the provision of good links between them without having to pass through the Dublin city area. A 2001 strategic study commissioned by the NRA of a Dublin outer orbital route concluded that such a route had significant merit and is feasible on engineering and environmental grounds. As a high level strategic study of the concept, the 2001 report, apart from identifying a possible corridor for an outer orbital, did not consider route options, appropriate road type and costs. Detailed consideration of these and other issues including spatial planning, land use and environmental issues and the appropriate type and class of road to be provided will be the subject of further studies.

I have asked the NRA to carry out these further studies and to consider the proposed route as part of future road infrastructure development plans taking account of the national spatial strategy, the regional planning guidelines and the planning and traffic implications of such a route for the greater Dublin region and neighbouring regions. The proposal will also be considered in the context of the ten year transport investment framework presently being prepared within my Department.



### Toll Charges.

125. **Mr. Broughan** asked the Minister for Transport the outcome of his request to a company (details supplied) to review its plan to introduce a 20% hike in toll charges at the West-Link Bridge on the M50; the details of the request he made to this company; his views on the 20% increase that was granted; and if he will make a statement on the matter. [4779/05]

**Minister for Transport (Mr. Cullen):** I made no request to National Toll Roads to review its decision to increase toll charges at the West Link Bridge. The West-Link toll agreement, approved in principle by Government in October 1984 and concluded in October 1987, provides that the tolls can be increased in line with inflation. The maximum toll that can be charged at West-Link is updated each year by reference to the consumer price index. More specifically, the maximum toll from 1 January of any year is calculated as the aggregate of: the base tolls, as set out in the toll scheme by-laws, multiplied by the consumer price index for August of the preceding year divided by the opening index, as set out in the by-laws, and VAT at the prevailing rate on the amount derived pursuant to subparagraph (a) and the resulting amount is rounded to the nearest 10 cent.

This is the mechanism followed to determine annual maximum toll charges. Subject to the tolls being within this maximum limit the setting of tolls is a matter for NTR. It is open to NTR to apply lower toll charges should it so decide for commercial, or other reasons, as has been done by the company in the case of heavy goods vehicles.

### Regional Airports.

126. **Mr. Kenny** asked the Minister for Transport his position in relation to a request from the management of Knock International Airport for an increased level of State investment to facilitate its expansion; and if he will make a statement on the matter. [4748/05]

**Minister for Transport (Mr. Cullen):** The programme for Government provides for the continued support of the six regional airports including Knock Airport and my Department provides a range of financial mechanisms in support of this objective. Knock Airport benefits considerably through a range of direct and indirect support mechanisms, namely, capital grant assistance towards essential infrastructural improvements under the BMW regional operational programme of the NDP, the allocation of assistance towards marketing, safety and security related expenditure incurred by the airport and scheduled flights supported by the PSO programme.

Under the NDP capital measure, my Department has provided €2.337 million in grant-aid towards essential infrastructural improvements at the airport since December 2001. The primary purpose of the NDP measure is to provide grant

assistance to facilitate the continued safe and viable operations at the airport. As to the recent expansion plans submitted by the airport company, those proposals have been evaluated in the light of the existing approach to grant assistance to regional airports. I will shortly announce the next round of capital grant allocations under the scheme.

In recognition of the role that the airport can play in stimulating more balanced economic development for the north-west, my Department will continue to assist Knock Airport as it develops into the future. However, any capital expenditure allocation of Exchequer funding to Knock and the other regional airports will be in line with the existing policy of prioritising those projects that are required for safety and security reasons.

### Light Rail Projects.

127. **Mr. English** asked the Minister for Transport his views on the reported possible conflict of interest in awarding contracts for the introduction of smart cards on Luas, as highlighted recently in the media; and if he will make a statement on the matter. [4743/05]

**Minister for Transport (Mr. Cullen):** I assume the Deputy is referring to the procurement process for the substantive contract for integrated ticketing. A 2002 ministerial order gave the Railway Procurement Agency, RPA, statutory responsibility for the delivery of integrated ticketing. Procurement procedures and processes used in the delivery of integrated ticketing are matters for the RPA. The RPA has advised my Department that its procurement process is fully compliant with EU procurement directives.

In accordance with best practice, the RPA has appointed an external and independent procurement process auditor who reviews all aspects of this procurement. My Department has been informed that the independent process auditor, appointed by the RPA chief executive, has expressed the view that appropriate procedures are in place to deal with matters, such as the reported possible conflict of interest. The RPA has informed my Department that such procedures are being followed.

### Driving Tests.

128. **Mr. Wall** asked the Minister for Transport the reason the new technical requirements of the driving test with regard to knowing the way in which ten parts of a vehicle are checked and serviced were introduced; if he plans to introduce further technical requirements to the driving test; and if he will make a statement on the matter. [4770/05]

**Minister for Transport (Mr. Cullen):** The technical checks, which forms part of the driving test with effect from 14 February 2005, are being introduced to meet our obligations under EU Directive 2000/56/EC on driver licensing. The

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technical checks involve candidates being asked to explain how she/he might carry out three out of a number of checks on the vehicle. If, for example, a person is asked to show how oil levels should be checked, it will be necessary to open the bonnet, point to the oil dipstick and explain how oil levels should be checked. A test candidate will not have to actually carry out the procedure.

Additional technical checks relating principally to trucks and buses will be introduced when suitable off-road compounds become available at selected test centres around the country. The Office of Public Works in consultation with my Department is in the process of providing such compounds. However, although the test is kept under review, no further checks are planned for the ordinary — category B — car test at this stage.

### Public Transport.

129. **Mr. M. Higgins** asked the Minister for Transport the reason CIE was recently granted a fare increase of 5% effective from the start of 2005, and not the 8% rise sought by the company; his views on whether the annual public subvention received by CIE is insufficient to meet the company's costs, necessitating it to seek this annual fare increase; and if he will make a statement on the matter. [4786/05]

**Minister for Transport (Mr. Cullen):** Last year CIE applied for a fares increase for 2005 for each of the operating companies averaging 8%. Following a detailed examination of the application and the financial position of each of the companies, I agreed to a fare increase which would yield a 3.5% increase in revenue to CIE. This in effect meant that most Bus Átha Cliath fares increased by 5 cent or 10 cent and a range of increases applied across the board in Bus Éireann and Iarnród Éireann fares depending on journey distance.

The annual subvention to the CIE companies is paid in respect of the provision of socially necessary but non-commercial transport services. The subvention has been increased annually by 5% since 2001. I am satisfied that the increase in fares yield, together with the 5% increase in subvention and cost improvement measures being undertaken by the companies are adequate to enable CIE to maintain the financial stability of the group.

### Road Network.

130. **Mr. Timmins** asked the Minister for Transport the input he has into the selection of national roads or proposed new national roads for funding; and if he will make a statement on the matter. [4772/05]

**Minister for Transport (Mr. Cullen):** The national development plan, NDP, and the national spatial strategy, NSS, provide the stra-

tegic framework for the national roads development programme and together with the Economic and Social Infrastructure Operational Programme, ESIOP, sets out the overall development strategy and main priorities to be pursued. The detailed programming of the work involved and the allocation of funding to individual projects is a matter for the National Roads Authority, NRA.

### Parking Regulations.

131. **Mr. Perry** asked the Minister for Transport the progress made in introducing a new regulatory provision to allow for an increase in the fine for wrongly parking in a parking spot for the disabled; when this regulation will come into effect; the level this fine will be set at; and if he will make a statement on the matter. [4758/05]

**Minister for Transport (Mr. Cullen):** The offence of illegally parking in a disabled persons' parking bay currently comes within the scope of the on-the-spot fines system. The amount of the on-the-spot fine applicable to this offence is €19, which is the level that applies to the majority of parking offences. Where a person does not pay the on-the-spot fine and is subsequently convicted in court of the said offence he or she is liable to a fine not exceeding €800 for a first offence. The maximum fine for a second or subsequent offence is €1,500 and in the case of a third or subsequent offence committed within a 12 month period €1,500 and-or a prison sentence of up to three months.

The Road Traffic Act 2002 provides for the replacement of the current on-the-spot fines system by a fixed charge system. The new system already applies to the offences of exceeding a speed limit and non-compliance with seat belt regulations. The original amount of the fixed charge will automatically increase by 50% where payment is not made within 28 days of the date of the original notice.

Regulations to provide for the roll-out of the fixed charge system to the majority of traffic and parking offences, including the offence of parking in a disabled persons' parking bay, are currently being prepared by the Department of Transport in consultation with the Department of Justice, Equality and Law Reform and the Garda Síochána.

I indicated in the Dáil during the passage of the Road Traffic Bill before Christmas that I intend that the level of fixed charge for the offence of illegally parking in a disabled persons' parking bay will be pitched at a level that will be significantly higher than the fixed charge for other parking offences. The operation of the fixed charge system is dependent on the development of a new computerised processing system for the Garda. I understand that it is expected to have the new system available during the second quarter of 2005. Regulations to support the extension of the fixed charge system to a range of offences, including the offence of illegally parking

in a disabled persons' parking bay will be put in place.

*Question No. 132 answered with Question No. 95.*

### **Toll Charges.**

133. **Mr. Costello** asked the Minister for Transport the breakdown of the State subsidies of €6.4 million given to National Toll Roads during the period 2002-03; the purpose of these subsidies; and if he will make a statement on the matter. [4781/05]

**Minister for Transport (Mr. Cullen):** The licence fee, also described as the State's share of the gross toll revenues, payable by NTR to the State under the terms of the West-Link Bridge toll agreement was reduced by €2.902 million in respect of 2002 and €3.529 million in respect of 2003. The total licence fee paid to the State in respect of 2002 and 2003 toll revenues was €7.585 million and €8.044 million, respectively.

The licence fee was reduced, as part of the agreement between the NRA and NTR in relation to the construction of the second West-Link Bridge, in order to moderate and phase toll increases, attributable to the cost of the second bridge and the imposition of VAT from September 2001.

### **Road Network.**

134. **Mr. Kenny** asked the Minister for Transport if he is satisfied with the situation whereby only 54.6% of the main inter-urban routes will be completed by the end of the national development plan; if he remains confident that the major inter-urban routes designated for priority will be completed by 2010; if so the measures he intends to pursue to fast-track road construction of these major inter-urban routes to enable them to be completed by 2010 as proposed by the NRA; and if he will make a statement on the matter. [4749/05]

**Minister for Transport (Mr. Cullen):** Work is complete or under way on about 45% of the major inter-urban road routes at present, that is, the routes serving Cork, Galway, Limerick, Waterford and Dundalk. Work is due to get under way on the final section, Dundalk-Border, of the M1 and on phase 1 of the Kinnegad-Athlone section of the N6 this year.

Investment in these routes to date has targeted the removal of major bottlenecks such as those at Kildare, Monasterevan, Cashel, Watergrasshill, Limerick, Kilcock-Enfield, Drogheda, etc. Full completion of these routes to motorway-dual carriageway standard will extend to 2010 but in the meantime the major traffic bottlenecks will have been eliminated. The publication of CPOs and EISs, for the remaining sections of these routes will be completed this year. The capital investment framework combined with private sector

funding through PPPs provides for the necessary funding over the period 2005-09.

Upgrading of the national roads network is not limited to the major inter-urban routes. Major improvements have been completed, are underway or are well advanced in planning on other routes throughout the country, including such major projects as by-passes of Ennis, Ballinacollig and Ashford-Rathnew and Sligo inner relief road.

### **Vehicle Height Restrictions.**

135. **Ms O'Sullivan** asked the Minister for Transport if a decision on the maximum height limit for vehicles will be made; the number of submissions his Department has received in this regard; the reason a maximum height restriction must be made; and if he will make a statement on the matter. [4798/05]

**Minister of State at the Department of Transport (Mr. Callely):** The question of whether to impose a specific maximum height standard for vehicles is being considered by my Department at present. In December 2004 I initiated a wide consultation process on the matter with the publication of a discussion document and an invitation to interested parties to make submissions. As outlined in the discussion document, a range of factors of national importance such as business competitiveness, rail safety, environmental and quality of life issues, protection of existing infrastructure, and the need for certainty in planning for future infrastructure investment, will influence the decision.

By the closing date of 28 January, 41 responses to the discussion document had been received in my Department. I will now carefully consider these responses and all the factors mentioned before I make a decision in this matter.

### **Road Safety.**

136. **Mr. Eamon Ryan** asked the Minister for Transport the measures he intends introducing to try to prevent the continued incidence of fatal accidents between cyclists and heavy goods vehicles. [4805/05]

**Minister for Transport (Mr. Cullen):** A disproportionate number of cyclists fatalities are through collisions with heavy goods vehicles. Developments at EU level will result in new heavy goods vehicles, HGVs, having to comply with higher standards in relation to the fields of vision of drivers. In November 2003, the EU adopted Directive 2003/97/EC, which provides for an extension of the field of vision to address the issue of blind spots. The directive harmonises the rules relating to the type-approval of devices for indirect vision, including mirrors and camera-monitors, on motor vehicles and of vehicles equipped with these devices. These enhanced requirements should lead to a reduction in fatalities and serious injuries involving pedestrians and cyclists due to the driver's inadequate field of



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 vision. The directive requires all new HGVs entering into service from 26 January 2007 to meet the revised standards for field of vision set in the directive.

The Irish Road Haulage Association, IRHA, has a strong commitment to the improvement of road safety and has taken a number of initiatives in recent times to improve safety awareness with regard to the more vulnerable road user such as cyclists and school children.

On a more general basis, the National Safety Council has been mandated with responsibility for road safety advertising and education. The council has developed safe cycling leaflets to promote the use of reflective clothing and safe cycling practices. The council also issues road safety advice through the media on a regular basis and generally refers to the vulnerability of cyclists in order to make both cyclists and drivers aware of the importance of road safety.

137. **Mr. Cuffe** asked the Minister for Transport the number of schools engaged in safe routes to schools programmes; and the budget for these projects in 2005. [4809/05]

**Minister for Transport (Mr. Cullen):** In 2000, an interdepartmental working group, chaired by the Dublin Transportation Office, DTO, was formed consisting of representatives from the Departments of Health and Children, Education and Science and Environment, Heritage and Local Government, National Parents Council, public transport operators and local authorities in order to initiate some pilot safer routes to school schemes in the greater Dublin area. The DTO carried out a review of the pilot programme in 2004 and I am currently awaiting recommendations from the DTO based on the results achieved.

There were initially six schools involved in this pilot programme. Four continue to be actively engaged in the programme. There are a number of other schools engaged in independent schemes, both inside and outside the greater Dublin area.

I am aware that the DTO has received some applications for funding for school safety measures, which are being considered in the context of the overall budget for the traffic management grants scheme administered by the DTO. The steering committee of the DTO is currently finalising the 2005 allocations from this scheme. Whether funding is made available in 2005 for safer routes to schools initiatives is a matter for the DTO steering committee.

#### **Driver Regulations.**

138. **Mr. Deenihan** asked the Minister for Transport when the new EU regulation to replace the existing drivers hours rules, as set out in regulation 3820/85, will be finally adopted; and if he will make a statement on the matter. [4494/05]

**Minister of State at the Department of Transport (Mr. Callely):** At the Transport Council in

Brussels on 9 December last, the council formally adopted its common position on the Commission proposal to replace the existing drivers' hours rules.

The next stage in the process is that the European Parliament will consider the common position in its second reading of the proposal. This stage is expected to be completed in April after which a further three months is provided for the council to consider the Parliament's second reading. If the council is able to accept the Parliament's second reading, the proposal could be finally adopted in July 2005.

However, if the council is unable to accept the Parliament's second reading, then the conciliation procedure may be invoked with a view to finding a compromise. In that event, the procedure leading to final adoption, assuming an agreement can be reached between the council and Parliament, could take until the end of 2005 to complete.

#### **Light Rail Projects.**

139. **Ms O. Mitchell** asked the Minister for Transport the progress which has been made to date on the proposals to link up the two existing Luas lines in Dublin's city centre; and if he will make a statement on the matter. [4737/05]

168. **Mr. Quinn** asked the Minister for Transport if he is considering any new proposals to extend the two Luas lines in Dublin; if he is considering any new east-west link; the situation with regard to extending the Luas to the IFSC; and if he will make a statement on the matter. [4792/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 139 and 168 together.

The Railway Procurement Agency, RPA, is currently developing proposals for extensions of the Luas to the docklands and Cherrywood. This work includes consultation, design and route planning. A particular feature of the work concerns the issue of private sector funding captured through levies, provided for under planning legislation, from developers who own land along a proposed route. My Department is awaiting business plans from the RPA in order to assist in its evaluation of both Luas extensions.

The RPA has also received and considered a preliminary analysis of the feasibility and cost of linking both lines in the city centre and a more detailed proposal is now being prepared for consideration by the RPA board before its submission to my Department.

#### **Transport Projects.**

140. **Cecilia Keaveney** asked the Minister for Transport if, in the context of the national development plan review, the access to Donegal by road, rail and air will be comprehensively reviewed on the criteria of its geographical location next to the fourth largest city on the island which is Derry; and if he will make a statement on the matter. [4490/05]

**Minister for Transport (Mr. Cullen):** The north-west region is served by two airports, Donegal Regional Airport and City of Derry Airport. The Government has a long-standing policy of assisting City of Derry Airport on the basis that the natural catchment area of the airport includes east Donegal. My Department will continue to support both airports, and air access to the region in general, in keeping with commitments made in the programme for Government.

The Government recently approved specifications for the next round of contracts under the PSO air services programme. Twice daily return air services on routes linking Dublin with both Donegal and Derry will continue to be subsidised by my Department under the new arrangements.

Since 2001, Donegal Airport has received almost €1 million in capital grants under the BMW regional operational programme and a further allocation will be announced shortly. Derry City Council submitted proposals for the development of City of Derry Airport last year to my Department, and to the relevant authorities in Northern Ireland which, of course, have the 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 my Department in the light of consultation with the relevant authorities in Northern Ireland.

While the matter of the provision of bus services in Donegal is for Bus Éireann and other private licensed operators to consider on the basis of their assessment of demand, significant improvements can be reported. Stranorlar Bus Éireann building was upgraded in 2003, and the upgrade of Letterkenny bus station is now completed. There is increased service frequency on the Letterkenny-Dublin route and on the Donegal-Enniskillen-Dublin route and this month a new service via Dublin Airport was introduced in cooperation with Translink, with ten departures daily serving the airport on the Letterkenny-Derry-Dublin route. Irish Rail and Translink offer the facility to travel by rail from Dublin to Derry, changing at Belfast. I understand that Irish Rail and Translink, the operator of the Northern Ireland railway network, are working to improve journey times by rail.

The planning, design and implementation of national roads improvement projects is a matter for the National Roads Authority, NRA, and the relevant local authorities concerned, in this case Donegal County Council. Major investment in roads in County Donegal includes the completion of the N56 Mountcharles bypass, N15 Donegal bypass, N15 Clar Barnesmore, N13 Bridgend-Northern Ireland Border and the construction of the N15 Bundoran-Ballyshannon bypass, and there are additional major projects in progress and in planning, including the new cross-Border link between the A5 and N15 at Strabane-Lifford. This proposed project will involve the design of a major new bridge over the River Finn and up to

10 km of road linking the strategic N14, N15 and A5 routes. The preliminary design will be completed by mid to late 2005.

### State Airports.

141. **Dr. Upton** asked the Minister for Transport if his attention has been drawn to the proposals from the Irish Aviation Authority to close air traffic control towers at Shannon and Cork Airports from midnight until 6 a.m.; the number of jobs that would be lost were these proposals to be implemented; when a decision on this issue will be made; and if he will make a statement on the matter. [4768/05]

**Minister for Transport (Mr. Cullen):** The Irish Aviation Authority has statutory responsibility for regulating the technical and safety aspects of civil aviation and for the provision of air traffic services. In 2004 the Irish Aviation Authority, IAA, engaged independent consultants to carry out a strategic review of its operations in the areas of air traffic control and management systems covering the years 2005 to 2010. The review was conducted jointly by international consultants, Airways Corporation of New Zealand and Sofravia, a French company. It was prompted by a number of significant developments and considerations in the air traffic area, including likely changes arising from the implementation of the European Union's single sky proposals, the acquisition by the IAA of an additional block of airspace off the north-west coast to be controlled from Shannon and the completion of a major €115 million investment programme in new air traffic management systems and equipment. This investment included the construction and equipping of new air traffic control centres in Dublin and Shannon.

The consultants report was presented to the board of the authority on 28 January 2005. Later that day the report, in full, was presented to the IAA management and to the IAA trade unions. Copies of the report were also forwarded to my Department. Since 28 January the IAA has engaged in a major consultation and communications exercise with its staff. I understand that, following this consultation with unions and staff and consideration by management over coming weeks, a plan of action will then be presented to the board for decision.

The IAA has indicated that the consultants report is very positive, that there is no question of compulsory redundancies or compulsory transfers and, where there are implications for stakeholders, these implications will be discussed before implementation. The IAA has also indicated that any changes will be designed to deliver greater efficiencies in the provision of services while at the same time maintaining the highest level of safety.

My Department will discuss the report with IAA senior management shortly as part of ongoing business review meetings.

### Road Safety.

142. **Mr. Gilmore** asked the Minister for Transport if his attention has been drawn to new figures from research carried out by a company (details supplied) that fewer than half of motorists are now driving more carefully as a result of the penalty points system; if his attention has further been drawn to the fact that the absence of any high visible Garda fear-factor enforcement, random breath testing and a proper network of speed cameras means drivers believe they will not be caught for road traffic offences; his plans to address this situation; and if he will make a statement on the matter. [4784/05]

**Minister for Transport (Mr. Cullen):** I am not aware of the research to which the Deputy refers. The effectiveness of the penalty points system can be judged primarily on the basis of the contribution it has made to road safety since its introduction. In the first two years since the introduction of the system in October 2002, the number of deaths as a result of road collisions fell by 116 by comparison to the previous two years. The number of road deaths unfortunately increased in 2004 compared to 2003 when we experienced the lowest levels in 40 years. It should be borne in mind, however, that the number of road deaths in 2004 is the third lowest level of road deaths since 1998, the first full year of the road safety strategy.

Penalty points now operate in respect of speeding, seat-belt wearing, driving without insurance and careless driving. Since the introduction of the system over 209,000 drivers have incurred penalty points. In overall terms the introduction of penalty points has had a very positive effect on road safety and I am confident that the full roll-out of the system will further enhance that effect.

The intended effect of the penalty points system is to instil greater caution and responsibility in motorists in relation to their driving and to change the driving behaviour of those who repeatedly commit road traffic offences. Indications from the gardaí are that, with no reduction in enforcement levels, there has been a significant reduction in speeding detections since the introduction of the penalty point system.

The new road safety strategy 2004-06 outlines a range of issues that it is intended will be pursued over the period in question. In overall terms, measures will focus on the areas of education, enforcement, engineering and legislation and will target the key areas of speeding, driving while intoxicated and seat-belt wearing. The strategy recommends the introduction of random breath testing and a network of privately operated speed cameras. Enforcement of road traffic legislation is a matter for the Garda Síochána, and in this context, the Minister for Justice, Equality and Law Reform recently announced plans to create a dedicated traffic corps over the next three years.

### Private Sector Funding.

143. **Ms McManus** asked the Minister for

Transport if the Government has made a decision with regard to allowing Aer Lingus to access private sector funding; when a decision on this matter is likely to be made; if discussions on this issue have been held with Aer Lingus unions; and if he will make a statement on the matter. [4802/05]

169. **Ms Shortall** asked the Minister for Transport if his attention has been drawn to efforts by Aer Lingus unions to raise their shareholding in the national airline; his views on such a move; the way in which this will affect plans to privatise or sell off any part of the company; and if he will make a statement on the matter. [4761/05]

170. **Ms B. Moynihan-Cronin** asked the Minister for Transport if he is still considering the privatisation of Aer Lingus some time in 2005; and if he will make a statement on the matter. [4803/05]

357. **Mr. Durkan** asked the Minister for Transport the position in regard to the future of Aer Lingus; the discussions that have taken place with management or workforce; if any conclusions have been reached; and if he will make a statement on the matter. [5064/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 143, 169, 170 and 357 together.

I dealt in detail with the future ownership of Aer Lingus in response to a priority question on the matter.

On staff shareholding in Aer Lingus, following the allocation of employee share ownership plan, ESOP, shares last August, the staff currently hold 14.9% of the company. In accordance with the terms of the ESOP agreement and in line with Government policy, for so long as the State holds any shares in Aer Lingus, the maximum shareholding which the ESOP and staff can hold is 14.9% of the entire issued share capital of the company. I have no proposals to change this agreement.

### Public Transport.

144. **Mr. G. Mitchell** asked the Minister for Transport the function which will be served by the new Dublin Bus depot at Harristown, which is nearing completion in view of the failure of this Government to fund the purchase of any additional buses for Dublin Bus, since 2000; and if he will make a statement on the matter. [4751/05]

**Minister for Transport (Mr. Cullen):** I wish to advise the Deputy that Dublin Bus began to transfer buses to Harristown in October 2004 and the depot will be officially opened shortly. Harristown has capacity for 240 buses and the depot will cater for 199 buses immediately. The new garage is required because the Dublin Bus fleet of buses grew from approximately 900 buses in 1997 to 1,062 buses in 2004. Harristown now



enables the company to house all its fleet within the confines of their depots.

With regard to a further expansion in the Dublin Bus fleet, I understand the management of the company is currently examining ways of maximising the utilisation of the existing bus fleet in light of the significant investment made to date under the national development plan, including investment in other modes and the ongoing changes in demand patterns for Dublin. In this context, it would be premature to make any decisions on further investment in additional capacity.

#### Road Network.

145. **Mr. Timmins** asked the Minister for Transport the amount of funding he has allocated to the NRA for national roads for 2005; and if he will make a statement on the matter. [4771/05]

**Minister for Transport (Mr. Cullen):** The Exchequer provision for 2005 for national road improvement and maintenance, including a carry-over of €42 million from 2004 is €1.415 billion, an increase of 15% on the 2004 outturn. This allows for good progress to be maintained on the national roads programme and will fund 20 major projects, nearly 200 km, in construction, including Kinnegad-Enfield on the N4, Dundalk western bypass, Sligo inner relief road, Fermoy bypass and so on. Many of these, including the south eastern motorway and Loughrea bypass, are scheduled for completion this year and early in 2006. It will also fund the commencement of a further 19 projects, over 200 km, including major projects on N6, phase 1 of Kinnegad-Athlone, N4, Edgeworthstown bypass, and N5, Charlestown bypass.

#### Transport Projects.

146. **Ms Lynch** asked the Minister for Transport if his attention has been drawn to a recent report on transport here in 2050 proposing a sub-sea tunnel between County Wexford and Pembroke in Wales and a second Dublin Port at Loughshinny in County Dublin; his views on whether either of these projects is viable and necessary; the action he plans to take on the proposals contained in this report; and if he will make a statement on the matter. [4800/05]

**Minister for Transport (Mr. Cullen):** I assume the Deputy is referring to the report, *A Vision of Transport in Ireland in 2050*, published in September 2004 by the Irish Academy of Engineering. The report outlines a vision of transport in Ireland in 2050 and while the report is not a transport plan or a set of transport proposals it is a useful input to the longer-term transport planning process. The concepts and ideas contained in the report, including those referred to by the Deputy, have not to date been studied or evaluated. Issues in relation to Dublin Port are matters for my colleague, the Minister for Communications, Marine and Natural Resources.

#### Ministerial Appointments.

147. **Ms O'Sullivan** asked the Minister for Transport the names, functions and salaries received by special advisers appointed to work with him since he took up his role in his Department; and if he will make a statement on the matter. [4799/05]

**Minister for Transport (Mr. Cullen):** Following my appointment to the Department of Transport, I have appointed Colin Hunt as a special adviser in accordance with section 11 of the Public Service Management Act 1997. Mr. Hunt's contract was laid before the Houses on 10 January 2005.

#### Road Safety.

148. **Mr. Sherlock** asked the Minister for Transport if he plans to conduct a review of speed limits for large vehicles following the recent spate of deaths in lorry accidents; the reason larger vehicles were excluded from the speed limit changes introduced under the conversion to the metric system; and if he will make a statement on the matter. [4763/05]

**Minister for Transport (Mr. Cullen):** The Road Traffic (Ordinary Speed Limits — Certain Vehicles) Regulations 2005, SI 9 of 2005, made by me on 12 January 2005 prescribe maximum speed limits for certain classes of vehicles from 20 January 2005. The speed limit of 80 km/h limit has been prescribed for vehicles that have accommodation for more than eight passengers, for goods vehicles having a design gross weight in excess of 3,500 kg. and for any vehicle towing a trailer, caravan, horse box, etc. A speed limit of 65 km/h has been prescribed for double deck passenger vehicles.

In setting the new metric speed limits for these classes of vehicles I made no change to the speed limit policy that had applied since 1992 other than converting the previous maximum limits to the nearest equivalent metric value.

I made it clear, however, when I announced the vehicle speed limits concerned on 17 January last that I intend to revisit the matter of maximum speed limits for classes of vehicles later in the year. This will be done in consultation with the relevant interest groups.

#### National Car Test.

149. **Ms Burton** asked the Minister for Transport the details of the review of the national car testing service; when the review will commence; the length of time he expects it to last; the level of public consultation that will take place; the main issues in the review; and if he will make a statement on the matter. [4778/05]

**Minister of State at the Department of Transport (Mr. Callely):** I expect to settle the detailed terms of reference for the mid term review of the national car testing service shortly. The review will cover all aspects of the service, including customer service and the nature and scope of the

[Mr. Callely.]

test. An extensive public consultation process will support the review and will include an invitation to all interested parties to make written submissions, a comprehensive customer survey and a number of regional meetings to which the public will be given ready access. It is my intention that the review will be completed by the end of June next.

*Question No. 150 answered with Question No. 100.*

### **Traffic Management.**

151. **Mr. O'Shea** asked the Minister for Transport if Bus Éireann vehicles have been given permission to drive on the hard shoulder of some main roads; if the quality of the road surface on these lanes is sufficient; the speeds at which buses will be travelling past slow moving traffic on main lanes; and if he will make a statement on the matter. [4797/05]

158. **Mr. P. Breen** asked the Minister for Transport if proposals are being examined in relation to allowing bus operators to use hard shoulders; the extent to which such proposals are developed; the specific road route ways on which such hard shoulders may be used, in entering Dublin city; when he anticipates a decision on this issue will be made; and if he will make a statement on the matter. [4745/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 151 and 158 together.

Proposals are being pursued in my Department to ensure that measures are taken to improve public transport flows and to reduce congestion. The objective of providing bus priority measures is to assist bus operators in meeting their schedules thereby assisting in the achievement of modal shift from the private car to public transport.

My officials are engaged in discussions with the Dublin Transportation Office, the quality bus network office of Dublin City Council and the National Roads Authority to progress how the hard shoulder area could be safely used at congestion hot spot locations on national roads, including those linking Dublin and satellite towns.

Local authorities are responsible for traffic management in their areas and the progression of bus priority measures involves a sequence of steps such as the identification of congestion pinch points, the carrying out of an engineering inspection of the road at those locations to ascertain the structural carrying capacity of the hard shoulder area and the execution of any strengthening or improvement works necessary. At planning stage, a public consultation process is undertaken in relation to the preliminary design for the bus priority project.

Pilots of this bus priority initiative are being developed at present at a number of locations, including the northbound and southbound

approaches to Dunshaughlin and at Bracetown between Dunshaughlin and Clonee in County Meath and at various locations on the Naas Road in South Dublin County Council. The operation of the pilot measures will be monitored with a view to having similar measures followed at other suitable locations throughout the country.

My Department is at present directly engaged in two issues that are relevant to this initiative. In the first instance, it is engaged in consultations with the National Roads Authority and the Department of the Environment, Heritage and Local Government in the development of special new traffic signs for the purpose of informing road users of the provision of bus lanes in hard shoulders. In addition, guidelines in relation to the deployment of special speed limits are being developed at present. The preparation of the guidelines is one of a number of initiatives contained in the Road Traffic Act 2004 which I brought into operation on 20 January 2005. The Act introduces a more flexible policy for the application of speed limits generally, including the flexibility to apply separate lanes, which may be appropriate at some allocations where bus lanes are provided on hard shoulders.

Where a bus lane is provided on a hard shoulder area it is a matter for the council of the city or county council concerned to decide if special speed limits arrangements are warranted.

### **Road Safety.**

152. **Ms Shortall** asked the Minister for Transport his views on the success of Operation Life-saver for the Christmas and new year period; if his attention has been drawn to the fact that the number of road deaths recorded during this period is back to the level attained before the introduction of penalty points; if he has new initiatives in this regard for 2005; and if he will make a statement on the matter. [4762/05]

167. **Mr. O'Shea** asked the Minister for Transport if he will report on the success of the Government's road safety strategy in view of figures showing that road deaths rose in 2004 for the first time in a number of years; if his attention has been drawn to the fact that Ireland has moved above the international best practise level with regard to the average monthly number of road deaths; and if he will make a statement on the matter. [4796/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 152 and 167 together.

The Government strongly pursued the implementation of its first strategy for road safety 1998-2002. The strategy prioritised a systematic and co-ordinated set of measures for preventing and reducing road accidents.

By the end of the period of the first strategy almost all the measures set out were either fully or partially implemented. During the intervening period between the completion of the first strategy and the introduction of the new strategy, my Department and all the agencies concerned

with the implementation of road safety measures ensured that the successful measures brought forward under the road to safety continued to be implemented.

The primary target of the first road safety strategy was to achieve a 20% reduction in road deaths and serious injuries, by the end of 2002 compared with 1997 levels. This target was achieved in the case of road deaths and was surpassed in the case of serious injuries.

Unfortunately, the number of road deaths in 2004 increased compared to the previous year, when we experienced the lowest number of road deaths in 40 years. The increase experienced in 2004 is a cause for concern. However, this should be considered against the background of significant reductions in road deaths in recent years. It should be noted that the number of road deaths in 2004 is the third lowest figure since 1998, the first full year of the road safety strategy.

The new road safety strategy 2004-06 outlines a range of issues that it is intended will be pursued over that period. In overall terms, measures will continue to focus on the areas of education, enforcement, engineering and legislation and will target the key areas of speeding, driving while intoxicated and sea-belt wearing.

The primary target of the new Government strategy on road safety is to realise a 25% reduction in road collision fatalities by the end of 2006 over the average annual number of fatalities in the 1998 to 2003 period. Achievement of the target will result in no more than 300 deaths per annum by the end of the period of the strategy. This is a very demanding target and its realisation would be a very welcome achievement. My Department, the other Departments and agencies involved in the pursuit of road safety policies will continue to positively promote initiatives aimed at meeting that target. I take particular encouragement in the recent announcement by the Minister for Justice, Equality and Law Reform of the establishment of the traffic corps and the enhancement of enforcement resources this will achieve.

The overall aim of our road safety policy is to bring our record more into line with experience in the better performing states in the EU and meeting the target established in the road safety strategy will also assist in the achievement of the longer term EU target of a 50% reduction in road deaths across the EU by 2010.

The enforcement of road traffic legislation, including the implementation of Operation Life-saver is a matter for the Garda Síochána. The number of road deaths increased over the Christmas and new year period in 2004 compared with 2003 and 2002, when a sharp reduction was experienced immediately after the introduction of penalty points. However, the number of deaths experienced during that period has not reached levels which were regularly experienced before the introduction of penalty points. Between 1998 and 2001, the average number of road deaths in November and December was 36 per month.

Since the introduction of the penalty point system, the average number of deaths during those months was 27.

Comparisons with the best performing countries in the EU can be made by examining the number of road deaths per 1,000,000 population for 2002, the most recent year for which comparisons are available. The road fatality rate in Ireland in 2002 was 96 per 1 million population, which placed Ireland in seventh place in the European Union, of the 15 member states. The best performing countries are the United Kingdom, Sweden and the Netherlands. The fatality rate in the UK, Sweden, and the Netherlands is 61, 60 and 61 fatalities per 1,000,000 population, respectively.

*Question No. 153 answered with Question No. 117.*

*Question No. 154 answered with Question No. 100.*

*Question No. 155 answered with Question No. 104.*

156. **Mr. Boyle** asked the Minister for Transport his views on the concerns of local people in Louth over the fact that an area, which has been designated a high accident location by the National Roads Authority between the Dundalk by-pass and the Border, has a speed limit of 100 km/h; and if he will make a statement on the matter. [4807/05]

162. **Mr. Boyle** asked the Minister for Transport the extent of consultation between local authorities and the NRA on the designation of speed limits in high accident locations; and if he will make a statement on the matter. [4806/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 156 and 162.

The Road Traffic Act 2004 establishes that the default speed limit on national roads in rural areas is 100 km/h. This provision came into force on 20 January 2005.

It is a matter for each county or city council to determine whether the default speed limit at any particular location should be replaced through the deployment of a special speed limit. Such determinations are made through the making of special speed limit by-laws by the elected members of the council. Such by-laws are made following consultation with the Garda Síochána and urban authorities in a county and, in respect of proposals relating to national roads and motorways, the consent, in writing, of the National Roads Authority must be obtained to any changes proposed.

*Question No. 157 answered with Question No. 95.*

*Question No. 158 answered with Question No. 151.*



### Road Network.

159. **Mr. Sargent** asked the Minister for Transport when he intends to introduce legislation which will allow for the use of electronic tolling; if it will be possible to convert all existing toll plazas to such an electronic system; and the contracts for new tolling arrangements which are being designed on the basis that they will be collected electronically. [4815/05]

**Minister for Transport (Mr. Cullen):** Electronic toll collection is in use on existing toll plazas and will be used on all future toll schemes. Electronic toll collection does not require legislation for its use. However, the electronic toll collection systems in place use a barrier as the main enforcement tool. Toll operators do not consider the existing legislative arrangements robust enough to support a move to barrier free tolling. My Department is working on proposals for legislative amendments to strengthen the enforcement provisions relating to non-payment of tolls in a barrier free environment.

### EU Directives.

160. **Mr. O'Dowd** asked the Minister for Transport the action he intends to take to control the emission of certain fluorinated greenhouse gases as proposed in Directive 70/156/EEC; and if he will make a statement on the matter. [4081/05]

**Minister for Transport (Mr. Cullen):** The proposed directive of the European Parliament and of the Council on emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC is progressing through the Community's deliberative process. The directive will lay down the requirements for the EC type-approval of vehicles as regards emissions from, and the safe functioning of, air conditioning systems fitted to vehicles. The Commission intends that compliance with the directive will be mandatory in all member states. Ireland is fully supportive of the proposal. When adopted the directive will become one of the separate directives governing the technical standards for the manufacture, sale and initial entry of service of new vehicles. The directive will be transposed into Irish law by regulations made by the Minister for Transport. The effect of the regulations will be that new vehicles that do not comply with the directive may not be registered in Ireland.

### Public Transport.

161. **Ms Enright** asked the Minister for Transport the status of A Platform for Change; if he remains committed to its full implementation; the way in which, in view of the gross underdevelopment of public transport infrastructure in Dublin, the reported standing down of two project teams in the Railway Procurement Agency is consistent with such a commitment; and if he will make a statement on the matter. [4756/05]

**Minister for Transport (Mr. Cullen):** The Dublin Transportation Office's report, A Platform for Change, provides the transport planning framework for the development of the transport system in the greater Dublin area up to 2016 and is being used by my Department to guide the preparation of a ten year transport investment framework. The Dublin Transportation Office has recently commenced preliminary work on updating A Platform for Change. I have asked my officials to ensure that the Dublin Transportation Office, in undertaking this work, focuses on a vision and strategy for Dublin's transport system beyond 2014, taking full account of those aspects of the ten year transport investment framework that are relevant to the greater Dublin area.

The Railway Procurement Agency has not stood down two of its project teams. However, its board decided in early 2004 that sufficient preliminary analysis had been done on the proposed metro and that it would be prudent to stand down technical, legal and financial advisors until a Government decision had been taken on the project.

*Question No. 162 answered with Question No. 156.*

### Taxi Hardship Panel.

163. **Mr. Crowe** asked the Minister for Transport the amount from the taxi hardship fund which has been distributed; the maximum amount paid out; the number of persons who have applied; and the approximate timescale for applicants to be heard and receive their payments. [4652/05]

**Minister for Transport (Mr. Cullen):** The taxi hardship payments scheme is based on the recommendations and parameters set out in the taxi hardship panel report, as approved by the Government. The report recommended 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 range from €3,000 to €15,000 depending on the category of hardship involved.

The taxi hardship payments scheme is administered by Area Development Management Limited on behalf of my Department. A total of 1,938 applications have been received by Area Development Management Limited under the scheme. Hardship payments totalling €16,349,000 have been approved in respect of 1,412 qualifying persons under the scheme up to 7 February 2005. The maximum payment in any individual case is €15,000 in accordance with the recommendations of the taxi hardship panel report. A total of 327 applicants did not qualify for a hardship payment and a further 101 application files have been closed where the applicant did not submit the requisite requested information or docu-

mentation to facilitate the consideration of his or her application.

Remaining applications with Area Development Management Limited will be dealt with in the coming weeks. All cases, with the possible exception of any appeals that may arise, will be considered by end March 2005. Sufficient funds have been made available to Area Development Management Limited to enable it to meet the cost of all qualifying applicants under the scheme.

### Road Network.

164. **Ms Burton** asked the Minister for Transport if he has had communication with the Comptroller and Auditor General regarding his preliminary review of the contract between the State and National Toll Roads plc to determine whether a full value for money examination is warranted; his views on whether the deal between the State and this company has been good for the State and the driving public; and if he will make a statement on the matter. [4777/05]

**Minister for Transport (Mr. Cullen):** The Comptroller and Auditor General has informed my Department of his intention to commence a preliminary review of the west link bridge toll agreement with a view to determining whether a full value for money examination is warranted.

The original agreement was approved in principle by Government in October 1984 and concluded in October 1987. This was a time when the economic outlook was uncertain and funding for infrastructure development was limited. Against this background, the west link bridge agreement funded the provision, upgrading and maintenance of an important part of national transport infrastructure.

Traffic volumes have changed substantially since the agreement was concluded and the bridge opened to traffic. Traffic volumes and growth were substantially lower, both when the agreement was concluded and up to the mid-1990s, to what has transpired since the mid-1990s. These factors, should be kept in mind in assessing the agreement today.

*Question No. 165 answered with Question No. 104.*

### Rail Services.

166. **Mr. Stagg** asked the Minister for Transport the position with regard to the provision of a Dublin metro service; if any such proposals have been brought to Cabinet; and if he will make a statement on the matter. [4765/05]

**Minister for Transport (Mr. Cullen):** The programme for Government contains a specific commitment to develop a metro rail service for Dublin with a link to Dublin Airport. The Railway Procurement Agency has submitted to my Department a detailed business case for a metro from Dublin city centre to Dublin Airport, while Iarnród Éireann submitted proposals last July for

an integrated rail network in the greater Dublin area. These proposals include the electrification of the Kildare, northern and Maynooth lines, a DART service to the airport off the northern line and an interconnecting tunnel linking Heuston Station to the Docklands to enable greater integration of rail services.

I expect to put proposals to Government in the near future for a ten year transport investment plan in the light of the announcement by the Minister for Finance in his Budget Statement of agreement in principle to a ten year capital investment envelope for transport. This plan will set out a comprehensive investment strategy for the greater Dublin area within the policy framework established by the Dublin Transportation Office's report, A Platform for Change, and these proposals.

*Question No. 167 answered with Question No. 152.*

*Question No. 168 answered with Question No. 139.*

*Questions Nos. 169 and 170 answered with Question No. 143.*

*Question No. 171 answered with Question No. 95.*

### Grant Payments.

172. **Mr. J. O'Keeffe** asked the Taoiseach the funds and grants which are available from his Department, or agencies responsible thereto, to support initiatives to combat anti-social behaviour; the details of such funding, including the amounts expended in 2004 and the amount available in 2005. [4500/05]

**The Taoiseach:** There are no funds and grants available from this Department or its agencies to support initiatives to combat anti-social behaviour.

### Departmental Expenditure.

173. **Mr. Durkan** asked the Taoiseach further to the reply of 27 January 2005 in respect of the use of credit cards in his Department, the total expenditure involved and the various transactions covered by credit card payment during the period in question; and if he will make a statement on the matter. [4501/05]

**The Taoiseach:** Further to my reply on 1 February, 2005, the following table details departmental expenditure by credit card since June 2002.

	€
2004	101,730
2003	65,386
2002	31,623

[The Taoiseach.]

Records indicate that a total of 809 official transactions were made in the period. Of these, 161 transactions, amounting to €54,597, related to travel expenses and 395 transactions, amounting to €78,722, related to official entertainment purposes. The other 253 transactions, amounting to €65,420, related to purchase of goods and services, such as subscriptions to journals, purchase of books, training courses and conference fees.

### Tourism Revenue.

174. **Mr. Hogan** asked the Taoiseach the value of inward bound tourism to Ireland each year for the past five years [4559/05]

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** The latest Central Statistics Office figures on expenditure by overseas visitors relate to the period ending 30 September 2004.

Estimated number of overseas visits to Ireland and expenditure by overseas visitors to Ireland: 1999-2003.

	Visits '000	Expenditure €m
1999	6,068	2,280
2000	6,310	2,617
2001	5,990	2,893
2002	6,065	3,045
2003	6,369	3,198

Figures for the first nine months of 2004 show that there were 5,147,000 overseas visits to Ireland with an estimated expenditure of €2,555 million. This compares to 5,009,000 overseas visits in the first nine months of 2003 with an estimated expenditure of €2,542 million. Expenditure figures for the fourth quarter of 2004 will be published before the end of March.

### Regulatory Reform.

175. **Mr. P. Breen** asked the Taoiseach if he intends, as part of the better regulation process, to introduce legislation along the lines of the United Kingdom's Regulatory Reform Act 2001 to enable provision to be made for the purpose of reforming all legislation that has the effect of imposing burdens affecting persons in the carrying out of any activity; and if he will make a statement on the matter. [4990/05]

**The Taoiseach:** In 2004, the Government published the White Paper, "Regulating Better", which commits to six principles of better regulation and outlines an action programme to implement these principles. As I stated in answer to Parliamentary Questions Nos. 10 to 15, inclusive, on 16 November 2004, a better regulation group of senior officials has been established to oversee implementation of the White Paper and to promote better quality regulation across the public service.

The White Paper does not provide for the enactment of legislation along the lines of the

United Kingdom's Regulatory Reform Act. However, the White Paper sets out the actions that should be taken with respect to statute law reform and the burdens imposed by regulation. A key element is the Government's initiative to update pre-1922 legislation, which saw the publication last November of the Statute Law Revision Bill. This Bill provides for the repeal of 91 Acts dating from before the foundation of the State. These Acts will be removed as they have been identified as unnecessary. As well as the repeal of legislation, the White Paper provides for the greater use of statute law revision tools such as amendment of existing legislation, consolidation of existing legislation into one Act and restatement of legislation in a more modern form.

Under the 2002 Statute Law (Restatement) Act, four restatements have been certified to date by the Attorney General and laid before the Houses of the Oireachtas. These include the Sale of Goods Acts, the Defence Acts, the Tourist Traffic Acts and the Succession Act. Several significant consolidation projects are also under way, including conveyancing, consumer legislation, companies legislation and liquor licensing legislation. These are several examples of the regulatory reform measures under way in the Civil Service. Collectively, the Government's activity in this area will help to improve the accessibility of the Statute Book, reduce the burden of transaction costs on citizens and businesses and improve the efficiency of the public service.

### Health Services.

176. **Ms Lynch** asked the Tánaiste and Minister for Health and Children if she will seek additional funding for rape and sexual assault services, such as rape crisis centres and specialised sexual assault units which are usually located in hospitals, in view of the recent rise recorded in cases of rape and serious sexual assault; and if she will make a statement on the matter. [4696/05]

177. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the number and location of rape crisis centres and specialised sexual assault units throughout Ireland; if she will consider the establishment of more rape crisis centres and specialised sexual assault units which are usually located in hospitals; and if she will make a statement on the matter. [4699/05]

178. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the level of funding allocated to rape crisis centres in each of the past five years; if funding has been increased relative to the expanded services now being offered and the increased number of persons availing of services; her policy in this area and the way in which she intends to deal with the funding deficit and general funding for the future; and if she will make a statement on the matter. [4528/05]



**Minister of State at the Department of Health and Children (Mr. S. Power):** I propose to take Questions Nos. 176, 177 and 188 together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for services to victims of abuse. Accordingly, my Department has requested the chief officer for the executive's primary, community and continuing care area to investigate some of the matters raised and to reply directly to the Deputies.

In the past, my Department did not directly fund or co-ordinate health and personal social services to victims of abuse. Moneys were made available each year, formerly through the health boards, and now through the Health Service Executive, for the provision of services to women victims of violence. In recent years, funding has increased substantially; more than €12 million is now provided annually for the provision of such services. It is now a matter for the Health Service Executive to resource the provision of these services.

The national steering committee on violence against women recommended the need for additional sexual assault units should be examined by the Department of Health and Children. I have established a committee under the chairmanship of a senior official of the Department to consider the matter. The committee will be representative of the relevant statutory, voluntary and professional interests and will report to me, and to the national steering committee as soon as possible.

178. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the long delays being experienced by persons in the north west in securing appointments with a neurologist in specialist centres; the plans there are to deal with the lack of service, even on a cross-Border basis; and if she will make a statement on the matter. [4514/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of neurology services. Accordingly, my Department has requested the chief officer for the executive's north western area to investigate the matter raised and to reply directly to the Deputy. Last December my Department provided additional revenue funding of €200,000 to the North Western Health Board for the development of neurology services.

179. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Donegal will be called for a mammogram; and if she will make a statement on the matter. [4515/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the issues raised by the Deputy. Accordingly, my Department has requested the chief officer for the executive's north western area to investigate the matter raised and to reply directly to the Deputy.

#### **Cancer Screening Programme.**

180. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children the discussions which have already taken place or are planned to provide a local solution to the lack of a BreastCheck service in County Donegal; and if she will make a statement on the right of women in the Donegal area to have access to even a mobile unit as an urgent interim measure in response to the levels of breast cancer found in the county. [4516/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the issues raised by the Deputy. Accordingly, my Department has requested the chief officer of the north western area of the executive to investigate the matters raised and to reply directly to the Deputy.

181. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children the current waiting times for women to be called for mammograms in both Sligo and Letterkenny General Hospitals; and if she will make a statement on the matter. [4517/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the issues raised by the Deputy. Accordingly, my Department has requested the chief officer of the north western area of the executive to investigate the matters raised and to reply directly to the Deputy.

### Health Service Staff.

182. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Mayo will be included on a panel retained by the western branch of the Health Services Executive and if this cannot be done immediately, when a vacancy might arise; when it may be possible to include this person on this list; if they will ever be included on the list; and if she will make a statement on the matter. [4518/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for recruitment. Accordingly, my Department has requested the chief officer of the western area of the executive to investigate the matters raised and to reply directly to the Deputy.

### Health Centre.

183. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children her plans to provide the village of Dunleer with a new health centre. [4521/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health centres. Accordingly, my Department has requested the chief officer of the north eastern area of the executive to investigate the matters raised and to reply directly to the Deputy.

### Health Services.

184. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason hand or grab rails have not been provided at the home of a person (details supplied) in County Kilkenny; and if a response in the case will be expedited. [4524/05]

**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 aids and appliances. Accordingly, my Department has requested the chief officer of the south eastern area of the executive to investigate the matters raised and to reply directly to the Deputy.

### Medical Cards.

185. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will review a medical card application in the name of a person (details supplied) in County Kilkenny with a view to granting the card based on her urgent medical needs; if this person qualifies for a general practitioner visit only card; and if a response will be expedited. [4525/05]

**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 of the south eastern area of the executive to investigate the matters raised and to reply directly to the Deputy.

### Health Services.

186. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if immediate support and service will be given to person (details supplied) in Dublin 3; and if she will work with Dublin City Council on this matter. [4526/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services in Dublin 3. Accordingly, my Department has requested the chief officer of the eastern regional area of the executive to investigate the matters raised and to reply directly to the Deputy.

### Grant Payments.

187. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the amount of public money granted in 2004 to an organisation (details supplied) in Dublin 3; the position regarding its recent problems; and if she will make a statement on the matter. [4527/05]

**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 funding to voluntary organisations. Accordingly, my Department has requested the chief officer of the eastern regional area of the executive to

investigate the matters raised and to reply directly to the Deputy.

*Question No. 188 answered with Question No. 176.*

### **Cross-Border Projects.**

189. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children the contacts she has with her counterparts in Northern Ireland to help advance in a logical manner the development of medical services on the island of Ireland (details supplied); and if she will make a statement on the matter. [4555/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I had arranged to have lunch with Ms Angela Smith MP, Parliamentary Under Secretary of State at the Northern Ireland Office, on the occasion of her visit to Dublin on 9 December 2004 on other business. Unfortunately, on the day, I was obliged to cancel the lunch appointment as I was scheduled to take Report Stage of the Health Bill 2004 in the Dáil. I hope to meet her as soon as possible.

There is a long history of close contact at the highest level and good relations between my Department and the Department of Health, Social Services and Public Safety in Belfast. This relationship was boosted by the establishment of the North-South Ministerial Council, which enabled a strategic context to emerge for ministerial oversight, support and drive for advancing the designated areas of health co-operation. These areas include accident and emergency services, planning for major emergencies, high technology equipment, cancer research and health promotion. Work continues in these areas towards identifying actions and measures to improve planning, efficiency and service from an all-island perspective. A recent meeting at Secretary General level reviewed progress under each of these headings.

Practical co-operation between health authorities on both sides of the Border has always been an operational fact of life. A major force and focus for this co-operation is the co-operation and working together project, a cross-Border initiative. Co-operation and working together is an invaluable catalyst for joint working in the Border area. It is ideally placed to identify, initiate and implement proposals for future service development. My Department and the Northern Ireland Department of Health, Social Services and Public Safety recognise the force for joint working represented by Co-operation. Working together we are committed to ensuring the progress of Co-operation and working together. Examples of co-operation at the wider North-South level are the work of the Food Safety Promotion Board and joint initiatives in nursing and midwifery and in specialist medical training rotation schemes. I look forward to the continuation of close working contacts with our Northern Ireland counterparts.

### **National Treatment Purchase Fund.**

190. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children the finance spent on the national treatment purchase fund in 2004; the number of patients treated in respect of each procedure carried out; and if she will make a statement on the matter. [4558/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provisional outturn for the national treatment purchase fund in 2004 was €44 million. My Department has asked the chief executive of the national treatment purchase fund to reply directly to the Deputy on the number of patients treated in respect of each procedure carried out.

### **Nursery Home Subventions.**

191. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the direction given to public nursing homes and long-stay institutions regarding the retention of the pensions of patients; the restriction on payments from a patient property account to cover only money for small comfort; and if she will make a statement on the matter. [4615/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Following receipt of legal advice on the matter, my Department issued an instruction to each former health board on 9 December 2004 to cease imposing any charges on fully eligible individuals in receipt of in-patient services in the public long-stay care facilities in question with effect from that date. The Health Service Executive, responsible for the delivery of health and personal social services since 1 January 2005, has advised that the former chief executive officers of all health boards instructed staff to comply with this directive.

The Health Service Executive has reported that where it has been authorised to act as the patient's agent when dealing with the patient's pension payments, weekly spending money is paid to each patient and the balance of such patient's pension is lodged to his or her patient private property account, from where it is accessible to the patient. With regard to the matter of the return of the pension book to patients, it is important that the process of altering the existing arrangements be carried out in an appropriate manner. Accordingly, the Health Service Executive has indicated that it is issuing a letter to all patients who have authorised it to act as their agent, offering them choices with regard to their pension books, and that arrangements will be made to return the pension books to the patients in question if that is their choice. Some patients may not be in a position to make a decision regarding their arrangements and the process will have to involve the patient's next of kin. This matter will be dealt with by each nursing home or institution and, so, there will be an opportunity to discuss the matter with the relevant local staff.



[Ms Harney.]

The Health Service Executive is working jointly with the Department of Social and Family Affairs in this regard. The emphasis is on ensuring that a choice is given to those who are in a position to exercise it and to ensure that the best interest of the patient is maintained at all times.

### Health Services.

192. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the crisis in speech therapy and psychological services in the mid-western region; her proposals to improve the speech therapy and psychological services in the mid-western region; and if she will make a statement on the matter. [4616/05]

**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 for people with a physical and/or sensory disability. Accordingly, my Department has requested the chief officer of the mid-western area of the executive to investigate the matters raised and to reply directly to the Deputy.

193. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the proposals she has to improve orthodontic dental treatment services in the mid-western region; and if she will make a statement on the matter. [4617/05]

**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.

Several measures have been adopted to improve orthodontic services in the Health Service Executive mid-western area and on a national basis. The grade of specialist in orthodontics has been created in the orthodontic service. In 2003, my Department and the former health boards funded 19 dentists from various health board areas for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 19 trainees for the public orthodontic service include six dentists who successfully completed their training in September 2004 and have taken up duties with the Health Service Executive. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of

an auxiliary grade of orthodontic therapist to work in the orthodontic area.

The commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics at the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The Department has given approval in principle to a proposal to further substantially improve training facilities for orthodontics at the school, which will ultimately support an enhanced teaching and treatment service to the wider region, including the mid-western area, under the leadership of the professor of orthodontics.

### Water Fluoridation.

194. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the cost of the fluoridation of the nation's water supplies (details supplied); and if she will make a statement on the matter. [4618/05]

**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 fluoridation issues raised by the Deputy. Accordingly, my Department has requested the chief officer of the health services executive areas to reply directly to the Deputy.

### Health Service Staff.

195. **Mr. Costello** asked the Tánaiste and Minister for Health and Children the reason the respite unit at Drumcar, County Louth has not been provided with the promised 64 staffing requirements and funds to enable it to remain open and provide an essential service to the families of children and young persons with special needs; and if she will make a statement on the matter. [4623/05]

**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. To ensure the smooth transition and delivery of services, I met with representatives of the executive and the Order of St. John of God and discussed the issues.

Following a further meeting held on 1 February 2005 between the Health Service Executive north-east area and St. John of God north-east services, it was agreed to use the existing joint partnership forum to develop a strategy on how best to continue the implementation of the 2002

report to address the outstanding priority concerns regarding health and safety issues and critical staffing levels at St. Mary's residential services. In the meantime, St. John of God north-east services has undertaken to defer the decision around the suspension of respite service provision in St. Mary's. The Health Service Executive north-east area disability services and St. John of God north-east services will arrange to keep parent representatives abreast of developments in the process. Both parties are hopeful of a positive outcome.

#### **Nursing Home Subventions.**

196. **Mr. Howlin** asked the Tánaiste and Minister for Health and Children if the Health Service Executive is empowered to contribute to the funding of private nursing home care in circumstances in which the income of a person (details supplied) in County Kerry is insufficient to meet the full cost of private nursing home care but exceeds the prescribed limited for nursing home subvention; if this person, being unable to fully provide for their own health needs, may access entitlement to financial support equivalent to the cost of the public long-term residential care to which they are entitled; and if she will make a statement on the matter. [4627/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage, deliver or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of nursing home subvention in County Kerry. Accordingly, my Department has requested the chief officer for the executive's southern area to investigate the matter raised and to reply directly to the Deputy.

#### **Health Services.**

197. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children if the maxillo facial service for the north-west that has been located in Altnagelvin Hospital, Derry will be safeguarded; if there are any outstanding proposals made by the cross-Border working group that have as yet to be progressed; and if she will make a statement on the matter. [4628/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of oral maxillo facial services for the north-western region.

My Department allocated additional revenue funding of €1.2 million in July 2004, to the North Western Health Board to facilitate the provision

of a joint oral maxillo facial service at Altnagelvin Hospital. My Department has asked the chief officer of the north western area of the executive to contact the Deputy directly in relation to the progress of this development.

198. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if services will be improved for all patients with cystic fibrosis; and if she will invest €8 million immediately. [4632/05]

208. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the reason she has not met to date with the Cystic Fibrosis Association of Ireland; if she will meet with this organisation in the near future; and if she will make a statement on the matter. [4709/05]

209. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the review of cystic fibrosis services by a person (details supplied) and the 11 recommendations made by same; if these recommendations will be implemented as soon as possible; and if she will make a statement on the matter. [4710/05]

210. **Mr. Carey** asked the Tánaiste and Minister for Health and Children the reason cystic fibrosis patients in Northern Ireland have a longer survival rate than those in the Republic; the way in which the recommendation contained in the Pollack report will be implemented; and if she will make a statement on the matter. [4717/05]

240. **Mr. Carey** asked the Tánaiste and Minister for Health and Children the reason cystic fibrosis patients in Northern Ireland have a longer survival rate than those in the Irish Republic (details supplied); the way in which she sees the recommendation contained in the Pollack report being implemented; and if she will make a statement on the matter. [4965/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 198, 208 to 210, inclusive, and 240 together.

I welcome the recent Pollack report commissioned by the Cystic Fibrosis Association of Ireland on the treatment of cystic fibrosis in Ireland. The Health Service Executive, which has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services, recently met with the association and has agreed to its request to establish a working group to consider the recommendations in the report.

The report provides an assessment of need for current and future cystic fibrosis patients and makes a number of recommendations with regard to numbers and types of staff appropriate for a modern, multi-disciplinary cystic fibrosis service. The report concludes that in the future it will be essential to base cystic fibrosis care in fewer units of a more significant size in order to sustain viable staffing levels and to ensure that staff have

[Ms Harney.]  
a sufficient workload to enable them to maintain their skills level.

I understand that the Health Service Executive is pursuing with St. Vincent's Hospital, which is designated as the national adult cystic fibrosis centre, proposals for improvement to the physical infrastructure to support the highly professional treatment and care services provided there at the moment.

199. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the position of an appointment for a person (details supplied) in County Kildare for a brain scan; and if she will make a statement on the matter. [4641/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services to persons residing in County Kildare. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

200. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a back operation at Tallaght Hospital for a person (details supplied) in County Carlow will be expedited; the reason for the postponements; and if she will make a statement on the matter. [4648/05]

**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 Carlow, 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.

201. **Mr. Haughey** asked the Tánaiste and Minister for Health and Children if she has received an application from a group (details supplied) in Dublin 5 for a site at Abbotstown, Dublin; if the OPW will be of assistance to this group in its endeavours; and if she will make a statement on the matter. [4659/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act, 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

This includes responsibility for palliative care. I wish to advise the Deputy that my colleague, the Tánaiste and Minister for Health and Children, has received correspondence and she has written to the Minister of State at the Department of Finance, Deputy Parlon, in relation to this matter.

202. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if an appointment will be made for a person (details supplied) at the county clinic, Kilkenny; and the reason for the delay; and if she will make a statement on the matter. [4677/05]

**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 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.

#### Services for People with Disabilities.

203. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason respite services are being cut for persons with an intellectual disability on 28 February 2005 at a centre (details supplied); if this situation for the families will be ended and the 84 additional staff required for these services filled; and if she will make a statement on the matter. [4678/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** As the Deputy is aware 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. To ensure the smooth transition and delivery of services I met with representatives of the executive and representatives of the Order of St. John of God and discussed the issues.

Following a further meeting held on the 1 February 2005 between the Health Service Executive north east and St. John of God north east services, it was agreed to use the existing joint partnership forum to develop a strategy on how best to continue the implementation of the 2002 report to address the outstanding priority concerns regarding health and safety issues and critical staffing levels at St. Mary's residential services.

In the meantime, St. John of God north east services has undertaken to defer the decision around the suspension of respite service provision in St. Mary's. The Health Service Executive north east disability services and St. John of God north east services will arrange to keep parent rep-



representatives abreast of developments in the process. Both parties are hopeful of a positive outcome.

### Health Services.

204. **Dr. Upton** asked the Tánaiste and Minister for Health and Children if she will investigate the need to provide a residential place for a person (details supplied). [4679/05]

**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 residential places. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

### School Closures.

205. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if she will investigate the circumstances surrounding the closing of a school (details supplied) in County Tipperary; the steps she will take to rectify this matter; and if she will make a statement on the matter. [4681/05]

**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 funding. Accordingly, my Department has requested the chief officer of the Executive's mid-western area to investigate the matter raised and to reply directly to the Deputy.

### Official Engagements.

206. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if she will facilitate a request for a meeting with the North West Hospice; and if she will make a statement on the matter. [4682/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** I wish to advise the Deputy that my colleague, the Tánaiste and Minister for Health and Children, met representatives from the North West Hospice on Wednesday, 9 February 2005.

### Health Centre.

207. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if she will report on the protracted discussions which took place between her Department and the Northern Area Health Board regarding the provision of a new health centre in Ballymun, Dublin 9; the reason

it has taken two years for these discussions to be completed while the new facility has lain idle for this two year period; if it was her Department or the NAHB which was responsible for this inordinate delay; the funding commitments she has entered into now for the rental purchase and fit-out of the facility; the proposed phasing of same; when she will reimburse Dublin City Council for the two years' rent which it paid on behalf of the NAHB; and if she will make a statement on the matter. [4700/05]

**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 funding of the Ballymun health centre, including the fit-out and equipping of the facility.

The former Eastern Health Board and its successors the former Eastern Regional Health Authority and the Northern Area Health Board, in conjunction with Ballymun Regeneration Limited — a wholly-owned subsidiary of Dublin City Council — proceeded with the development of Ballymun primary care centre in the absence of my Department's involvement or approval. Consequently, my Department was obliged to conduct a review of this project, which primarily centred on issues relating to procurement and funding. The responses received over a period of time from the ERHA were examined in detail by my Department. Account had also to be taken of legal opinion received in relation to procurement issues. It is only recently that, bearing in mind all the circumstances of the case, my Department was in a position to recommend sanction for the HSE to proceed with the fit-out of the centre.

I am satisfied that my Department was not responsible for any unnecessary delay in progressing this project, given the various concerns involved. I am advised that the fit-out will not be phased but will be carried out under a single construction contract. In fact I have indicated that I wish the project to be opened as quickly as it logistically can.

As I have indicated, the HSE is responsible for the funding and delivery of this project. Accordingly, I have asked the chief officer of the Executive's eastern regional area to examine the funding and other issues raised and reply directly to the Deputy.

*Questions Nos. 208 to 210, inclusive, answered with Question No. 198.*

### Mental Health Services.

211. **Mr. Neville** asked the Tánaiste and Minister for Health and Children if there are plans in her Department for the provision of services for persons suffering from eating disorders; if she will

[Mr. Neville.]  
report on these plans; and if she will make a statement on the matter. [4731/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Persons presenting with eating disorders are generally treated through the local mental health services. Outpatient psychiatric services are provided from a network of hospitals, health centres, day hospitals and day centres. Where inpatient treatment is deemed necessary, it is provided in the local acute psychiatric unit or hospital, beds being allocated on the basis of patient need at any particular time.

A tertiary referral service for eating disorders is available to public patients in St Vincent's Hospital, Elm Park, Dublin where three inpatient beds are designated for this purpose. A similar services is available privately at St Patrick's Hospital, James's Street, Dublin and at St. John of God Hospital, Stillorgan, Co Dublin.

The expert group on mental health policy is currently preparing a national policy framework for the further modernisation of the mental health services, updating the 1984 policy document, *Planning for the Future*. The expert group has a number of sub-groups looking at specialist issues in mental health services, including eating disorders. The expert group on mental health policy is expected to report in 2005.

#### Hospitals Building Programme.

212. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children when the design team will be appointed to Letterkenny General Hospital in relation to the construction of the accident and emergency unit; and if she will make a statement on the matter. [4735/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of a new accident and emergency unit at Letterkenny General Hospital is a matter to be addressed in the context of the Health Service Executive's national service plan, which will indicate its proposed capital plan for this year. I expect this plan will be presented to me shortly.

213. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the position regarding the provision of a new community hospital in Dingle, County Kerry; and if she will make a statement on the matter. [4736/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January, 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. As part of the executive's responsibility to prepare and submit an annual service plan for my approval, it is obliged under section 31 of the Act to indicate

any capital plans proposed by the executive. In this process the executive can be expected to have regard to the full range of potential capital developments, its own criteria in determining priorities, available resources and any other relevant factors.

My Department has not yet received the 2005 service plan from the Health Service Executive. In the interim, my Department has asked the chief executive of the HSE southern area to investigate the position in relation to this project and to reply direct to the Deputy.

214. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children when she will grant approval to the south eastern area of the Health Service Executive to appoint a design team in regard to the planning brief for Waterford Regional Hospital, submitted to her Department on 30 January 2003 with a request for approval of a design team; and if she will make a statement on the matter. [4834/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The question of a new capital development at Waterford Regional Hospital is a matter to be addressed in the context of the Health Service Executive's national service plan, which will indicate its proposed capital plan for this year. I expect this plan will be presented to me shortly.

#### Grant Payments.

215. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the Irish Wheelchair Association for the years 2003 and 2004; and if she will make a statement on the matter. [4835/05]

221. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the Irish Association for Spina Bifida and Hydrocephalus for the years 2003 and 2004; and if she will make a statement on the matter. [4841/05]

226. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the Huntingdon's Disease Foundation for the years 2003 and 2004; and if she will make a statement on the matter. [4847/05]

227. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the Anne Sullivan Foundation for Deaf Blind for the years 2003 and 2004; and if she will make a statement on the matter. [4848/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 215, 221, 226 and 227 together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and

personal social services. This includes responsibility for the provision of funding to voluntary organisations. Accordingly, my Department has requested the chief officer of the executive's eastern regional area to investigate the matters raised and reply to the Deputy.

216. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the Alzheimer Society of Ireland for the years 2003 and 2004; and if she will make a statement on the matter. [4836/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January, 2005. Under the Act, the executive has the responsibility to manage, deliver or arrange to be delivered on its behalf, health and personal social services. This includes services delivered by the Alzheimer Society of Ireland and its associated branches which are located throughout the country. Accordingly, my Department has requested the chief officers for the executive's areas to investigate the matter raised and to reply directly to the Deputy.

217. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the AWARE organisation for the years 2003 and 2004; and if she will make a statement on the matter. [4837/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** AWARE received national lottery funding of €20,000 in 2003. It received a grant from my Department of €40,000 and national lottery funding in the amount of €30,000 in 2004. As the Deputy may be aware, an additional €15 million revenue funding will be made available for the further development of mental health services, including voluntary organisations, in 2005. Details of the allocation are being finalised at present and it is not possible at this stage to be specific regarding the level of funding to be provided to the voluntary agencies.

218. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the GROW organisation for the years 2003 and 2004; and if she will make a statement on the matter. [4838/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** GROW received funding in the amount of €297,676 from my Department in 2003. Further grants totalling €143,000 were made available to the organisation by my Department in 2004. As the Deputy may be aware, an additional €15 million revenue funding will be made available for the further development of mental health services, including voluntary organisations, in 2005. Details of the allocation are being finalised at present and it is

not possible at this stage to be specific regarding the level of funding to be provided to the voluntary agencies.

219. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the National Suicide Review Group for the years 2003 and 2004; and if she will make a statement on the matter. [4839/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The National Suicide Review Group received additional revenue funding of €50,000 in 2003 to bring its total allocation from my Department to €303,000. This amount was also allocated to the group in 2004. As the Deputy may be aware, an additional €15 million revenue funding will be made available for the further development of mental health services, including suicide prevention measures, in 2005. Details of the allocation are being finalised at present and it is not possible at this stage to be specific regarding the level of funding to be provided for suicide prevention this year.

220. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to Down Syndrome Ireland for the years 2003 and 2004; and if she will make a statement on the matter. [4840/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Down Syndrome Ireland received funding of approximately €50,000 from the Eastern Regional Health Authority in each of the years mentioned by the Deputy for the engagement of a paediatric nurse in Tallaght Hospital to undertake a pivotal role in the provision of information and advice related to the medical management of persons with Down's syndrome.

*Question No. 221 answered with Question No. 215.*

222. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to NAMHI for the years 2003 and 2004; and if she will make a statement on the matter. [4842/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** NAMHI received grants of €315,000 and €355,000 in 2003 and 2004 respectively as the national voluntary organisation promoting the rights of people with an intellectual disability.

223. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to Children in Hospital Ireland for the years 2003 and 2004; and if she will make a statement on the matter. [4843/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Children in Hospital Ireland, CHI, is a voluntary organisation which was established



[Ms Harney.]  
in 1970. It provides support and advice to parents before, during and after their child's stay in hospital. In 2003, CHI received grant aid of €165,000 from my Department. In 2004, CHI received funding of €150,000, including €100,000 approved under the national children's play policy — Ready, Steady, Play — to assist CHI to support the play needs of children in hospital.

224. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the National Suicide Research Foundation for the years 2003 and 2004; and if she will make a statement on the matter. [4845/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The National Suicide Research Foundation received additional revenue funding of €30,000 in 2003 to bring its total allocation from my Department to €284,000. This amount, together with an additional €100,000 was provided to the organisation in 2004. As the Deputy may be aware, an additional €15 million revenue funding will be made available for the further development of mental health services, including suicide prevention measures, in 2005. Details of the allocation are being finalised at present and it is not possible at this stage to be specific regarding the level of funding to be provided for suicide prevention this year.

225. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the Association of Higher Education Access and Disability for the years 2003 and 2004; and if she will make a statement on the matter. [4846/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Deputy has been asked for additional information in relation to the matter raised by him. On receipt of this information in my Department, my officials will have the matter investigated and a reply will issue to the Deputy.

*Questions Nos. 226 and 227 answered with Question No. 215.*

228. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the grant aid advanced to the Irish Association of Suicidology for the years 2003 and 2004; and if she will make a statement on the matter. [4849/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Irish Association of Suicidology received revenue funding of €75,000 in 2003. The organisation also received national lottery funding of €40,000 from my Department in the period 2003 to 2004. As the Deputy may be aware, an additional €15 million revenue funding will be made available for the further development of mental health ser-

vices, including suicide prevention measures, in 2005. Details of the allocation are being finalised at present and it is not possible at this stage to be specific regarding the level of funding to be provided for suicide prevention this year.

#### Health Services.

229. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children the number of public long-stay elderly care beds in each of the former health board regions; the number of publicly contracted elderly long-stay beds in private nursing homes in each of the former health board areas; and if she will make a statement on the matter. [4850/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage, deliver or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of public long-stay beds and publicly contracted long-stay beds in private nursing homes. Accordingly, my Department has requested the chief officer for the executive's areas to investigate the matter raised and to reply direct to the Deputy.

#### Health Service Staff.

230. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the procedure involved in the appointment of general practitioners co-ordinators for methadone treatment and other drug addiction services; the person who created the position; the job specifications for the position; the person who monitors them; the persons to whom they are answerable; the working hours; and the wage involved. [4851/05]

231. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if general practitioner co-ordinators can do other private or public work while working as coordinators; and if such a person is on sick or other leave from one position, if they can work for another body. [4852/05]

232. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that it is intended to review the titles and work practices of the general practitioners co-ordinators similar to that for other newly created posts. [4853/05]

233. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the qualifications required for the position of general practitioners co-ordinators; the additional training which has been supplied to appointed general practitioners co-ordinators since their appointment; if there was an interview of potential candidates for the positions; if they were advertised internally within the health sector and externally

among the general public; and if there were an internal appointment within health boards. [4854/05]

234. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the actions of the general practitioners co-ordinators since having been appointed. [4855/05]

235. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the job specification of the national general practitioner co-ordinator for methadone treatment and other drug addiction services; the number of general practitioners co-ordinators who are presently appointed; if more are envisaged; the person who audits them; and the person to whom they are responsible. [4856/05]

236. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that general practitioner coordinators suspended two of the 25 general practitioners involved in the drug scheme and that both have subsequently been vindicated and reinstated; and her views on the matter and on the procedures involved in the suspensions. [4857/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** I propose to take Questions Nos. 230 to 236, inclusive, together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the delivery of drug treatment services. I have no comment to make in relation to matters arising from grievance procedures and sick leave protocols which are clearly a matter for individuals and their employers.

I have been advised by the chief executive of the HSE that general practitioner co-ordinators were appointed in 1997 by the then Eastern Health Board on the basis of their experience in the treatment of drug misuse at the time. The purpose of the posts is to oversee drug treatment services and specifically the development of methadone services.

I am advised by the HSE that there are currently five GP co-ordinators in post, all of whom are approved, accredited and audited general practitioners with expertise in the treatment of opiate users. They report to the assistant chief officer with responsibility for addiction in each of the HSE areas in the east. Continuing medical training is a necessary requirement for the co-ordinators to maintain their accreditation. The co-ordinators are employed on a sessional basis and are not precluded from engaging in other work. I understand from the HSE that the co-ordinators are paid on a sessional basis which currently equates to €65.37 per hour.

I am advised that the national GP co-ordinator was also appointed by the then Eastern Health

Board with the agreement of the Department of Health and Children to provide additional clinical support and advice to areas outside the then eastern region. I am not aware of any specific plan to review the titles and work practices of GP co-ordinators in the drug misuse field, although the operation of the methadone protocol is reviewed by an implementation committee on an ongoing basis, and the roles and functions of different service providers are routinely considered in that context. At the end of December 2004, there were 316 GPs involved in the methadone protocol.

#### Medical Cards.

237. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the reason a medical card has not issued to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4858/05]

**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.

#### Hospital Waiting Lists.

238. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if arrangements will be made for a hip replacement operation for a person (details supplied) in County Kilkenny; the reason for the delay; and if she will make a statement on the matter. [4914/05]

**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 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.

#### Child Care Services.

239. **Mr. Carey** asked the Tánaiste and Minister for Health and Children the procedure for providing Garda clearance for staff who work in day nurseries which are linked with health boards; if her attention has been drawn to the fact that managers of these nurseries have been told they will have to process requests for clearance through health boards and cannot do so directly

[Mr. Carey.]  
with the Garda authorities; and if she will make a statement on the matter. [4964/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Garda clearance arrangements apply in respect of candidates for paid employment in the health services where they would have access to children and vulnerable individuals. This includes services in respect of children and vulnerable adults provided by external agencies but funded by the Health Service Executive.

Under procedures agreed in 1994 and 1995, Garda clearance requests for agencies funded by the Health Service Executive are processed through the relevant HSE area. This procedure conforms with a 2004 recommendation of the working group on Garda vetting on which my Department was represented.

*Question No. 240 answered with Question No. 198.*

#### **Services for People with Disabilities.**

241. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if she will establish with the health service the policy goal and the actual practice of providing speech therapy services to day nurseries; and if she will make a statement on the matter. [4966/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of speech therapy services for children attending day nurseries is being considered in the course of my Department's strategic review of disability services, which is being conducted in accordance with the Sustaining Progress agreement. On completion of this review, I expect to produce a comprehensive policy document which will address the issue raised by the Deputy.

#### **Health Services.**

242. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will expedite a cataracts operation for a person (details supplied) in County Carlow; and if she will make a statement on the matter. [4968/05]

**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 Carlow, 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.

243. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if an early date for an assessment will be arranged for a person

(details supplied) in County Kilkenny; and if she will make a statement on the matter. [4978/05]

**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 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.

#### **Hospital Staff.**

244. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if her Department has allocated funding for two neurology consultants and a full complement of support staff for Waterford Regional Hospital as endorsed by the Comhairle na nOspidéal report; and when will the neurologists take up their posts. [4979/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at Waterford Regional Hospital. Accordingly, my Department has requested the chief officer for the executive's south-eastern area to investigate the matter raised and to reply directly to the Deputy.

#### **Infectious Diseases.**

245. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if she will review the regulations which do not oblige health service staff to inform embalmers of infectious diseases; and if she will make a statement on the matter. [4989/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** If the Deputy would like to forward more detailed information in regard to the specific regulations to which he refers, as well as additional details of his specific concerns, I will ask the Health Service Executive to examine and review this issue.

#### **Hospital Waiting Lists.**

246. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) will be called for a cataract operation; the reason for the delay in calling this person; and if she will make a statement on the matter. [4999/05]



**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 people resident in County Roscommon. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

247. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number of patients from counties Roscommon, Galway and Mayo respectively currently awaiting urology appointments; the average waiting time for an outpatient appointment and for elective surgery for patients from each county respectively; the action she is taking to address the issue; and if she will make a statement on the matter. [5000/05]

**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 people resident in counties Mayo, Galway and Roscommon. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

#### Medical Aids and Appliances.

248. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the position regarding the application by a person (details supplied) in County Kildare for a hearing aid. [5001/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for audiology services. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

#### Health Services.

249. **Mr. Wall** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kildare will receive their complete medical history and all files from their admission to hospital; and if she will make a statement on the matter. [5002/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for

the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services to persons residing in County Kildare. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

#### Palliative Care Services.

250. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the position regarding the paediatric palliative care needs assessment study report and the expert group on specialist design guidelines for palliative care setting report; and if she will make a statement on the matter. [5003/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The paediatric palliative care needs assessment and the design guidelines on specialist palliative care settings will be published shortly.

#### Medical Cards.

251. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if the decision regarding an application for a medical card in the name of a person (details supplied) in County Kilkenny will be expedited. [5004/05]

**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-eastern area to investigate the matter raised and to reply directly to the Deputy.

#### Child Care Services.

252. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the authority which is responsible for overseeing the safety and well-being of children in child care; if it is open to the public to make complaints regarding specific providers under this provision; if she has made arrangements for the compiling of statistics in regard to the compliance with standards of child care in different premises and in regard to the number of complaints made, investigated and adjudicated upon; and if she will make a statement on the matter. [5005/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under

[Mr. B. Lenihan.]

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 overseeing the safety and well-being of children in pre-school child care in accordance with the Child Care Act 1991 and the Child Care (Pre-School Services) Regulations 1996 and Child Care (Pre-School Services) (Amendment) Regulations 1997. It also includes dealing with complaints made by the public and compiling statistics in this regard. Accordingly, my Department has requested the national director of primary, community and continuing care in the Health Service Executive to investigate the matters raised and reply directly to the Deputy.

#### **Departmental Funding.**

253. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the funds her Department or the HSE has provided to a school (details supplied) in County Tipperary each year since 2000; and if she will make a statement on the matter. [5006/05]

**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 funding. Accordingly, my Department has requested the chief officer of the executive's mid-western area to investigate the matter raised and to reply directly to the Deputy.

#### **Cancer Screening Programme.**

254. **Mr. Aylward** asked the Tánaiste and Minister for Health and Children the reason for the delay in expanding the national breast screening programme, which was approved in 2003 to the south-east region to include the counties of Carlow, Kilkenny and Wexford; when it is likely that the screening facility will be available to women in these counties; and if she will make a statement on the matter. [5112/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The expansion of the breast screening programme to counties Carlow, Kilkenny and Wexford and the roll-out to the remaining counties is a major priority in the development of cancer services. This will ensure that all women in the relevant age group in every county have access to breast screening and follow-up treatment where appropriate.

The expansion of the programme to counties Carlow, Kilkenny and Wexford will result in approximately 18,000 women being invited for breast screening. Screening commenced in Wexford in March last year and BreastCheck has advised my Department that the first round of

screening will be completed there shortly. BreastCheck expects to commence screening in County Carlow in April this year and screening will follow in County Kilkenny when the first round of screening in Carlow is completed.

Any woman irrespective of her age or residence who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her region.

#### **Ambulance Service.**

255. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children further to the adjournment debate of 15 December 2004 concerning the ambulance service, the progress to date on the issue; and if she will make a statement on the matter. [5113/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of ambulance services. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

#### **Disabled Drivers.**

256. **Mr. Dennehy** asked the Minister for Finance the progress made by the review group on the disabled drivers and disabled passengers scheme. [4998/05]

272. **Mr. Dennehy** asked the Minister for Finance if he will give an update on the progress of the review group dealing with the disabled drivers and disabled passengers scheme; when their report will be published; if blind persons are included in the category of passengers; and if he will make a statement on the matter. [5014/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 256 and 272 together.

I assume the Deputy is referring to the inter-departmental review group which was established to review the scheme. It examined all aspects of the scheme, including qualifying medical criteria, benefits and the appeals process. The report of the group was published on my Department's website in July 2004 and copies have been placed in the Oireachtas Library.

Following on from the report's recommendations concerning the appeals process, amendments to the regulations governing the scheme were made to improve the operation of the appeals process. These were signed by the Minister for Finance on 23 July 2004. These amendments provided for an expansion of the panel of medical practitioners serving on the medical board of appeal from three to five. The appeals

process was amended by the introduction of a six-month waiting period between an appeal and subsequent application, and the introduction of the requirement for a second or subsequent application to be certified by a registered medical practitioner to the effect that there has been material disimprovement in the medical condition since the previous application.

Given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government has decided that the Minister for Finance will consider the recommendations contained in the report of the interdepartmental review group in the context of the annual budgetary process, having regard to the existing and prospective cost of the scheme.

#### **Decentralisation Programme.**

257. **Ms Enright** asked the Minister for Finance the position in regard to decentralisation to Birr; if a site has been agreed; when the contract documents will be signed; and if he will make a statement on the matter. [4540/05]

**Minister of State at the Department of Finance (Mr. Parlon):** FÁS has responsibility for the sourcing and purchase of its own decentralisation site in Birr. It has informed the Commissioners of Public Works that an advanced stage has been reached in the acquisition of a suitable site.

#### **Tax Code.**

258. **Mr. Wall** asked the Minister for Finance if tax relief was given by his Department on the purchase of sugar beet contracts in 2001; if recognition was given by his Department that farmers own the national beet quota; and if he will make a statement on the matter. [4541/05]

**Minister for Finance (Mr. Cowen):** I am informed by the Minister of Agriculture and Food that under the EU sugar regime, which comes within the remit of that Minister, each member state has a quota for manufactured sugar. There is no quota for sugar beet nor is there a quota at farm level. The EU regulations stipulate that the quota must be made available to the sugar manufacturing enterprises in the member state. Accordingly, in Ireland the entire sugar quota is processed by Irish Sugar Limited, which is the only sugar manufacturer here. Irish Sugar Limited places annual contracts with farmers to grow a specific tonnage of sugar beet sufficient to manufacture the sugar quota.

I understand that in 2000 an arrangement was put in place by Irish Sugar Limited and the Irish Farmers Association, whereby a grower who was offered a beet growing contract for the 2000 to 2001 growing season could nominate another grower to take the contract subject to the agreement of Irish Sugar Limited. I have been advised by the Revenue Commissioners that any payments between growers in respect of such nominations were payments of a revenue nature in the

hands of the payer, and, as such, are eligible to be deducted in calculating the payer's income for tax purposes in the basis period in which the payment is written off in the payer's accounts. The payments were capital receipts in the hands of the recipient and chargeable to capital gains tax.

It should be understood that any such payments were unrelated to quota, since there is no quota for sugar beet nor is there a quota at farm level, but were private arrangements between individual growers in respect of nominations for sugar beet growing contracts.

#### **Flood Relief.**

259. **Mr. Gregory** asked the Minister for Finance the reason the replacement of the Distillery Road Bridge on the River Tolka in Dublin 3, prioritised by the OPW as an essential anti-flood measure, has still not been implemented; if the OPW will liaise with Dublin City Council to have this serious flood risk dealt with; and if he will make a statement on the matter. [4572/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Deputy is aware that the Office of Public Works is anxious to have all works carried out on those areas along the River Tolka designated as having a high flood risk. Dublin City Council officials have informed the OPW that they have agreed plans with the developer in question, which will result in works on the wall commencing in the next few weeks. Work on the design of the bridge is also starting and the council has indicated that it expects the bridge to be in place and operational by mid-year.

260. **Mr. Gregory** asked the Minister for Finance the reason the new sea and canal locks at Spencer Dock, Dublin 1, prioritised as anti-flood measures, have still not been installed; the role the OPW has in this matter; if the OPW is aware that the promised temporary works at this location have had to be abandoned; and if he will make a statement on the matter. [4573/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Office of Public Works has no responsibility for works being carried out at Spencer Dock. These works are being carried out by Dublin City Council. However, I am informed that the work in question has not stopped and that the council expects the works to be completed on schedule.

#### **Traffic Management.**

261. **Mr. Gregory** asked the Minister for Finance if the OPW has fully assessed the projected traffic increases on Blackhorse Avenue, Dublin 7 and the Navan Road, Dublin 7 resulting from its proposed one-way system in the Phoenix Park, particularly in the context of the major new housing and apartment developments in this area; and if he will make a statement on the matter. [4574/05]



**Minister of State at the Department of Finance (Mr. Parlon):** The introduction of the proposed one-way system in the Phoenix Park is on hold pending completion of a traffic management study, which I understand is being carried out at present by Fingal County Council.

The reasoning behind the proposals to implement a one-way system at the Ashtown and Cabra Gates of the Phoenix Park is two-fold. It is intended to deal with the existing hazardous traffic management arrangements and to plan for the substantially increased traffic volumes which will be generated in this area due to major housing developments.

The objective of the Office of Public Works is focused on the conservation of this national historic park and the fostering of passive recreation within its boundaries.

#### Tax Code.

262. **Mr. Ferris** asked the Minister for Finance if, in view of the decision by the EU Commission to allow the UK and Germany to waive excise duties on biofuels, if a similar request will be made from this State. [4579/05]

270. **Mr. Ferris** asked the Minister for Finance if the European Commission has approved the proposals made in March 2004 to allow the introduction of excise relief for the production of biofuels. [4895/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 262 and 270 together.

My Department, following consultation with the Department of Communications, Marine and Natural Resources, has submitted a formal application for Commission approval for a scheme which allows excise relief for pilot projects in the biofuels area, including pure plant oil, biodiesel and bioethanol. The EU Energy Tax Directive (2003) envisages such tax relief and the Commission has approved schemes for excise relief on biofuel in other EU member states. Assuming approval is granted, the necessary commencement order will then be signed.

263. **Mr. Haughey** asked the Minister for Finance if he will exempt the over 80s from paying 21% VAT on phone, gas and electricity bills; and if he will make a statement on the matter. [4660/05]

**Minister for Finance (Mr. Cowen):** The rate of VAT that applies to a particular good or service is determined by the nature of the goods or service, and not by the status of the customer. Telecommunications services including phones are subject to the standard rate of VAT at 21%. The supply of electricity and gas is subject to the reduced VAT rate of 13.5%. There is no provision in European VAT law, with which Irish VAT law must comply, that allows the application of an exemption from VAT for supplies to customers over the age of 80.

However, under the social welfare code, any person resident in the State who is aged 70 or more is entitled to the social welfare household benefits package, subject to certain conditions and regardless of income or household composition. This package comprises an electricity or natural gas or bottle gas allowance, a telephone allowance, and a free television licence.

The electricity allowance covers the normal standing charge and up to 1,800 units of electricity each year. At current prices, the value of the electricity allowance to the consumer is approximately €339 per annum for urban dwellers, and €381 for rural dwellers, inclusive of VAT at 13.5%. Alternatively, if the natural gas allowance option is selected, the customer is entitled to the supply charge and up to 1,674 kwh of gas per year. The annual value of this is up to €250 per annum, inclusive of VAT at 13.5%. If the person's home is not connected to an electricity or natural gas supply, the person is entitled to 15 cylinders of bottle gas per annum at an annual value of approximately €320, inclusive of VAT at 13.5%.

The telephone allowance is paid as a credit on the customer's telephone bill. The value of the allowance is €24.70 per month, including VAT, or €296.40 per annum.

264. **Mr. McCormack** asked the Minister for Finance if, in view of the new regulations concerning the compulsory provision of safety equipment on small craft fishing vessels, he will introduce regulations to have a zero VAT rate for the purchase of safety equipment for mountain rescue, lifeboats, coastal search and rescue and small fishing vessels; and if he will make a statement on the matter. [4662/05]

265. **Mr. McCormack** asked the Minister for Finance if he will introduce regulations to reduce the VAT rate from 21% to the reduced rate of 13.5% for safety equipment which must now be installed on all small fishing vessels. [4663/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 264 and 265 together.

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 goods and services referred to by the Deputy do not fall within this category. Similarly, member states may only apply a reduced VAT rate to those goods and services set out in annexe H of the EU Sixth VAT Directive. Safety equipment is not included in this annexe. Therefore, it is not possible to apply a zero or reduced VAT rate to these goods and services.

However, fishermen who are registered for VAT are entitled to claim a refund for all VAT charged to them in respect of equipment used for their business. Fishermen who are not registered for VAT are entitled to claim in respect of certain inputs, under section 29, regarding remission or

repayment of tax on fishing vessels and equipment, of the 1979 VAT regulations. In the case of safety equipment, the inputs included are anchors, autopilots, bilge and deck pumps, buoys, floats, compasses, life boats and life rafts, marine lights, radar apparatus, radio navigational aid apparatus, radio telephones, provided the vessel concerned has been the subject of a grant or loan from An Bord Iascaigh Mhara.

In addition, the Value-Added Tax (Refund of Tax)(No. 18) Order 1985 provides for the repayment of VAT, subject to certain conditions, incurred in respect of equipment for use in rescue or assistance at sea. Furthermore, the 1973 Finance Act provided for the zero-rating of “life saving services provided by the Royal National Lifeboat Institution, including the organisation and maintenance of the lifeboat service”. This means that while the RNLi does not charge VAT on the services it provides, it is entitled to reclaim VAT incurred on the goods and services which it purchases in delivering those services.

The Irish Coast Guard, under the aegis of the Department of Communications, Marine and Natural Resources, administers the community Inland and inshore rescue services grant scheme. The Community of Inshore Rescue Services and the Inland Rescue Service may apply for grants under the scheme in respect of both current and, more recently, capital expenditures. Guidelines on the scheme in terms of eligibility criteria and grant levels are available from the Irish Coast Guard.

#### **Sale of Land.**

266. **Mr. Murphy** asked the Minister for Finance the position regarding the case of a person (details supplied); and if the request was examined by the Commissioners of Public Works. [4676/05]

**Minister of State at the Department of Finance (Mr. Parlon):** A meeting has been arranged between the Commissioners of Public Works and the person concerned to discuss the possible sale of the portion of land attached to the Garda Station.

#### **Coastal Protection.**

267. **Mr. Bruton** asked the Minister for Finance the progress that has been made with Dublin City Council in respect of the proposals emerging from the coastal zone risk assessment; if a commitment of funding will be made by the Office of Public Works to commence some of the more urgent works; and if a commitment will be made to early action to raise the sea wall on the Clontarf seafront to prevent flooding as a result of high tides and strong winds. [4707/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Dublin coastal protection project, which is being carried out by Dublin City

Council and part-funded by OPW, is a study examining the causes and impacts of flooding from Portmarnock to Booterstown. A draft report is being finalised and the OPW expects to receive it shortly for detailed consideration. OPW officials have recently met with the council and have discussed some of the recommendations highlighted in advance of the completed report.

Dublin City Council has indicated that proposals for improved sea defences in the Clontarf area will be contained in the report and that this area is high on the council’s priority list. The OPW indicated its commitment to this process and will examine requests for funding when more details are available. It is understood that flood defence proposals in the report are estimated to cost €100 million. Any such requests for funding must to be carefully considered in the context of the OPW’s annual budget for flood relief projects of €20 million approximately, and the large amount of flood alleviation projects currently being advanced by OPW.

#### **Departmental Correspondence.**

268. **Mr. Gregory** asked the Minister for Finance if the Minister of State with responsibility for the OPW will reply to correspondence (details supplied); and if he will make a statement on the matter. [4718/05]

**Minister of State at the Department of Finance (Mr. Parlon):** I refer the Deputy to my reply to his question on 23 November 2004. A reply to the correspondence from the Deputy has issued.

#### **Tax Collection.**

269. **Mr. Timmins** asked the Minister for Finance if the Revenue Commissioners have sub-contracted out some of the work that comes under their remit; the amount involved; if this work has been completed satisfactorily; and if he will make a statement on the matter. [4893/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that they outsource a broad range of tasks, including cleaning and security, IT systems, data capture, training and debt collection. I understand the Deputy is referring to work undertaken on behalf of the Revenue Commissioners in regard to tax collection and data capture of information from the income tax return, form 11, and corporation tax return, form CT1.

Six firms of solicitors are engaged by the Revenue Commissioners for work in connection with the enforcement of tax debts. They are engaged under contract following a public procurement process and are paid in accordance with the terms of those contracts. The following table sets out the amount of work completed by the solicitors in 2004.

[Mr. Cowen.]

Number of cases or warrants referred by Revenue	6,723
Payments received by Revenue	€65.9m
Cost to Revenue	€3.53m

The Revenue Commissioners assure me that outsourcing certain tax debts to solicitors is efficient and works well.

In regard to data capture, I am informed that in early 2004 the Revenue Commissioners contracted out the capture of certain accounts information for income tax and corporation tax purposes. Such data is successfully used by the Revenue Commissioners to drive compliance activities. In late 2004, the data capture project was extended, on a pilot basis, to also capture information from the returns for the purpose of raising tax assessments.

The pilot project in regard to income tax has experienced some technical difficulties and steps are being taken to resolve these. A full review will be carried out by the Revenue Commissioners on completion of the pilot projects to identify problems and propose solutions with a view to continuing the project. The cost of this outsourcing was €650,597 in 2004.

*Question No. 270 answered with Question No. 262.*

#### Tax Code.

271. **Mr. Neville** asked the Minister for Finance the concessions on stamp duty which are available to voluntary sporting organisations which purchase property for use by their communities; and if he will make a statement on the matter. [4977/05]

**Minister for Finance (Mr. Cowen):** There are no exemptions or reliefs in the stamp duty code for voluntary sporting bodies.

*Question No. 272 answered with Question No. 256.*

#### Departmental Staff.

273. **Mr. P. McGrath** asked the Minister for Finance if the vehicle registration office in Mullingar will continue to operate at its present location (details supplied); if it is not due to relocate to Tullamore. [5015/05]

274. **Mr. P. McGrath** asked the Minister for Finance the number of staff employed at the Mullingar vehicle registration office; the grades held by these staff members. [5016/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 273 and 274 together.

I am informed by the Revenue Commissioners that their office in Mullingar will continue to operate as a revenue office. However, following the successful introduction of on-line vehicle

registration through the ROS, revenue on-line service, the demand for direct customer contact services at vehicle registration offices has declined substantially. In 2003, for example, 55% of new vehicles nationally were registered on-line. By January 2005, that percentage had risen to more than 86%.

The Revenue Commissioners have recently reviewed the implications of these changes in vehicle registration practices. As a result of their review, and having regard to the reduction in customer services demand at the vehicle registration office in Mullingar, they have decided to consolidate the provision of vehicle registration and associated services for counties Westmeath and Offaly at their office in Tullamore from March. I understand this decision has no implications for the continuance of a revenue office in Mullingar and that staff at the office will be assigned to other duties and will not be relocated.

This is in the context of a national review of the implications of a declining service demand for front-line VRO services which is leading to consolidation of service provision across the country. I am informed by the Revenue Commissioners that affected staff are being assigned to other duties and will not be involuntarily relocated.

There are four full-time staff, comprising two executive officers, one clerical officer and one service officer, assigned to the revenue office in Mullingar. Two of these staff are engaged in the provision of vehicle registration and other associated services, a third official is engaged on unrelated debt management duties and the fourth is assigned to excise control.

#### Tax Code.

275. **Mr. Bruton** asked the Minister for Finance if there are restrictions imposed by the EU VAT code on introducing new exempted activities, new zero rate activities, switching activities between the standard and high rate VAT bands and new VAT bands; and if he will make a statement on the matter. [5122/05]

**Minister for Finance (Mr. Cowen):** VAT rates are governed by the EU Sixth VAT Directive with which Irish VAT law must comply. Member states may only grant a VAT exemption to activities listed under Article 13 of this directive. Therefore, the introduction of new exempt activities does not arise. In general, these exemptions are transposed by the first Schedule to the VAT Act 1972, as amended.

Under the EU Sixth VAT Directive, member states may retain the zero rates on goods and services which were in place on 1 January 1991, but cannot extend the zero rate to new goods and services. It is possible to move existing zero-rated items to either the reduced rate or the standard rate. However, once moved, it is not possible to revert them to the zero rate.

Member states may apply up to two reduced VAT rates of not less than 5% to supplies of goods and services listed in annexe H of the EU



Sixth VAT Directive. Ireland operates a single reduced rate of VAT of 13.5%. The goods and services in annexe H include certain foods, non-oral medicines, supply, construction and alteration of housing provided as part of a social policy, and newspapers and periodicals. Goods and services at the reduced rate may be moved to the standard rate, but only those listed in annexe H may be reverted from the standard rate to the reduced rate.

As regards the VAT rate structure, any changes made by member states must comply with the EU Sixth VAT Directive. Member states have the option of retaining the zero VAT rates which were in force on 1 January 1991 but no new zero VAT rates can be introduced. As a transitional arrangement, member states may maintain, at a reduced rate of not less than 12%, any items not listed in annexe H, provided such items were at a reduced rate on 1 January 1991. These goods and services are considered to be “parked”.

In addition, member states may have up to two reduced VAT rates of not less than 5% for a specified number of goods or services which are set out in annexe H of the EU Sixth VAT Directive. Member states may not set the standard VAT rate lower than 15% and there is political agreement that the standard rate applying in each member state may not exceed 25%. Ireland’s standard rate of VAT is 21%.

I hope this clarifies the European legislative framework which governs Irish VAT law.

#### **Post Office Network.**

276. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the plans he has to retain the full rural post office network; the policy measures which he intends to implement; the discussions he has had with the EU Commission regarding the retention of the social welfare payments system by An Post; and if he will make a statement on the matter. [4589/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government and the board of An Post are committed to the objective of securing a viable and sustainable rural post office network as set out in the programme for Government. The overarching objective continues to be the retention of post offices services, in as many locations as possible, in the manner which best meets consumer needs, whether via post offices, postal agencies or the PostPoint network.

It may be helpful to illustrate the current strength of the network. There are 1,000 automated post offices, 475 non-automated post offices and 160 postal agencies. Furthermore, An Post has established 3,000 PostPoint outlets in retail premises, of which 600 can be used for bill payment.

The future of the post office network has been subject to a number of studies and reviews in recent years and many of the recommendations

have been implemented, including the provision in 2003 of Government equity, amounting to some €12.7 million to assist with the modernisation process. The post office network has a high volume of people passing through the premises, a recognised brand name and a countrywide retail network. The priority for all stakeholders is to build on these strengths to maintain and increase the amount of business conducted through the network in order to secure its future.

There is widespread recognition that the best development strategy to sustain the network is for An Post to continue adapting to its customer needs within the financial constraints in which it now finds itself. As part of this strategy, An Post has secured additional business for the network, including bill pay facilities for the ESB and Barclay’s Bank credit cards, telephone top-ups through its PostPoint service and a contract with the AIB under which the bank’s customers can access their accounts through the network. Further opportunities from both the public and private sectors are being actively explored by the company with a view to bringing on stream additional services, at the post office counter where possible.

The long-term future of the post office network can only be secured by meeting the demands of customers. In this regard, I have asked the Irish Postmasters Union and An Post to work in partnership with a view to securing existing business and pursuing new business opportunities at every opportunity. As outlined above, that strategy is being followed with some success.

I have had no discussions with the European Commission regarding the social welfare payments contract between An Post and the Department of Social and Family Affairs. Any such discussions are a matter for that Department.

277. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the recommendations in the Flynn report on the post office network which have been implemented; the recommendations yet to be implemented; the action he is taking to implement the outstanding recommendations; and if he will make a statement on the matter. [4590/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government is committed to a viable and sustainable nationwide post office network. Arising from this commitment, a number of reports, including the Flynn report, have examined modernisation of the network to provide a range of products and introduce service delivery channels which meet consumer needs. Key recommendations have either been implemented or continue to be addressed as part of the long-term strategy to secure the future of the post office network.

Following receipt of the Flynn report, the Government moved to underpin its commitment to the post office network by approving an equity

[Mr. N. Dempsey.] injection of €12.7 million for An Post to facilitate the modernisation of the network. This was paid to the company in 2003. Increased postmaster scale payment remuneration has also been granted and the requirement to address the structure of such remuneration is the subject of ongoing discussions between the Irish Postmasters Union and An Post. Initiatives are under way to implement necessary restructuring of the post office network itself. In particular, non-automated sub-post offices are being converted to postal agencies offering an appropriate range of services, in particular social welfare payments and the sale of stamps.

Furthermore, and of particular importance, An Post continues to pursue new business opportunities for the network. Additional business won includes bill paying facilities for the ESB and Barclay's Bank credit cards, telephone top-ups through its PostPoint service, and a notable flagship contract with the AIB under which the bank's customers can access their accounts through the post office network. Further opportunities from both the public and private sectors are being actively explored by the company with a view to bringing on stream additional services, at the post office counter wherever possible. An Post, with my Department's support, is also taking steps to ensure that it successfully retains existing core business, particularly in the fields of social welfare payments and savings services.

The Flynn report emphasised the need for the parties to explore avenues whereby the network can adapt to current and future realities. In this regard, there has been a clear recognition on all sides that the long-term future of the post office network can only be secured by meeting the needs of customers. Accordingly, I have asked the Irish Postmasters Union and An Post to work in partnership with a view to realising the twin goals of securing existing business and pursuing new business opportunities as they arise. As outlined above, that strategy is being followed with some success.

#### **Hazardous Waste.**

278. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources if he will consider meeting the residents of Silvermines, County Tipperary, prior to making any decision on the remediation alternatives for the Gortmore tailings pond; and if he will make a statement on the matter. [4609/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I am aware of the concerns of the local community regarding Gortmore tailings pond, about which I wrote to the chairman of Gortmore environmental action group last month.

The Department is preparing a detailed report on the subject which I will receive later this month. I asked the Department to meet the Gortmore local community with a view to inclusion of

their views in the report, and that meeting took place in Nenagh on 3 February last. I intend to determine whether and on what conditions the current dialogue will Mogul on its latest remediation proposal will proceed.

I will consider a meeting with the local community after evaluating the Department's report later this month.

#### **Electricity Generation.**

279. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources the amount raised from the public service obligation levy charged to residential electricity customers since its introduction; the amount contributed by residents from each county in tabular form and from north Tipperary; the amounts and number of renewable energy projects funded to date from the PSO levy; and if he will make a statement on the matter. [4612/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** By virtue of the Electricity Regulation Act 1999 (Public Service Obligations) Orders 2002, public service obligations which relate to electricity generation have been imposed on ESB with effect from 1 January 2003 in the interests of security of supply and environmental protection. All PSO orders require the approval of the European Commission. The Commission for Energy Regulation, CER, is responsible for overseeing the implementation of the PSO levy arrangements and certifying the additional costs incurred by ESB in accordance with the terms of the PSO order.

The PSO levy is imposed on three categories of electricity account holders so that each category pays a percentage of the levy in each year in proportion to its share of the maximum system demand, as determined each year by the CER. This results in a total PSO levy for each category which is then applied to individual account holders within each category so that, for instance, domestic and small account holders pay a standard charge per electricity bill while medium and large account holders pay on the basis of a standard charge per kVA of maximum import capacity. Adoption of this approach will not result in any cross-subsidisation between the categories as the "percentage of total system capacity" allocates the total PSO levy in a consistent non-discriminatory way across all categories.

In regard to the Deputy's request for statistical information, my Department is endeavouring to compile the information in conjunction with the CER. It has not been possible within the constraints of time and available resources to source the information. Such data as is available will be forwarded to the Deputy as soon as possible.

#### **Postal Services.**

280. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to An Post's social

obligations; and the measures he proposes to introduce to assist the company meet these obligations. [4723/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The universal service obligation, which includes nationwide postal delivery requirements, is enshrined in EU and Irish law and is a statutory requirement for An Post, as the designated universal service provider. Furthermore, the European Communities (Postal Services) Regulations 2002, establish the area of the postal market solely reserved for universal service providers and this reserved area assists An Post to fulfil its universal service obligations.

In regard to the post office network, the Government has already provided significant funding by way of a €12.7 million equity investment in 2003 to support modernisation of the network. The network also benefits from significant contracts with the Department of Social and Family Affairs for social welfare payments and the National Treasury Management Agency for Government savings products.

It is not envisaged that further public funding will be provided to An Post. The best way to sustain the post office and postal delivery networks is to gear the networks to provide a range of products and services which meet consumer needs. Part of the challenge at this point is for An Post unions and management to agree and implement a change programme to allow necessary restructuring to take place.

#### Harbours and Piers.

281. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources if he will consider FHC status for a harbour (details supplied) in County Kerry; if he will increase the funding available to the harbour; if he will meet with the harbour board to discuss these matters; his plans for the future of harbours and ports generally; and if he will make a statement on the matter. [4975/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Dingle Harbour operates under the 1946 Harbours Act whereby commissioners are appointed to manage the port. Dingle Harbour commissioners have sought designation of Dingle as a fishery harbour centre, so as to rank among the fishery harbour centres, which are 100% funded by the Exchequer, to which the Fishery Harbour Centre Acts 1968 to 1998 apply. The designated fishery harbour centre are Howth, Dunmore East, Castletownbere, Rossaveel and Killybegs. Such designation for Dingle Harbour is under consideration and no decision has been made to date.

In 2004, funding of €201,000 was provided for dredging site investigation works and €86,000 for a weighbridge at Dingle Harbour. The question of funding works at Dingle Harbour will depend

on the amount of funding available for works at fishery harbours generally and overall national priorities into the future. My officials met with the board in 2004 to discuss these and other matters and will be happy to do so again.

The national development plan sets out the programme objectives for fishery harbour development. These are the development and construction of fishery harbour and related facilities at key strategic fishery harbours and the construction and improvement of berthage at smaller harbours and landing places. The plan provides €84.35 million for capital investment in fishery harbours infrastructure and facilities over the period 2000 to 2006. Up to the end of 2004, the Department has spent €98.58 million under this programme.

The total allocation for 2005 is €20.55 million. This includes funding for various projects, including the upgrading and modernisation of Port Oriel, Clogherhead, which is owned by Louth County Council and for which the council will contribute 25% of the cost; the development of the Dinish Wharf extension and the provision of a suitable harbour services building on the extension; the development of new ferry berths at Rossaveel fishery harbour centre, for which funding is provided jointly with the Department of Community, Rural and Gaeltacht Affairs; and the development options at Dunmore East fishery harbour centre.

The completion of the programme in future years will be dependent on the availability of funding.

#### Fishing Industry Development.

282. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the number of times he met the Irish South and East Fishermen's Organisation since his appointment; the plans he has to meet the association; and if he will make a statement on the matter. [5024/05]

284. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the number of times he has met the scallop fishermen since his appointment; the plans he has to meet them; and if he will make a statement on the matter. [5026/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I propose to take Questions Nos. 282 and 284 together.

I have met the representative of the Irish South and East Fishermen's Organisation on a number of occasions since my appointment as Minister of State. I met representatives of the fishing industry, including a representative from the Irish South and East Fishermen's Organisation, for detailed discussions on 20 December, in advance of the December Fisheries Council. I also met the organisation on 21 December to update representatives on developments at Council.



[Mr. Gallagher.]

I afforded the organisation an opportunity to meet on the morning of 22 December to advise on the outcome of the negotiations at Council, which the representative did not avail of at that time. I subsequently met the representative later that day on an informal basis. I also met the organisation's representative informally on 7 December last on the margins of a presentation to the Oireachtas Committee on Communications, Marine and Natural Resources on total allowable catches, TACs, and quotas for salmon.

In regard to meeting the scallop fishermen, I received a letter in early January setting out the issues arising for the scallop sector. I asked officials in the Department to meet with the scallop fishermen's representatives and to review the fishery and consider options for effective management. My officials met the representative organisation and fishermen on 4 February 2005. I informally met the industry representatives and scallop fishermen last Friday, 11 February, and heard their concerns.

In the coming days, I will be reviewing the outcome of these meetings and will be considering the options available to me. I intend to hold a further meeting with industry representatives shortly with a view to finding a way forward that will ensure that the EU effort limits are respected while providing for a sustainable scallop fishery into the future.

283. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if he intends to implement changes to the scallop fishing industry; the consultation he will have with the fishermen involved; and if he will make a statement on the matter. [5025/05]

285. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the plans he has for the scallop fishing industry; and if he will make a statement on the matter. [5027/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I propose to take Questions Nos. 283 and 285 together.

It is important to set out the background to the issues arising for the scallop fishing sector. The main scallop fishery has traditionally been off the south-east coast of Ireland and fishing effort has been increasing since the mid-1990s. There are serious concerns about the state of the scallop stock in Irish waters where fishing effort and fishing mortality is regarded as too high and unsustainable. The Irish scallop fleet in the recent past has moved from these traditional fisheries to prosecute the scallop fishery in the English Channel.

At EU level, ceilings on fishing effort were first established in 1996, in the context of the management of fishing effort for western waters. During the review of the western waters fishing effort regime in 2003, new fishing effort ceilings were

established for this fishery based, as for all other fisheries, on the average of the fishing effort levels for the reference period 1998 to 2002, inclusive. This established a fishing effort ceiling for the scallop fishery of 109,395 kwdays inside the biologically sensitive area, new Irish Box, and 525,012 kwdays for the rest of Area VII.

During the period of implementation of the previous western waters regime, the focus was primarily on the management of fishing effort targeting whitefish stocks. Under the new regime for western waters, member states are required to take active measures to ensure that the ceilings established for all the fisheries with effort ceilings applied under the regulations are fully respected. It should also be noted that, following concerns expressed about the increased level of fishing effort on scallops being deployed in the English Channel, the Commission has committed to bringing forward specific conservation measures, including fishing effort limitations for the scallop stocks in the English Channel. Any such measures are likely to impact on the Irish scallop fishery in the Channel.

The Irish scallop fleet has been increasing fishing effort over the period between 1998 to 2002, and 2003 saw a substantial increase in effort over 2002. The level of effort available for 2005 for the Irish fleet is accordingly less than the recent level of fishing effort deployed in the fishery. My officials have held detailed meetings, the most recent on 4 February 2005, with the representative organisation for the scallop fishermen to review the fishery and consider options for effective management. I informally met the industry representatives and scallop fishermen last Friday, 11 February and heard their concerns.

In the coming days, I will review the outcome of these meetings and will be considering the options available to me. I intend to hold a further meeting with industry representatives shortly with a view to finding a way forward that will ensure that the EU effort limits are respected while providing for a sustainable scallop fishery into the future.

*Question No. 284 answered with Question No. 282.*

*Question No. 285 answered with Question No. 283.*

#### **Fishing Vessel Licences.**

286. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the number of fishermen who have got new licences or licences renewed for scallop fishing in the past three months; if their attention had been drawn to the Department's plans for scallop fishing; and if he will make a statement on the matter. [5028/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Fisheries (Amendment) Act 2003 transferred responsibility for the licens-

ing of sea-fishing boats from the Minister for Communications, Marine and Natural Resources to the Licensing Authority for Sea-Fishing Boats which operates on an independent basis subject to criteria set out in that Act. The licensing authority implements general licensing policy in accordance with policy directives issued by the Minister. The head of the licensing authority is the registrar general of fishing boats, a senior official in the Department.

Sea-fishing boat licences are issued on a fleet segment basis rather than for individual species such as scallops. The segment in respect of which a licence is issued does, however, broadly determine the species for which vessels may fish. Under national licensing policy, the Irish fleet is categorised into five fleet segments. These are the pelagic segment, which comprises tank boats which fish for pelagic species, such as herring, mackerel and horse mackerel; the polyvalent segment, comprising multi-purpose vessels which can fish for demersal and shellfish species, and, unless specifically precluded, for pelagic species; the beam trawl segment, made up of beam trawlers which fish for bottom-dwelling species; the specific segment, comprising vessels which can only fish for aquaculture or bivalve shellfish species; and the aquaculture segment, involving vessels which are solely engaged in aquaculture.

While sea-fishing boat licences for fleet segments other than the aquaculture segment do not preclude vessels from fishing for scallops, it is understood that, in practice, the owners of vessels proposing to predominantly engage in this form of fishing apply to have their boats licensed in the specific segment. Fishermen wishing to have the scope to fish for a broader range of species than scallops, or other bivalve shellfish species, have their boats licensed in the polyvalent segment.

The licensing authority informs me that it has, within the past three months, issued one new sea-fishing boat licence for the specific segment and 18 such licences for the polyvalent segment. It further advises that a number of amended or renewal licences were issued over this period but a precise figure is not readily available. The purpose of issuing these licences did not specifically relate to scallop fishing but to general issues such as vessel re-measurement and updating of vessels' data. Some existing licensed vessels which have complied with a code of practice relating to vessel safety had the period of validity of their licences extended. I understand that a general renewal of sea-fishing boat licences is due to take place before the end of June next, when the vast majority of current licences will expire.

At EU level, ceilings on fishing effort were first established in 2003 based, as for all other fisheries, on the average of the fishing effort levels for the reference period 1998 to 2002, inclusive. The Irish scallop fleet has been increasing fishing effort over the period 1998-2002, and 2003 saw a substantial increase in effort over 2002. The level of effort available for 2005 for the Irish fleet is

accordingly less than the recent level of fishing effort deployed in the fishery. My officials have held detailed meetings, the most recent on 4 February 2005, with the representative organisation for the scallop fishermen to review the fishery and consider options for effective management. I informally met the industry representatives and scallop fishermen last Friday, 11 February and heard their concerns.

In the coming days, I will review the outcome of these meetings and will consider the options available to me. I intend to hold a further meeting with industry representatives shortly with a view to finding a way forward that will ensure that the EU effort limits are respected while providing for a sustainable scallop fishery into the future.

#### **Port Development.**

287. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the plans he has for Waterford Port; if he plans to sell sections of the port; and if he will make a statement on the matter. [5029/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Port of Waterford Company operates under the Harbours Acts 1996 and 2000. Under the Acts, the primary function of the company is the management, control, operation and development of its harbour, ensuring that its revenue is sufficient to meet its expenditure. In the light of this statutory requirement, the company informs me that it has been conducting a review of its non-core assets to determine the appropriateness of their retention in present circumstances.

The company provides its core facilities for ships and goods at Belview, County Kilkenny. Accordingly, the property at the North Quays in Waterford is one of the company's principal non-core assets. It offered the North Quays for sale by public tender process, which concluded on 3 February 2005. I understand a contract for sale has now been made and completion of the sale will take place in accordance with the contract.

The company has also offered for sale by public tender a pier at Ballyhack, County Wexford. However the sale has been deferred for one month to allow Wexford County Council an opportunity to consider its position in regard to the property.

#### **Pension Provisions.**

288. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources if he is aware that many pensioners of Eircom are now on pensions which are considerably less than those to which they would have been entitled had they remained as members of the Civil Service; if the Government provided conditions in its sale arrangements when Eircom was privatised that the legal rights of workers under that Act should be protected; the steps he intends to take to vindi-

[Mr. Bruton.]  
cate the right of workers under that legislation. [5049/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I am aware that individual pensioners, formerly employed by the Department of Posts and Telegraphs, believe their pension entitlements are not being fully respected. An appeals process is under way in regard to the issues raised by the pensioners concerned. My Department and the Department of Finance, which has overall responsibility for public service pension policy, are examining the complex issues involved with a view to coming to a determination in the matter.

#### Human Rights Issues.

289. **Mr. Cuffe** asked the Minister for Foreign Affairs if, during the recent visit by members of the Government to China, the case of a person (details supplied) was discussed with the Chinese Government. [4498/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government has previously raised the case of Ms Yang Fang with the Chinese authorities through the EU-China human rights dialogue, which is the agreed framework for raising individual human rights cases. The situation of Ms Yang Fang was again raised with the Chinese authorities on 18 January 2005, during the course of the Taoiseach's recent visit to Beijing.

The Chinese side reported that Ms Yang Fang was not in detention and that she had left her employment several months ago to care for her ageing mother. The Chinese also expressed regret that in two previous cases where they had responded to Irish Government representations to allow Chinese students to return to Ireland to continue their studies, the students concerned had become outspoken critics of the Chinese Government in Ireland.

#### Inter-Country Co-operation.

290. **Cecilia Keaveney** asked the Minister for Foreign Affairs if he will make a statement on the plans to develop more links between Ireland and Scotland. [4650/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The traditionally strong relations between Ireland and Scotland continue to develop in a positive way, including since devolution. The Irish Consul General in Edinburgh, — where premises opened in 1998, is involved in a broad range of activities supporting the development of enhanced bilateral links. These include the promotion of trade, tourism, culture and investment opportunities in close co-operation with State agencies and the Scottish Executive.

In recent years, Irish-Scottish links have also been strengthened by an increasing number of high level visits and exchanges, including visits by the President, Taoiseach and Ministers to Scot-

land and the attendance by the Ceann Comhairle and Cathaoirleach at the official opening of the new Scottish Parliament in October 2004. We have also welcomed a number of high level Scottish visitors here, including, most recently, First Minister Jack McConnell, MSP, who met the then Minister for Health and Children, Deputy Martin, in Dublin in September 2004.

In addition to these ongoing contacts, our participation with Scotland and other Members in the British-Irish Council provides a valuable opportunity for practical consultation and co-operation on a wide range of matters of mutual interest.

#### Visa Applications.

291. **Mr. Ferris** asked the Minister for Arts, Sport and Tourism if he will make a statement on the impact on tourism in the north west, especially Donegal, of the requirement on some foreign visitors to acquire a separate British visa if crossing the Border. [4907/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Issues relating to visa requirements for foreign visitors to Ireland are a matter in the first instance for my colleague, the Minister for Justice, Equality and Law Reform, Deputy McDowell. From a tourism perspective, the impact of separate British visa requirements on tourists wishing to travel across the Border with Northern Ireland is negligible given that the level of tourism business to the island of Ireland from countries which are subject to such special visa requirements is minimal at this point in time.

#### Sports Capital Programme.

292. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism the number of sports capital programme applications submitted to his Department from counties Roscommon, Longford and Leitrim respectively; the value of applications submitted from each county concerned; the fund available; if he intends to make a decision on applications; and if he will make a statement on the matter. [4986/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis. Applications for funding under the 2005 programme were invited through advertisements in the newspapers on 5 and 6 December last. The closing date for receipt of applications was 4 February 2005. Subject to confirmation, details of the number of applications under the programme and the amounts sought in the counties concerned are as follows:



	Applications	Amount Sought
Roscommon	32	€3.94 million
Longford	18	€3.40 million
Leitrim	23	€3.19 million

All applications received before the closing date are being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

293. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism if he will approve an application for a centre (details supplied) in County Roscommon under the sports capital programme; and if he will make a statement on the matter. [4987/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis. Applications for funding under the 2005 programme were invited through advertisements in the newspapers on 5 and 6 December last. The closing date for receipt of applications was 4 February 2005. Subject to final confirmation, a total of 32 applications were received from County Roscommon, including one from the organisation in question. All applications received before the closing date are being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

294. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism if he will approve funding for a sports capital application for a club (details supplied) in County Roscommon; and if he will make a statement on the matter. [4988/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis. Applications for funding under the 2005 programme were invited through advertisements in the newspapers on 5 and 6 December last. The closing date for receipt of applications was 4 February 2005. Subject to final confirmation, a total of 32 applications were received from County Roscommon.

No application was received before the deadline in the name of the organisation concerned. All applications received before the closing date are being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

#### **Decentralisation Programme.**

295. **Mr. McGuinness** asked the Minister for Enterprise, Trade and Employment if a property solution has been identified for the Health and Safety Authority in Thomastown, County Kilkenny; if he will confirm the numbers of staff involved in each; the number that have offered to transfer; the steps he is taking to promote both locations; if local interest groups can assist the Department in marketing the locations; and if he will make a statement on the matter. [4892/05]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The Office of Public Works is currently working on a property solution for the Health and Safety Authority in Thomastown, County Kilkenny and a decision has not yet been made. Some 111 posts in the authority are identified for transfer to Thomastown. Eight staff of the authority have indicated an expression of interest to relocate to Thomastown. In addition, 40 expressions of interest have been received from the wider civil and public service.

#### **Taxi Regulations.**

296. **Mr. Crowe** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the substantial increase in taxi seals for taxi owners in the past year; his views on same; and if he has been in contact with the relevant Department on the matter; and if he will make a statement on the matter. [5402/05]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** The legal metrology service of the National Standards Authority of Ireland operates under the aegis of my Department and implements the provisions of the Metrology Acts 1980 to 1998. One of the objectives of the legislation is to ensure fair trade and consumer protection by checking the accuracy of measuring instruments used in trade throughout the economy. The law imposes obligations on traders to ensure that the measuring instruments they use in trade are of an approved type and have been verified by the legal metrology service.

Section 4 of the Metrology Act 1996, as amended, provides that the National Standards Authority of Ireland may, with the consent of the Minister, charge fees for, *inter alia*, verification services. When considering the basis for a fee increase in the latter part of 2004, the board of the authority was of the view that the fee set

[Mr. M. Ahern.] should be such as to fully recover the costs associated with the verification process. To enable full cost recovery, the board proposed an increase in the verification fee for taximeters from €32 to €75, excluding VAT, and ministerial consent was granted for this increase.

The fee increase was advertised in the national press on 13 November 2004 and came into effect on 22 November 2004. The rate reflects the fact that the provision of these services to the taxi industry and the application of metrology law is both a personnel and equipment intensive operation.

#### Community Employment Scheme.

297. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment the reason no reply has been received for Parliamentary Question No. 189 of 14 December 2004; and if a reply will issue. [4530/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I am informed by FÁS that the information being sought by the Deputy is complex and requires a considerable amount of time to collate. At present FÁS is in the process of examining its records to establish the circumstance where statutory redundancy has been paid to participants on community employment, CE,

Table of jobs created in Enterprise Ireland client companies.

Year	2000	2001	2002	2003
Gains	18,897	14,670	14,020	12,300

Source: Forfás Annual Employment Survey 2004.

Table of jobs created in IDA Ireland client companies.

Year	2000	2001	2002	2003
Number of New Jobs Created	22,994	12,802	11,059	9,182

Source: Forfás Annual Employment Survey 2004

#### Industrial Development.

299. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the annual funding for industrial development authority and Enterprise Ireland; and if he will make a statement on the matter. [4562/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** IDA Ireland is the agency with statutory responsibility for attracting foreign direct investment, FDI, to Ireland, its regions and areas, while Enterprise Ireland has primary responsibility for supporting indigenous industry. My Department will provide funding of €149.073 million to IDA Ireland for the year 2005. This figure includes an amount of €2.5 million from the national training fund. My Department will provide funding of €248.286 million to Enterprise Ireland for the year 2005. This figure includes an

schemes. There is a high throughput each year on CE schemes of between 7,000 and 9,000 participants, with new entrants joining schemes as previous participants complete their duration on CE. In addition, there is mobility between the various CE schemes. I am informed by FÁS that it will provide the information during March.

#### Job Creation.

298. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the number of jobs created each year for the past five years in respect of IDA Ireland and Enterprise Ireland; and if he will make a statement on the matter. [4561/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Data on job creation are compiled from an annual employment survey carried out by Forfás. The table below indicates the number of jobs created by the client companies of Enterprise Ireland and IDA Ireland in the period 2000-03. Definitive results for 2004 will not be available until mid-2005. Preliminary figures for 2004 indicate that client companies of Enterprise Ireland and IDA Ireland created 11,898 and 10,825 jobs respectively. The following tables provide background information on job creation in Enterprise Ireland and IDA Ireland client companies over the period 2000-04.

amount of €2.5 million from the national training fund.

#### Export Licences.

300. **Mr. Gregory** asked the Minister for Enterprise, Trade and Employment if evidence exists that computer components with defence implications are being purchased in the US by Irish business interests and exported from Ireland to Russia; and if he will make a statement on the matter. [4571/05]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** My Department has not issued any export licences for computer components in respect of defence-related military end-uses in Russia, nor have any licence applications for such transactions been received. The Department is

aware of recent media reports concerning possible trade of the kind referred to in the Deputy's question and is examining whether any export licensing regulations may have been contravened.

#### **Job Losses.**

301. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the reason his Department is seeking the shedding of jobs from FÁS at a time when its training services are being expanded; and if he will make a statement on the matter. [4683/05]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** On foot of the Government's decision in 2002 to reduce public service numbers by 5,000, FÁS is required to reduce its staffing complement of nearly 2,400 by 150. This is to be achieved through the non-filling of vacancies. FÁS has flexibility to decide where the reductions should be made and to prioritise resources to take account of the demands placed on the organisation.

Similar reductions are required of all Departments and non-commercial State agencies. All the organisations including FÁS are expected to ensure that these reductions do not impact on the service provided through improvements in the efficiency and effectiveness of public service delivery as required under the modernisation programme in Sustaining Progress.

#### **Health and Safety Regulations.**

302. **Mr. Timmins** asked the Minister for Enterprise, Trade and Employment the safety checks carried out at NCT centres; the safety measures required at these centres; and if he will make a statement on the matter. [4903/05]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** I am addressing the Deputy's question from the viewpoint of occupational safety and health. Day-to-day responsibility for the administration and enforcement of occupational safety and health legislation through the Safety, Health and Welfare at Work Act 1989 and the range of regulations made under it, including the Safety, Health and Welfare at Work (General Application) Regulations 1993 and the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001, is a matter for the Health and Safety Authority.

National car testing centres, as in the case of all other workplaces, are subject to occupational safety and health legislation and are liable to inspection by the Health and Safety Authority, in accordance with its prioritised programme of work and standard operational procedures.

The methods used for the inspection of workplaces depend on a range of factors including the nature of the inspection visit, that is whether it is a routine inspection, a follow-up inspection, the investigation of an accident, investigation of a

complaint etc. In the course of inspections, inspectors speak to managers, safety officers and, where available, worker safety representatives. Follow-up action includes both verbal and written advice and, where necessary, the issuing of enforcement notices. Where an inspector issues a formal enforcement direction or notice, this is generally copied to the site safety representative for information.

Monitoring of the workplace atmosphere as it relates to potential for exposure to hazardous chemical agents is covered by the Chemical Agents Regulations 2001. The regulations require employers to identify the hazards arising, assess the risks and put in place appropriate control measures. As part of the risk assessment it may be necessary for the employer to establish, or have established on his or her behalf, the levels of chemical agents being emitted in the workplace atmosphere. Following the risk assessment, it may be necessary for employees to undergo health surveillance of which records are required to be kept.

#### **Hazardous Substances.**

303. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment, further to Parliamentary Question Nos. 58 and 59 of 12 October 2004, the various Seveso establishments that have produced the requisite safety report in accordance with Article 9 of Council Directive 96/82/EC, together with the date each such establishment complied with the said article; and if he will make a statement on the matter. [5007/05]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances has been transposed into Irish law by the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000 (S.I. No. 476 of 2000), as amended by the European Communities (Control of Major Accident Hazards Involving Dangerous Substances)(Amendment) Regulations 2003 — SI 402 of 2003. A further directive, 2003/105/EC on the control of major accident hazards involving dangerous substances, is due to be transposed into Irish law by 1 July 2005.

The directive and transposition regulations require that a safety report be produced if the inventory of dangerous substances exceeds stated thresholds in Annex 1 of the directive. The report must address in detail: the nature of the establishment and its surrounding environment; the character of the dangerous substances and their processing; the extent and severity of potential major accidents; emergency planning; and the company's safety management system. The production of such reports often requires the use by a company of external specialist expertise to conduct the necessary consequence and risk assessment.



[Mr. Killeen.]

The following table shows the dates that safety reports were received from the various establishments that are, or were, subject to the requirement to produce a safety report. Following their receipt they have been subject to a detailed assessment and additional information or clarification has been sought as necessary. Safety reports have not been requested from those

establishments, which will no longer be top tier sites when Directive 2003/105/EC comes into force; this is required of the member states before 1 July 2005. The basis for this decision was that by the time the reports would have been produced and evaluated the relevant establishments would have been close to or already outside the legal requirement for such a report.

Company/County	Safety Report received
Flogas, Drogheda, Louth	May 2001
Calor, Dublin	January 2001
Flogas, Tivoli, Cork	May 2001
Calor, Tivoli, Cork	February 2001
Calor, Whitegate, Cork	February 2001
Irish Refining, Cork	February 2001
IFI, Marino Point, Cork	May 2001
Dynea, Marino Point	May 2002
IFI, Arklow, Wicklow	April 2001
Merck Sharp Dohme (Irl) Ltd, Tipperary	February 2001
SmithKline Beecham (Cork) Ltd	Jan, 2001
Eli Lilly S.A., Cork	February 2001
Schering Plough, Avondale, Wicklow	February 2001
Contract and General Warehousing Ltd, Dublin	June 2002
Campus/Calor, New Ross, Wexford	February 2001
Automation Transport, Dublin	March 2002
Irish Distillers, Cork	September 2001
Bantry Terminals, Cork	March 2001
Irish Industrial Explosives Ltd, Kildare	February 2002
Univar, Dublin	February 2003
Pfizer, Incheera, Cork	December 2003
Esso JFT, Dublin Port	July 2004
TOP Dublin	January 2004
Chemco (Irl) Ltd, Dublin	April 2004
The National Oil Reserves Agency Ltd, Cork	February 2004
Aer Rianta, Shannon, Clare	July 2004

### Health and Safety Regulations.

304. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment his views on whether all employers whose activities pose a risk to third parties in the immediate vicinity of workplaces, should be obliged in the interests of natural justice to provide full details of the relevant sections of safety statements and their mandatory risk assessments to such vulnerable third parties; and if he has proposals to amend the Safety, Health and Welfare at Work Bill 2004 in that regard; and if he will make a statement on the matter. [5008/05]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The current law on safety in the workplace is set out in the Safety, Health and Welfare at Work Act 1989. Section 7 of that Act imposes a general duty on employers to conduct their undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in their

employment who may be affected thereby are not exposed to risks to their safety or health.

This law is now due to be updated by the Safety, Health and Welfare at Work Bill 2004. Section 12 of that Bill carries over the general duty on employers to persons other than their employees. The Bill will also maintain, in Section 20, the requirement of every employer to have a safety statement, based on an identification of hazards and a risk assessment, setting out the manner in which the safety, health and welfare at work of his or her employees will be secured and managed.

Under the Bill, employers will be required to bring the safety statement to the attention of his or her employees and other persons at the place of work who may be exposed to any specific risk to which the safety statement applies. Where specific tasks are being performed at a place of work that pose a serious risk to safety, health or welfare, an employer will be required to bring to the attention of those affected by that risk relevant extracts of the safety statement setting out:

the risk identified; the risk assessment; and the protective and preventive measures taken regarding that risk.

In that regard, a place of work is defined in section 2(1) of the Bill. The definition states: 'place of work' includes any, or any part of any, place (whether or not within or forming part of a building or structure), land or other location at, in, upon or near which, work is carried on whether occasionally or otherwise, etc.

#### Community Employment Schemes.

305. **Ms Burton** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the serious situation facing a centre (details supplied) in Dublin 15; and if his Department will assist it to find alternative accommodation; and if he will make a statement on the matter. [5018/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The centre in question runs a community employment project, CE, which is funded by FÁS. I am informed by FÁS that it will assist the centre to find alternative affordable premises. It is the practice of FÁS to provide a standard payment to sponsors of CE projects. This is based on the number of participants and supervisors. In addition, a contribution is given towards the costs of materials and the personal development and training of participants.

#### Social Welfare Appeals.

306. **Mr. McGuinness** asked the Minister for Social and Family Affairs the reason a request for an appeal in the case of a person (details supplied) in County Carlow has not been dealt with; and if the full submission made will be reconsidered and a decision issued. [4506/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The appeal in question relates to an application for rent supplement under the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive. The southern region of the executive has advised that the person concerned was refused rent supplement on the grounds that he had deprived himself of income, which would have enabled him to provide for his rent from within his own resources. The person concerned has been unsuccessful in appealing against this decision to the executive's appeals officer.

At the request of the person concerned, the decision in his case has been referred to the social welfare appeals office for review by an appeals officer. I understand that an oral hearing in this case is expected to take place in early March. Decisions and appeals on individual claims are dealt with by designated officers in the Health Service Executive or the social welfare appeals office where appropriate and I have no function in this regard.

#### Social Insurance.

307. **Mr. J. Higgins** asked the Minister for Social and Family Affairs the terms of any concessions made by his Department to any one of a group of companies (details supplied) with regard to the obligation to pay tax and social insurance in respect of employees; his estimate of the cost of these concessions up to December 2004. [5017/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Exemption from payment of employment contributions, for a period not exceeding 52 weeks, can be granted in respect of the temporary employment of persons who are not ordinarily resident in the State. Such exemptions are subject to the persons concerned having valid work permits and confirmation that social insurance contributions are paid in their home country. The social insurance cost of the exemptions cannot be quantified, as salary details of the employees involved are not required to process exemption requests.

Issues relating to tax are a matter for my colleague the Minister for Finance.

#### Social Welfare Benefits.

308. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved for the carer's allowance. [4502/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Under the regulations governing carer's allowance, a person may participate in employment for a maximum of ten hours per week. Following the necessary investigations to determine the person's entitlement to this allowance, the application was refused on the grounds that the person concerned is employed in excess of the ten hours allowed each week. The person concerned was notified of this decision on 1 February 2005, the reason for it and of his right to appeal to the social welfare appeals office. Under social welfare legislation decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

309. **Mr. Gregory** asked the Minister for Social and Family Affairs when a decision will be made on the application of a person (details supplied) in Dublin 1 for disability allowance. [4575/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The person's claim for disability allowance was refused by a deciding officer following an examination by a medical assessor of the Department who expressed the view that he was not medically qualified for this payment. He appealed this decision to the social welfare appeals office and in the context of his appeal he was examined by another medical assessor who was also of the opinion that he did not satisfy the relevant medical eligibility criteria. Following an

[Mr. Brennan.]

oral hearing the appeals officer, having considered all the available evidence, was not satisfied that the person is substantially handicapped to the degree that would prevent him from undertaking suitable employment. Notification of the decision has issued to the person concerned. Under social welfare legislation decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

310. **Mr. Naughten** asked the Minister for Social and Family Affairs the reason community welfare officers were instructed not to support people through the supplementary welfare allowance who required transport for hospital appointments; if he will review this situation; and if he will make a statement on the matter. [4588/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, provides for exceptional needs payments to be made to assist with essential, once-off expenditure in exceptional circumstances. There is no automatic entitlement to an exceptional needs payment. Every decision is based on consideration of the circumstances of the case, taking account of the nature and extent of the need and of the resources of the household concerned. Account is also taken of the availability of an alternative source to meet the need, for example, entitlements or relevant services from other state agencies.

The type of assistance referred to by the Deputy is appropriate to the ambulance service, which operates in each of the Health Service Executive regions. This service is funded to provide transport, including the hiring of taxis if necessary, to bring patients and clients to and from hospital appointments.

In response to various enquiries from the community welfare division of the Health Service Executive from time to time regarding this matter, the advice by my Department has been that it is not appropriate that the supplementary welfare allowance scheme be used to supplement or substitute for ambulance or related hospital transport services. This remains the position. This advice does not affect the general discretion available to community welfare officers to issue an exceptional needs payment to assist an individual or household in any particular hardship situation, which might arise.

311. **Dr. Upton** asked the Minister for Social and Family Affairs if a person (details supplied) in Dublin 12 is entitled to free fuel allowance. [4619/05]

**Minister for Social and Family Affairs (Mr. Brennan):** According to the records of my Department, the person concerned has not sub-

mitted an application for the fuel allowance. The person concerned does not qualify for the allowance as the total weekly income of her household exceeds the qualifying income threshold, which in her case, is €374.99 per week.

The person concerned is a qualified adult on her husband's old age contributory pension and their current weekly rate of payment is €165.40 comprising €96.10 personal rate and €69.30 qualified adult allowance. Her husband also has income from an occupational pension of €16,884 per year in 2003, which is €324.69 per week, giving a total household income of €490.09 per week.

If the person concerned has special heating needs and is unable to provide for those needs, she may qualify for a heating payment under the supplementary welfare allowance scheme. A heating supplement is available under that scheme for people who require extra heating in their homes because of ill health or infirmity. An application for this supplement may be made through her local community welfare officer.

312. **Mr. Haughey** asked the Minister for Social and Family Affairs if he will review the household benefits package in order that a person in receipt of a qualifying payment but living with an adult child in employment is eligible; and if he will make a statement on the matter. [4654/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The household benefits package, which comprises the electricity or gas allowance, telephone allowance and free television licence schemes is generally available to people living permanently in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who fulfil a means test. The package is also available to carers and people with disabilities under the age of 66 who are in receipt of certain welfare type payments. People aged over 70 years of age can qualify regardless of their income or household composition.

To be eligible for the schemes a person who is under 70 years of age must, as well as receiving a qualifying payment, be living alone or with an excepted person. In this regard, a child under 18 or, if in full-time education, 22 is regarded as an excepted person. However, an adult or child who is in employment is not regarded as an excepted person for the purpose of the schemes, and this is considered to be a reasonable approach.

313. **Mr. Stanton** asked the Minister for Social and Family Affairs his views on the means testing of persons whose savings from their non-contributory old age pension payments only has put them over the means threshold; if the threshold has not increased proportionately with pension rates over the past 25 years; if he will review this situation and make changes in same; and if he will make a statement on the matter. [4916/05]

**Minister for Social and Family Affairs (Mr. Brennan):** In assessing means for social assistance purposes account is taken of any cash income the



person may have, together with the value of capital and property, except the home. Capital may include the following: stocks and shares of every description, which are assessed according to their current market value; savings certificates, bonds, national instalment savings, which are assessed according to their current market value; and money invested in a bank, building society etc.

The source of any capital held by a pensioner can and does vary. It can include savings from income while formerly working, savings derived from the sale of property or other assets, savings from occupational or social welfare pensions, gifts, inheritances, accumulated interest or dividends or a combination of these. It would not be possible or practicable to distinguish savings derived from a particular source.

For the purposes of old age non-contributory pension, an initial amount of capital has always been disregarded for means test purposes. This amount was £200 up to 1997 and was increased to £2,000 in that year. In October 2000, the disregard was substantially increased to £10,000. Last October, I requested my Department to carry out a comprehensive examination of the current arrangements for the assessment of capital, particularly in so far as they apply to SSIA's, with a view to bringing forward proposals in budget 2005. On budget day, I was pleased to announce that the amount of capital disregarded for means test purposes for all schemes, except supplementary welfare allowance, will be increased from €12,694.38 to 420,000, an increase of more than 47,300. The enhanced disregard applies to all capital regardless of where it is held, be it in an SSIA, a credit union, with An Post or any other account with a bank or other financial institution.

The new arrangements will mean that a single non-contributory pensioner, with no other means, can have capital of up to €28,000 and still qualify for a pension at the maximum rate. This figure is doubled in the case of a pensioner couple. As a consequence of the increases in the capital disregards in 2000 and, now in 2005, the capital disregard has increased at a rate significantly ahead of increases in the weekly rates. Since 1980, the weekly rate of old age non-contributory pension has increased by approximately 520% while the capital disregard has increased by nearly 8,000%.

The new arrangements announced by me on budget day are designed to ensure that social welfare means testing arrangements do not act as a disincentive to claimants to become savers or penalise those who have been regular savers in the past.

#### Pension Provisions.

314. **Mr. Stanton** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 259 of 28 October 2004 the amount recovered each year since and including 2000 to date following the assessment of overpayments of

means tested pensions; and if he will make a statement on the matter. [4917/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The number of means-tested pension cases where my Department assessed overpayments against the estates of deceased pensioners since 2000 with the value of overpayments recovered from those estates is as follows;

Year	Number of Cases	Value of overpayments recovered
2000	508	£3,463,606.00
2001	442	£4,541,903.00
2002	406	€5,016,542.40
2003	388	€5,081,195.49
2004	335	€5,462,235.46
2005 (January)	18	€272,874.69

#### Social Welfare Benefits.

315. **Mr. Bruton** asked the Minister for Social and Family Affairs if a person paying a maintenance charge for an apartment is entitled to apply under supplementary welfare for support on the basis of hardship or exceptional need; and if his Department has issued guidelines to community welfare officers regarding the way in which they should treat such applications. [5019/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Subject to certain conditions, rent supplements are provided through the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive.

The legislation governing rent supplements precludes payments being made to defray the cost of maintenance of, or repairs to, a dwelling for which, in the absence of agreement to the contrary, the tenant would be liable. Neither is rent supplement payable in respect of management charges for services such as gardening, window cleaning or general upkeep, which might apply to a tenancy.

The supplementary welfare allowance scheme also provides for exceptional needs payments to be made at the discretion of the community welfare service to assist with essential, once-off expenditure in individual situations of need. In general it is not appropriate for an exceptional needs payment to be made to a tenant in respect of normal recurring management charges for an apartment. However, it is open to the community welfare service to assist if necessary in the specific circumstances of an individual case, particularly if an unforeseen charge arises, which would cause hardship.

#### Rail Network.

316. **Mr. J. Higgins** asked the Minister for Transport if he has received a report outlining the viability of a rail line from Dublin to Dunboyne;

[Mr. J. Higgins.]

and if he will provide investment for this urgently needed public transport infrastructure. [4833/05]

**Minister for Transport (Mr. Cullen):** Iarnród Éireann, in consultation with Meath and Fingal county councils, has, in recent days, completed a feasibility study into the development of a spur off the Maynooth to Dublin line at Clonsilla to a location at the N3 beyond Dunboyne. While a copy of the feasibility study has been forwarded to my Department, it is now a matter for Iarnród Éireann to decide how it wishes to proceed with this proposal.

#### **Air Services.**

317. **Ms O. Mitchell** asked the Minister for Transport the details of his policy priorities for the development of the Irish aviation sector; his preferred strategy for the future of the State airline and for the development of a second airport terminal at Dublin Airport; his views on the way in which State airports and regional airports can be developed and capacity increased at both; and if he will make a statement on the matter. [5048/05]

**Minister for Transport (Mr. Cullen):** It is Government policy to encourage as wide a range as possible of safe, reliable and competitive air services to and from Ireland. The central tenet of this policy is the belief that strong, competitive and efficient networks of air links are vitally important for developing our trade and tourism sectors, particularly having regard to our island status and peripheral location.

The operation of air services within Europe has been totally liberalised by the EU and this has ensured that fares, routes and frequency of services operated by carriers, including Irish carriers, are entirely commercial decisions for each company. Increased competition between air carriers has resulted in cheaper air fares and more choice for consumers.

A major policy development in the airports sector was the enactment of the State Airports Act 2004 and the appointment of the new board of the Dublin Airport Authority, which has a statutory mandate to do everything necessary to give effect to the restructuring of the State airports. The new Shannon and Cork airports authorities have also been incorporated and all three airport authorities are in the process of preparing comprehensive business plans for their airports for consideration by me and the Minister for Finance. We both must be satisfied as to the state of operational and financial readiness of the Shannon and Cork airport authorities before the assets of the airports are vested in these authorities.

The other main policy issues currently being addressed are the future of Aer Lingus, the second terminal issue at Dublin Airport and the facilitation of greater access for all airlines providing transatlantic air services to and from the

US. I have already addressed the position regarding the future of Aer Lingus and further terminal capacity of Dublin Airport in response to Priority Questions earlier today. With regard to transatlantic air services, I accept that an open skies agreement between the EU and the US is inevitable. Ireland's support will be contingent on an acceptable arrangement on Shannon being agreed between Ireland and the US, and that arrangement being reflected in the EU-US agreement. My officials have been maintaining contact with the US authorities, to explore what adjustments to the current Ireland-US arrangements are possible. While further informal contacts took place on 7 February when some senior US officials were in Dublin for a seminar on aviation regulation organised by the Institute of European Affairs, no conclusions were reached.

In general, it is Government policy that the three State airports should be in a position to provide cost competitive and appropriate infrastructure to meet the current and prospective needs of users consistent with a commercial mandate. Our six regional airports also provide an additional means of access for business and tourism to the regions, which they serve and my policy is to support the efforts of the regional airports in this regard. This support is manifest through a range of support schemes for regional air access such as the PSO programme, which supports air services to the regions. My Department will also continue to provide support to facilitate continued safe and viable operations at the airports and for essential capital works under the NDP. However, the level of support for the regional airports must continue to be considered in the light of wider aviation policy and the availability of Exchequer funds.

#### **Departmental Programmes.**

318. **Mr. Eamon Ryan** asked the Minister for Transport the process which his Department is engaging in to establish the ten-year transport investment plan proposed in budget 2005; the analysis which has been undertaken to help prioritise projects; and the planning guidelines which are being used to provide a background to the investment decisions that are being made. [5091/05]

**Minister for Transport (Mr. Cullen):** In his recent Budget Statement, the Minister for Finance agreed in principle that an extended ten-year capital envelope was appropriate in the case of investment in transport. This reflects the reality of the long lead-in times required for design and planning, as well as the substantial construction periods required for major capital projects in the transport sector. It also provides clear and concrete evidence of the Government's determination to provide our first world economy with a first rate transport system.

The ten-year transport investment framework will identify the investment and outline the measures that I believe are required in order to further develop all elements of national transport

infrastructure, addressing existing bottlenecks and capacity constraints, enhancing quality, optimising the use of the network and making prudent advance provision for future economic growth. It is not possible to outline the specifics of the draft plan pending its consideration by the Cabinet Infrastructure Committee and by the Cabinet itself.

The ten-year framework will take account of the substantial changes over the past 15 years or so. We have seen large increases in our population, wealth and employment. Economic growth has led to huge increases in the amount of goods being transported, as well as strong growth in car ownership levels, increased travel demand and increases in the numbers of people and goods passing through our airports and ports.

The ten-year framework will also take account of the linkages between transport and land use and spatial planning so that we can develop a transport system that contributes to sustainable development in all its dimensions: economic, social and environmental. The plan will be fully informed by and will support the policies set out in the national spatial strategy. It will also take account of the regional planning guidelines adopted during 2004 and will be informed by and support a number of regional land use and transportation strategies for the cities, such as the Dublin Transportation Office's long-term strategy, A Platform for Change, and the Cork Area Strategic Plan. I am also considering whether the development of this draft framework will fall within the scope of the strategic environmental assessment directive.

My officials have been engaging with CIE, the Railway Procurement Agency, the National Roads Authority and the Dublin Transportation Office and the expertise and inputs of these agencies have been significant in helping to identify broad lines and priorities for programmes to be undertaken under the auspices of the new framework. The current five-year investment envelope for transport investment is €10.2 billion over the 2005-09 period. The precise financial parameters for the period to 2014 will be subject to final agreement with the Minister for Finance and the Government. Details of the draft plan are being finalised and I will bring it to the Cabinet Infrastructure Committee early next month.

### Public Transport.

319. **Mr. Eamon Ryan** asked the Minister for Transport the estimated length of new quality bus corridors that are due to come into operation in Dublin in 2005; the number of new buses that will be added to the Dublin bus fleet; and his views on whether Dublin Bus has a sufficiently large fleet to be able to provide the frequency of bus service for these routes to be characterised as quality bus corridors. [5092/05]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my reply to Parliamentary Question No. 123 which I replied to earlier.

### Road Traffic Offences.

320. **Mr. Gormley** asked the Minister for Transport his views on whether cars parked in cycle lanes is an increasing problem for cyclists; if he intends to introduce more stringent measures to deal with this problem; and if he will make a statement on the matter. [4734/05]

**Minister for Transport (Mr. Cullen):** The statutory basis for the use of cycle tracks is set out in the Road Traffic (Traffic and Parking) Regulations 1997 and 1998. The regulations prohibit parking in a cycle track. The offence of illegal parking in a cycle track comes within the scope of the on-the-spot fines system and the amount of the on-the-spot fine currently applicable to the offence is €19, which is the level that applies to the majority of parking offences. Where an on-the-spot fine notice is issued, it is open to the person to whom the notice is addressed to pay the relevant amount so as to avoid the matter proceeding to court. Section 23 of the Road Traffic Act 2002, which was commenced on 31 October 2002, provides for major increases in certain financial penalties for road traffic offences including an increase in the general penalty that applies to the majority of offences under the Road Traffic Acts, including the offence of illegally parking in a cycle track.

If the motorist elects to go to court and is convicted of this offence he or she is liable to a fine not exceeding €800 for a first offence, a fine not exceeding €1,500 for a second or subsequent offence and if a third or subsequent such offence is committed within 12 months the person is liable to a fine not exceeding €1,500 or, at the discretion of the court, to imprisonment for a term not exceeding three months or both. The determination of the fine to be imposed in each particular case is a matter for the courts. The enforcement of the road traffic parking regulations is a matter for the Garda Síochána and local authority traffic wardens. My Department does not have statistics on the enforcement and prosecution of parking offences.

The Act also provides for the replacement of the present on-the-spot fines system by a fixed charge system. The new system will bring greater certainty to the application of administrative charges for the traffic and parking offences to which it will apply. It is proposed that the level of fixed charge for motorists who illegally park in a cycle track will be significantly higher than €19. I expect that the roll out of the fixed charge system to a wide range of traffic and parking offences will be completed later this year when the Garda Síochána's new IT fixed charge processing system is in place.

### National Car Test.

321. **Mr. Timmins** asked the Minister for Transport the criteria used in selecting NCT centres; if there is any safety requirement; and if he will make a statement on the matter. [4904/05]



**Minister of State at the Department of Transport (Mr. Callely):** The selection of test premises for the provision of a car testing service was a matter for the successful contractor subject to compliance with the requirements of the tender specification for the contract. These requirements included that each test centre should be located within 30 miles of 90% of the car owners for whom it is the nearest centre, within or close to a large town served by national roads, satisfy certain standards regarding building facilities, design and services, and meet all relevant statutory requirements including safety, health and welfare regulations.

#### Departmental Bodies.

322. **Ms F. O'Malley** asked the Minister for Transport the list of expenses paid to the directors of Aer Rianta, Aer Rianta International and CIE in the past five years. [4495/05]

**Minister for Transport (Mr. Cullen):** Although some information has been supplied to me in respect of the aggregate expenses of directors of State bodies, in no case have I detailed a list of the expenses paid to individual directors. This is a day-to-day matter for the bodies concerned

323. **Ms F. O'Malley** asked the Minister for Transport the way in which worker directors appointed to State boards, under his authority, are remunerated; and if they are required to carry out their day-to-day duties as members of the company workforce. [4496/05]

**Minister for Transport (Mr. Cullen):** Worker directors appointed to State boards of bodies under the aegis of the Department of Transport are remunerated on the same basis as other directors and are paid rates as approved by the Department of Finance. They are required to devote to the performance of their duties as a member of the board so much of their time as may be necessary in addition to the efficient discharge of their normal work duties.

#### Rail Network.

324. **Mr. O'Dowd** asked the Minister for Transport the situation regarding a new railway station for Dunleer, County Louth; and if he will make a statement on the matter. [4520/05]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my response to an identical question on 29 September last. The situation since then is unchanged. The location of stations on the rail network is a matter for Iarnród Éireann. The company informs me that it has examined the case for reopening Dunleer station on a number of occasions in the past. A review of the Dublin suburban rail strategy, conducted on behalf of the company, concluded that the station would only have very modest daily boardings given the population of the area. However, I understand that a new development plan has been approved for

Dunleer, which involves significant population growth.

While I understand that Iarnród Éireann has still not yet seen the revised development plan, the company has indicated that it is prepared to re-examine its position regarding the reopening of the station if the plan provides for an increase in population in the area and if funding can be provided from developers.

#### Traffic Regulations.

325. **Mr. McGuinness** asked the Minister for Transport if the new regulations introduced restricting coaches and buses to the use of the slow lane on motorways and imposing a maximum limit on such vehicles of 80 km/h is at variance with current EU tachograph regulations which set the speed limit at 100 km/h and has no lane restrictions; if he will review the situation and respond to the suggestions made by the coach tourism and transport council; and if he will make a statement on the matter. [4542/05]

**Minister for Transport (Mr. Cullen):** The Road Traffic Acts 1961 to 2004 provide powers to the Minister for Transport to prescribe maximum speed limits for classes of vehicles and to regulate for the driving of such vehicles on the public roads.

The EU speed limiter directives require that goods vehicles having a design gross weight exceeding 12,000 kg be equipped with speed limitation devices that must be set so that the vehicle speed cannot exceed 90 km/h. From 1 January 2005 that requirement was extended to all new goods vehicles over 3,500 kg. In addition, the mandatory speed limiter requirements for passenger vehicles that accommodate more than eight passengers is that the permissible maximum speed be 100 km/h except for buses with provision for standees, in which case the limiter should be set so that the vehicle cannot exceed 65 km/h.

The purpose of these EU directives, which have been transposed into Irish law, is to limit to specified values the maximum road speed of certain vehicles. The directives do not constrain member states from setting lower speed limits for the classes of vehicles concerned. The Road Traffic (Ordinary Speed Limits — Certain Vehicles) Regulations 2005 (SI No. 9 of 2005) made by me on 12 January 2005 prescribe maximum speed limits for certain classes of vehicles from 20 January 2005. The speed limit of 80 km/h has been prescribed for vehicles that have accommodation for more than eight passengers, for goods vehicles having a design gross weight in excess of 3,500 kg and for any vehicle towing a trailer, caravan, horsebox etc. A speed limit of 65 km/h has been prescribed for double deck passenger vehicles.

In setting the new metric speed limits for these classes of vehicles I made no change to the speed limit policy that had applied since 1992 other than converting the previous maximum limits to the

nearest equivalent metric value. In addition, I also made the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2005 (SI No. 12 of 2005). These amend Article 80 of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 to provide that, from 20 January 2005, the maximum speed that a bus — single deck or double deck — may be driven at when carrying standee passengers is 65 km/h.

I made further regulations on 12 January, namely, the Road Traffic (Traffic and Parking) (Amendment) Regulations 2005 (SI No. 11 of 2005). Driving rules for traffic on motorways were introduced in October 1997 under the Road Traffic (Traffic and Parking) Regulations 1997 (SI No. 182 of 1997). One of these 1997 regulations prohibited the driving of a vehicle, for which an ordinary speed limit of not more than 50 mph is prescribed, in the traffic lane nearest the right hand edge of a carriageway having more than one traffic lane except where it is necessary to proceed in that lane due to an obstruction or because another lane or lanes are for the time being closed to traffic.

I made no change in the 2005 regulations to the policy that has applied since 1997 for the relevant classes of vehicles other than converting the previous maximum limit of 50 mph to the nearest equivalent metric value, which is 80 km/h. I made it clear when I announced the vehicle speed limits concerned on 17 January last that I intend to revisit the matter of maximum speed limits for classes of vehicles later in the year. This will be done in consultation with the relevant interest groups including the Coach Tourism and Transport Council.

#### Driving Licences.

326. **Ms O. Mitchell** asked the Minister for Transport the number of persons holding provisional driving licences; the number of such drivers who are on first, second, third or subsequent provisional licence; and if he will make a statement on the matter. [4557/05]

**Minister for Transport (Mr. Cullen):** The Department of the Environment, Heritage and Local Government, which administers the national driver file, on which driving licence records are held, has advised me of the number of provisional licence holders as at 31 December 2004. These are set out in the following table:

Series of Licence	Number of Provisional Licence Holders
First	177,808
Second	107,466
Third or Subsequent	95,073
Total	380,347

#### Driving Tests.

327. **Mr. Eamon Ryan** asked the Minister for Transport the status of registered driving instructors with regard to the Driver Testing and Standards Authority Bill 2004; and if he will make a statement on the matter. [4578/05]

**Minister for Transport (Mr. Cullen):** Proposals being developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors. A working group comprising representatives of my Department and of instruction interests has formulated the design of the standards that a driving instructor must meet. I am considering what arrangements will be put in place to oversee implementation of the standard in the context of the establishment of the Driver Testing and Standards Authority. The Driver Testing and Standards Authority Bill 2004, which provides for the establishment of the Authority was published on 6 July 2004 and the Second Stage debate commenced on 14 October 2004.

#### Rail Network.

328. **Mr. Lowry** asked the Minister for Transport if his attention has been drawn to correspondence (details supplied); his views on the matters outlined in the letter; and if he will make a statement on the matter. [4620/05]

331. **Mr. P. Breen** asked the Minister for Transport if he will meet a deputation (details supplied) to discuss the feasibility study on the Shannon rail link; the actions which will be taken to expediently move towards having this feasibility study progressed; and if he will make a statement on the matter. [4689/05]

342. **Mr. Ferris** asked the Minister for Transport if he will meet with the Shannon Rail Partnership to discuss the forthcoming feasibility study on the Shannon rail link. [4869/05]

348. **Mr. Noonan** asked the Minister for Transport if he will meet a delegation from the Shannon Rail Partnership to discuss a number of issues arising from the feasibility study being undertaken by Iarnród Éireann to consider the viability of the proposal to develop a Shannon rail link; and if he will make a statement on the matter. [5022/05]

365. **Mr. Connaughton** asked the Minister for Transport the position concerning the viability of the proposal to develop a Shannon rail link; and if he will make a statement on the matter. [5115/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 328, 331, 342, 348 and 365 together.

The proposed Shannon rail link was examined in the course of the Strategic Rail Review, which my Department published in 2003. The cost benefit and multi criteria analyses carried out as part of the review showed that the proposal did not

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perform very well in terms of net economic benefit and, therefore, it was not included by the consultants in the recommended investment strategy. However, the review was conducted at a strategic level rather than a feasibility study level and many interests in the Shannon region see the proposed rail link as bringing strong economic benefits to the region. As a result of this my predecessor as Minister for Transport, Deputy Brennan, requested Iarnród Éireann to undertake a feasibility study on the viability of this proposal in consultation with various local interests.

I have brought the matters raised in the letter referred to by Deputy Lowry to the attention of Iarnród Éireann. However, it is a matter for the company to decide what matters to consider when assessing the feasibility of the proposals. I will, of course, be happy to meet with a delegation from Shannon Rail Partnership to discuss the proposal further and following its letter of 2 February, my office has already been in contact with it with regard to a suitable date for a meeting.

329. **Ms O. Mitchell** asked the Minister for Transport if EU or other funding for north south rail projects is available to part fund a rail link via Dunboyne, Navan and Kingscourt. [4625/05]

**Minister for Transport (Mr. Cullen):** Iarnród Éireann, in conjunction with Meath and Fingal county councils, recently completed a feasibility study into providing a spur from the Dublin to Sligo railway line at Clonsilla to Dunboyne. It is now a matter for Iarnród Éireann to decide how to progress this matter. While there are no plans, at present, to extend this line beyond Dunboyne, I understand that the provision of a park and ride site near the N3 to cater for Navan traffic is being considered.

#### Light Rail Project.

330. **Ms O. Mitchell** asked the Minister for Transport if he has received the anticipated application for a light rail order for the green line Luas extension to Cherrywood. [4630/05]

333. **Ms O. Mitchell** asked the Minister for Transport if he has received the anticipated application for a light rail order for the green line Luas extension to Cherrywood. [4729/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 330 and 333 together.

The Railway Procurement Agency, RPA, is developing proposals for an extension of the Luas to Cherrywood. This work includes consultation, design and route planning. A particular feature of the work concerns the issue of private sector funding, captured through levies provided for under planning legislation, from developers who own land along the proposed route. My Department is awaiting a business plan from the RPA to assist in its evaluation of the Cherrywood

extension. An application for a railway order would follow approval of the business plan.

*Question No. 331 answered with Question No. 328.*

#### Departmental Properties.

332. **Ms O. Mitchell** asked the Minister for Transport his views on an Iarnród Éireann proposal to charge customers for the use of its car parks at Dublin suburban rail stations; and if he will make a statement on the matter. [4715/05]

**Minister for Transport (Mr. Cullen):** I have not received any formal submissions from Iarnród Éireann regarding charging customers for the use of car parks at Dublin suburban rail stations. I understand, however, that the company is giving consideration to such proposals.

*Question No. 333 answered with Question No. 330.*

#### Rail Network.

334. **Dr. Twomey** asked the Minister for Transport the reason recent media reports of Government orders for new railcars excluded the Dublin to Rosslare Europort route even though new carriages were expected to replace the current commuter trains on this route; and if he will make a statement on the matter. [4859/05]

338. **Dr. Twomey** asked the Minister for Transport if he intends increasing the frequency of trains on the Dublin to Rosslare Europort line in line with what is expected to happen on other important railway lines in the country; and if he will make a statement on the matter. [4865/05]

339. **Dr. Twomey** asked the Minister for Transport the reason the Greystones to Rosslare Europort line is expected to be the last for the new Iarnród Éireann mini-CTC programme; and if he will make a statement on the matter. [4866/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 334, 338 and 339 together.

Iarnród Éireann considers the development of the infrastructure and the use of particular rolling stock on a route in the light of the demand for services and the likely return on the investment required. Iarnród Éireann informs me that it has upgraded all the trackwork on the Rosslare line in the past two years. More modern rolling stock was allocated to the route since last December. The timetable has been altered to provide a better spread of services, including an early morning departure from Dublin. Commuters from Gorey have been facilitated since last year by extending the Arklow commuter train to serve Gorey.

The company is undertaking a significant network-wide re-signalling project and work on the Rosslare line is due to be completed in 2007. From 2007 onwards it is intended to provide a



two-hourly frequency in both directions on the route with reduced journey times.

335. **Mr. Grealish** asked the Minister for Transport when he will receive the report on the working group on the western rail corridor; when he expects to make a decision; and if he will make a statement on the matter. [4862/05]

**Minister for Transport (Mr. Cullen):** Last year, my predecessor as Minister for Transport, Deputy Brennan, appointed a working group to carry out an examination of the proposal to re-open the western rail corridor. The group is under the chairmanship of Mr. Pat McCann, group chief executive, Jurys Doyle Hotel Group. The group comprises county managers, directors of the regional authorities, representatives of city and county development boards, the Western Development Commission, West-on-Track and the intercounty rail committee, Iarnród Éireann, the Railway Procurement Agency and my Department. The working group and its sub-groups have been considering the question of the feasibility of the western rail corridor since June last year and I understand that it may now be nearing the end of its deliberations. Accordingly, I expect to receive a report in the coming months. Prior to the receipt of that report it would be premature for me to make any further comment.

#### Driving Tests.

336. **Ms B. Moynihan-Cronin** asked the Minister for Transport the number of persons on waiting lists for a driving test at each of the country's test centres at present; and the average waiting time nationally at present for the driving test. [4863/05]

346. **Ms B. Moynihan-Cronin** asked the Minister for Transport the number of persons on waiting lists for a driving test at each of the country's test centres; and the average waiting time nationally for the driving test. [4873/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 336 and 346 together.

The following table sets out the number of applicants waiting for a driving test at each test centre at 14 February 2005. The average waiting time nationally for a driving test at 14 February 2005 was 30 weeks.

Driving Test Centres	Number of applicants waiting for a driving test at 14 February 2005
<i>North Leinster Region</i>	
Finglas	9,207
Raheny	7,558
Dundalk	2,998
Mullingar	1,601
Navan	4,473

Driving Test Centres	Number of applicants waiting for a driving test at 14 February 2005
<i>South Leinster Region</i>	
Churchtown/Rathgar	11,595
Tallaght	8,505
Gorey	2,092
Naas	5,510
Tullamore	2,011
Wicklow	2,360
<i>West Region</i>	
Athlone	1,247
Birr	1,130
Castlebar	2,058
Clifden	370
Ennis	1,173
Galway	2,831
Loughrea	883
Roscommon	860
Tuam	1,052
<i>North West Region</i>	
Ballina	1,048
Buncrana	643
Ck-on-Shannon	1,019
Cavan	1,658
Donegal	1,029
Letterkenny	2,158
Longford	929
Monaghan	1,354
Sligo	1,340
<i>South East Region</i>	
Carlow	2,483
Clonmel	1,984
Dungarvan	1,591
Kilkenny	2,175
Nenagh	827
Portlaoise	1,625
Thurles	1,182
Tipperary	1,030
Waterford	2,833
Wexford	2,429
<i>South West Region</i>	
Cork	6,293
Killarney	2,103
Kilrush	438
Limerick	3,764
Mallow	2,038
Newcastle West	1,693
Shannon	878
Skibereen	1,869
Tralee	1,697

### Departmental Expenditure.

337. **Mr. Grealish** asked the Minister for Transport the level of investment made in key transport infrastructure in the west (details supplied) over the past five years, particularly road and rail spend, and corresponding figures for the eastern seaboard; and if he will make a statement on the matter. [4864/05]

**Minister for Transport (Mr. Cullen):** It is not possible to give a breakdown of the level of key rail expenditure in the west and the eastern seaboard region on the county basis specified in the Deputy's question. The provision of public transport, including rail, is by its nature, a trans-regional business. Much of the public transport investment in the five-year period 2000 to 2004 is spread across both the Border, midlands and west BMW, region and the south and east regions.

The benefits of investment in additional rolling stock, the development and upgrading of trackwork and associated facilities and re-signalling projects across the rail network are felt throughout both regions. These benefits include additional capacity, shorter train journey times and improved quality of service and safety.

Recent examples of this cross-regional investment include the upgrading of facilities at Heuston Station benefiting mainline rail services to the south and west, the acquisition of 80 new diesel railcars, the new diesel rail depot at Drogheda and vast amounts of funding for trackwork and signalling improvements on mainline lines throughout the country.

Under the national development plan, NDP, and the economic and social infrastructure programme, based on the latest figures available, a total of €210 million was directly spent in public transport projects in the BMW region up to mid-2004. A total of €2.04 billion was invested in the south and east region in the same period. Further substantial expenditure in rail rolling stock and infrastructure improvements was incurred since then in both regions. This will continue to the end of the NDP programme in 2006 and beyond under a multi-annual funding programme for public transport, resulting in continual improvements to rail services.

The level of capital grant assistance provided to the regional airports in counties Galway and Sligo and Knock in Mayo over the past five years is outlined in the following table:

Airport	2000	2001	2002	2003	2004
	€	€	€	€	€
Galway	258,646	287,807	728,065	944,712	1,276,421
Knock	0	302,610	0	2,030,996	0
Sligo	0	181,759	470,060	238,694	9,441

Total capital expenditure by the Irish Aviation Authority on air traffic services infrastructure for the period 1 January 2000 to 31 December 2004, by location, was as follows: Dublin, €26,043,000; Mayo, €15,300. The authority incurred no air traffic services capital expenditure in Galway, Sligo, Meath and Kildare in the five years to 31 December 2004. The expenditure in Dublin was

part of a major €115 million investment programme in new air traffic management systems and equipment by the authority. The new system and centre in Shannon accounted for €82.6 million of total expenditure.

Relevant expenditure on national roads in the counties specified by the Deputy is set out in the following table.

Year	Galway		Sligo		Mayo	
	Improvements	Maintenance	Improvements	Maintenance	Improvements	Maintenance
	€	€	€	€	€	€
2000	12,324,398	2,656,741	6,044,358	937,166	16,773,462	2,111,082
2001	15,401,902	3,318,873	9,187,600	1,343,135	28,919,090	3,673,293
2002	16,069,886	4,046,388	11,941,190	1,178,000	26,253,754	3,340,909
2003	14,595,009	3,468,676	13,205,970	1,312,609	16,026,625	3,659,683
2004	25,878,900	3,637,900	20,851,500	1,343,600	19,896,353	3,005,600
Total	84,270,095	17,128,578	61,230,618	6,114,510	107,869,284	15,790,567

Year	Meath		Kildare		All 4 Dublin Authorities	
	Improvements	Main tenance	Improvements	Maintenance	Improvements	Maintenance
	€	€	€	€	€	€
2000	54,100,288	1,153,054	22,517,058	1,309,054	129,850,953	2,260,134
2001	90,932,138	1,815,936	38,654,780	1,762,117	294,476,220	3,453,764
2002	107,029,818	1,761,495	86,818,729	1,794,768	329,390,398	3,388,314
2003	52,485,011	1,508,303	102,483,970	1,730,000	429,513,623	4,455,389
2004	101,786,500	1,769,100	127,919,000	1,833,100	271,901,000	4,319,300
Total	406,333,755	8,007,888	378,393,537	8,429,039	1,455,132,194	17,876,901

*Questions Nos. 338 and 339 answered with Question No. 334.*

#### Rail Services.

340. **Dr. Twomey** asked the Minister for Transport the reason Iarnród Éireann suddenly raised its container freight charges by 25% and placed undue pressure on exporters who use this service; and if he will make a statement on the matter. [4867/05]

**Minister for Transport (Mr. Cullen):** As part of Iarnród Éireann's plans to reshape its loss-making operations, the company has restructured its rail freight operations to refocus on the more profitable elements of rail freight and seek out new business in those areas where the rail mode is best suited to the traffic. I understand from the company that it has had some success in this regard and that its efforts are continuing. Iarnród Éireann's decision to increase its charges is in line with its plans to return this aspect of its operations to profitability.

#### Rail Network.

341. **Dr. Twomey** asked the Minister for Transport if there are plans to purchase more locomotives for the 2005 sugar beet season in the south east given that the number of journeys will increase to 42 per week (details supplied); and if he will make a statement on the matter. [4868/05]

**Minister for Transport (Mr. Cullen):** The allocation and deployment of locomotives is a matter for Iarnród Éireann. The company has assured me that it has sufficient numbers of locomotives in its fleet to provide for the demands of the 2005 sugar beet season. I also understand from the company that it operates a pool of locomotives with Northern Ireland Railways which are used from time to time by both companies. These locomotives operate across all Iarnród Éireann and Northern Ireland Railway services and are not confined to use in freight movement.

*Question No. 342 answered with Question No. 328.*

#### Departmental Bodies.

343. **Mr. Deenihan** asked the Minister for

Transport if it is the Government's intention to merge the recently established Shannon Airport Authority with the Shannon Free Airport Development Authority; and if he will make a statement on the matter. [4870/05]

**Minister for Transport (Mr. Cullen):** A working group was established by the Minister for Enterprise, Trade and Employment last year to consider options for how Shannon Development and the Shannon Airport Authority can best contribute to the development of the mid-west region. While consideration has been given to a range of options, no decision has been taken on a possible merger of Shannon Airport Authority and Shannon Development.

*Question No. 344 answered with Question No. 95.*

#### Public Transport.

345. **Mr. S. Ryan** asked the Minister for Transport his proposals for a public transport connection from Dublin city centre to the airport with a connection to Swords. [4872/05]

**Minister for Transport (Mr. Cullen):** I refer the deputy to my earlier answer to Priority Questions Nos. 91 and 93.

*Question No. 346 answered with Question No. 336.*

*Question No. 347 answered with Question No. 117.*

*Question No. 348 answered with Question No. 328.*

#### Rail Services.

349. **Mr. O'Shea** asked the Minister for Transport his proposals in regard to rail freight; and if he will make a statement on the matter. [5023/05]

**Minister for Transport (Mr. Cullen):** It is my policy that Iarnród Éireann should remain in the rail freight business and I am aware that the company has made great strides in restructuring this element of its operations. As part of an overall plan to address its difficult financial position, Iarnród Éireann is undertaking a restructuring of



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its rail freight business. Its strategy is to develop the profitable traffic it already has, such as bulk freight and trainload traffic, and reshape the loss-making container business.

I understand the company is in negotiation with prospective customers and continues to examine new sources of business, all of which will serve to reduce the impact of freight on the road network.

#### **Airport Development Projects.**

350. **Mr. P. Breen** asked the Minister for Transport if his attention has been drawn to a proposed variation to the county development plan of Fingal County Council; and if he will make a statement on the matter. [5030/05]

**Minister for Transport (Mr. Cullen):** The zoning of land is a matter for the planning authorities. On the ERM report into public safety zones, I understand that Fingal County Council is fully aware of its contents, having been consulted directly by ERM a number of times as part of ERM's work on the report. The recommendations in ERM's report permit a number of different kinds of new developments up to specific densities in the outer public safety zones, including developments of new working premises, such as factories and offices, for example.

#### **State Airports.**

351. **Mr. P. Breen** asked the Minister for Transport, further to Question No. 264 of 28 October 2004, relating to the airport development plan of March 1968 for Dublin Airport inclusive of developmental restrictions associated with both proposed runways and runway extensions, if a similar plan was prepared at or around the same time for Shannon Airport; if such plan outlined appropriate restrictions on runways 06/24, 13/31, 05/23 and 18/36 in addition to catering for extensions to runways 06/24 and 13/31; the details of such extensions; if such plan was conveyed by his Department to Clare County Council; if the council subsequently designated red zones in its county development plan based on the restrictions outlined in the departmental plan. [5031/05]

**Minister for Transport (Mr. Cullen):** I understand that in the late 1960s, in the context of drafting a county development plan, a scheme showing restrictions that were considered necessary for the purposes of air safety was forwarded to Clare County Council. I am advised by the Dublin Airport Authority, formerly Aer Rianta, that the scheme took account, *inter alia*, of possible future extensions of two runways at Shannon Airport, namely 06/24 and 14/32, subsequently redesignated 13/31. The subsequent incorporation of any or all of that information into the county development plan of the time was a matter for Clare County Council.

352. **Mr. P. Breen** asked the Minister for Transport if a company (details supplied) submitted a hitherto undisclosed report relating to public safety zones at Dublin Airport to his Department in July 2001; if so, the reason such report was not made available subsequently as part of the public consultation process in relation to such public safety zones; and if, in relation to such secretion of public information, he has plans to rectify this matter; and if he will make a statement on the matter. [5032/05]

353. **Mr. P. Breen** asked the Minister for Transport if a company (details supplied) submitted a hitherto undisclosed report relating to public safety zones at Cork and Shannon airports to his Department in April 2002; if so, the reason such report was not made available subsequently as part of the public consultation process in relation to such public safety zones; if in relation to such secretion of public information he has plans to rectify this matter; and if he will make a statement on the matter. [5033/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 352 and 353 together.

The Deputy seems to be referring to early drafts of ERM's report into public safety zones which were sent to the Departments of Transport and the Environment, Heritage and Local Government by ERM. The draft report on Dublin Airport, dating from 2001, and the draft reports on Cork and Shannon, dating from 2002, were amalgamated by ERM and formed the basis for its draft final report in June 2003 which was published on its website and opened for comments from all interested persons. In addition, ERM held an open day at each of Dublin, Shannon and Cork airports at which it presented the results of its work. The report was finalised by ERM in September 2003. Subsequently, the Government, at its meeting on 19 January 2005, approved the drawing up of guidelines by the Minister for the Environment, Heritage and Local Government based on ERM's report to be issued to local authorities regarding public safety zones at the three State airports.

It should be noted that the issue of guidelines by the Minister for the Environment, Heritage and Local Government will provide a further opportunity for public consultation. Also, when those guidelines are issued to the local authorities concerned, those local authorities will engage in further public consultation regarding any changes they propose to their development plans should they feel that changes may be necessary on foot of the guidelines issued to them. Accordingly, I am satisfied that there has been and will be ample opportunity for the public and any interested parties to give their views on this issue.

*Question No. 354 answered with Question No. 95.*

### Road Network.

355. **Mr. Durkan** asked the Minister for Transport his plans to ensure that the port tunnel is capable of meeting the requirements of the modern transport fleet; and if he will make a statement on the matter. [5061/05]

**Minister for Transport (Mr. Cullen):** The Dublin Port tunnel, when completed, will have an operational height of 4.65 metres. It is the view of Dublin City Council and the National Roads Authority that the Dublin Port tunnel will facilitate almost all of the HGV traffic using Dublin Port. Two vehicle height surveys of HGVs using Dublin Port — one by the Dublin Port Company and one by the National Institute of Transport and Logistics — indicate that between 0.6% to 1.7% of HGVs entering and leaving the port exceed 4.65 metres.

The issue of routing vehicles greater than 4.65 metres through the city will be addressed in the context of the HGV management strategy being prepared by Dublin City Council.

### Light Rail Project.

356. **Mr. Durkan** asked the Minister for Transport the number of passengers carried daily on the Luas; the extent to which this has replaced motor cars; and if he will make a statement on the matter. [5062/05]

**Minister for Transport (Mr. Cullen):** I understand that the Luas system is carrying 300,000 passengers per week. The average Monday to Friday carryings are 50,000 passengers per day. During last December, there were days where passenger numbers exceeded 70,000. Passenger figures on the Luas system are expected to rise during 2005.

The Railway Procurement Agency, RPA, and the Dublin Transportation Office are carrying out a comprehensive assessment of the effect of Luas on travel patterns. The “Before Luas” survey was carried out in the spring of 2004 and the “After Luas” survey will be carried out when time travel patterns have become established after the introduction of the new service.

The RPA has also carried out less formal research on its customer base and it is clear that a large proportion of Luas users had previously used private vehicles. Apart from car transfers, there also appears to be a significant number of new trips to the city centre for business and/or recreation. This view is shared by city centre businesses which report a substantial increase in business as a result of the Luas, and is reflected in the high levels of Luas usage in the traditional off-peak periods and at weekends.

*Question No. 357 answered with Question No. 143.*

### Public Transport.

358. **Mr. Durkan** asked the Minister for Trans-

port the action taken to address safety issues at bus stops with particular reference for the health and safety needs of passengers; if bus shelters are required arising any such evaluations; and if he will make a statement on the matter. [5066/05]

**Minister for Transport (Mr. Cullen):** The power to determine the locations for the provision of bus stops and termini is vested in the Garda Commissioner under section 85 of the Road Traffic Act 1961. Under that section, the commissioner may issue a direction to a bus operator identifying the specific location of bus stops and termini in respect of any bus route and in that context may determine that certain stops may only be used for passengers boarding or leaving buses. I understand that the Garda engages in a consultation process with the local authority and the bus service provider before issuing a direction under section 85. The provision of bus shelters is a matter for the individual bus operators and the relevant planning authority. I have no function regarding any of these matters.

### Rail Services.

359. **Mr. Durkan** asked the Minister for Transport the extent to which the frequency of trains serving commuters in Celbridge and Sallins, County Kildare, can be increased, mornings and evenings; and if he will make a statement on the matter. [5068/05]

361. **Mr. Durkan** asked the Minister for Transport the extent to which the passenger carrying capacity of trains from Monasterevin, Kildare, Newbridge, Sallins and Hazelhatch to Dublin and *vice versa* can be increased to facilitate the increased demands; and if he will address the potential health and safety risks arising from large numbers of passengers remaining standing on such journeys; and if he will make a statement on the matter. [5070/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 359 and 361 together.

The scheduling and timetabling of trains is a day-to-day operational matter for Iarnród Éireann to consider. I understand from the company that some of the 36 new diesel railcars due to come into service at the end of this year will be allocated to the Kildare route to extend all trains to eight-car length. This will improve the capacity on individual trains by up to 20%. This capacity increase comes on top of a capacity increase of almost 160% delivered on that line in the past 18 months.

Iarnród Éireann has proposals to double the track on a section of the Kildare line, which will lead to significant capacity increases. I understand that the company is revising some elements of the proposals already submitted to my Department for this project. When the finalised proposals are submitted, they will be assessed and I will respond to the company.

On the health and safety implications of passengers standing on trains, the available studies

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indicate that there is no evidence to suggest that the net level of risk is increased to an individual from standing in a crowded train.

The Government's commitment to a quality rail infrastructure has recently been underscored by the order of 120 new railcars. It will continue to invest in our railways to deliver a quality service for all passengers.

*Question No. 360 answered with Question No. 95.*

*Question No. 361 answered with Question No. 359.*

### Road Network.

362. **Mr. Curran** asked the Minister for Transport if there are plans to provide a second ring road west of the M50 for Dublin, and, if so, the details of progress being made to realise these plans. [5077/05]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my reply to Question No. 94.

### Dublin Transportation Office.

363. **Ms O. Mitchell** asked the Minister for Transport if his attention has been drawn to the fact that the advisory committee of the DTO cannot meet until such time as the Minister confirms the nominations which are now with the DTO since shortly after the local elections of June 2004; if he intends to make these appointments or if it is his intention to abolish the DTO or remove local representation. [5094/05]

**Minister for Transport (Mr. Cullen):** I am considering the nominations for the advisory committee of the Dublin Transportation Office, DTO, and hope to finalise and approve the nominations in the near future. It is not my intention to abolish the DTO or remove local representation.

*Question No. 364 answered with Question No. 117.*

*Question No. 365 answered with Question No. 328.*

### International Agreements.

366. **Cecilia Keaveney** asked the Minister for Community, Rural and Gaeltacht Affairs the status of the Columba initiative between Ireland and Scotland. [4650/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The traditionally strong relations between Ireland and Scotland continue to develop in a very positive way, including since devolution. The Irish Consulate General in Edinburgh, which was opened in 1998, is involved in a broad range of activities supporting the development of enhanced bilateral links. These include the promotion of trade, tourism, culture and

investment opportunities in close co-operation with the State agencies and the Scottish Executive.

In recent years, Irish-Scottish links have also been strengthened by an increasing number of high level visits and exchanges, including visits by the President, Taoiseach and Ministers to Scotland and the attendance by the Ceann Comhairle and Cathaoirleach at the official opening of the new Scottish Parliament in October 2004. We have also welcomed a number of high level Scottish visitors here, including, most recently, First Minister Jack McConnell, MSP, who met the then Minister for Health and Children, Deputy Martin, in Dublin in September 2004. In addition to these ongoing contacts, our participation with Scotland and other members in the British-Irish Council provides a valuable opportunity for practical consultation and co-operation on a wide range of matters of mutual interest.

### Coastal Protection.

367. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to coastal erosion on Tory Island, particularly from the recently built sea wall at West End along the shore between the hostel and the sea; and if he will provide funding to facilitate the continuation to the recently erected partition wall from the new pier. [5121/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** While primary responsibility for coastal protection comes within the remit of the Minister of Communications, Marine and Natural Resources, my Department has, over the past five years, made some funding available for that purpose.

From 1999 to date, my Department has spent €987,220 on the sea wall at West End on Tory Island. An application for additional funding to reinforce and extend this wall by 30 metres is at present being examined by my Department in the context of the funding available to me this year for island projects and the competing demands for same.

### Community Development.

368. **Mr. Gregory** asked the Minister for Community, Rural and Gaeltacht Affairs if additional funding will be made available for a further phase of the young peoples facilities and services fund; the timescale involved; and if he will make a statement on the matter. [4569/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As the Deputy is aware, I recently announced a further round of capital funding under the young people's facilities and services fund. A letter issued to the development groups in the 14 local drugs task force areas in early January asking that they submit proposals by the



middle of March. Decisions on the funding will be made in due course.

#### **National Anti-Poverty Networks.**

369. **Mr. Haughey** asked the Minister for Community, Rural and Gaeltacht Affairs if he will restore funding to the Community Workers Co-operative via the anti-poverty networks funding mechanism; and if he will make a statement on the matter. [4658/05]

370. **Mr. Coveney** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the withdrawal of funding for the Community Workers Co-operative. [4706/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I propose to take Questions Nos. 369 and 370 together.

I refer the Deputy to my reply to Questions Nos. 216 to 224, inclusive, and 226 and 227 of 1 February 2005.

#### **Departmental Programmes.**

371. **Mr. Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs if he will include Ringsend and Irishtown, Dublin 4, into the RAPID programme for Pearse Street and the adjoining area in view of the fact that unemployment, educational disadvantage and the number of lone parents are higher in the Pembroke East A ward, which comprises Ringsend and Irishtown, in contrast to Mansion House A and South Dock wards, which make up the bulk of the RAPID area in the vicinity of Pearse Street; and if he will make a statement on the matter. [4716/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I have no plans at present to expand the geographical boundaries of RAPID areas to include additional communities. However, as I stated previously, I am examining an apparent anomaly regarding Ballyfermot which, despite meeting the criteria for inclusion in strand I of the programme, was omitted due to its inclusion in the URBAN II programme.

#### **Rural Social Scheme.**

372. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if persons partaking in rural social schemes receive the €14 increase given to the persons in community employment schemes and on unemployment assistance. [4901/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Increases in the rural social scheme payment rates in 2005 will be in line with the increases in social welfare payments announced in budget 2005 and will be effective from the same dates as the social welfare increases. The increases are currently being calculated and will be paid shortly, backdated to the applicable effective date.

#### **Dormant Accounts Fund.**

373. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs if a rape crisis centre (details supplied) in County Carlow will be successful in its applications for funding for grants under the dormant accounts funds; and if he will make a statement on the matter. [4974/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** Decisions on the disbursement of funds from dormant accounts moneys are currently a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board has engaged Area Development Management Limited, ADM, to administer the initial round of funding on its behalf, which involves the disbursement of up to €60 million from the fund.

I understand that two applications from South Leinster Rape Crisis and Counselling Centre, Carlow, were received by ADM and are currently being evaluated against the criteria set out in the published guidelines. It is expected that recommendations will be made to the dormant accounts board for decisions shortly. The group concerned will be advised of the board's decisions in due course.

#### **Departmental Programmes.**

374. **Mr. Curran** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that all RAPID areas are not the same in terms of size and population; if he intends to take measures to ensure that resources allocated to RAPID areas will not only be on an area-by-area basis but will also be allocated in proportion to the size and population of each area. [5071/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I am aware of the variations in the population and size across RAPID areas. However, the RAPID programme is essentially about prioritising investment in areas experiencing particular disadvantage rather than dividing resources between RAPID areas. I accept that the issue can arise in certain circumstances, such as the disbursement of the RAPID leverage fund. I have asked ADM to consider the matter and I await its consideration of the matter.

#### **Animal Diseases.**

375. **Mr. Crawford** asked the Minister for Agriculture and Food the efforts she has made to bring about an all-Ireland animal health policy and agreement; her views on whether the co-operation from the Minister for Agriculture and Rural Development in Northern Ireland, Ms Brid Rodgers, had a very positive influence on the outcome of the foot and mouth issue and proved, if necessary, that there are major benefits in having an all-Ireland policy; if there is any possibility of

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such a policy being implemented without the working of the Assembly in Northern Ireland; and if she will make a statement on the matter. [4543/05]

**Minister for Agriculture and Food (Mary Coughlan):** I am fully committed to the development and implementation of an all-Ireland animal health and welfare strategy. My ultimate target is a policy that facilitates the free movement of animals on the island, subject to EU rules. I believe that such a policy can generate real, practical benefit for the agriculture sectors North and South and for all whose livelihoods are bound up with agriculture on this island.

I agree with the Deputy that the 2001 outbreak of FMD highlighted the value and necessity of close co-operation and co-ordination between Administrations North and South. The two Administrations worked successfully in a co-ordinated manner at official, ministerial and political level to address the FMD crisis and have since developed co-ordinated contingency arrangements in the event of any future outbreaks of FMD, or indeed other animal diseases. This deepening and strengthening of co-operation, information exchange and ongoing co-ordination between the two Administrations will be a linchpin for future implementation of a unified strategy for the island as a whole.

In the absence of the Assembly in Northern Ireland, the programme of work mandated by the NSMC to agree a common animal health and welfare strategy for the island has been taken forward by a series of working groups at official level. These working groups have met at regular intervals over the past two years. Their work has focused on three main themes: common or equivalent controls at points of entry to the island; convergence of internal animal health policies; and development of joint strategies for the control of animal disease.

The main achievements to date are the development of a co-ordinated and complementary approach towards import policies and portal controls at points of entry to the island, the convergence of policies in regard to animal identification and scrapie and the strengthening of co-ordination and co-operation between both Administrations on a variety of issues such as FMD, BSE and cross-Border fraud.

It must also be recognised that the achievement of such an all-island animal health strategy involves complex dialogue and negotiation over a range of areas between the Irish, Northern Irish and British authorities. Ultimately, the agreement of the European Union will be required.

#### **Afforestation Programme.**

376. **Mr. O'Shea** asked the Minister for Agriculture and Food the proposals she has to meet the concerns of the Society of Irish Foresters in regard to a European Commission proposal for a Council regulation on support for rural develop-

ment for the period 2007 to 2013 (details supplied); and if she will make a statement on the matter. [4544/05]

394. **Mr. Ferris** asked the Minister for Agriculture and Food the effect which the proposed changes to the EU regime governing forestry will have on the Irish forestry sector; and the stance which her Department will be adopting in this regard. [4875/05]

401. **Mr. Ring** asked the Minister for Agriculture and Food if a case has been made for Ireland by her Department at EU level on the proposed cutbacks for the forestry industry in this country; the meetings which have taken place with her Department and the European Commissioner with responsibility for forestry on this matter. [4900/05]

404. **Mr. Naughten** asked the Minister for Agriculture and Food her negotiating position regarding the Commission proposals to reduce the financial supports available to forestry under the rural development budget 2007 to 2013; the steps she intends to take to overturn this budget cut; if she has discussed this issue with her Council colleagues; the support she has received; and if she will make a statement on the matter. [5040/05]

405. **Mr. Penrose** asked the Minister for Agriculture and Food her views on the proposals of the European Commission for a Council regulation on support for rural development for the period 2007 to 2013; if her focus will be on the major cutbacks in grant aid and support for afforestation which is proposed therein; her plans to ensure the restoration of grant aid and supports to current levels; and if she will make a statement on the matter. [5043/05]

408. **Mr. Connaughton** asked the Minister for Agriculture and Food the steps she proposes to take to convince the European Commission that its proposals under the Council regulation on the support for rural development for the period 2007 to 2013 is flawed in so far as it will greatly inhibit the growth of forestry here; if her attention has been drawn to the fact that the proposals are to reduce the planting grants to 40% of eligible costs, that to cap farm forest premiums at €500 per hectare and to reduce the premium timespan from 20 to ten years; her views on whether, if such proposals were implemented, they would have a very adverse effect on forestry here; and if she will make a statement on the matter. [5109/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 376, 394, 401, 404, 405 and 408 together.

The draft rural development regulation is not just about forestry. It covers a range of rural development measures. Some of the proposals are positive and others, particularly that pertaining to forestry, are not.

When the proposed new regulation was published by the European Commission last summer, Ireland was one of the first member states to recognise the threat that the draft regulation posed to countries with active afforestation programmes.

From the outset, the Irish position on the draft regulation in respect of forestry has been clear and unequivocal. We have continually and consistently made known our opposition to the Commission's proposals particularly those proposing to reduce establishment grants, premiums and associated premium payment periods.

This is the position we have articulated consistently at every level from working group up to the agriculture Council. I expressed my views forcefully on the impact of the proposals for forestry in Ireland at the ministerial agriculture Council meeting in November 2004 and I also restated these concerns directly to Commissioner Fischer Boel.

Member states are coming to appreciate the full impact of the proposals on forestry and we will continue to work at all levels to achieve the best possible deal for Ireland in the admittedly tough negotiations that lie ahead. To this end, I am heartened by the support we are receiving from all sectors of the industry. Very early on in the process, I established a consultative/liaison group, comprising of representatives of the forestry sector. It meets regularly. Through this group, the sector is consulted and informed of developments and is involved in the development of the Irish position as the negotiations unfold. At this stage, intense negotiations on the regulation are continuing and a final decision is not expected to be taken by the Council of Ministers for several months.

#### Grant Payments.

377. **Mr. McGuinness** asked the Minister for Agriculture and Food if an application for consideration of *force majeure* in the case of a person (details supplied) in County Kilkenny will be reconsidered as a matter of urgency; if she will expedite a positive response given the hardship of the case and the medical circumstances involved; and if she will make a statement on the matter. [4547/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure* or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision, the person named submitted an appeal to the independent single payment appeals committee. A full review of the circumstances of the case will be carried out by the committee and the person named will be notified shortly of the outcome.

378. **Mr. Penrose** asked the Minister for Agriculture and Food the reason an appeal by a per-

son (details supplied) in County Westmeath was not allowed, despite this person's having very severe medical difficulties which were fully set out; if, in this context, this matter can be reconsidered and further details of their full entitlements can now be set out; and if she will make a statement on the matter. [4550/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named, having been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure* or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee.

Following a full examination of the circumstances outlined in the appeal, the independent single payment appeals committee made a recommendation and a letter issued to the person named on 28 January 2005. The findings of the appeals committee were that the original decision taken by my Department should be upheld.

Both my Department and the independent single payment appeals committee took full cognisance of the medical evidence put forward in this case. However, while accepting the serious nature of the medical difficulties outlined, there is no evidence that production in any of the reference years was affected as a result. Production, both throughout the reference period 2000-02, and during the earlier reference period 1997-99, remained relatively constant.

379. **Mr. Penrose** asked the Minister for Agriculture and Food if, in view of a recent decision relating to an application of a person (details supplied) in County Westmeath under the single payment scheme in respect of *force majeure* and exceptional circumstances she will take steps to have the years 2001 and 2002 as the base years for entitlements, have them divided by two rather than 2001 and 2002; and if she will make a statement on the matter. [4551/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named, having been notified that the circumstances outlined by her did not satisfy the criteria for *force majeure* or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee. The findings of the appeals committee were that the original decision taken by my Department should be upheld. However, the Department has now obtained additional information regarding the circumstances of this case and is satisfied that *force majeure* criteria should be applied. As a result, the year 2000 will be excluded and the single farm payment entitlement will be based on the two-year average of 2001 and 2002 only. An updated statement of provisional entitlements reflecting this position will issue shortly to the person named.



### Food Industry.

380. **Mr. Hogan** asked the Minister for Agriculture and Food if there is any financial assistance available in any form to assist small-scale food exporters here; and if she will make a statement on the matter. [4563/05]

**Minister for Agriculture and Food (Mary Coughlan):** My Department's strategy for developing the potential of small food exporters is implemented by Bord Bia, which has statutory responsibility to promote, assist and develop the marketing of Irish food and drink products. Under the national development plan, Bord Bia operates two company grant schemes, namely the market improvement assistance programme and the market participation programme, to enhance the marketing capabilities of micro-sized, small and medium-sized food companies. Funding is provided for trade fair participation, market research and design of packaging and point of sale material. In 2003, grants to the value of €970,000 were awarded to 85 small food businesses.

Over the past three years small food companies grant-aided by Bord Bia have grown on average by 17% per annum. Strong sales growth has been experienced in Ireland and the United Kingdom, with annual turnover growing to €250 million.

The Bord Bia small business unit works closely with over 300 small-scale producers to increase trade listings and to improve distribution and marketing capabilities. It provides a range of services including trade and consumer public relations, marketing competency development, buyer relationship management and promotion activities.

In 2003, Bord Bia facilitated the establishment of the "Taste Council", an artisan expert group to encourage the strategic development of the speciality food sector. The council has identified market entry, innovation and distribution as key strategic issues facing small food producers. Bord Bia and the Taste Council have prepared multi-annual strategies to develop the small business and speciality food sector, including development of new routes to market. For example, Bord Bia's Small Business Strategy 2003-2007 focuses on strategic marketing initiatives designed to increase sales in Ireland and Britain.

### Organic Farming.

381. **Mr. Hogan** asked the Minister for Agriculture and Food the value of organic vegetable and meat sales in Ireland; the extent by which this particular sector has been growing over the past five years; the comparisons with other countries in the European Union; and if she will make a statement on the matter. [4564/05]

**Minister for Agriculture and Food (Mary Coughlan):** The value of the Irish organic food market as a whole has increased from €23 million to €38 million in the five years up to 2003, an average increase of 13% per year. The market

has continued to grow over the past year, but at the slightly lower rate of around 10%. The value of the EU market for organic food reached over €10 billion in 2003, and is currently growing at about 8% per year.

### Beef Exports.

382. **Mr. Hogan** asked the Minister for Agriculture and Food the value of Irish beef exports that are exported on the hoof; and if she will make a statement on the matter. [4565/05]

383. **Mr. Hogan** asked the Minister for Agriculture and Food the value of Irish beef exports annually; and if she will make a statement on the matter. [4566/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 382 and 383 together.

The value of Irish beef exports to all markets in 2004 was €1.5 billion, representing 25% of total Irish agri-food exports. Of this figure the value placed on live cattle exports is €116 million.

The EU now comprises 90% of our total beef exports compared with 49% in 2000. The focus of the Irish beef industry is to broaden and expand its market reach at EU retail level, shifting its orientation away from international commodity markets and into the higher priced EU marketplace. An increased presence in this high-value market is the key to the success of the beef industry in the long term.

I am fully committed to ensuring that the option of exporting cattle live to overseas countries is maintained, as it preserves competition in the beef trade. The Department, together with Bord Bia and the Department of Foreign Affairs, will continue to seek to exploit every opportunity to expand the market for the live trade and beef exports.

### Grant Payments.

384. **Mr. Hogan** asked the Minister for Agriculture and Food the entitlements for a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [4567/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application on 15 October 2004 for consideration of his circumstances under the second tranche of the *force majeure*-exceptional circumstances measure of the single payment scheme. Long-term incapacity due to ill health was indicated on the application form as giving rise to the circumstances outlined. However, having examined the medical evidence furnished in support of the application, the Department deemed that a more detailed explanation of the circumstances and further medical evidence was required. The person named was advised of these requirements on 10 February 2005 and that, on receipt, his *force majeure* application would receive further consideration.

385. **Mr. Sargent** asked the Minister for Agriculture and Food the number of forestry grant applications approved for Údaras na Gaeltachta and in respect of each application to date of approval, area planted, planting grants, maintenance grants, premiums paid to date and an esti-

mate of premiums payable in future years. [4585/05]

**Minister for Agriculture and Food (Mary Coughlan):** The information requested is as follows:

Reference	Date of Approval	Area (Ha)	First instalment grant	Second instalment grant
			€	€
OP2170	December 1989	3.7	3,171	1,056
OP7060	December 1989	12.7	9,675	3,225
OP2169	December 1989	2.0	1,714	Not paid
OP3866	April 1990	13.5	10,285	3,428
WP4570	September 1990	7.9	6,018	2,006
OP6029	September 1992	8.8	10,894	3,631
CN4005 (Recon.)	December 1995	2.0	2,209	736
CN11810 (Recon.)	March 1997	6.4	7,923	2,641

There is no record of any forestry premium payments in respect of any of these plantations.

386. **Mr. Sargent** asked the Minister for Agriculture and Food if persons (details supplied) or any party acting on its behalf submitted a forestry grant, premium application or any type of documentation in respect of the land or part thereof. [4586/05]

**Minister for Agriculture and Food (Mary Coughlan):** An application for grant aid approval in respect of the land referred to by the Deputy was submitted by the person in question in November 1996 and approved in March 1998. The approval was not availed of by the person in question as the land was subsequently transferred to another party.

#### Company Closures.

387. **Mr. Lowry** asked the Minister for Agriculture and Food the steps she will take to assist the farmers affected by recent Greencore closures in Athy, County Carlow and Banagher, County Offaly; and if she will make a statement on the matter. [4607/05]

396. **Mr. Naughten** asked the Minister for Agriculture and Food her plans to meet a company (details supplied) concerning the sugar and malting barley industry; and if she will make a statement on the matter. [4877/05]

397. **Mr. Naughten** asked the Minister for Agriculture and Food her plans to meet with a company (details supplied) to discuss matters concerning the malting barley industry; and if she will make a statement on the matter. [4878/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 387, 396 and 397 together.

I am aware that Minch Malt Limited, which is part of the Greencore Malting Group, is to close its malting plant at Banagher, County Offaly, and its two intake points at Tullamore, County Offaly, and Borrisokane, County Tipperary, with effect from September 2005. I am of course concerned

about the closure and the impact it will have on jobs and families in the area. However, the decision to close these facilities was a commercial decision taken by the company itself. The reason given for the closure is increased competition on export markets. Greencore has decided to consolidate its malting operations at its bigger plant in Athy in order to solidify the domestic market. I understand from Greencore that the Banagher, Tullamore and Borrisokane facilities will be offered for sale as going concerns and may be taken over by current players in the trade.

Farmers who are affected by the closure of Banagher may decide to produce barley for the feed barley market instead. It has been suggested that this will put pressure on grain storage in the midlands area next autumn. Consequently, my Department is currently carrying out an inventory of grain storage capacity in the Offaly-north Tipperary area. In the event that this inventory shows up a problem in storage capacity for the coming harvest, I am willing to examine the possibility of making funds available to deal with the problem.

The decisions by Greencore to close the malting facilities and the sugar plant at Carlow were discussed in the course of a meeting which I had recently with the company. I have no plans to meet any other company regarding the malting barley industry at the present time.

#### Afforestation Programme.

388. **Mr. Ring** asked the Minister for Agriculture and Food the reason forestry planting grants are being reduced to 40% of the eligible costs. [4674/05]

389. **Mr. Ring** asked the Minister for Agriculture and Food the reason farm forest premiums are being capped at €500 per hectare. [4675/05]

393. **Mr. Ring** asked the Minister for Agriculture and Food the reason, in regard to forestry, the premium timespan is being reduced from 20 years to ten years. [4874/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 388, 389 and 393 together.

I refer the Deputy to the proposed new draft rural development regulation for the period 2007 to 2013, first published by the European Commission last summer and which is the subject of intense ongoing negotiations in Brussels. The issues raised by the Deputy relate to proposals for forestry contained in the draft regulation and I emphasise that these are merely proposals at this stage and are a long way from agreement in their present format. The proposals as they stand are unacceptable to Ireland and I have forcefully expressed this view over recent months at every level from working group up to the Agriculture Council. A final outcome on the draft regulation is not expected to be taken by Council for several months.

#### Grant Payments.

390. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has not received a higher rate of single payment; if the additional entitlements under the *force majeure* measure are included in the figure of €3,413.58; and if she will make a statement on the matter. [4702/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named was notified by my Department on 3 November 2004 that her application under the *force majeure* measure of the single payment scheme was successful resulting in the exclusion of the year 2001 in the calculation of her single payment entitlements. The revised single payment entitlements following the application of the *force majeure* measure and using the two-year average based on 2000 and 2002 are not included in the figure of €3,413.58. A revised provisional entitlement notification outlining the revised position will issue shortly to the person named.

391. **Mr. Connaughton** asked the Minister for Agriculture and Food the total draw of headage by a person (details supplied) in County Galway for the years 1997, 1998, 1999, 2000, 2001 and 2002; and if she will make a statement on the matter. [4703/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named received the following payments under the cattle headage scheme for the years 1997 to 2000:

Year	€
1997	1,018.08
1998	988.03
1999	988.03
2000	1,018.55

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: €1,389.19 in 2001 and €1,389.19 in 2002.

Extensification premium payments for 1997 to 2002 are as follows:

Year	
1997	Nil — stocking density greater than 1.4 LUs/ha.
1998	€34.20
1999	€547.67
2000	Nil — stocking density of holding greater than 2 LUs/ha.
2001	Nil — CEN.1 and CEN.2 bovine animal number declaration forms not returned to the Department.
2002	€200

Ewe premium payments for 1997 to 2002 are as follows:

Year	€
1997	455.15
1998	582.68
1999	566.39
2000	723.55
2001	474.79
2002	806.40

Special beef premium payments for 1997 to 2002 are as follows: 1997, €1,517.82; 1998, €103.29; 1999, €1,144.98; 2000, €502.84; 2001, €413.40; and 2002, €750.00.

Slaughter premium payments for 1997 to 2002 are as follows:

Year	
1997	Nil — Not an applicant
1998	Nil — Not an applicant
1999	Nil — Not an applicant
2000	€103.83
2001	€149.20
2002	€240

392. **Mr. McGuinness** asked the Minister for Agriculture and Food if an application to appeal a decision under the *force majeure* criteria in the name of a person (details supplied) in County Kilkenny will be expedited; and if she will make a statement on the matter. [4724/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure* or exceptional circumstances consideration under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision the person named submit-



ted an appeal to the independent single payment appeals committee. This appeal is listed for examination by the committee on 16 February 2005.

A full review of the circumstances of the case will be carried out by the independent single payment appeals committee and the person named will be notified shortly of the outcome.

*Question No. 393 answered with Question No. 388.*

*Question No. 394 answered with Question No. 376.*

395. **Mr. Hayes** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Tipperary has been refused an application for grant aid assistance. [4876/05]

**Minister for Agriculture and Food (Mary Coughlan):** I assume the Deputy is referring to the application by the person concerned for grant aid under the farm waste management scheme which was received by my Department on 23 May 2001. No payment was made in respect of that application due to the unacceptability of the documentation submitted by the person concerned in support of his application.

*Questions Nos. 396 and 397 answered with Question No. 387.*

#### **Rural Environment Protection Scheme.**

398. **Mr. Naughten** asked the Minister for Agriculture and Food the number of REPS 3 applications received by her Department in each of the last five months of 2004; the number of applications which have been processed, approved, payment issued in each month concerned; and if she will make a statement on the matter. [4879/05]

**Minister for Agriculture and Food (Mary Coughlan):** REPS 3 was launched on 1 June 2004 and the first applications were received that month. Payments began to issue in September 2004. The numbers of applications received in my Department in each month from June to December last year are set out in the following table. It includes both first-time applicants and those transferring from REPS 2 into REPS 3. The table also shows the number of payments issued each month.

	Applications	Payments
June	1,156	0
July	1,539	0
August	1,924	0
September	1,873	492
October	1,905	1,590
November	2,229	2,784
December	2,064	5,294
Total	12,690	10,160

#### **Farm Waste Management.**

399. **Mr. Naughten** asked the Minister for Agriculture and Food if she will review her decision to postpone the introduction of enhanced CFP grants given that many applications will require planning permission which will significantly delay the drawdown of such grants; and if she will make a statement on the matter. [4880/05]

**Minister for Agriculture and Food (Mary Coughlan):** As the Deputy is aware, consultations are ongoing with the European Commission in regard to the action programme for implementation of the nitrates directive. The question of possible grant aid levels under the farm waste management scheme will be decided in the light of the requirements of the action programme.

400. **Mr. Naughten** asked the Minister for Agriculture and Food if she intends to publish specifications for earthen bank storage of slurry and out-wintering pads; the status of these specifications; and if she will make a statement on the matter. [4881/05]

**Minister for Agriculture and Food (Mary Coughlan):** My Department, together with the Department of the Environment, Heritage and Local Government, has set up a technical working group to determine whether earth-lined stores, out-wintering pads and constructed wetlands should have a place in agricultural practice. The working group has taken expert advice from a variety of researchers and other sources and has been preparing detailed specifications and guidance documents for each of these systems. The specifications and guidance documents for the earth-lined stores, together with the group's recommendations, are expected shortly. Similar specifications and documents are being developed for constructed wetlands and a report is due when these have been finalised. A decision cannot be made in relation to out-wintering pads until the results of ongoing research into the environmental implications, operational details and construction requirements associated with the system become available.

*Question No. 401 answered with Question No. 376.*

#### **Grant Payments.**

402. **Mr. McGuinness** asked the Minister for Agriculture and Food the date the forestry premium will be paid to a person (details supplied) in County Kilkenny; if the payment can be expedited given the circumstances of the case; and if she will make a statement on the matter. [4913/05]

**Minister for Agriculture and Food (Mary Coughlan):** An application for payment of the 2005 forestry premium has not been received from the person in question. I have arranged for an application to be issued and the application

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will be processed on receipt of same. It is expected that payment of the 2005 forestry premium will be made in April of this year.

403. **Mr. Neville** asked the Minister for Agriculture and Food, further to Question No. 286 of 2 February 2005, the details of the calculation of single payment entitlements for a person (details supplied) in County Limerick. [4961/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named was notified by my Department early in February 2005 that his application under the new entrant measure of the single payment scheme was successful, resulting in the exclusion of the years 2000 and 2001 in the calculation of his single payment entitlements. The revised single payment entitlements following the application of the new entrant measure and using the one-year — 2002 — average is 57.45 entitlements with a total single payment of €3,038.53. A statement of provisional entitlements reflecting this position will issue to the person named as soon as possible.

*Questions Nos. 404 and 405 answered with Question No. 376.*

406. **Mr. McHugh** asked the Minister for Agriculture and Food the reason *force majeure* or exceptional circumstances entitlement was not granted to a person (details supplied) in County Galway; if a more lenient view will be taken when this appeal is being considered; and if she will make a statement on the matter. [5052/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure* or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision, the person named submitted an appeal to the independent single payment appeals committee. A full review of the circumstances of the case will be carried out by the committee. As the single payment appeals committee is a fully independent body, my Department does not have any input into the adjudication process carried out on appeals submitted. The person named will be notified shortly of the outcome of his review.

407. **Mr. McHugh** asked the Minister for Agriculture and Food when a decision will be made in connection with the *force majeure* and exceptional circumstances application from a person (details supplied) in County Galway; and if she will make a statement on the matter. [5108/05]

**Minister for Agriculture and Food (Mary Coughlan):** An application for consideration under the *force majeure*, exceptional circumstances measure of the single payment regulations was submitted by the person named on 1 January 2004. The person named has been noti-

fied that the circumstances outlined by him do not satisfy the criteria for *force majeure*, 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 who will carry out a full review of the circumstances outlined.

*Question No. 408 answered with Question No. 376.*

#### Disability Bill 2004.

409. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the companies that have been established under the Companies Acts 1963 to 2001 as outlined in the Disability Bill 2004; and if he will make a statement on the matter. [4640/05]

424. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the persons, bodies or organisations other than the Defence Forces established or under any enactment, other than the Companies Acts 1963 to 2001 as set down in section 2 of the Disability Bill 2004; and if he will make a statement on the matter. [4643/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 409 and 424 together.

Section 2 of the Disability Bill defines “public body” for the purposes of the Bill. The definition includes Departments and offices, local authorities and health boards — paragraphs (a) to (g) of the definition.

The part of the definition which is the subject of the Deputy’s questions relates to paragraph (h) as follows:

(h) a person, body or organisation (other than the Defence Forces) established—

(i) by or under any enactment (other than the Companies Acts 1963 to 2001), or

(ii) under the Companies Acts 1963 to 2001, in pursuance of powers conferred by or under another enactment, and financed wholly or partly, whether directly or indirectly, by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or shares held by or on behalf of a Minister of the Government;

The broad range of bodies encompassed by paragraph (h)(i) of the definition are all those established by or under enactment, other than the Companies Acts 1963 to 2001. Examples of such bodies are: the Broadcasting Commission of Ireland established under the Radio and Television Act 1988; the Central Statistics Office established under the Statistics Act 1993; the National Disability Authority established under the National Disability Authority Act 1999; the Courts Service established under the Courts Ser-

vices Act 1998; and the Legal Aid Board established under the Civil Legal Aid Act 1995.

The range of bodies encompassed by paragraph (h)(ii) are those established under the Companies Acts, in pursuance of powers conferred in other enactments, and aided financially by the State. Examples are Dublin Bus, Bus Éireann and Iarnród Éireann which were established by powers conferred under the Transport (Re-organisation of Coras Iompar Éireann) Act 1986.

### Violence against Women.

410. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the proposal for the development under the strategic management initiative of a framework for addressing issues concerning violence against women; and if he will consider taking an initiative to promote the development of such a framework. [4499/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Following receipt of a report by a task force on violence against women, which recommended the establishment of a steering committee at national level on the issue of violence against women, the Government established a national steering committee on violence against women in December 1997. The committee comprises representatives from five Departments — Health and Children, the Environment, Heritage and Local Government, Education and Science, Community, Rural and Gaeltacht Affairs and Justice, Equality and Law Reform — the Health Service Executive, the probation and welfare service, the Garda, the Courts Service, medical and legal professions and the relevant non-governmental agencies working in the area. The national steering committee is chaired by Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, and my Department co-ordinates its work.

In addition to the national steering committee, regional committees on violence against women have also been established in eight Health Service Executive regions throughout the country.

The remit of the national steering committee is to advise on and co-ordinate a multi-disciplinary and cohesive response to the issue of violence against women. The committee has several objectives which include developing public awareness campaigns, advising on the co-ordination and distribution of resources, including funding for non-governmental agencies, throughout the eight health board regions, advising on the ongoing development of policies including those concerning services and supports and perpetrator-criminal justice intervention issues. The committee has established sub-committees to deal with these issues.

Since its establishment, the national steering committee has undertaken a number of initiatives, particularly in regard to raising awareness of the issue of violence against women. It has

developed a public awareness campaign on domestic violence which will be conducted from next week as a joint initiative with the Northern Ireland authorities.

My Department has recently commissioned the development of a five year strategic plan for the committee. This strategic plan will record the progress that has been made on the recommendations contained in the task force report, take account of developments since the publication of that report and prioritise further progress over the next five years.

### Planning Issues.

411. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform if quarry blasting permits are issued when the courts are examining the legal status regarding the requirement for planning permission for quarries which have applied for blasting permits. [4507/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda authorities have advised me that the Garda Síochána does not issue blasting permits where a local authority has refused planning permission to carry out such activity, or where an enforcement order under the Planning Acts to prevent such activity as blasting exists.

The granting of blasting permits is a responsibility for the superintendent of the Garda district in which the blasting occurs and I have no statutory function in the matter.

### Visa Applications.

412. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in County Tipperary was refused a holiday visa to this country. [4508/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application to which the Deputy refers was refused on 12 January 2005. In assessing any visa application, the visa officer will consider various matters, including whether it is reasonable in all the circumstances to conclude that the applicant would fully honour the conditions of the visa for example, it is unlikely that the applicant would overstay the length of time applied for. The visa officer will also have regard to information provided and to such factors as the applicant's ties and general circumstances in their country of origin.

The application in question was refused because the visa officer could not reasonably be satisfied, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa applied for. In particular, it was felt that the applicant had not displayed evidence of an obligation to return home following the proposed visit.

Sufficient evidence was not submitted to permit the visa officer to establish to an acceptable degree, that a previous relationship history existed between the applicant and their reference



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in Ireland. An appeal in respect of the decision to refuse the visa application was subsequently submitted by the applicant. However, based on the level of additional documentation submitted, the appeals officer was unable to conclude that the initial decision to refuse the visa should be overturned. This appeal was therefore refused on the 14 February 2005 and the applicant will be notified of this decision as soon as possible. If the applicant still wishes to travel, a fresh application should be submitted to my Department accompanied by any additional documentation that it is felt will address the reasons for refusal outlined above.

### **Garda Deployment.**

413. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform his views on whether there is a need to reconsider the strength of the Garda in the Border areas in view of the breakdown in the peace talks; his further views on whether it is unacceptable that Garda stations such as those at Clones, Emyvale and Belturbet are not opened and manned full time in the new and delicate situation; if he will reconsider the manpower available in these areas and the availability of that manpower 24 hours, seven days a week; and if he will make a statement on the matter. [4509/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The current resources and personnel deployments in the Border Garda divisions are considered adequate to meet public expectations and to maintain security. The allocation and deployment of Garda resources within the Border region remains under constant review, particularly in the light of broader political developments, including negotiations as part of the Northern Ireland peace process.

414. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform his proposals to realign the boundaries for the Garda in Cavan, Monaghan and Louth; if changes will be made, when they will come into operation; if the regional commissioner is looking at these proposals; the provisions which are being made to consult the public; if there is a proposal to move the divisional headquarters from Monaghan town; and if he will make a statement on the matter. [4510/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The final report of the Garda strategic management initiative implementation steering group made several recommendations on the Garda Síochána's regional, divisional, and district structure. The report did not identify which districts, divisions or regions would be affected.

The Garda Síochána Bill 2004, which proposes the most fundamental modernisation of the Garda Síochána since the foundation of the State,

provides that the commissioner will have enhanced responsibilities in preparing proposals for organisational reform. It would be premature to anticipate at this stage what proposals, if any, the commissioner might develop in this context.

A preliminary study group under the chairmanship of the assistant commissioner, in the northern region has recently been established to examine various issues associated with possible new boundary alignments. This group has examined various possibilities to facilitate the establishment of a cohesive consultative study group. There are no plans to move the divisional headquarters from Monaghan town.

### **Asylum Applications.**

415. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if an application to stay here on humanitarian grounds in the name of a person (details supplied) in County Waterford will be expedited. [4511/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned applied for asylum on 6 June 2003 and had his claim investigated, in turn, by the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, both of which concluded that he did not meet the criteria for recognition as a refugee. The recommendations of these two bodies were communicated to the person concerned on 22 June 2004 and 29 November 2004 respectively.

The ministerial decisions unit in my Department will write to the person concerned in the coming days to outline his position in the State and setting out the options open to him.

416. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application for asylum in the name of a person (details supplied) in County Kilkenny; and when a decision will be made in this case. [4512/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned applied for asylum on 24 March 2004 and had her claim investigated, in turn, by the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, both of which concluded that she did not meet the criteria for recognition as a refugee. The recommendations of these two bodies were communicated to the person concerned on 30 December 2004 and 7 February 2005 respectively. My Department's ministerial decisions unit will write to the person concerned in the coming days to outline her current position in the State.

### **Child Care Services.**

417. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application in the name of a person (details supplied) in County Carlow; if a response will be

made to the application; and if he will make a statement on the matter. [4513/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The group submitted an application for capital grant assistance under the equal opportunities child care programme 2000-06, to my Department some time ago. The programme is a seven year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training.

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme. Following discussions with my colleague the Minister for Finance, an additional capital provision of €90 million was made available over the period 2005-09, in the context of the 2005 budget.

Of this amount, €50 million is being made available under the present programme and the remaining €40 million will flow under the next phase of the post 2006 programme. This augments the increased EU funding of some €12 million made available last year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which €205 million has been set aside. In December 2004, I announced an allocation of almost €35 million in capital funding to community based not-for-profit groups.

The availability of the additional capital funding will enable me to make further capital grant assistance available over the coming months and years to groups which address significant child care service gaps and where the project proposal represents good value for money when considered in the context of the current guidelines on building costs. In light of this, the group in question has been advised that whilst its project had not been prioritised for immediate funding in December 2004, it will be reconsidered in the future, and I hope to make further significant capital commitments during 2005 and thereafter.

The ongoing appraisal of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care facilities and places at the earliest opportunity. When the appraisal on the project in question is completed, the application will then be considered by the programme appraisal committee, chaired by my Department, before I make a final decision. In the interim, it would be premature of me to comment further on this application.

#### Departmental Correspondence.

418. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform further to a parliamentary question, if the file of a person (details supplied) in County Kilkenny will be

examined; and if a decision in the case will be expedited. [4531/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** A decision has been made on the issue to which the Deputy refers and a letter has issued to the person concerned advising her of the position.

#### Drug Seizures.

419. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if there is recent evidence of a serious new and increased influx of heroin into the Dublin area; and if he will make a statement on the matter. [4570/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Heroin seizures for 2002, 2003 and 2004 have remained reasonably static with minor fluctuations in the quantities being seized. The trend for this year to date appears similar to other years with the exception of one seizure of three kilos of heroin at a Dublin address in mid-January.

While there have been a few heroin seizures at street level to date in 2005, the Garda authorities indicate that there is no evidence to suggest that more heroin is available in the Dublin area.

#### Garda Deployment.

420. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the policing arrangements that will be put in place in the vicinity of Dalymount Park, Dublin 7 when Shamrock Rovers play their home matches there; if the Garda will have an input as to the timing of these matches to minimise disruption to the local community; if an effective plan will be formulated and adequate additional Garda resources deployed to provide proper crowd control and traffic management; and if the nearby Shandon residents association will be consulted on these issues. [4576/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Policing arrangements for public events and in locations generally, with the allocation of Garda resources, are solely a matter for the Garda Commissioner. The Garda Síochána is not aware of any decision having been made regarding Shamrock Rovers playing at Dalymount Park. As I am sure the Deputy will understand, in the event of this situation arising, various factors will influence the policing arrangements which will arise. Where such events take place, the Garda authorities work closely with the relevant persons in the matter to avoid as much disruption as possible for residents in the immediate area and the surrounding community.

#### Deportation Orders.

421. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the country to which it is proposed to deport persons (details supplied) in County Galway; if he will take into

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account the representations made to him and the uncertainty and danger to which these persons involved would be committed; and if, in view of these circumstances, he will discontinue the deportation proceedings and respond on humanitarian grounds to the case that has been made to him for permission to stay of these persons. [4600/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The persons concerned arrived in the State on 14 August 2000 and claimed asylum. Their applications were refused by the Office of the Refugee Applications Commissioner and they were notified of this recommendation by letter of 14 November 2001. Their subsequent appeal was refused by the Office of the Refugee Appeals Tribunal and they were notified of this recommendation by letter of 20 August 2002. They were notified of my decision to refuse them refugee status by letter of 26 September 2002 in which they were informed of the three options open to them at that point namely, to leave the State before the Minister for Justice, Equality and Law Reform made deportation orders in respect of them; to consent to the making of deportation orders in respect of them; or to make written representations, within 15 working days, to the Minister for Justice, Equality and Law Reform setting out the reasons why they should not be deported that is, why they should be allowed to remain temporarily in the State.

The case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement), including consideration of all representations received on their behalf. Deportation orders were made in respect of the persons concerned on 9 November 2004. The orders were served by registered post and they presented themselves to the Garda national immigration bureau on Thursday, 10 February 2005. They are due to present themselves again to the bureau on Thursday, 14 April 2005.

My Department uses extensive country of origin information drawn from different independent sources, including the UN High Commission on Refugees, in evaluating the safety of making returns to third countries. I am satisfied that in this case the requirements of section 5 of the Refugee Act 1996 (Prohibition of Refoulement) have been complied with and that no refoulement matters arise. The enforcement of the deportation orders is a matter for the Garda national immigration bureau.

#### **Residency Permits.**

422. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Wexford is required to apply to him for leave to remain here owing to their having separated from their spouse; if the local

immigration officer has the authority to extend this person's leave to remain here; and if he will make a statement on the matter. [4629/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The immigration division of my Department has recently written to the person concerned requesting documentation on her residence in the State. On receipt of same, a decision will be made in the case.

#### **Visa Applications.**

423. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the position on a visa application by a person (details supplied); if this application will be re-examined and this person allowed to come here; and if he will make a statement on the matter. [4642/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application in question was to enable the wife of a non-EEA national employed under the work permit scheme to reside with him in the State. A worker employed under the work permit scheme may be joined by his or her spouse and minor children after the worker has been in the State for one year and has been offered a contract for a further year. The worker must also be able to fully support the family members in question without the need to have recourse to public funds. When assessing applications for family reunification, the visa officer considers, among other things, whether the level of salary of the worker would come within the ambit of qualifying for payments from public funds. As the level of the worker's income in the case in question, as evidenced by his pay-slips and P60, would qualify for payments from public funds, the application was refused.

The application was refused because the applicant was not able to support his wife fully. The refusals were appealed but the visa appeals officer was unable to conclude, based on the additional evidence supplied, that the initial decisions should be overturned. As each application is entitled to only one appeal, if the applicant still wishes to travel, she should submit a fresh application to my Department with all required accompanying documentation and the visa section will examine the case anew.

*Question No. 424 answered with Question No. 409.*

#### **Citizenship Applications.**

425. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform when an application for Irish citizenship for a person (details supplied) in Dublin 3 will be finalised; and if he will make a statement on the matter. [4656/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The citizenship section of my Department received a declaration of acceptance



of Irish citizenship as post-nuptial citizenship on 17 January 2005 from the person to whom the Deputy refers. The processing time for such declarations is approximately ten months from the date of lodgement and it is likely, therefore, that the processing of the declaration of the person will be finalised by the end of October this year. I will advise the Deputy and the applicant when the matter has been concluded.

### **Crime Prevention.**

426. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform if he will consider bringing issues involving rape and serious sexual assault under the authority of one specialised unit; and if he will make a statement on the matter. [4697/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda domestic violence and sexual assault investigation unit was established in 1993 to oversee all cases of domestic violence and sexual assault in the Dublin Metropolitan area. The unit, which was subsequently given a national role in 1997, investigates complex cases of rape and sexual assault and provides assistance to regional and divisional investigation teams with other cases of rape and sexual assault.

In December 1997, the Government established a national steering committee on violence against women to address the issue of violence against women in Ireland, including domestic violence, rape and sexual assault.

The committee is chaired by the Minister for State at the Department of Justice, Equality and Law Reform, Deputy Fahey, and comprises representatives from five Departments, Health and Children, Environment, Heritage and Local Government, Education and Science, Community, Rural and Gaeltacht Affairs and Justice, Equality and Law Reform, the health boards, the probation and welfare service, the Garda Síochána's domestic violence and sexual assault investigation unit, the Courts Service, the medical and legal professions and the relevant non-governmental agencies working in this area, including Rape Crisis Network Ireland and the Dublin Rape Crisis Centre.

The remit of the national steering committee is to advise on and co-ordinate a multidisciplinary and cohesive response to the issue of violence against women. The committee has several objectives which include developing public awareness campaigns, advising on the co-ordination and distribution of resources, including funding for non-governmental agencies, throughout the eight health board regions, advising on the ongoing development of policies, including those concerning services and supports and perpetrator-criminal justice intervention issues. The committee has established sub-committees to deal with these issues.

The national steering committee recently established a working group to consider the treatment services that should be available to victims of sexual violence, including the question of forensic medical examinations. This working group is convened and chaired by an official of the Department of Health and Children which is responsible for the provision of such medical and treatment services. My Department will be represented on the working group.

My Department has recently commissioned the development of a five-year strategic plan for the committee. This strategic plan will record the progress that has been made on the recommendations contained in the task force report, take account of developments since the publication of that report and prioritise further progress over the next five years.

The Deputy may also be interested to know that my Department has provided joint funding for comprehensive research into attrition rates in rape cases. The research, entitled *The Understanding of Attrition, Early Withdrawal, the Trial Process and Identifying Possible Changes to Support Complainants in Rape Cases*, is being carried out by the department of law at the National University of Ireland, Galway and Rape Crisis Network Ireland over three years. This research should provide a greater understanding of why some victims choose not to report cases to the Garda, what can be done about under-reporting and why, of the cases that are reported, only a relatively small percentage result in a court hearing.

427. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform if he will consider the introduction of specialist investigators to work exclusively in the area of sexual violence; if his attention has been drawn to similar initiatives in Britain and Germany; his views on whether such a measure is necessary here; and if he will make a statement on the matter. [4698/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda domestic violence and sexual assault investigation unit was established in 1993 to oversee all cases of domestic violence and sexual assault in the Dublin metropolitan area. The unit, which was subsequently given a national role in 1997, provides advice, guidance and assistance in the investigation of child sexual abuse, other sexual crimes and domestic violence to investigating gardaí. In more complex cases the unit leads the investigation.

The garda domestic violence and sexual assault investigation unit also liaises with relevant Departments, State bodies and voluntary groups to give the very necessary multi-agency approach to tackling these crimes and their causes. One of the primary considerations for the Garda Síochána in these cases is the protection and welfare

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of those affected while ensuring the proper investigation of the alleged activity.

The unit has been involved in an ongoing Euro-pol training module involving police investigators from all EU member states. As a result of the introduction of the Sex Offenders Act 2001, certain requirements are now imposed on a category of convicted sex offenders. The Garda domestic violence and sexual assault investigation unit has a central role in the operation of this legislation.

The unit also managed and controlled Operation Amethyst into child pornography on the Internet.

#### Asylum Applications.

428. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an appeal for refugee status for a person (details supplied). [4713/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned arrived in the State on 25 July 1999 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 26 February 2002 that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons he should be allowed to remain temporarily in the State, leaving the State before an order is made or consenting to the making of a deportation order.

This person’s case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

#### Registration of Title.

429. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the position regarding an application in the name of a person (details supplied) in County Galway; and if he will make a statement on the matter. [4714/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Registrar of Titles informs me that the details supplied by the Deputy refer to a Land Commission schedule application and the registration was completed on 11 February, 2005. Dealing Numbers D2000GY004657T — transfer, lodged on 4 May 2000 and D2003GY003629R discharge of burden, lodged on 14 April 2003 — which are associated dealings, are receiving attention in the Land Registry and,

subject to no queries arising, will be completed as soon as possible.

#### Garda Strength.

430. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the details of the recent increases in the number of community gardaí in the north Dublin city Garda districts; and the areas to which these additional gardaí were then deployed. [4720/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda authorities responsible for the detailed allocation of resources, including personnel, inform me that the personnel strength of the Dublin north central division, as at 15 February 2005 was 637 — all ranks. The personnel strength of the Dublin north central division as at 1 January 1998 was 594 — all ranks. This represents an increase of 43 or 7.2% in the number of personnel allocated to the division since that date. There have been no recent increases in the number of community gardaí within the Dublin north central division.

I am pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis in line with An Agreed Programme for Government commitment in this regard. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force.

The commissioner will draw up plans on how best to distribute and manage these additional resources. The needs of the north Dublin central division will be fully considered within the context of the needs of Garda divisions throughout the country. The additional resources will be targeted at the areas of greatest need, as envisaged in the programme for Government. The programme identifies particular areas with a significant drugs problem and a high number of public order offences but it will be possible to address other priorities as well, such as the need to increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing and will have a real impact.

#### Prison Visiting Committees.

431. **Ms Cooper-Flynn** asked the Minister for Justice, Equality and Law Reform the names of all members of prison visiting committees, their county of residence and the date of their appointment. [4884/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The table sets out details of the individuals who are serving on the various prison visiting committees:

Committee	Member	County of Residence	Date of Appointment
Arbour Hill Prison Visiting Committee	John Murphy	Co. Cork	20 September 2002
	Eithne Killeen	Co. Dublin	20 September 2002
	Seamus Quinn	Co. Galway	1 October 2002
	Rita Hayes	Co. Dublin	1 October 2002
	Jim Hanrahan	Co. Dublin	17 February 2003
	Ita Green	Co. Dublin	17 February 2003
Castlerea Prison Visiting Committee	Nuala Carroll	Co. Dublin	17 February 2003
	Susan Meagher	Co. Tipperary	17 February 2003
	Christy Gorman	Co. Meath	17 February 2003
	Michael Nevin	Co. Longford	17 February 2003
	Paul Hogan	Co. Galway	17 February 2003
	Eddie Brady	Co. Cavan	26 March 2003
	Billy Burgoyne	Co. Galway	9 April 2002
	Mary Hoade	Co. Galway	9 November 2004
	Eileen Morris	Co. Galway	17 December 2004
	Marie Cleary	Co. Galway	17 December 2004
	Michael Geraghty	Co. Galway	17 December 2004
Cloverhill Prison Visiting Committee	Peggy Downey	Co. Meath	7 December 2003
	Fintan Hudson	Co. Wicklow	7 December 2003
	Eddie Martin	Co. Wicklow	7 December 2003
	Michael Coyle	Co. Louth	7 December 2003
	Christine Ryan	Co. Dublin	7 December 2003
	Dermot Flynn	Co. Dublin	7 December 2003
Cork Prison Visiting Committee	Bosco O'Farrell	Co. Meath	8 March 2002
	Sadie Jordan	Co. Dublin	20 September 2002
	Colette Carter	Co. Dublin	20 September 2002
	Jack Roche	Co. Cork	20 September 2002
	Eddie Creighton	Co. Limerick	1 October 2002
	Anne Butler	Co. Waterford	1 October 2002
	Ray O'Mahony	Co. Cork	1 October 2002
	Terry Kelly	Co. Cork	17 February 2003
	Donal O'Shea	Co. Cork	16 October 2002
	Cáit Ní Fhaoláin	Co. Waterford	18 December 2003
	Eileen Curran	Co. Kerry	18 December 2003
Oliver Clery	Co. Waterford	6 December 2004	
Curragh Place of Detention Visiting Committee	Gerry McMahon	Co. Limerick	17 February 2003
	Paddy Cullotty	Co. Dublin	17 February 2003
	Evelyn Varley	Co. Galway	17 February 2003
	Mairin Hyland	Co. Kildare	17 February 2003
	Michael Hanrahan	Co. Dublin	17 February 2003
	Wilhelmena Daly	Co. Dublin	17 February 2003
	Brian O'Reilly	Co. Kildare	26 March 2003
Fort Mitchel Place of Detention Visiting Committee	Margaret Coady	Co. Waterford	17 February 2003
	Joseph Murphy	Co. Cork	25 February 2002
	John Hodnett	Co. Cork	20 September 2002
	Angela O'Connor	Co. Dublin	20 September 2002
	Kevin O'Neill	Co. Cork	20 September 2002
	Eamon Rafter	Co. Laois	20 September 2002
	Elizabeth Leahy	Co. Limerick	1 October 2002
	Dan Collins	Co. Cork	12 November 2002



Committee	Member	County of Residence	Date of Appointment
Limerick Prison Visiting Committee	Michael Fahy	Co. Galway	30 August 2002
	Ger Connolly	Co. Offaly	20 September 2002
	Collette Scanlon	Co. Kerry	20 September 2002
	Tom O'Keefe	Co. Kildare	20 September 2002
	Ann O'Keefe	Co. Limerick	20 September 2002
	Eileen O'Brien	Co. Cork	2 October 2002
	Noirin Mitchell	Co. Limerick	2 October 2002
	Teresa Lynch	Co. Cork	15 October 2002
	Pat Driscoll	Co. Kerry	15 November 2004
	Michael O'Shea	Co. Kerry	15 November 2004
Loughan House Visiting Committee	Eugene Delaney	Co. Mayo	20 December 2004
	Rita Delahunty	Co. Dublin	20 December 2004
	Eddie Feeley	Co. Cavan	31 October 2002
	Clifford Kelly	Co. Cavan	31 October 2002
	Kathleen Richie	Co. Cavan	31 October 2002
	Niall McCole	Co. Donegal	31 October 2002
	Alice Bonner	Co. Donegal	31 October 2002
	Brendan Hughes	Co. Monaghan	31 October 2002
	Martin Doonan	Co. Sligo	31 October 2002
	Mary Kathleen Johnston	Co. Sligo	12 November 2002
Midlands Prison Visiting Committee	Colm Wylie	Co. Clare	9 April 2004
	Teresa Mulhare	Co. Laois	9 April 2004
	Jennifer Murnane O'Connor	Co. Carlow	9 April 2004
	Patrick Boland	Co. Offaly	9 April 2004
	Nuala Halpin	Co. Dublin	9 April 2004
	Brigid Teefy	Co. Limerick	19 April 2004
	Jody Gunning	Co. Offaly	15 November 2004
	John Sheey	Co. Clare	6 January 2005
	Jim Casey	Co. Tipperary	6 January 2005
Mountjoy Prison Visiting Committee	Bernie Nolan	Co. Dublin	4 April 2004
	Paddie Connellan	Co. Longford	4 April 2004
	Stephen Langton	Co. Kildare	6 January 2005
	Bridie Fitzgerald	Co. Kerry	31 May 2002
	Desmond Gibney	Co. Dublin	2 October 2002
	Betty Minihane	Co. Dublin	2 October 2002
	Carmel Bolger	Co. Kildare	12 November 2002
	Liam Hogan	Co. Dublin	6 January 2005
Portlaoise Visiting Committee	Jim Lanigan	Co. Meath	31 May 2002
	Catherine Quinn	Co. Dublin	30 August 2002
	Mary Wheatley	Co. Carlow	20 September 2002
	Tom Colgan	Co. Laois	18 December 2003
	Michael Hough	Co. Tipperary	18 December 2003
	Eilis Croke	Co. Laois	3 March 2004
	Ann Turley	Co. Laois	3 March 2004
	Walter Lacey	Co. Carlow	20 December 2004
	Eithne Reddy	Co. Carlow	6 January 2005

Committee	Member	County of Residence	Date of Appointment
Shelton Abbey Place of Detention Visiting Committee	Kevin Fitzgerald	Co. Wicklow	13 August 2002
	Pat Doran	Co. Wicklow	13 August 2002
	Oonagh Doyle	Co. Wicklow	13 August 2002
	Pat Fitzgerald	Co. Wicklow	13 August 2002
	Colette Douglas	Co. Dublin	9 September 2002
	Hugh O'Keeffe	Co. Wicklow	31 October 2002
	P.J. Sheridan	Co. Kildare	31 October 2002
	John Byrne	Co. Wicklow	31 October 2002
	John Murphy	Co. Wexford	17 February 2003
	Kathleen Maher	Co. Tipperary	31 October 2002
St. Patrick's Institution Visiting Committee	Patrick O'Sullivan	Co. Kerry	5 June 2002
	Hugh Lynn	Co. Roscommon	20 September 2002
	Noel Cloak	Co. Leitrim	20 September 2002
	Mary Murphy	Co. Galway	20 September 2002
	Michael Burns	Co. Cork	20 September 2002
	Anthony Gavin	Co. Kildare	17 December 2004
Training Unit Place of Detention Visiting Committee	Tras Honan	Co. Waterford	20 September 2002
	Kathleen Diamond	Co. Sligo	31 October 2002
	Noel Coade	Co. Wicklow	31 October 2002
	Deirdre Kenneally	Co. Cork	31 October 2002
	Geraldine Foster	Co. Dublin	31 October 2002
	Mary Kelly	Co. Dublin	31 October 2002
	Patsy Geraghty	Co. Galway	12 November 2002
Wheatfield Prison Visiting Committee	Rena Donaghey	Co. Donegal	25 February 2002
	John O'Neill	Co. Kildare	8 November 2004
	Stephen O'Neill	Co. Dublin	8 November 2004
	Gerry Hannon	Co. Dublin	17 December 2004
	Elva MacKay	Co. Dublin	17 December 2004
	Teresa Clarke	Co. Kildare	17 December 2004

### Garda Stations.

432. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform the number of times Ardfinnan post office, County Tipperary, has been raided during the past eight years; the number of convictions secured for each raid; and if he will make a statement on the matter. [4885/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The post office at Ardfinnan, County Tipperary, has been subject to three raids in the last eight years, the latest occurring on the 31 January 2005. To date, no convictions have been secured arising from these raids. Preventative measures are ongoing, including mobile and foot patrols, by day and at night. The divisional crime prevention officer has also carried out a full survey of the office premises.

433. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform the number of hours a Garda station (details supplied) has been

open during the past six months; the number of gardaí assigned to the station on a full-time basis; if the station is *de facto* closed; and if he will make a statement on the matter. [4886/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda authorities responsible for the detailed allocation of resources, including personnel, inform me that the personnel strength of Ardfinnan Garda station as at February 11 2005 was one garda.

The garda attached to Ardfinnan Garda station was on maternity leave from 14 June 2004 to 10 January 2005. In her absence a garda attached to Cahir Garda station visited Ardfinnan Garda station several days a week and dealt with matters.

Over the Christmas period, gardaí from Cahir performed foot patrol duty in the Ardfinnan area. Local Garda management state that during the past six months Ardfinnan Garda station has been open to the public for approximately four hours per week.

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As of 10 January 2005, Ardfinnan Garda station is open to the public for two hours daily depending on the member's rostered tour of duty. When not open, public access call box and call diversion systems are in operation to the district headquarters at Cahir Garda station.

#### Registration of Title.

434. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if he will instruct the Land Registry to expedite a dealing for a person (details supplied) in County Mayo. [4887/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Registrar of Titles informs me that this is an application for transfer of part

which was lodged on 4 October 1999. Dealing Number D1999SM006629K refers. The application is receiving attention in the Land Registry and will be completed as soon as possible.

#### Drug Seizures.

435. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the street value of drugs seized in Bray, Wicklow town and Arklow for the years 2002, 2003 and 2004; the breakdown of these by type; and if he will make a statement on the matter. [4888/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The data requested by the Deputy and supplied by the Garda authorities is set out in the table.

Year	Drug Type	Bray*	Arklow	Wicklow Town
		Estimated street value		
		€	€	€
2002	Cannabis Resin	3,073	17,765	880
	Ecstasy	2,149	200	10
	Herbal Cannabis		300	
	Cocaine	8,126	20	
	Heroin	3,237	1,775	
	Methodone		300	
	Rohypnol		80	
	Amphetamine	13	30	10
2003	Cannabis Resin	19,291	63,800	660
	Herbal Cannabis		50	
	Ecstasy	71,353	390	560
	Cocaine	27,413		
	Heroin	1,714	550	
	Amphetamine	267	10	400
	Physeptone		100	
	Methodone	100	40	
2004	Cannabis Resin	9,688	1,375	660
	Heroin	1,810	7,575	
	Ecstasy	1,890	800	30
	Cocaine	103,880	400	
	Cannabis Herb	36	40	
	Methodone	50		
	Amphetamine			30

\*Statistics as provided for Bray are a district return — N District — and include Bray and Shankill Garda districts.

#### Garda Operations.

436. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform why young persons travelling abroad for working holidays and education find it so difficult to acquire Garda clearance; and the reason for this difficulty. [4889/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda central vetting unit was established in January 2002 to carry out criminal record vetting in respect of prospective full-time employees working primarily in the health care area and in certain designated agencies.

When the unit became fully operational, it was envisaged that a phased extension of the vetting arrangements to other groups would take place. To this end, a working group was established to examine the issue. The working group submitted its final report in March 2004 and this report has since been published in electronic form on my Department's website.

On the basis of this report, my colleague, Deputy Brian Lenihan, Minister of State at the Department of Health and Children with special responsibility for children, announced the provision of additional staff resources for the unit to enable the Garda Síochána's vetting services to



be extended. The Minister of State's announcement implements one of the key recommendations of the working group. The other practical recommendations are being brought forward by an implementation group chaired by the Garda Síochána and comprising representatives of my Department, the Departments of Health and Children, Education and Science, and Finance, the Office of the Attorney General, and Mr Paul Gilligan, chief executive officer of the Irish Society for the Prevention of Cruelty to Children. The extension of the services of the vetting unit will commence this year as soon as the necessary practical arrangements are in place, and public announcements will occur in this regard in due course.

#### **Garda Training.**

437. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the recent allegations of bullying in the Garda Síochána Templemore training centre; if action was taken in each case; the anti-bullying procedures that are in place in the college to deal with such cases. [4890/05]

446. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the allegation of sexual harassment having been made in the Garda training college in Templemore; if a full inquiry has taken place into the allegation; the outcome of any such inquiry; if the guidelines in relation to harassment and bullying need to be updated, particularly in so far as they affect student gardaí; and if he will make a statement on the matter. [4993/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 437 and 446 together.

The Garda authorities, who are responsible for the detailed allocation of resources, including personnel, inform me that an investigation under the Garda Síochána (Discipline) Regulations 1989 is being conducted following an internal complaint at the Garda college. As the investigation is ongoing it would not be appropriate to comment further until the investigation has concluded.

Anti-bullying procedures in place in the Garda college, are in accordance with the Garda Síochána policy on equality, bullying, harassment, sexual harassment and grievance procedure of July 2002. The policy applies in full to student gardaí as they are contracted by the commissioner as Garda trainees.

#### **Registration of Title.**

438. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the position regarding a dealing (details supplied) in County Mayo. [4908/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Registrar of Titles informs

me that this is an application for first registration which was lodged on 24 January 2005. Dealing Number D2005SM000859D refers. This application was rejected and the documents were returned to the lodging solicitors on 10 February 2005.

#### **Prison Accommodation.**

439. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform how much has been spent on refurbishment or building in the Mountjoy complex over the past ten years; and if he will make a statement on the matter. [4909/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Irish Prison Service informs me that the information requested by the Deputy is not readily available. I have directed the Irish Prison Service to forward the information requested directly to the Deputy as soon as possible.

#### **Temporary Release of Prisoners.**

440. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform if he will consider providing release on a re-socialisation programme for a person (details supplied) in County Cork; and if he will make a statement on the matter. [4915/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have carefully examined the case to which the Deputy refers and am not prepared to approve additional periods of temporary release at this time.

#### **Voluntary Repatriation Schemes.**

441. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform if his Department has explored the concept of "spend and save" in the area of repatriation; if he will consider the possibility of entering into a bilateral agreement with some countries as outlined (details supplied); and if he will make a statement on the matter. [4962/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Transfer of Sentenced Persons Act 1995 and 1997 is the legislative basis for enabling the repatriation of prisoners to Ireland. While the Act was intended, in the main, to allow for the operation of the Council of Europe Convention on the Transfer of Sentenced Persons, it also provides under section 2 of the Act for the repatriation of prisoners from or to a state which is not a party to the convention but with which Ireland has a bilateral agreement for such transfers.

The United Kingdom adopted the "spend and save" policy on prisoner repatriation owing to the high numbers of British citizens requiring consular assistance as a result of being imprisoned in foreign countries. The provision of consular services to Irish citizens abroad is a matter solely for

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my colleague, the Minister for Foreign Affairs. I understand, however, that the problem facing the UK authorities does not exist to any great extent in regard to Irish nationals abroad.

The Council of Europe Convention applies to most countries where Irish nationals have been imprisoned. There are significant costs involved in repatriating prisoners to Ireland to complete their sentences here. A bilateral agreement to allow for the transfer of prisoners to and from another state is put in place primarily for humanitarian and rehabilitative reasons.

While Ireland has as yet no bilateral agreements in place, several states have expressed an interest in negotiating an agreement. Proposals for the conclusion of a bilateral agreement between Cuba and Ireland are expected to be forwarded to the Cuban authorities soon and that agreement will form the basis for further such agreements between other states which are interested in putting in place such arrangements.

#### **Child Care Services.**

442. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the action he will take to provide the much needed funding for a community playgroup (details supplied) in County Longford under the equal opportunities child care programme; and if he will make a statement on the matter. [4971/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The group was awarded staffing grant aid of €190,461 over three years in September 2000. In addition, the group was awarded staffing continuation funding totalling €79,375 up to 31 August 2005 under the equal opportunities child care programme 2000-2006. The group submitted an application for capital grant assistance under the programme to my Department some time ago. The programme is a seven-year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training.

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme. Following discussions with my colleague, the Minister for Finance, an additional capital provision of €90 million was made available over the period 2005 to 2009 in the context of the 2005 budget. Of this amount, €50 million is being made available under the present programme and the remaining €40 million will flow under the next phase of the post-2006 programme. This augments the increased EU funding of €12 million made available last year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which €205 million has been set aside. In December 2004, I announced an allocation of

almost €35 million in capital funding to community-based not-for-profit-groups.

The availability of the additional capital funding will enable me to make further capital grant assistance available over the coming months and years to groups which address significant child care service gaps and where the project proposal represents good value for money when considered in the context of the guidelines on building costs. In light of this, the group in question has been advised that while its project had not been prioritised for immediate funding in December 2004, it will be reconsidered in the future and I hope to make further significant capital commitments during 2005 and thereafter.

The ongoing appraisal of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care facilities and places at the earliest opportunity. When the appraisal on the project in question is completed, the application will be considered by the programme appraisal committee, chaired by my Department, before I make a final decision. In the interim, it would be premature of me to comment further on this application.

443. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if his Department will take steps to fund an important community child care service (details supplied) in County Westmeath; if he will develop an after-school service to deal with the ever-increasing demands on the current accommodation and facilities; and if he will make a statement on the matter. [4972/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The group was awarded staffing grant aid of €195,000 over three years in June 2003 under the equal opportunities child care programme 2000-2006. The group submitted an application for capital grant assistance under the programme to my Department some time ago. The programme is a seven-year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training.

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme. Following discussions with my colleague the Minister for Finance, an additional capital provision of €90 million was made available over the period 2005 to 2009, in the context of the 2005 budget. Of this amount, €50 million is being made available under the present programme and the remaining €40 million will flow under the next phase of the post-2006 programme. This augments the increased EU funding of €12 million made available last year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which €205 million has been set aside. In December 2004, I announced an allocation of

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#### **Garda Operations.**

444. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform his proposals to measure Garda performance in each division; and if he will make a statement on the matter. [4984/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda corporate strategy and annual policing plans outline the objectives of the force. The annual policing plan details policing policy for the year setting measurable performance indicators. The progress made towards achieving this level of performance is subsequently contained in the annual report.

The Garda Síochána Bill, which is before Dáil Éireann, will comprehensively modernise the law governing the force. It will set out the role and objectives of the force and clarify its relationship with the Minister and Government. There will be formal provision for the setting of policing priorities and the establishment of performance targets. The Garda Commissioner will then formally be required to submit a three-yearly strategy statement and an annual policing plan.

#### **Human Rights Issues.**

445. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform further to Question No. 406 of 30 November 2004, if his attention has been drawn to the requirement contained in section 9 of the Northern Ireland Act 1998 that a Minister must, on or before introducing a Bill into the Assembly, make a statement to the effect that in their view the Bill is compatible with the terms of the European Convention on Human Rights; if, accordingly, the Government has proposals to implement similar measures in

this jurisdiction; and if he will make a statement on the matter. [4992/05]

#### **Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** I note that section 9 of the Northern Ireland Act 1998 deals with the making of statements by Ministers in charge of Bills to the effect that such Bills are within the legislative competence of the Northern Ireland Assembly.

Perhaps what the Deputy has in mind is section 19 of the UK Human Rights Act 1998. It provides for the making of written statements by Ministers before the Second Reading on the compatibility or otherwise of Bills with the European Convention on Human Rights.

The question of whether a similar procedure should be adopted in our case was fully examined in the context of the preparation of the European Convention on Human Rights Act 2003. I explained the position in this regard during the passage of the Bill through the Houses of the Oireachtas. The Government took account of the establishment of the Human Rights Commission in this jurisdiction and its wide role and mandate in relation to the review of proposals for legislation as well as the Attorney General's responsibilities as guardian of the public interest in protecting the Constitution and vindicating constitutional rights. This responsibility co-exists with the functions of legal adviser to the Government, and both areas come into play in the context of the proposals by the Government for draft legislation.

The two parliamentary systems differ in so far as parliamentary procedures may be established by law in the United Kingdom but in this jurisdiction they are governed by the system of Standing Orders drawn up by each House. Even if legislation provided for such statements, unless adopted by the Houses of the Oireachtas, they would be of no value. It is possible, of course, that the Oireachtas might amend its Rules of Procedure so as to provide for statements indicating the compatibility or otherwise of draft legislation with the European Convention on Human Rights.

*Question No. 446 answered with Question No. 437.*

#### **Garda Remuneration.**

447. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the reason for the establishment of the Garda Síochána reward fund; the way in which it is administered; the way in which it is maintained; and why it is to be retained. [4995/05]

#### **Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** The Garda reward fund was set up by the Garda Reward Fund Regulations 1925 in accordance with the provisions of section 18 of the Garda Síochána Act 1925. The fund's sources of income are: fines imposed for disciplinary reasons on any member of the Garda Síochána;



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finances, penalties or damages granted on foot of summary conviction by the courts to members of the Garda Síochána; fines directed under any Act, including the Garda Síochána Act 1925, to be paid to the Garda reward fund.

Payments from the fund are made by way of awards approved by the Garda Commissioner on foot of recommendations by a Garda reward board. These awards — Scott Medals — are made to those gardaí who have shown exceptional zeal, intelligence or ability in the discharge of police duty, or who have performed acts of exceptional bravery. Moneys lodged by the Revenue Commissioners and the Department of Communications, Marine and Natural Resources are also paid to the gardaí involved in the detection of the cases generating the fines.

The accounts of the Garda Síochána reward fund are published annually in the appropriations accounts and are audited by the Comptroller and Auditor General. I have no plans at present to amend or discontinue this scheme.

#### **Criminal Prosecutions.**

448. **Ms McManus** asked the Minister for Justice, Equality and Law Reform the circumstances and considerations that led to the pending trial of a person (details supplied); if this person's extradition for the offence was sought by the Irish authorities; if not, the reason therefor; the person by whom any relevant decision was made; if the exercise by the English courts of extraterritorial jurisdiction in respect of a murder allegedly committed in this State has any modern precedent; the nature and extent of any co-operation being provided to the English prosecution authorities in relation to the presentation of their case; if assistance will be provided to the family of the victim in this case to meet the additional costs of attending the trial occasioned by the fact that it is taking place abroad; if consular or other assistance will be available to the family during the course of the trial; if the Government, or the Garda Síochána will have observers or other representatives at the trial; and if he will make a statement on the matter. [4996/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy asks several questions related to a pending prosecution in the United Kingdom arising from the discovery of a woman's body in Dublin in 2003. The Deputy will be aware that as Minister for Justice, Equality and Law Reform, I have no function in regard to prosecutions taken in the United Kingdom and therefore cannot comment on the circumstances which led to the prosecution being taken.

Whether the person's extradition from the United Kingdom was requested is not a matter for me. Under the system which existed at the time this was a matter for the Garda Commissioner in consultation with the Director of Public Prosecutions, in accordance with the provisions of Part III of the Extradition Act 1965.

Since the offence occurred in this jurisdiction, the UK authorities requested assistance in providing certain evidence which had been gathered here. This request has been complied with.

Assistance to the family of the victim to attend the trial in the United Kingdom is also outside the remit of my Department.

#### **Deportation Orders.**

449. **Ms Burton** asked the Minister for Justice, Equality and Law Reform if the case of a person (details supplied) in Dublin 15 will be reviewed. [4997/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned arrived in the State on 3 October 1998 and claimed asylum. His application was refused by the Office of the Refugee Applications Commissioner and he was notified of this recommendation by letter of 8 March 2001. His subsequent appeal was refused by the Office of the Refugee Appeals Tribunal and he was notified of this recommendation by letter of 12 October 2001. He was notified of my decision to refuse him refugee status by letter of 13 November 2001 in which he was informed of the three options open to him at that point, namely, to leave the State before the Minister for Justice, Equality and Law Reform made a deportation order in respect of him, to consent to the making of a deportation order in respect of him, or to make written representations, within 15 working days, to the Minister for Justice, Equality and Law Reform, setting out why he should not be deported that is, why he should be allowed to remain temporarily in the State.

His case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement) including consideration of all representations received on his behalf. A deportation order was made in respect of him on 19 November 2004. The order was served by registered post and he presented himself to the Garda national immigration bureau on Thursday 20 January 2005. He is due to present himself again to the bureau on Wednesday 23 February, 2005, when it is expected that travel arrangements will have been put in place. The enforcement of the deportation order is a matter for the Garda national immigration bureau.

#### **Criminal Record Vetting.**

450. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the procedure for providing Garda clearance for staff who work in day nurseries which are linked with health boards; if his attention has been drawn to the fact that managers of these nurseries have been told that they will have to process requests for clearance through health boards and cannot do so directly with the Garda authorities; and if he will make a statement on the matter. [5041/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda central vetting unit carries out criminal record vetting in respect of prospective full-time employees working primarily in the health care area and in certain designated agencies funded by the Health Service Executive, previously health boards.

It is established practice that agencies in receipt of such funding forward their applications to the unit via the Health Service Executive. This procedure allows for verification of the applicant's status and ensures that the application form is co-signed by an authorised signatory and that quality control of the application form is maintained.

#### **Citizenship Applications.**

451. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform when a decision will be made regarding an application for naturalisation made by a person (details supplied) in Dublin 22. [5076/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** There is no record of an application for naturalisation having been received from the person to whom the Deputy refers.

#### **Juvenile Offenders.**

452. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will confirm that the Garda is aware of a situation (details supplied); and if he will make a statement on the matter. [5123/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy refers to two incidents which occurred in August and September 2004. Following the first incident, proceedings were brought against another person by the Garda and a witness summons was served on the person to whom the Deputy refers. The person was instructed by the court to hand over a medical card and passport belonging to the accused to the gardaí but failed to do so.

Following the second incident involving the same persons a file was prepared for the law officers and the person to whom the Deputy refers was kept informed by the gardaí throughout the investigation. On receipt of directions, gardaí arrested the accused who is before the Juvenile Court. The person to whom the Deputy refers has been kept informed by the Garda.

#### **Schools Building Projects.**

453. **Mr. O'Dowd** asked the Minister for Education and Science the progress in the provision of a new primary school (details supplied) in County Louth. [4522/05]

**Minister for Education and Science (Ms Hanafin):** The new primary school to which the Deputy refers is being provided to accommodate the amalgamation of two schools. The project has been assessed in accordance with the published prioritisation criteria, which were revised follow-

ing consultation with the education partners, and its progress is being considered in the context of the school building programme. 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 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; schools that will be authorised to commence architectural planning.

454. **Mr. McGuinness** asked the Minister for Education and Science the status of an application by a school (details supplied) in County Carlow for the provision of an extra classroom; and if she will make a statement on the matter. [4532/05]

**Minister for Education and Science (Ms Hanafin):** An application for temporary accommodation to facilitate increasing enrolments has been received from the school authority to which the Deputy refers. All applications for temporary accommodation for the 2005-06 school year are being assessed in the school planning section of my Department. I intend to publish a list of the successful applicants shortly.

The school to which the Deputy refers has also an application with my Department for a major capital project, progress on which is being considered in the context of the school building programme. In this regard I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects countrywide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make 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; schools that will be authorised to commence architectural planning.

455. **Ms Enright** asked the Minister for Education and Science when work will commence on a new school building (details supplied) in County Dublin; and if she will make a statement on the matter. [4533/05]

**Minister for Education and Science (Ms Hanafin):** Tenders were recently received in respect of this project. The tenders are being assessed. Once it has been established that the tender is in order and the tender outcome is acceptable, it would be reasonable to expect the contractor to go on site within the following few months.

456. **Ms Enright** asked the Minister for Education and Science her plans to provide a second level school in Donabate or Portrane; and if she will make a statement on the matter. [4534/05]

**Minister for Education and Science (Ms Hanafin):** A new school planning model involving published area development plans is being piloted in five areas over this school year. Donabate and Portrane are included in the pilot scheme as part of an overall plan for the north Dublin, east Meath and 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. In this regard, parents, trustees, sponsors of prospective new schools 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 educational provision in an area, which will be the touchstone against which all decisions on 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.

#### School Enrolments.

457. **Ms Enright** asked the Minister for Education and Science the proposals she has to provide new second level places in Balbriggan, County Dublin; and if she will make a statement on the matter. [4535/05]

**Minister for Education and Science (Ms Hanafin):** My Department is implementing the first phase of a two phase strategy to provide extra accommodation at the existing post primary school in Balbriggan. In this regard a €1 million extension is being provided to cater for immediate needs. In addition, schedules of accommodation have been agreed for the second phase extension. Progress on the second phase is being considered in the context of the school building programme.

With regard to further provision, a new school planning model involving published area development plans is being piloted in five areas over the current school year. Balbriggan is included in the pilot scheme as part of an overall plan for the north Dublin, east Meath and south

Louth area. The need for a new post primary school in the 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 and sponsors of prospective new schools 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 educational provision in an area, which will be the touchstone against which all decisions on 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 publish it soon.

#### Schools Building Projects.

458. **Ms Enright** asked the Minister for Education and Science the forward planning which is being carried out by her in relation to the north Dublin constituency for the provision of primary and post primary schools; and if she will make a statement on the matter. [4536/05]

**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, included in the pilot scheme is the north Dublin, east Meath and south Louth area.

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. In this regard, parents, trustees, sponsors of prospective new schools 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 educational provision in an area, which will be the touchstone against which all decisions in relation to capital investment will be made for the next decade.

The draft plan for 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 shortly.

#### School Staffing.

459. **Mr. Kenny** asked the Minister for Education and Science if a resource teacher will be appointed in the case of a person (details supplied) in County Mayo; and if she will make a statement on the matter. [4537/05]

**Minister for Education and Science (Ms Hanafin):** The National Council for Special Education has taken over responsibility for processing resource applications for children with



disabilities who have special educational needs. The council's responsibilities include deciding on applications for resource teaching hours in respect of children with low incidence disabilities with special educational needs at primary level.

Under the new arrangements, it is the responsibility of the school in which the child is due to enroll next September to make an application to the council, through the local special educational needs organiser who will process the relevant application for resources and inform the school of the outcome. It is important to note that in the case of decisions on resource teaching, the special educational needs organiser will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made.

#### **School Transport.**

460. **Mr. Kenny** asked the Minister for Education and Science if school transport will be provided for persons (details supplied) in County Mayo; and if she will make a statement on the matter. [4538/05]

**Minister for Education and Science (Ms Hanafin):** A report on this case has been requested from Bus Éireann. The family will be advised of the position when the report has been received and assessed.

461. **Mr. Kenny** asked the Minister for Education and Science if school transport will be provided for a person (details supplied) in County Mayo; and if she will make a statement on the matter. [4539/05]

**Minister for Education and Science (Ms Hanafin):** A report on this case has been requested from Bus Éireann. The family concerned will be advised of the position when the report has been received and assessed.

#### **Site Acquisitions.**

462. **Mr. J. O'Keefe** asked the Minister for Education and Science the position in relation to a school (details supplied); and if she will make a statement on the matter. [4553/05]

**Minister for Education and Science (Ms Hanafin):** The property management section of the Office of Public Works, which acts on behalf of my Department in regard to site acquisitions generally, is currently exploring the possibility of acquiring a site for the school to which the Deputy refers. Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. This information, however, will be placed on my Department's website when the relevant acquisitions have been completed. The question of the provision of new accommodation for the school will be considered further when a site has been identified.

#### **Schools Building Projects.**

463. **Cecilia Keaveney** asked the Minister for Education and Science when a decision will be taken on the provision of a prefabricated classroom for a school (details supplied) in County Donegal; and if she will make a statement on the matter. [4556/05]

**Minister for Education and Science (Ms Hanafin):** An application for temporary accommodation has been received from the school authority to which the Deputy refers. All applications for temporary accommodation for the 2005-06 school year are being assessed by reference to the published criteria, in the school planning section of my Department. I intend to publish a list of the successful applicants soon.

The school has also applied for a major building project. That application has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners and this project is being considered for the 2005 school building programme.

I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects countrywide which will prepare tenders and move to construction during 2005. This is the first in a series of announcements I plan to make about the schools building and modernisation programme that will include: details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; schools that will be authorised to commence architectural planning.

#### **School Transport.**

464. **Mr. Kenny** asked the Minister for Education and Science if school transport can be supplied to persons (details attached) in County Mayo in view of their traditional attendance at the school in question; and if she will make a statement on the matter. [4580/05]

**Minister for Education and Science (Ms Hanafin):** The pupils to whom the Deputy refers live one mile from the route of service to the post-primary centre in question. My Department is satisfied that they have a level of service within guidelines, and therefore an extension of service is not warranted in this case. As a rule post-primary school transport routes are planned so that, as far as possible, no eligible child will have more than two miles to travel to a pick-up point. Pupils living off the main route of a service are generally expected to make their own way or to be brought to convenient pick-up points along the main route.

### Departmental Correspondence.

465. **Mr. Lowry** asked the Minister for Education and Science if her attention has been drawn to a letter (details supplied); and if she will make a statement on the matter. [4614/05]

**Minister for Education and Science (Ms Hanafin):** I am aware of the contents of the letter referred to by the Deputy. I have made arrangements to have a response to the matters raised issued directly to the author.

### Teaching Qualifications.

466. **Mr. J. Higgins** asked the Minister for Education and Science if she has received correspondence from the Union of Students in Ireland calling for the suspension of a course (details supplied) in order that a comprehensive debate regarding teacher training, involving student teachers, teachers unions and the general public can take place; and her views on same. [4644/05]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that I met the Union of Students in Ireland, USI, shortly after I received the correspondence in question, to discuss, among other things, the matters referred to by the Deputy. Although the matters were fully discussed at our meeting when I made the USI aware of my position, a formal response to the correspondence will issue to the USI shortly. I will arrange to have a copy forwarded to the Deputy in due course.

The course referred to by the Deputy is a privately-run course provided by a privately owned institution, which is accredited by Higher Education and Training Awards Council, HETAC.

The graduate diploma in education, which is conferred at the end of this course is recognised by my Department for the purposes of primary teaching. Given the status of this course and the college, it is not within the remit of my Department to suspend the course in question. In order for the course to secure HETAC accreditation, the college in question complied with HETAC's quality assurance and validation requirements. The quality assurance requirements of HETAC, which are published on its website, require, that over time, each provider engages in an institutional self-evaluation process in line with international standards at higher education level, and an external review.

I would like to assure the Deputy that my Department's Inspectorate monitors 10% of the final teaching practice students from the college in question, as is the case for the students of the five colleges of education at undergraduate and post-graduate levels. This process aims to assess the quality of the teaching practice dimension of pre-service education in individual colleges and throughout the system. It also strives to provide information on teaching practice to the Department and the individual colleges.

In the case of the college, which is the subject of the Deputy's question, this evaluation process

has just been completed by the Inspectorate for the first cohort of the college's students who are due to graduate in June 2005. Analysis and assessment of this work is currently underway and the outcome of this work will be provided to the college covered by the Deputy's question as well as the five colleges of education in a series of meetings with the Department's inspectorate. The provision of feedback to the colleges is a normal practice and it is a valuable means of improving the quality of teaching provided to students.

I am satisfied that the monitoring undertaken by my Department's Inspectorate, combined with HETAC's internal review procedures, adequately address any issues raised by the USI in relation to this course. I do not, therefore, consider it either appropriate or relevant to suspend the course in question.

### Site Acquisitions.

467. **Ms Burton** asked the Minister for Education and Science her views on the development of lands at Beechpark in Dublin 15 for the purposes of the building of a permanent school (details supplied); if she will make a statement on the position of St. Brigid's GAA Club which has used these grounds for many years; her proposals to assist this club with replacement grounds during the development of the permanent school building; the length of time it is envisaged that the work will take place; and the length of time this club will be at a loss of playing pitch space. [4661/05]

**Minister for Education and Science (Ms Hanafin):** The lands at Beechpark Avenue are owned by my Department and were purchased to provide educational facilities.

Planning permission has been obtained and that this project is scheduled to proceed to tender and construction within the next 12 to 15 months. It is envisaged that the construction period will be about 12 months from the date the project commences on site. I intend to put in place a formal legal agreement overning the use of the remaining lands once the school is in place. I recently met with officials of St. Brigid's GAA club and informed them of the up-to-date position concerning the building project.

### Schools Building Projects.

468. **Mr. Hayes** asked the Minister for Education and Science the status of plans to provide a new school in Ballytarsna, Cashel, County Tipperary. [4684/05]

**Minister for Education and Science (Ms Hanafin):** As the Deputy may be aware, my Department has acquired a site for the provision of a new school in Ballytarsna, Cashel, County Tipperary. The building project has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners, and its progress is being considered in the context of the

school building programme. In this regard, the Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects country wide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process and schools that will be authorised to commence architectural planning.

The school in question has also made an application for grant-aid under the temporary accommodation scheme for 2005. Applications under this scheme are currently being assessed in school planning section. Successful applicants will also be announced shortly.

#### **Special Educational Needs.**

469. **Ms Enright** asked the Minister for Education and Science the number of applications received in her Department for resource teaching hours since January 2004; the number of these applications which were accompanied by a psychological evaluation recommending resource teaching hours; the number of these applications subsequently granted; and if she will make a statement on the matter. [4685/05]

**Minister for Education and Science (Ms Hanafin):** As the Deputy is aware, the National Council for Special Education, NCSE, has taken over responsibility for processing resource applications for children with disabilities who have special educational needs and in particular it is responsible for the following: deciding on applications for resource teaching hours in respect of children with low incidence disabilities with special educational needs at primary level; deciding on applications for additional teaching sup-

port in respect of children with disabilities with special educational needs at second level; and deciding on applications for special needs assistant hours.

Under the new arrangements, the council, through the local special educational needs organiser, SENO, will process the relevant application for resources and inform the school of the outcome. It is important to note that in the case of decisions on resource teaching and SNAs, the SENO will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made.

For these reasons, the information requested by the Deputy is not readily available. I am however satisfied that the establishment of the NCSE will greatly enhance the provision of services to children with special educational needs and result in a timely response to schools who have made application for SEN supports. The local service delivery aspect of the council's operation through the SENOs will provide a focal point of contact for parents-guardians and schools and will, I am confident, result in a much improved service for all.

#### **Psychological Service..**

470. **Ms Enright** asked the Minister for Education and Science the number of secondary 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. [4686/05]

**Minister for Education and Science (Ms Hanafin):** Following is the information requested by the Deputy in the form of a spreadsheet.

The schools listed as NEPS schools have NEPS psychologists assigned to them and have access to the full NEPS service. All schools that do not yet have access to the NEPS service may avail of the scheme for commissioning psychological assessments. Details of this have been notified to all schools and 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.



County	Primary (not including special)		Primary (including Special)		All Schools					NEPS				
	NEPS schools	Total Schools	NEPS schools	Total Schools	Secondary	Community	Comprehensive	Vocational	Total	Secondary	Community	Comprehensive	Vocational	Total
	Carlow	13	43	13	44	5	1		5	11	3	1		4
Cavan	40	78	40	79	4	1		5	11	4	1		4	10
Clare	33	118	33	120	8	3		7	19	8	1		7	18
Cork	207	357	208	371	51	10	2	25	88	47	9	2	25	83
Donegal	64	174	64	176	4	6	2	14	26	2	1		8	12
Dublin	333	418	343	473	115	21	5	47	188	110	20	4	46	180
Galway	184	235	184	239	27	6	1	14	48	25	6		14	46
Kerry	139	141	139	144	16	2	1	9	28	16	2	1	8	27
Kildare	38	95	39	99	16	2		10	28	15	2		10	27
Kilkenny	14	76	14	80	8	1		7	16	8	1		6	15
Laois	39	66	39	68	5	2		4	11	5	2		4	11
Leitrim	19	41	19	41	2	2	1	4	9	2	1	1	4	8
Limerick	16	142	18	148	22	2	1	12	37	8	1		3	12
Longford	10	39	10	40	4	1		4	9	4	1		4	9
Louth	39	70	40	73	11	1		5	17	11			5	16
Mayo	124	180	124	184	17	3		9	29	17			8	25
Meath	62	105	63	107	8	3		9	20	8	3		8	19
Monaghan	46	64	47	65	6	2		7	15	6	3		5	14
Offaly	45	66	45	67	5	1		5	11	5	2		5	12
Roscommon	38	95	38	96	4	1		3	8	4	1		3	8
Sligo	19	65	19	67	7	1		7	15	3			2	5
Tipperary NR	26	73	26	74	9	0		6	15	7	1		3	11
Tipperary SR	64	87	64	90	10	1		5	16	10	1		5	16
Waterford	32	73	33	77	12	2		6	20	12	1		6	19
Westmeath	26	74	26	77	10	1		4	15	10	1		4	15
Wexford	28	102	28	104	11	2		7	20	10	2		6	18
Wicklow	49	80	50	85	10	1	1	10	22	10	1	1	10	22
Total	1,747	3,157	1,766	3,288	407	79	16	250	752	370	66	13	217	666

471. **Ms Enright** asked the Minister for Education and Science the number of children in each county waiting for an assessment from the national educational psychological service; and if she will make a statement on the matter. [4687/05]

**Minister for Education and Science (Ms Hanafin):** Provision of individual psychological assessments is part of the work of the educational psychologists in the national educational psychological service. The psychologists do not keep waiting lists of children requiring assessment in the sense of lists of names that are dealt with in chronological order. School authorities refer children for assessment and discuss the relative urgency of each case during the psychologist's visits. This allows the psychologists to give early attention to urgent cases and such children will be seen or referred on in a matter of weeks, if not days.

An account of waiting lists by county, as requested by the Deputy, is not available. Every effort will be made to ensure that urgent assessment needs will be met before the end of the current school year. To respond to non-urgent needs and to add value to the psychological service, NEPS is pursuing a policy of enhancing the skills of teachers in the areas of group and individual testing, programme development and behavioural management. This means that many children's needs can be speedily met without the necessity for individual psychological assessment, although the psychologists are available as consultants to teachers and parents, thus helping the children in an indirect way. This helps to reduce waiting times for individual assessment.

NEPS is being developed on a phased basis over a number of years and has not yet reached its full staffing complement. Pending expansion of its service to all schools in the country, my Department has allocated funding to NEPS to allow for the commissioning of psychological assessments from private practitioners. NEPS has issued details of how to avail of the scheme for commissioning psychological assessments (SCPA) to all schools and these also appear on my Department's website. NEPS is currently conducting a review of the operation of SCPA and is examining ways in which it may be used more flexibly to respond to any unmet needs for assessment.

472. **Mr. P. Breen** asked the Minister for Education and Science the status of an application for an autistic unit for a primary school (details supplied) in County Clare; and if she will make a statement on the matter. [4688/05]

**Minister for Education and Science (Ms Hanafin):** My Department received an appli-

cation to establish an autistic class from the school in question on 20 December 2004.

My officials are liaising with the national educational psychological service regarding the application. A decision will be conveyed to the school as soon as this process has been completed.

#### Schools Building Projects.

473. **Mr. Lowry** asked the Minister for Education and Science if her attention has been drawn to the crisis of funds at a primary school (details supplied) in County Offaly; and if she will make a statement on the matter. [4690/05]

**Minister for Education and Science (Ms Hanafin):** As part of the expansion of the devolved scheme for primary school building works a grant of €350,000 was sanctioned to enable the management authorities of the school in question to provide additional accommodation. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of management control of the building project.

My Department does not intend increasing the amount of the grant offered to the school. This is because a central tenet of the devolved scheme is that the school, granted discretion and funding, must equally accept responsibility for prioritisation, control of costs, and ensuring value for money.

The allocation of €350,000 was offered to the board of management. It was open to the board of management to accept or reject this offer. Acceptance of the offer to participate in the initiative was also acceptance of the conditions attaching to the initiative. On the other hand, refusal by the board of management of the grant would have placed the project within the relevant section of the 2004 school building programme.

#### European Year of Citizenship.

474. **Mr. Gilmore** asked the Minister for Education and Science the action and initiatives which are being undertaken by her Department, for the European year of citizenship through education; and if she will make a statement on the matter. [4691/05]

**Minister for Education and Science (Ms Hanafin):** The Council of Europe launched the 2005 European Year of Citizenship through Education last December. In organising this year, the Council of Europe aims to draw attention to the importance of education in the development of citizenship and the quality of participation in a democratic society.

The year will first and foremost be aimed at reaching education policy deciders, multipliers and professionals with a specific interest in citizenship through education. The focus of the

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year will be on policy and practice issues in the formal and non-formal areas of education.

My Department is currently putting in place a number of measures to ensure a successful year in Ireland. Further details on the year are available on the Council of Europe website *www.coe.int*. A formal launch of the year in Ireland will take place in the near future at which further details will be announced.

#### **Teachers' Remuneration.**

475. **Mr. Neville** asked the Minister for Education and Science if a person (details supplied) in County Limerick will have 67 years of working in the private school recognised for incremental credit in her Department. [4730/05]

**Minister for Education and Science (Ms Hanafin):** As I advised the Deputy in my reply to him in this matter in a parliamentary question on 8 February 2005, the service for which recognition is being sought by the person in question was given in a private second level school that is not recognised by my Department and such service does not qualify for the award of incremental credit within the terms of the agreed report of the Teachers' Conciliation Council on this matter. Decisions of the Teachers' Conciliation Council are of general application to all teachers and it would be inappropriate for me to intervene in individual cases.

#### **Schools Building Projects.**

476. **Mr. Walsh** asked the Minister for Education and Science if she will sanction an extension to a college (details supplied) in County Cork; and if she will make a statement on the matter. [4732/05]

**Minister for Education and Science (Ms Hanafin):** An extension project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners and the project is being considered for the 2005 school building programme. The Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects country wide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with

projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process and schools that will be authorised to commence architectural planning.

#### **Sport and Recreational Development.**

477. **Mr. Dennehy** asked the Minister for Education and Science if there is assistance available within her Department for the training and organisation of chess playing by school children; and if she will make a statement on the matter. [4818/05]

**Minister for Education and Science (Ms Hanafin):** There is no assistance available within my Department for the training and organisation of chess playing by school pupils.

#### **Asbestos Remediation Programme.**

478. **Mr. Connolly** asked the Minister for Education and Science the progress to date of an asbestos removal and remediation survey of schools begun in 1999 by the OPW for her Department; and if she will make a statement on the matter. [4819/05]

**Minister for Education and Science (Ms Hanafin):** Since the commencement of the asbestos management programme in schools in 1999, almost 2,800 out of approximately 4,000 primary and post-primary schools have been surveyed by the Office of Public Works to determine the location, type, form and condition of any asbestos materials present. Works identified as necessary, have either been completed, are in hands or are programmed over the coming months.

The Office of Public Works will continue to carry out surveys until all the remaining schools have been examined and arrangements for the management of any materials identified will be put in hands as soon as possible thereafter.

#### **Pupil-Teacher Ratio.**

479. **Mr. Connolly** asked the Minister for Education and Science if she will be making a significant reduction in primary school class sizes this year to achieve the targets as outlined in the programme for Government 2002; and if she will make a statement on the matter. [4820/05]

480. **Mr. Connolly** asked the Minister for Education and Science the progress made on the commitment in the programme for Government to bring pupil teacher ratios under 20:1 for children under nine years old; the further steps she proposes to take to achieve this objective within the Government's term; and if she will make a statement on the matter. [4821/05]

487. **Ms O'Sullivan** asked the Minister for Education and Science her strategy and timeframe to fulfil the Government's promise in relation to



reducing class size for children under nine; and if she will make a statement on the matter. [4829/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 479, 480 and 487 together.

Significant improvements have been made in the reduction in primary school class sizes in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996-97. The pupil-teacher ratio, which includes all the teachers in the school, including resource teachers, has fallen from 22.2 to one in the 1996-97 school year to 17.44 to one in 2003-04. More than 4,000 additional teachers have been employed in our primary schools since 1997. These additional teaching posts have been used to reduce class sizes, to tackle educational disadvantage and to provide additional resources for children with special needs. Significantly smaller class sizes have been introduced in disadvantaged schools involved in the Giving Children an Even Break-Breaking the Cycle programme, with approximately 47,700 pupils in 243 participating schools availing of reduced class sizes of either 15 or 20 pupils per class. In line with the programme for Government commitment, class sizes for the under-nines will continue to be reduced further.

#### **Teacher Induction Courses.**

481. **Mr. Connolly** asked the Minister for Education and Science if she proposes to extend the pilot scheme to prepare newly qualified teachers for the classroom environment, that is, for behavioural issues, multi-class teaching, special needs pupils, parental consultation and deficit of classroom resources; and if she will make a statement on the matter. [4822/05]

**Minister for Education and Science (Ms Hanafin):** The national pilot project for teacher induction, which commenced in September 2002, has been developed by my Department in conjunction with the standing committee of teacher unions and university education departments. The general aim of the project is to develop proposals for an effective programme of induction for newly qualified teachers at primary and post-primary levels tailored to their particular professional development needs and sensitive to the strengths, requirements and challenges of the Irish education system. Divided into two components for primary and post-primary levels, the overall project has been managed by a representative steering committee.

The initial year of the pilot, phase I, comprised an action research phase, during which an in-depth investigation and analysis of the needs of newly qualified teachers was conducted. This work systematically documented the needs of newly qualified teachers, identifying the most

effective means of meeting these needs and making recommendations for a comprehensive policy on induction. The extension of the pilot in the 2003-04 academic year, Phase II of the pilot, facilitated further research into the needs of newly qualified teachers while exploring the effectiveness of a range of induction models in a variety of teaching contexts using newly qualified teachers from St. Patrick's College and University College Dublin. Phase II also allowed for a regional expansion of the project through the Education Centre Network beyond the Dublin region.

Phases I and II of the project can be regarded as having facilitated the building of capacity within the system in regard to newly qualified teachers. This work has culminated in the recent completion of a report on the progress achieved by the pilot project. This report, which, I understand, is currently at final draft stage, incorporates the findings of the research phase and contains recommendations regarding the development and implementation of a national programme of support for new qualified teachers at primary and post-primary levels. I am informed that the implementation strategy contained in the draft report incorporates the key elements of best practice in induction and mentoring identified in the pilot phases of the pilot project and from studies in international practice and research.

To maintain the impetus built-up during phases I and II, it was decided to initiate a phase III of the project for the 2004-05 year while the draft report was in progress. This phase consolidates the work undertaken to date and harnesses the experience gained in phases I and II. Additional colleges of education and education centres have become involved in the project which has also been nuanced to cover different types of schools such as small rural primary schools, schools located in disadvantaged areas and schools dealing with issues of special education, social inclusion and other relevant matters from teaching and learning. The development of phase III presents additional opportunities to develop induction and mentoring resource material, assessment and evaluation procedures, develop capacity within the system within the overall context of further investigating the practical implications and resourcing of a national programme.

I understand that the steering committee of the national pilot project in teacher induction is currently finalising the draft report containing specific and comprehensive recommendations regarding the implementation of a national programme and a timescale for its introduction. Once completed, the report will be presented to me for consideration in the context of the continuum from initial pre-entry education through induction to post-entry continuing professional development over a teacher's career.

### Employee Assistance Service.

482. **Mr. Connolly** asked the Minister for Education and Science if she proposes to introduce an employee assistance scheme for teachers, as exists throughout the public service; and if she will make a statement on the matter. [4823/05]

**Minister for Education and Science (Ms Hanafin):** My Department is currently examining the objectives and remit appropriate to an employee assistance service for teachers. Following this it is intended to have discussions with the relevant interests on possible options in this area.

### School Curriculum.

483. **Mr. Connolly** asked the Minister for Education and Science her views on an advisory group's report which expressed concerns regarding the risks surrounding the proposed introduction of standardised testing in primary schools; and if she will make a statement on the matter. [4824/05]

**Minister for Education and Science (Ms Hanafin):** It appears that the Deputy is referring to the advice which the National Council for Curriculum and Assessment, NCCA, is currently preparing on issues relating to the introduction of standardised testing in compulsory education.

Since the report cited is work in progress which has yet to be approved by the council, it is not possible for me to comment on its contents. I expect to receive the NCCA's advice on this matter before Easter.

### Schools Building Projects.

484. **Mr. McGuinness** asked the Minister for Education and Science the status of an application for a school extension (details supplied) in County Kilkenny; if the project qualifies for a devolved grant; and if a decision on the application will be expedited. [4825/05]

**Minister for Education and Science (Ms Hanafin):** The school referred to by the Deputy applied to my Department for grant aid towards the construction of additional accommodation consisting of a remedial room, library area, medical room and staff-administration area. The project has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners, and its progress, including delivery type, is being considered in the context of the school building programme. In this regard, the Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects country wide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming

period in relation to the schools building and modernisation programme that will include details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process and schools that will be authorised to commence architectural planning. The project is in the early stages of architectural planning.

485. **Mr. Howlin** asked the Minister for Education and Science when work will begin on the long awaited and urgently needed extension to a secondary school (details supplied) in County Wexford; the reason this extension, which appeared on the 2003/2004 lists has not appeared on the 2005 list; if her attention has been drawn to the list of urgent requirements in the school; if she will meet with a deputation of the school board of management and staff; and if she will make a statement on the matter. [4826/05]

**Minister for Education and Science (Ms Hanafin):** The school referred to by the Deputy has an application with my Department for a large-scale extension. The project was listed in section 9 of the 2004 capital programme as being in the early stages of architectural planning. In recent months, all projects, including the one in question, have been assessed in accordance with the published prioritisation criteria for the capital programme, which were revised following consultation with the education partners. Progress on the particular project referred to by the Deputy is being considered in the context of the school building programme. In view of this procedure, it is not my intention to meet with the board of management at this time. The Deputy will be aware that I recently announced the first phase of the 2005 programme which provided details of 122 major school building projects country wide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process and schools that will be authorised to commence architectural planning.

### School Placement.

486. **Mr. Allen** asked the Minister for Education and Science if she will investigate the case of a person (details supplied) in County Cork; and the action she proposes to take to ensure that this person obtains a place in a school to meet their needs without further delay. [4828/05]

**Minister for Education and Science (Ms Hanafin):** I understand the parent of the pupil in question has appealed the decision of a school to refuse enrolment under section 29 of the Education Act. A decision on this appeal will issue to the parent shortly. Meanwhile, my Department has approved ten hours per week home tuition for the child while a school placement is being sourced.

*Question No. 487 answered with Question No. 479.*

### School Staffing.

488. **Ms O'Sullivan** asked the Minister for Education and Science the number of applications for resource teaching hours that remained undecided by her Department on the date of the handover of responsibility to the National Council for Special Education; when she expects these applications to be addressed and decided; and if she will make a statement on the matter. [4830/05]

**Minister for Education and Science (Ms Hanafin):** A total of 374 applications for resource teacher support for pupils with lower-incidence special educational needs remained undecided by my Department at the time of the handover of responsibility to the National Council for Special Education. These have since been decided and responses issued to the schools concerned on 4 February 2005.

### Special Educational Needs.

489. **Mr. Quinn** asked the Minister for Education and Science, further to Question No. 64 of 1 July 2004, the reason she has not met representatives of parents and pupils of persons (details supplied) with Asperger's syndrome; the reason she has not replied to three letters, posted, faxed and hand-delivered to her; if she will set a date for a meeting; and if she will make a statement on the matter. [4906/05]

**Minister for Education and Science (Ms Hanafin):** My Department is actively engaged in pursuing the development of a second level programme for children with Asperger's syndrome on Dublin's north side. I have received a letter, dated 8 December 2004, requesting that I meet the parents' representative group concerned. Diary commitments to date have not made it possible for me to meet this group. However, my Department is finalising a proposal, regarding the

establishment of a unit for pupils with Asperger's syndrome, which will issue shortly to a post-primary school on Dublin's north side. As soon as my Department receives a response to this proposal from the school, I will be happy to make arrangements, if so required, for officials within my Department to meet the representative group concerned.

### Student Support Schemes.

490. **Mr. Carey** asked the Minister for Education and Science, further to Question No. 473 of 8 February 2005, if she will investigate whether there has been non-adherence to the care principles of section 50 of the Finance Act 1999 in respect of tax relief for student accommodation, in the way in which certification was regarded by an institution (details supplied) in Dublin 9 for a scheme; and if she will make a statement on the matter. [4963/05]

**Minister for Education and Science (Ms Hanafin):** In the information that he has supplied, the Deputy has simply identified the name of an institution and a developer. The role set out in legislation for the Minister for Education and Science in relation to these matters concerns the provision of guidelines. To assess whether some action on my part might be appropriate, my Department should be furnished with specific details of any alleged difficulty.

### Schools Building Projects.

491. **Mr. Penrose** asked the Minister for Education and Science if her Department will provide the necessary funding to enable a school (details supplied) in County Westmeath to build a permanent extension under the developing schools initiative; and if she will make a statement on the matter. [4969/05]

**Minister for Education and Science (Ms Hanafin):** The school referred to by the Deputy has applied to my Department for grant aid towards the construction of two new classrooms and associated ancillary accommodation. The project has been assessed in accordance with the published prioritisation criteria which were revised following consultation with the education partners, and its progress, including delivery type, is being considered in the context of the school building programme.

In this regard, the Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects countrywide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include



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 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.

#### **Benchmarking Awards.**

492. **Ms McManus** asked the Minister for Education and Science the position regarding secondary school caretakers with respect to the benchmarking process; if all secondary school caretakers have benefited from and were included in the benchmarking process; and if she will make a statement on the matter. [4976/05]

**Minister for Education and Science (Ms Hanafin):** The funding provided by my Department to secondary schools for caretaking services is structured mainly on the basis of capitation grants. This provides schools with considerable flexibility in the use of resources as to the manner in which ancillary services, including caretaking, are provided. Caretakers employed by secondary schools are employees of the individual schools and the terms and conditions of employment are a matter for agreement between the employee and the authorities of each school. My Department does not have any role in determining the pay and conditions under which they are employed.

There have been significant improvements in the level of funding for voluntary secondary schools. I was particularly pleased to announce an aggregate increase of €26 per pupil from 1 January 2005 in the standard *per capita* grant and support services grant for voluntary secondary schools.

For example a secondary school with 500 pupils now receives annual grants of €255,761, €275,000 in the case of disadvantaged schools, towards general expenses and support services. While the focus of the support services grants is towards the cost of caretaking and secretarial assistance, schools are afforded considerable flexibility in the use of resources to cater for the needs of their pupils. These significant increases in the funding of secondary schools are a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

#### **Site Acquisitions.**

493. **Mr. Crowe** asked the Minister for Education and Science if she will report on the current shortage of primary school places in Blanchardstown, Dublin 15; if a site has been purchased for a school (details supplied); and if it is

proposed that this school will be a 24 class school. [4982/05]

**Minister for Education and Science (Ms Hanafin):** I assure the Deputy that my Department is fully aware of the rapidly developing nature of the Dublin 15 area. Consequently, it regularly meets the local authority to monitor its emerging needs. It has already taken decisive action to tackle the demand for extra pupil places. Specifically, at primary level, my Department recognised the school referred to by the Deputy in September 2004. While this school is operating from another school, officials in the school planning section of my Department are proactively seeking a solution which will provide the school with its own accommodation in the Castaheany-Ongar area from September 2005. This involves the acquisition of a site which is being pursued. It is intended to develop the school to a 24 classroom facility which will provide an extra 700 primary pupil places for the area.

In addition, a building project is under way at an existing school in Littlepace, Castaheany, which will deliver a 16 classroom permanent school structure. This permanent building, together with a high quality prefabricated structure already in place, will allow the school to operate as a 24 classroom facility catering for 700 pupils.

Given the level of housing developments and consequent growth in population, my Department recognises the need for a further primary school in the Tyrrelstown area of Dublin 15. In this regard, an application has been received by the new schools advisory committee for the recognition of a new school from September 2005. My officials are working with Fingal County Council to make a suitable site available for the school to coincide with its commencement plans. It is intended that this school will also be a 24 classroom facility.

At post-primary level, it is intended to locate a new school at Phibblestown. Negotiations regarding the acquisition of a site are at an advanced stage. Plans for the delivery of the school building will be made when the site has been acquired.

494. **Mr. Crowe** asked the Minister for Education and Science if a site has been allocated for a school (details supplied) in Dublin 15; if this school will be a 24 class school; if there are plans to purchase the additional two-acre site adjacent to another school; and if it his Department's intention to increase this school to a 24 class school. [4983/05]

**Minister for Education and Science (Ms Hanafin):** Given the level of housing developments and consequent growth in population, my Department recognises the need for a new primary school in the area referred to by the

Deputy. In this regard, an application has been received by the new schools advisory committee for the recognition of a new school from September 2005. My officials are working with Fingal County Council to make a suitable site available for the school to coincide with its commencement plans. To cater for the anticipated level of demand for pupil places, it is intended that the school will be a 24 classroom facility. The short to medium-term plan for the other school referred to by the Deputy is to expand it to 24 classrooms. This will enable it to cater for 700 pupils. The building project for the school, which is under way, is for a 16 classroom permanent structure. This permanent building, together with the high quality prefabricated structure already in place, will allow the school to operate as a 24 classroom facility. My Department does not have any plans to purchase the two-acre site adjacent to this school.

#### **Schools Building Projects.**

495. **Mr. Naughten** asked the Minister for Education and Science if she will approve funding for a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [4985/05]

**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, and the project is being considered for the 2005 school building programme.

The school's application under the 2005 summer works scheme is under consideration. Details of schools with projects approved under the SWS 2005 will be outlined later this month.

The Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects countrywide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include details of schools identified as suitable for construction under public private partnerships, an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding, details of schools with projects approved under the 2005 summer works scheme, schools whose projects will further progress through the design process and schools that will be authorised to commence architectural planning.

#### **Special Educational Needs.**

496. **Mr. Bruton** asked the Minister for Edu-

cation and Science the reason her Department has made provision for a special computer desk and refused to sanction a computer in respect of a child (details supplied) in Dublin 3 in view of their special learning needs; and if she will make a statement on the matter. [5009/05]

**Minister for Education and Science (Ms Hanafin):** My Department's special education section has no record of receiving an application for an assistive technology grant for the pupil in question. The National Council for Special Education has taken over responsibility for processing resource applications for children with disabilities who have special educational needs. The council's responsibilities include processing applications for assistive technology supports and making recommendations to my Department.

Since 1 January 2005, all applications for such support are made by schools to the local special educational needs organiser. It is open to the school concerned to complete an application form and submit it to the special educational needs organiser.

#### **Schools Building Projects.**

497. **Mr. Hogan** asked the Minister for Education and Science when an application for funding for an extension to a school (details supplied) in County Carlow will be approved; and if she will make a statement on the matter. [5010/05]

**Minister for Education and Science (Ms Hanafin):** My Department has no current application for capital funding from the school to which the Deputy refers. In 2001, however, my Department provided grant aid of almost €43,000 to facilitate an extension project at the school comprising a classroom and ancillary accommodation.

498. **Mr. Walsh** asked the Minister for Education and Science if she will approve a much needed extension to a school (details supplied) in County Cork. [5011/05]

**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 and the project is being considered for the 2005 school building programme. The Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects countrywide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in relation to the schools building and modernisation programme that will include

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details of schools identified as suitable for construction under public private partnerships, an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding, details of schools with projects approved under the 2005 summer works scheme, schools whose projects will further progress through the design process and schools that will be authorised to commence architectural planning.

#### **Special Educational Needs.**

499. **Mr. Lowry** asked the Minister for Education and Science the funds her Department provided to a school (details supplied) in County Tipperary each year since 2000; and if she will make a statement on the matter. [5012/05]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department provided approximately €11,000 for special needs assistants to the facility in question during the school year 2003-4.

500. **Mr. Kehoe** asked the Minister for Education and Science the position regarding a person (details supplied) in County Wexford who is waiting on permanent full-time pay since September 2004; when the outstanding money will be awarded; and if she will make a statement on the matter. [5013/05]

**Minister for Education and Science (Ms Hanafin):** The school in question has been sanctioned part-time special needs assistant, SNA, support for a specific pupil. I understand that the SNA referred to by the Deputy is providing this support. The person in question is being remunerated at the appropriate rate for the level of support sanctioned.

My Department has received an application from the school to have this support upgraded from part-time to full time. The Deputy may be aware that a review of SNA provision in primary schools commenced in September 2004 and is continuing. The review is concerned with the level and deployment of SNA posts in mainstream classes. The intention is to ensure that the level of approved SNA support in schools and the manner in which that support is being allocated are such as to ensure that the special care needs of pupils are being appropriately met. Decisions regarding the appropriate level of SNA support for the pupil in question in the school concerned will be based on the outcome of this review and a decision will issue to the school as quickly as possible.

501. **Mr. F. McGrath** asked the Minister for Education and Science if she will assist a person (details supplied) in Dublin 1. [5054/05]

**Minister for Education and Science (Ms Hanafin):** I am anxious that all children, including children with autistic spectrum disorders, receive education appropriate to their needs. I have asked my officials to liaise with the parent concerned with a view to discussing the educational options available.

#### **Home-School Liaison Scheme.**

502. **Mr. Curran** asked the Minister for Education and Science if she will appoint a home or school or community liaison officer to the south Clondalkin schools completion programme which most if not all SCP school clusters have. [5072/05]

**Minister for Education and Science (Ms Hanafin):** Over 200 second level schools were designated as disadvantaged under an initiative adopted in the mid-1990s and were invited to participate in the home-school-community liaison scheme. These schools, which were selected by reference to a range of socio-economic criteria, are in receipt of additional teaching and funding support. An overall review of educational disadvantage programmes is being finalised by my Department.

The purpose of this review is to build on what has been achieved to date, adopt a more systematic, targeted and integrated approach and strengthen the capacity of the system to meet the educational needs of disadvantaged children and young people. Any decision to expand or extend any of the initiatives aimed at addressing educational disadvantage is being considered in the context of this review, the outcome of which I hope to announce shortly.

#### **Educational Disadvantage.**

503. **Mr. Curran** asked the Minister for Education and Science when the review of educational disadvantage schemes will be completed and when these results will be published. [5073/05]

**Minister for Education and Science (Ms Hanafin):** An overall review of educational disadvantage programmes is being finalised by my Department. Arising from the review process, a draft report has been prepared and it is my intention to complete this work as soon as possible.

#### **Schools Refurbishment.**

504. **Mr. Curran** asked the Minister for Education and Science if she will provide funding for furniture for a school (details supplied) in County Dublin. [5074/05]

**Minister for Education and Science (Ms Hanafin):** My Department's school building section has received an application from the school in question for funding the replacement of



existing furniture. An inspector from my Department has been requested to visit the school and report on the condition of the furniture. The school authority will be notified of the outcome upon completion of my Department's assessment of the report when received.

### Special Educational Needs.

505. **Ms O'Sullivan** asked the Minister for Education and Science if she will publish the NEPS study on prevalence of special educational needs in the Leitrim and Dundalk area; and if she will make a statement on the matter. [5075/05]

**Minister for Education and Science (Ms Hanafin):** The project referred to by the Deputy was commissioned by an internal liaison committee of my Department that includes representatives of the inspectorate, the National Educational Psychological Service, NEPS and special education section. The project involved the assessment of all pupils in second to sixth class in the mainstream primary schools in the town of Dundalk and the county of Leitrim. After appropriate training, teachers assessed 3,897 pupils in 55 schools using measures of cognitive ability and attainments. The teachers also completed questionnaires on some pupils.

The statistical analysis and interpretation of the results has proved to be time-consuming. A draft report on the project has been presented to the internal departmental committee which has suggested certain amendments. When the final version of the report has been agreed, I will consider its findings and make a decision about publication.

### Teagasc um Oideachas Speisialta.

506. D'fhiafraigh **Mr. McGinley** den Aire Oideachais agus Eolaíochta an gceadóidh sí uaireanta breise do mhúinteoir acmhainne i scoil (sonraí tugtha) i nDún na nGall. [5088/05]

**Minister for Education and Science (Ms Hanafin):** Is é atá i gceist sa chóras nua um dháileadh oidí, atá beartaithe, ná dáileadh ginearálta do gach aon bhunscoil chun déileáil le daltaí ar ard-éileamh SEN, teagasc um oideachas speisialta, sé sin, daltaí ar imeallach mionmhíchumas agus daltaí ar mhionmhíchumas foghlamtha ginearálta mar aon le míchumas foghlamtha ar leith. Tá sé i gceist, freisin, go dtabharfadh an dáileadh tacaíocht dóibh siúd a mbeidh riachtanais tacaíochta teagaise uathu, sé sin, iad siúd ag feidhmiú ag an deichiú peircintíl, nó laistíos de, maidir le tástáil chaighdeánach léitheoireachta nó mata-maitice. Déanfar 350 post sa bhreis d'oidí a sholáthar chun an córas nua a éascú.

D'fhéadfaí leanúint ar aghaidh le iarratais ar leith a éileamh ar dháileadh oidí um acmhainn sonrach maidir le daltaí ar íseal-éileamh SEN. Tá mé eolach go maith faoi na deacrachtaí d'fhéad-

fadh tarlú maidir leis an eiseamláir atá beartaithe go mór mhór i gcás daltaí i scoileanna beaga agus i scoileanna faoin tuath má chuirtear i bhfeidhm í mar atá i gceist faoi láthair.

Ar an ábhar sin, déanfaidh mé athbhreithniú ar an eiseamláir atá beartaithe chun a dheimhniú go ndéanfaidh sí freagairt uathúil a sholáthar do dhaltaí ar mhionchumas foghlamtha ginearálta gan iarratais anásta ar leith a fheidhmiú. Ag an am gcéanna, déanfaidh mé deimhin de go leanfar leis an leibhéal oiriúnach de sheirbhís i gcás na daltaí sin a bhfuil a leithéid de sheirbhís ar fáil acu faoi láthair. San athbhreithniú atá i gceist agam, déanfar comhairliú le dreamanna leasmhara oideachasúla agus leis an gComhairle Náisiúnta um Oideachas Speisialta roimh é a chur i gcrích an bhliain seo chugainn.

### School Placement.

507. **Ms O'Sullivan** asked the Minister for Education and Science if she will consider introducing a system of transfer from primary to post-primary school similar to that now in place in Limerick to ensure that all children secure a place in a post-primary school; and if she will make a statement on the matter. [5110/05]

**Minister for Education and Science (Ms Hanafin):** The CAO-type application system for post-primary schools in Limerick city is a system which was agreed between the managements of the 15 post-primary schools in the city. It is operated by the Limerick city education centre as a co-ordinated facility for those schools for the forthcoming school year. My Department has no role in the design or operation of the system. The system was put in place to address the difficulties which were experienced last year by some children in the city in accessing places in post-primary schools in the city. I have no plans to introduce a similar system in other locations.

My Department has a number of support services and programs in place to ensure that children successfully transfer from primary to post-primary. These include the National Educational Welfare Board, the home-school-community liaison service and the school completion programme. My Department is completing analysis work on the development of a primary pupils database which will provide accurate and comprehensive data on pupil transfer in the future.

508. **Ms O'Sullivan** asked the Minister for Education and Science the number of children who did not transfer from primary to post-primary school in 2004; and if she will make a statement on the matter. [5111/05]

**Minister for Education and Science (Ms Hanafin):** The specific information requested by the Deputy is not available at present. The National Economic and Social Forum report of 2002 on early school leaving cited, as a broad esti-

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mate, that around 1,000 children do not transfer from primary to post-primary on an annual basis. There is some doubt attaching to this estimated figure of 1,000 which may be an over-statement of the true position at this stage. My Department is engaged in analysis work on the development of a primary pupils database. This is a significant and complex project which will, in time, facilitate the collation of much more accurate and comprehensive data on transfer rates.

My Department operates a number of programmes at both primary and post-primary level to tackle the problem of early school leaving. The Giving Children an Even Break programme provides additional financial and teaching supports for children in primary schools who are from disadvantaged backgrounds and are most at risk of educational disadvantage and early school leaving.

A key role in this regard is also played by the home-school-community liaison scheme which was extended to each of the 312 designated disadvantaged primary schools in the country. This scheme helps parents to develop their skills as the primary educators of their children and also addresses issues in the community impinging on learning and educational participation. The school completion programme has been implemented to target directly those in danger of dropping out of the education system and is a key component of my Department's strategy to discriminate positively in favour of children and young people who are at risk of early school leaving. The programme is based on an integrated cross-community approach to tackling educational disadvantage, involving 82 projects, 300 primary and 112 post-primary schools, parents, communities and relevant statutory and voluntary agencies. It entails targeting individual young people of school-going age, both in and out of school, and arranging supports to address inequalities in education access, participation and

outcomes. Both the HSCL scheme and all 82 school completion programme projects operate transfer programmes which are very important in assisting pupils in making the transition from primary to post-primary level.

The Education Welfare Act 2000 and the establishment of the National Educational Welfare Board provides a comprehensive framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving. To discharge its responsibilities, the board is developing a nationwide service to provide welfare-focused services to children, families and schools. The board has an authorised staffing complement of 94.

#### Ministerial Transport.

509. **Mr. O'Dowd** asked the Minister for Defence the number of times that each Member of the Cabinet has used the Government jet since June 2002; the nature of each trip; the respective destination; the persons who accompanied them and the cost of each trip. [4605/05]

**Minister for Defence (Mr. O'Dea):** The following schedule sets out information regarding the use of the ministerial air transport service since June 2002. Details regarding the nature of each trip and the persons accompanying the members of Cabinet are being compiled and will be forwarded to the Deputy as soon as possible.

With regard to the cost of each trip, 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 total flying cost for the Beech Super King Air is calculated as €1,400 per hour. 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 total flying cost of the CASA, which has been used infrequently in the past as a back-up to the ministerial air transport service, is calculated as €2,400.

#### GULFSTREAM IV

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
2002				
30/05/02	01/06/02	785	Baldonnel - New York - Baldonnel	Environment & Local Government
03/06/02		95	Baldonnel - Luxembourg	Finance
04/06/02		200	Baldonnel - Paris/Luxembourg - Baldonnel	Marine & Natural Resources (to Paris)/ Finance (from Luxembourg)
04/06/02		85	Paris - Baldonnel	Marine & Natural Resources
10/06/02		200	Baldonnel - Luxembourg - Baldonnel	Foreign Affairs
10/06/02	11/06/02	190	Baldonnel - Luxembourg - Baldonnel	Communications & Natural Resources

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
12/06/02		385	Baldonnel - Helsinki - Stockholm - Baldonnel	Taoiseach
13/06/02		65	Dublin - London - Dublin	Taoiseach
14/06/02		175	Dublin - Jersey - Dublin	Taoiseach/Tánaiste/Foreign Affairs/MOS Taoiseach
17/06/02		210	Baldonnel - Luxembourg - Baldonnel	Foreign Affairs
19/06/02		400	Baldonnel - Rome - Vienna - Baldonnel	Taoiseach
20/06/02	22/06/02	330	Baldonnel - Seville - Dublin	Taoiseach/ Finance/Foreign Affairs/MOS European Affairs
25/06/02		95	Baldonnel - Luxembourg	Health & Children
26/06/02		45	Baldonnel - Belfast - Baldonnel	Foreign Affairs
26/06/02		40	Baldonnel - Belfast - Baldonnel	Tánaiste/Foreign Affairs (on return only)
26/06/02	27/06/02	205	Baldonnel - Luxembourg - Baldonnel	Agriculture & Food
04/07/02		60	Baldonnel - Belfast - Dublin	Taoiseach/Foreign Affairs
11/07/02	12/07/02	215	Dublin - Brussels - Bristol - Dublin	Finance
20/07/02		160	Billund - Cork-Dublin	Environment & Local Government
22/07/02	25/07/02	510	Dublin - Sarajevo - Pristina - Dublin	Defence
29/07/02	01/08/02	45	Dublin - Knock - Dublin	Taoiseach
2-Sep-02	2-Sep-02	60	Dublin - Heathrow - Dublin	Taoiseach
3-Sep-02	7-Sep-02	985	Dublin - Washington - Albany (NY) - Washington - Dublin	Tánaiste
10-Sep-02	10-Sep-02	120	Dublin - Copenhagen - Dublin	Agriculture
13-Sep-02	18-Sep-02	1,020	Dublin - Eritrea - Cairo - Tel Aviv - Dublin	Defence
23-Sep-02	24-Sep-02	280	Dublin - Copenhagen - Kerry - Dublin	Taoiseach
24-Sep-02	27-Sep-02	530	Dublin - Moscow - St. Petersburg - Dublin	Tánaiste
30-Sep-02	30-Sep-02	90	Dublin - Brussels - Dublin	Foreign Affairs
30-Sep-02	30-Sep-02	30	Dublin - Knock - Dublin	Taoiseach
1-Oct-02	1-Oct-02	90	Dublin - Belfast City - Dublin	Tánaiste
3-Oct-02	3-Oct-02	30	Dublin - Cork - Dublin	Taoiseach
7-Oct-02	8-Oct-02	205	Dublin - Luxembourg - Dublin	Finance
9-Oct-02	10-Oct-02	135	Dublin - Northolt - Dublin	Taoiseach
14-Oct-02	14-Oct-02	135	Dublin - Cork - Luxembourg - Dublin	Agriculture
14-Oct-02	15-Oct-02	150	Dublin - Luxembourg - Dublin	Communications, Marine and Natural Resources
18-Oct-02	18-Oct-02	250	Dublin - Paris - Cork - Dublin	Arts, Sport & Tourism
20-Oct-02	21-Oct-02	185	Dublin - Rotterdam - Dublin	Environment & Local Government
21-Oct-02	21-Oct-02	185	Dublin - Luxembourg - Rotterdam	Foreign Affairs
22-Oct-02	22-Oct-02	140	Dublin - Luxembourg - Belfast - Dublin	Foreign Affairs
24-Oct-02	25-Oct-02	275	Dublin - Brussels - Shannon- Dublin	Taoiseach, Finance & Foreign Affairs
31-Oct-02	1-Nov-02	140	Dublin - Northolt - Dublin	Foreign Affairs
3-Nov-02	3-Nov-02	60	Dublin - Northolt - Dublin	Tánaiste
4-Nov-02	5-Nov-02	190	Dublin - Brussels - Dublin	Finance
7-Nov-02	7-Nov-02	85	Dublin - Knock - Dublin	Taoiseach
8-Nov-02	8-Nov-02	240	Dublin - Copenhagen - Dublin	Communications, Marine and Natural Resources
14-Nov-02	16-Nov-02	320	Dublin - Brussels - Berlin - Dublin	Tánaiste
16-Nov-02	17-Nov-02	180	Dublin - Brussels - Dublin	Foreign Affairs
18-Nov-02	19-Nov-02	185	Dublin - Brussels - Dublin	Foreign Affairs out & back and Defence return only
21-Nov-02	21-Nov-02	70	Dublin - Belfast City - Dublin	Foreign Affairs
22-Nov-02	22-Nov-02	150	Dublin - Glasgow - Shannon - Dublin	Taoiseach



Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
26-Nov-02	26-Nov-02	90	Baldonnel - Brussels - Baldonnel	Communications, Marine and Natural Resources
28-Nov-02	28-Nov-02	80	Baldonnel - Belfast City - Baldonnel	Foreign Affairs
29-Nov-02	30-Nov-02	145	Dublin - Northolt - Dublin	Taoiseach
2-Dec-02	3-Dec-02	180	Baldonnel - Brussels - Baldonnel	Finance
3-Dec-02	3-Dec-02	130	Baldonnel - Heathrow - Baldonnel	Agriculture
5-Dec-02	7-Dec-02	365	Baldonnel - Portugal - Knock - Baldonnel	Community, Rural & Gaeltacht Affairs
9-Dec-02	10-Dec-02	235	Baldonnel - Brussels - Zurich - Baldonnel	Foreign Affairs & Defence
11-Dec-02	12-Dec-02	195	Baldonnel - Brussels - Baldonnel	Finance
12-Dec-02	13-Dec-02	265	Dublin - Copenhagen - Dublin	Taoiseach
19-Dec-02	19-Dec-02	80	Baldonnel - Belfast City - Baldonnel	Foreign Affairs
20-Dec-02	20-Dec-02	95	Baldonnel - Brussels - Baldonnel	Communications, Marine & Natural Resources
<i>2003</i>				
13-Jan-03	18/01/03	1,400	Dublin - Dulles - Mexico City - Leon - Dulles - Dublin	Taoiseach
20-Jan-03	21/01/03	505	Baldonnel - Brussels - Athens - Brussels	Finance to Brussels / Communications, Marine & Natural Resources to Brussels and Athens
23-Jan-03	23/01/03	120	Baldonnel - Northolt - Baldonnel.	Taoiseach
26-Jan-03	26/01/03	120	Baldonnel - Zurich - Baldonnel	Tánaiste
27-Jan-03	28-Jan-03	270	Baldonnel - Brussels - Baldonnel - Bremen - Brussels - Baldonnel	Foreign Affairs, Agriculture & Communications
6-Feb-03	6-Feb-03	300	Dublin - Portugal - Dublin	Taoiseach
9-Feb-03	10-Feb-03	965	Baldonnel - Bangor - Raleigh Durham - Baldonnel	Tánaiste
12-Feb-03	12-Feb-03	60	Dublin - Belfast City - Dublin	Taoiseach
13-Feb-03	14-Feb-03	390	Baldonnel - Berlin - Thessaloniki - Berlin - Baldonnel	Tánaiste & Foreign Affairs
15-Feb-03	15-Feb-03	230	Baldonnel - Thessaloniki (Greece) - Baldonnel	Tánaiste
17-Feb-03	17-Feb-03	180	Dublin - Brussels - Dublin	Taoiseach & Finance/ Foreign Affairs
18-Feb-03	21-Feb-03	450	Baldonnel - Warsaw - Rome - Baldonnel	Foreign Affairs
21-Feb-03	21-Feb-03	30	Baldonnel - Shannon - Baldonnel	Tánaiste
24-Feb-03	24-Feb-03	90	Baldonnel - Brussels - Baldonnel	Foreign Affairs
24-Feb-03	24-Feb-03	180	Baldonnel -Dublin - Northolt - Dublin - Baldonnel	Taoiseach
27-Feb-03	28-Feb-03	180	Baldonnel -Dublin - Northolt - Dublin - Baldonnel	Taoiseach
28-Feb-03	2-Mar-03	630	Baldonnel - Rome - Athens - Rome - Brussels - Baldonnel	Tánaiste and Education
3-Mar-03	3-Mar-03	120	Baldonnel - Dublin - Belfast Aldergrove - Baldonnel - Belfast - Dublin - Baldonnel	Taoiseach
6-Mar-03	6-Mar-03	30	Baldonnel - Dublin - Shannon - Baldonnel	Taoiseach
6-Mar-03	6-Mar-03	90	Baldonnel - Brussels - Baldonnel	Finance
7-Mar-03	10-Mar-03	1,375	Baldonnel - Montreal - San Francisco - Montreal - Dublin - Baldonnel	Tánaiste
12-Mar-03	14-Mar-03	870	Baldonnel - Dublin - Washington - Dublin - Baldonnel	Taoiseach
18-Mar-03	19-Mar-03	180	Baldonnel - Brussels - Dublin - Baldonnel	Foreign Affairs
20-Mar-03	21-Mar-03	180	Baldonnel - Dublin - Brussels - Dublin - Baldonnel	Taoiseach/ Finance/ Foreign Affairs/ MOS Foreign Affairs
26-Mar-03	28-Mar-03	550	Baldonnel - Geneva - Athens - Baldonnel	Foreign Affairs
28-Mar-03	31-Mar-03	350	Baldonnel - Budapest - Baldonnel	Tánaiste
1-Apr-03	1-Apr-03	200	Baldonnel - Dublin - Luxembourg - Dublin - Baldonnel	Taoiseach
2-Apr-03	2-Apr-03	180	Baldonnel - Brussels - Baldonnel	Foreign Affairs

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
3-Apr-03	3-Apr-03	235	Baldonnel - Dublin - Berlin- Brussels - Kerry - Baldonnel	Taoiseach
4-Apr-03	5-Apr-03	505	Baldonnel -Athens - Baldonnel	Finance
7-Apr-03	7-Apr-03	190	Baldonnel -Cork- Luxembourg - Baldonnel	Agriculture
8-Apr-03	8-Apr-03	100	Baldonnel - Luxembourg - Baldonnel	Agriculture
8-Apr-03	8-Apr-03	120	Baldonnel - Dublin - Aldergrove - Dublin - Baldonnel	Taoiseach
10-Apr-03	10-Apr-03	120	Baldonnel - Dublin - Northolt - Dublin - Baldonnel	Taoiseach, Foreign Affairs, Justice
15-Apr-03	17-Apr-03	525	Baldonnel - Dublin -Athens- Dublin - Baldonnel	Taoiseach
23-Apr-03	24-Apr-03	180	Baldonnel - Brussels- Baldonnel	Transport
26-Apr-03	26-Apr-03	30	Baldonnel - Kerry - Dublin - Baldonnel	Taoiseach
28-Apr-03	28-Apr-03	90	Baldonnel - Belfast - Baldonnel	Foreign Affairs
1-May-03	2-May-03	275	Baldonnel - Rhodes - Baldonnel	Foreign Affairs
9-May-03	9-May-03	200	Baldonnel -Cork- Corfu - Baldonnel	Agriculture
12-May-03	16-May-03	695	Baldonnel - Belgrade-Podgorica-Sarajevo-Pristina- Thessalonoki-Pristina-Skopje- Baldonnel	Foreign Affairs
18-May-03	19-May-03	180	Baldonnel - Brussels - Baldonnel	Foreign Affairs/Defence
19-May-03	20-May-03	270	Baldonnel - Geneva - Brussels - Baldonnel	Health/ Tánaiste
20-May-03	20-May-03	120	Baldonnel -- Northolt - Baldonnel	Foreign Affairs
21-May-03	21-May-03	120	Baldonnel -Geneva - Baldonnel	Health
22-May-03	22-May-03	60	Baldonnel -Shannon - Baldonnel	Taoiseach
23-May-03	23-May-03	300	Baldonnel -Beirut - Baldonnel	Defence
25-May-03	26-May-03	580	Baldonnel - Crete -Beirut - Baldonnel	Foreign Affairs/Defence
27-May-03	27-May-03	240	Baldonnel - Crete - Baldonnel	Foreign Affairs
30-May-03	31-May-03	390	Baldonnel - Dublin - St. Petersburg - Baldonnel	Foreign Affairs/Taoiseach
10-Jun-03	11-Jun-03	240	Baldonnel - Slovenia - Prague - Baldonnel	Tánaiste
12-Jun-03	12-Jun-03	420	Baldonnel - Helsinki-Tallinn- Baldonnel	Taoiseach
13-Jun-03	13-Jun-03	210	Baldonnel -Prague-Luxembourg-Shannon- Baldonnel	Tánaiste/Communications/ Agriculture.
19-Jun-03	20-Jun-03	510	Baldonnel - Dublin --Thessalonoki- Dublin - Baldonnel	Taoiseach/Foreign Affairs
21-Jun-03	21-Jun-03	245	Baldonnel - Thessalonika- Baldonnel	Foreign Affairs
24-Jun-03	30-Jun-03	692	Baldonnel - Egypt - Israel - Jordan - Syria - Lebanon - Baldonnel	Foreign Affairs
1-Jul-03	1-Jul-03	210	Baldonnel - Morocco- Baldonnel	Tánaiste
2-Jul-03	2-Jul-03	120	Baldonnel - Dublin -- Northolt - Dublin - Baldonnel	Taoiseach
3-Jul-03	4-Jul-03	60	Baldonnel - Dublin --Kerry- Dublin - Baldonnel	Taoiseach
7-Jul-03	8-Jul-03	330	Baldonnel -Warsaw- Baldonnel	Tánaiste
8-Jul-03	8-Jul-03	170	Baldonnel -Rome- Baldonnel	Marine
10-Jul-03	12-Jul-03	340	Baldonnel -Rome- Baldonnel	Tánaiste
05-Sep-03	06-Sep-03	275	Baldonnel - Montichiari (Italy) - Knock - Baldonnel	Foreign Affairs
12-Sep-03	12-Sep-03	190	Baldonnel - Dublin - Paris - Dublin - Baldonnel	Taoiseach
13-Sep-03	13-Sep-03	120	Baldonnel - Dublin - Northolt - Dublin - Baldonnel	Taoiseach
15-Sep-03	17-Sep-03	345	Baldonnel -Glasgow-Warsaw-Glasgow-Newcastle- Warsaw-Prague-Bratislava-Budapest-Newcastle- Baldonnel	Education
18/09/2003	18-Sep-03	290	Baldonnel - Stockholm - Baldonnel	Foreign Affairs
20-Sep-03	20-Sep-03	195	Baldonnel -Cork - Catania - Baldonnel	Agriculture
22-Sep-03	26-Sep-03	905	Baldonnel - Dublin - Albany - New York - Conneticut - New York - Dublin - Baldonnel	Taoiseach
29-Sep-03	29-Sep-03	180	Baldonnel - Brussels - Baldonnel	Foreign Affairs
1-Oct-03	1-Oct-03	90	Baldonnel - Brussels - Baldonnel	Justice
2-Oct-03	2-Oct-03	170	Baldonnel -Rome- Baldonnel	Defence
3-Oct-03	04-Oct-03	340	Baldonnel - Dublin - Rome - Pratica Di Mare - Dublin - Baldonnel	Taoiseach

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
5-Oct-03	09-Oct-03	670	Baldonnel - Toronto - Ottawa - New York - Baldonnel	Tánaiste
12-Oct-03	12-Oct-03	95	Baldonnel -Cork- Luxembourg- Baldonnel	Communications, Marine & Natural Resources
13-Oct-03	13-Oct-03	120	Baldonnel - Dublin - Northolt - Dublin - Baldonnel	Taoiseach
15-Oct-03	16-Oct-03	200	Baldonnel - Brussels - Rome - Dublin.	Foreign Affairs/Defence
16-Oct-03	17-Oct-03	180	Dublin - Brussels - Dublin - Baldonnel	Taoiseach/ Finance
17-Oct-03	18-Oct-03	60	Baldonnel - Kerry - Baldonnel - Kerry - Baldonnel	Tánaiste
18-Oct-03	18-Oct-03	60	Baldonnel -Derry - Baldonnel - Derry - Baldonnel	Taoiseach*
19-Oct-03	20-Oct-03	100	Baldonnel - Derry - Luxembourg - Baldonnel	Social, Family Affairs
20-Oct-03	20-Oct-03	100	Baldonnel - Luxembourg - Baldonnel	Social, Family Affairs
21-Oct-03	21-Oct-03	60	Baldonnel - Belfast (Aldergrove) - Baldonnel	Taoiseach
22-Oct-03	22-Oct-03	140	Baldonnel - Verona - Baldonnel	Transport
23-Oct-03	23-Oct-03	60	Baldonnel - Dublin - Knock - Baldonnel - Knock - Dublin - Baldonnel	Taoiseach
24-Oct-03	24-Oct-03	140	Baldonnel - Verona - Baldonnel	Transport
26-Oct-03	26-Oct-03	145	Baldonnel - Milan (Linate) - Baldonnel	Education
27-Oct-03	27-Oct-03	90	Baldonnel - Brussels - Baldonnel	Foreign Affairs
28-Oct-03	31-Oct-03	505	Baldonnel -Cork- Ljubjana (Slovenia)-Bucharest - Budapest - Cork- Baldonnel	Agriculture
03-Nov-03	04-Nov-03	180	Baldonnel - Brussels - Baldonnel	Finance
05-Nov-03	06-Nov-03	645	Baldonnel - Dublin - Larnaca - Bratislava - Dublin - Baldonnel	Taoiseach
12-Nov-03	14-Nov-03	480	Baldonnel - Dublin - Rome - Budapest-London- Dublin - Baldonnel	Taoiseach
16-Nov-03	16-Nov-03	90	Baldonnel - Brussels - Baldonnel	Foreign Affairs/Defence
18-Nov-03	18-Nov-03	105	Luxembourg - Brussels - Northolt - Baldonnel	Foreign Affairs
24-Nov-03	25-Nov-03	450	Baldonnel - Cork - Paris - Warsaw - Sofia - Venice - Baldonnel	Agriculture
27-Nov-03	27-Nov-03	380	Baldonnel - Dublin - Copenhagen - Riga - Dublin - Baldonnel	Taoiseach
27-Nov-03	28-Nov-03	90	Dublin - Brussels - Baldonnel	Tánaiste
28-Nov-03	28-Nov-03	100	Baldonnel - Dublin - Cardiff - Dublin - Baldonnel	Taoiseach/ DCMNR
29-Nov-03	29-Nov-03	190	Baldonnel - Naples - Baldonnel	Foreign Affairs
30-Nov-03	30-Nov-03	175	Baldonnel - Tallinn - Baldonnel.	Tánaiste
1-Dec-03	1-Dec-03	240	Baldonnel - Maastricht -Talinn- Vienna.	Foreign Affairs/Tánaiste Stage 1
2-Dec-03	2-Dec-03	35	Vienna - Maastricht -Bratislava- Brussels- Baldonnel.	Tánaiste
3-Dec-03	3-Dec-03	210	Baldonnel - Naples - Brussels- Baldonnel.	MOS Foreign Affairs/Tánaiste Stage 2=4
4-Dec-03	5-Dec-03	450	Baldonnel - Helsinki - Stockholm-Copenhagen-Cork- Baldonnel.	Agriculture
8-Dec-03	9-Dec-03	180	Baldonnel - Brussels- Baldonnel.	Foreign Affairs
10-Dec-03	10-Dec-03	325	Baldonnel - Geneva - Milan- Baldonnel.	Environment to Geneva & Milan. DCMNR to Geneva.
13-Dec-03	13-Dec-03	90	Baldonnel - Brussels- Baldonnel.	Taoiseach
16-Dec-03	16-Dec-03	90	Baldonnel - Brussels- Baldonnel.	Agriculture
17-Dec-03	17-Dec-03	120	Baldonnel - Dublin - Northolt - Dublin - Baldonnel.	Foreign Affairs
18-Dec-03	18-Dec-03	235	Baldonnel -Stockholm- Brussels- Baldonnel.	Education/ Foreign Affairs
19-Dec-03	19-Dec-03	90	Baldonnel - Brussels - Baldonnel	Min. Communications
21-Dec-03	21-Dec-03	90	Baldonnel - Derry -Brussels - Baldonnel	Environment
22-Dec-03	22-Dec-03	90	Baldonnel - Brussels-Derry- Baldonnel.	Environment
2004				
7-Jan-04	7-Jan-04	90	Baldonnel -Brussels- Baldonnel	Tánaiste
7-Jan-04	7-Jan-04	230	Baldonnel -Frankfurt- Baldonnel	Finance



Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
9-Jan-04	9-Jan-04	240	Baldonnel - Dublin -Berlin-Manchester- Baldonnel	Taoiseach
13-Jan-04	14-Jan-04	230	Baldonnel - Dublin -Strasbourg-Luxembourg- Strasbourg- Dublin - Baldonnel	Taoiseach
14-Jan-04	17-Jan-04	700	Baldonnel -Tel Aviv-Cairo-Rotterdam- Baldonnel	Foreign Affairs
19-Jan-04	19-Jan-04	180	Baldonnel - Dublin -London- Dublin - Baldonnel	Taoiseach
20-Jan-04	20-Jan-04	90	Baldonnel -Brussels- Baldonnel	Tánaiste
21-Jan-04	22-Jan-04	340	Baldonnel -Brussels- Zurich-Brussels-Derry-Cork- Baldonnel	Transport/Tánaiste/Min. Agric. Min. Soc. Fam. Affairs
24-Jan-04	25-Jan-04	570	Baldonnel -Georgia- Brussels- Baldonnel	Foreign Affairs
26-Jan-04	26-Jan-04	270	Baldonnel - Dublin -Madrid- Dublin - Baldonnel	Taoiseach and officials
27-Jan-04	28-Jan-04	180	Baldonnel - Brussels- Baldonnel	Transport
28-Jan-04	30-Jan-04	185	Baldonnel -Paris- Baldonnel	Tánaiste
29-Jan-04	29-Jan-04	120	Baldonnel - Dublin - Northolt -Dublin - Baldonnel	Taoiseach
03-Feb-04	3-Feb-04	60	Baldonnel - Belfast- Baldonnel	Foreign Affairs
10-Feb-04	10-Feb-04	90	Brussels- Baldonnel	Finance
12-Feb-04	12-Feb-04	340	Baldonnel - Dublin -Rome- Dublin - Baldonnel	Taoiseach
14-Feb-04	19-Feb-04	1,365	Baldonnel - Dubai-New Delhi-Islamabad-Ankara- Baldonnel	Foreign Affairs
22-Feb-04	29-Feb-04	945	Baldonnel -NewYork-WhitePlains-Newyork-Boston- Baldonnel	Tánaiste
03-Mar-04	5-Mar-04	80	Baldonnel -Pristina-Thessalonika-Pristine-Rome- Skopje- Baldonnel	Defence
07-Mar-04	7-Mar-04	570	Baldonnel -Ankara- Baldonnel	Foreign Affairs
02-Mar-04	2-Mar-04	60	Baldonnel - Belfast - Baldonnel	Arts, Sports and Tourism
14-Mar-04	14-Mar-04	125	Baldonnel -Geneva- Baldonnel	Foreign Affairs
16-Mar-04	19-Mar-04	70	Baldonnel - Dublin -Washington-Ottowa- Dublin - Baldonnel	Taoiseach
22-Mar-04	22-Mar-04	60	Baldonnel - Dublin -Paris(Le Bourge)- Dublin - Baldonnel	Taoiseach
22-Mar-04	22-Mar-04	90	Baldonnel -Brussels- Baldonnel	Foreign Affairs
23-Mar-04	23-Mar-04	60	Baldonnel - Dublin - Belfast - Dublin - Baldonnel	Taoiseach
24-Mar-04	24-Mar-04	60	Baldonnel - Dublin -Madrid-Brussels- Dublin - Baldonnel	Taoiseach
29-Mar-04	29-Mar-04	375	Baldonnel -Cairo- Baldonnel	Foreign Affairs
30-Mar-04	30-Mar-04	30	Baldonnel - Dublin -Strasbourg-Dublin	Taoiseach
31-Mar-04	31-Mar-04	135	Dublin -Prague- Baldonnel	Health
04-Apr-04	08-Apr-04	1,440	Baldonnel -Cairo-Asmara Ababa-Kigali-Bujumbura- Cairo- Baldonnel	Foreign Affairs
15-Apr-04	15-Apr-04	60	Baldonnel -Shannon- Baldonnel	Education
18-Apr-04	18-Apr-04	95	Baldonnel -Paris- Baldonnel	Environment
20-Apr-04	21-Apr-04	195	Baldonnel - Amsterdam - Northolt - Baldonnel	Tánaiste
21-Apr-04	21-Apr-04	150	Baldonnel - Dublin -Prague- Baldonnel	Taoiseach
22-Apr-04	22-Apr-04	30	Baldonnel - Dublin -Kerry- Baldonnel	Taoiseach
23-Apr-04	25-Apr-04	435	Baldonnel -Pristina-Thessolonika-Pristina- Baldonnel	MOS Defence
25-Apr-04	28-Apr-04	305	Baldonnel -Luxembourg-Berlin- Baldonnel	Foreign Affairs
29-Apr-04	29-Apr-04	60	Baldonnel - Belfast - Baldonnel	Foreign Affairs
05-May-04	07-May-04	540	Baldonnel - Dublin -Stockholm-Helsinki-Tallin-Riga- Vilnius-Warsaw- Dublin - Baldonnel	Taoiseach
12-May-04	14-May-04	1,000	Baldonnel - Dublin -Larnaca-Athens-Valetta-Rome- Lisbon-Madrid - Dublin - Baldonnel	Taoiseach
16-May-04	16-May-04	90	Baldonnel -Brussels- Baldonnel	Defence/Finance/MOS Foreign Affairs
18-May-04	18-May-04	90	Baldonnel -Brussels- Baldonnel	MOS Dick Roche
17-May-04	17-May-04	180	Baldonnel -Brussels- Baldonnel	Tánaiste, Defence

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
19-May-04	19-May-04	75	Baldonnel -Brussels- Baldonnel	Tánaiste
19-May-04	21-May-04	755	Baldonnel -Vienna-Bratslava-Budapest-Prague-Ljubjana-Moscow- Dublin -Paris	Taoiseach
27-May-04	30-May-04	1,320	Baldonnel - Dublin -Dulles-Guadalajara-Dulles-Dublin - Baldonnel	Taoiseach
24-May-04	24-May-04	180	Baldonnel -Brussels- Baldonnel	Foreign Affairs/ Communications, Marine & Natural Resources
1-Jun-04	1-Jun-04	90	Baldonnel -Luxembourg- Baldonnel	Finance
2-Jun-04	4-Jun-04	515	Bal- Dublin -Paris-London-Rotterdam-Brussels-Lux-Berlin-Copenhagen- Dublin -Bal.	Taoiseach
8-Jun-04	11-Jun-04	1,030	Baldonnel - Dublin -Bangor-Savannah-Bangor-Dublin - Baldonnel	Taoiseach
13-Jun-04	15-Jun-04	200	Baldonnel -Luxembourg- Baldonnel	Foreign Affairs
17-Jun-04	19-Jun-04	180	Baldonnel - Dublin -Brussels- Dublin - Baldonnel	Taoiseach/ Foreign Affairs
20-Jun-04	20-Jun-04	130	Baldonnel -Cork-Luxembourg- Baldonnel	Agriculture/Communications, Marine & Natural Resources
21-Jun-04	21-Jun-04	160	Baldonnel - Dublin - London(Heathrow) - Luxembourg - Baldonnel	Taoiseach/Communications, Marine & Natural Resources
22-Jun-04	22-Jun-04	180	Baldonnel -Brussels- Baldonnel	Finance
23-Jun-04	23-Jun-04	60	Baldonnel - Dublin - London(Heathrow) - Baldonnel	Taoiseach
24-Jun-04	24-Jun-04	260	Baldonnel -Oslo- Baldonnel	Education/Communications, Marine & Natural Resources
25-Jun-04	25-Jun-04	180	Baldonnel - Dublin - Northolt -Shannon - Baldonnel	Taoiseach/Foreign Affairs/Justice
26-Jun-04	26-Jun-04	45	Baldonnel - Shannon - Dublin - Baldonnel	Taoiseach
28-Jun-04	29-Jun-04	525	Baldonnel - Dublin - Istanbul - Brussels - Dublin - Baldonnel	Taoiseach
1-Jul-04	3-Jul-04	180	Baldonnel -Maastricht- Baldonnel	Tánaiste
7-Jul-04	12-Jul-04	1,110	Baldonnel -Bangor(Maine)-Meldourne(Florida)- Jacksonville(Florida)-Bangor(Maine)- Baldonnel	Tánaiste
13-Jul-04	16-Jul-04	610	Baldonnel -Beirut-Larnaca- Baldonnel	Defence
20-Jul-04	21-Jul-04	570	Baldonnel -Naples-Strasbourg-Naples- Baldonnel	Taoiseach
26-Jul-04	26-Jul-04	180	Baldonnel -Brussels-Baldonnel	MOS Foreign AffairsTom Kitt
28-Jul-04	29-Jul-04	300	Baldonnel -Lisbon- Baldonnel	Finance
31-Jul-04	31-Jul-04	150	Baldonnel -Geneva-Cork- Baldonnel	Agriculture
09-Sep-04	09-Sep-04	60	Baldonnel -Belfast City- Baldonnel	Foreign Affairs
10-Sep-04	10-Sep-04	110	Baldonnel - Dublin -Teeside- Dublin - Baldonnel	Taoiseach
13-Sep-04	13-Sep-04	180	Baldonnel -Brussels- Baldonnel	Foreign Affairs/M.O.S Foreign Affairs
16-Sep-04	16-Sep-04	75	Baldonnel - Dublin - Manston - Baldonnel	Taoiseach
17-Sep-04	18-Sep-04	75	Baldonnel - Manston - Dublin - Baldonnel	Taoiseach/Foreign Affairs
19-Sep-04	25-Sep-04	610	Baldonnel -New York JFK-White Plains-New York L Guardia-Boston- Baldonnel	Foreign Affairs
06-Oct-04	15-Oct-04	1,970	Baldonnel - Dublin -Dubai-Hanoi-Ho Chi Minh-Kuala Lumpur-Singapore-Bahrain- Dublin - Baldonnel	Taoiseach
17-Oct-04	17-Oct-04	270	Baldonnel -Derry-Luxembourg-Paris- Baldonnel	Agriculture
28-Oct-04	28-Oct-04	340	Baldonnel - Dublin -Rome- Dublin - Baldonnel	An Taoiseach
02-Nov-04	02-Nov-04	180	Baldonnel -Brussels- Baldonnel	Foreign Affairs
04-Nov-04	04-Nov-04	180	Baldonnel - Dublin -Brussels-Dublin - Baldonnel	An Taoiseach
09-Nov-04	09-Nov-04	180	Baldonnel -Brussels- Baldonnel	Enterprise, Trade
11-Nov-04	14-Nov-04	870	Baldonnel -New York (JFK)-NY (White Plains)-NY (La Guardia)- Baldonnel	Tánaiste

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
21-Nov-04	22-Nov-04	265	Baldonnel -Shannon-Brussels-Shannon- Baldonnel	Defence/ Foreign Affairs
19-Nov-04	19-Nov-04	60	Baldonnel - Northolt - Dublin - Baldonnel	An Taoiseach
23-Nov-04	23-Nov-04	90	Baldonnel - Dublin - Northolt - Baldonnel	An Taoiseach
24-Nov-04	24-Nov-04	120	Baldonnel - Northolt - Dublin - Baldonnel	An Taoiseach
26-Nov-04	26-Nov-04	90	Baldonnel - Dublin -Derry- Dublin - Baldonnel	An Taoiseach
29-Nov-04	29-Nov-04	180	Baldonnel -Hague- Baldonnel	Foreign Affairs
02-Dec-04	02-Dec-04	180	Baldonnel -Brussels- Baldonnel	Justice
06-Dec-04	07-Dec-04	180	Baldonnel -Brussels- Baldonnel	Finance
08-Dec-04	08-Dec-04	60	Baldonnel - Dublin - Belfast - Dublin - Baldonnel	An Taoiseach
09-Dec-04	09-Dec-04	235	Baldonnel -Madrid-Derry- Baldonnel	Agriculture
11-Dec-04	11-Dec-04	120	Baldonnel - Northolt - Baldonnel	Arts, Sports
13-Dec-04	13-Dec-04	180	Baldonnel - Dublin -Brussels- Baldonnel	Foreign Affairs
15-Dec-04	15-Dec-04	105	Baldonnel - Belfast - Northolt - Baldonnel	Foreign Affairs
16-Dec-04	17-Dec-04	220	Baldonnel - Dublin -Brussels- Dublin - Baldonnel	An Taoiseach
20-Dec-04	20-Dec-04	220	Baldonnel-Derry-Brussels- Baldonnel	Agriculture
22-Dec-04	22-Dec-04	225	Baldonnel -Brussels-Derry- Baldonnel	MOS Communications
<i>2005</i>				
8-Jan-05	13-Jan-05	1820	Baldonnel -Dubai-Phuket-Kuala Lumpur -Phuket-Medan-K.Lumpur-Medan -Banda -Aceh-Colombo-Bangalore -Colombo-Dubai-Rome- Baldonnel	Foreign Affairs
16-Jan-05	16-Jan-05	55	Baldonnel - Dublin -Frankfurt- Baldonnel	An Taoiseach
17-Jan-05	18-Jan-05	180	Baldonnel -Brussels- Baldonnel	Finance
23-Jan-04	23-Jan-04	95	Baldonnel -Paris- Dublin -Cork- Baldonnel	An Taoiseach
24-Jan-05	24-Jan-05	370	Baldonnel -Stockholm-Helsinki	Foreign Affairs
28-Jan-05	28-Jan-05	60	Baldonnel - Dublin -Cork- Dublin - Baldonnel	An Taoiseach
31-Jan-05	31-Jan-04	180	Baldonnel -Brussels- Baldonnel	Foreign Affairs

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Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
<i>2004</i>				
19/01/2004	19/01/2004	90	Baldonnel - Brussels- Baldonnel	Finance
20/01/2004	20/01/2004	180	Baldonnel - Brussels- Baldonnel	Foreign Affairs
21/01/2004	23/01/2004	1,080	Baldonnel - Rabat-Dakar-Monrovia- Dakar-Rabat- Baldonnel	Defence
24/01/2004	24/01/2004	240	Baldonnel - Dublin -Zurich- Dublin - Baldonnel	Taoiseach
25/01/2004	25/01/2004	120	Baldonnel -Zurich- Baldonnel	Tánaiste
26/01/2004	26/01/2004	180	Baldonnel - Brussels- Baldonnel	Finance
28/01/2004	29/01/2004	200	Baldonnel -Brussels - Northolt - Baldonnel	Foreign Affairs
02-Feb-04	02-Feb-04	180	Baldonnel -Brussels- Baldonnel	Tánaiste
06-Feb-04	06-Feb-04	60	Baldonnel - Dublin -Cork- Dublin - Baldonnel	Taoiseach
09-Feb-04	09-Feb-04	250	Baldonnel - Berlin- Baldonnel	Tánaiste
10-Feb-04	10-Feb-04	190	Baldonnel -Paris- Baldonnel	Transport
12-Feb-04	12-Feb-04	190	Baldonnel -Brussels-Cork- Baldonnel	Health
13-Feb-04	13-Feb-04	125	Baldonnel -Cork-Paris- Baldonnel	Agriculture
18-Feb-04	18-Feb-04	180	Baldonnel -Brussels- Baldonnel	Communications
19-Feb-04	19-Feb-04	60	Baldonnel - Dublin -Derry- Baldonnel - Belfast - Dublin - Baldonnel	Taoiseach
20-Feb-04	20-Feb-04	260	Baldonnel -Berlin- Baldonnel	Transport
22-Feb-04	22-Feb-04	90	Baldonnel -Brussels- Baldonnel	Foreign Affairs
23-Feb-04	24-Feb-04	320	Baldonnel -Cork-Paris-Brussels- Belfast - Baldonnel	Agriculture/Foreign Affairs

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
25-Feb-04	25-Feb-04	260	Baldonnel -Budapest-Brussels- Baldonnel	Communications
26-Feb-04	26-Feb-04	170	Baldonnel -Budapest- Baldonnel	Communications
01-Mar-04	01-Mar-04	90	Baldonnel -Brussels- Baldonnel	Environment
02-Mar-04	02-Mar-04	320	Baldonnel -Cork-Brno(Czech Rep)- Baldonnel	Agriculture
02-Mar-04	03-Mar-04	150	Baldonnel -Vienna- Baldonnel	Transport
04-Mar-04	04-Mar-04	60	Baldonnel - Dublin -Derry- Dublin - Baldonnel	Taoiseach
08-Mar-04	09-Mar-04	90	Baldonnel -Brussels- Baldonnel	Finance
12-Mar-04	13-Mar-04	340	Baldonnel -Brussels-Madrid- Baldonnel	Agriculture
10-Mar-04	10-Mar-04	90	Baldonnel -Brussels- Baldonnel	Tánaiste
14-Mar-04	14-Mar-04	60	Baldonnel - Dublin -Manchester- Dublin - Baldonnel	Taoiseach
16-Mar-04	17-Mar-04	180	Baldonnel -Brussels- Baldonnel	Transport
18-Mar-04	19-Mar-04	140	Baldonnel - Northolt -Brussels- Baldonnel	Justice
21-Mar-04	21-Mar-04	120	Baldonnel -Cork-Brussels- Baldonnel	Agriculture
22-Mar-04	22-Mar-04	210	Baldonnel -Brussels- Baldonnel	Finance
25-Mar-04	25-Mar-04	180	Baldonnel -Brussels- Baldonnel	Finance
29-Mar-04	31-Mar-04	920	Bal-Rome-ShamirSheik - Rome-Berlin-Bal	Foreign Affairs
07-Apr-04	07-Apr-04	150	Baldonnel -Lisbon- Baldonnel	Transport
04-Apr-04	04-Apr-04	90	Baldonnel -Brussels- Baldonnel	Defence
02-Apr-04	03-Apr-04	190	Baldonnel -Prague-Cork- Baldonnel	Health
06-Apr-04	06-Apr-04	90	Baldonnel -Brussels- Baldonnel	Education
05-Apr-04	05-Apr-04	90	Baldonnel -Cork- Baldonnel	Justice
15-Apr-04	16-Apr-04	370	Baldonnel -Cork-Brussels-Cork- Baldonnel	Agriculture
18-Apr-04	19-Apr-04	120	Baldonnel -London Northolt - Baldonnel	Finance
13-Apr-04	13-Apr-04	30	Baldonnel -Farranfore- Baldonnel	Education
20-Apr-04	20-Apr-04	100	Baldonnel -Luxembourg- Baldonnel	Agriculture
21-Apr-04	21-Apr-04	120	Baldonnel -London Northolt - Baldonnel	Foreign Affairs
25-Apr-04	25-Apr-04	220	Baldonnel -Cork-Luxembourg-Brussels- Baldonnel	Agriculture
28-Apr-04	29-Apr-04	205	Baldonnel -Luxembourg- Baldonnel	Justice
29-Apr-04	29-Apr-04	90	Baldonnel -Cardiff- Baldonnel	Community, Rural & Gaeltacht Affairs
26-Apr-04	26-Apr-04	100	Baldonnel -Luxembourg- Baldonnel	MOS Foreign Affairs
02-May-04	06-May-04	560	Baldonnel -Sofia-Mariehamn (Finland)- Baldonnel	Community, Rural & Gaeltacht Affairs
07-May-04	08-May-04	160	Baldonnel -Madrid- Baldonnel	Tánaiste
10-May-04	11-May-04	90	Baldonnel -Brussels- Baldonnel	Finance
14-May-04	17-May-04	790	Baldonnel -Rome-Amman-Rome- Baldonnel	Communications, Marine & Natural Resources
12-May-04	12-May-04	95	Baldonnel -Cork-Paris- Baldonnel	Health
13-May-04	13-May-04	340	Baldonnel -Rome- Baldonnel	MOS Defence Mary Hanafin
19-May-04	19-May-04	90	Baldonnel -Brussels- Baldonnel	Tánaiste
19-May-04	19-May-04	125	Baldonnel -Geneva- Baldonnel	Health
21-May-04	21-May-04	260	Baldonnel -Moscow- Dublin - Baldonnel	Taoiseach
22-May-04	22-May-04	190	Baldonnel -Paris- Baldonnel	Foreign Affairs
23-May-04	23-May-04	220	Baldonnel -Cork-Brussels- Baldonnel	Agriculture
27-May-04	27-May-04	240	Baldonnel -Brussels-Kerry- Baldonnel	Arts Sports and Tourism
25-May-04	25-May-04	225	Baldonnel -Oslo (Norway)- Baldonnel	Health
25-May-04	26-May-04	290	Baldonnel -Ljubiana- Baldonnel	Transport
28-May-04	28-May-04	180	Baldonnel -Brussels- Baldonnel	Education
28-May-04	29-May-04	260	Baldonnel -Derry-Brussels-Derry- Baldonnel	Social, Family Affairs
1-Jun-04	3-Jun-04	440	Baldonnel -Budapest-Paris-Brussels- Baldonnel	Tánaiste
5-Jun-04	5-Jun-04	390	Baldonnel -Cork-Bratislava-Cork- Baldonnel	Agriculture
8-Jun-04	8-Jun-04	100	Baldonnel -Luxembourg- Baldonnel	Justice
9-Jun-04	9-Jun-04	90	Baldonnel -Luxembourg- Baldonnel	Communications, Marine & Natural Resources
11-Jun-04	11-Jun-04	200	Baldonnel -Luxembourg- Baldonnel	Communications, Marine & Natural Resources/ Justice
11-Jun-04	12-Jun-04	100	Baldonnel -Luxembourg- Baldonnel	Transport



Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
14-Jun-04	14-Jun-04	180	Baldonnel -Brussels- Baldonnel	Tánaiste
16-Jun-04	16-Apr-04	80	Baldonnel - Belfast - Baldonnel	Arts, Sport
21-Jun-04	22-Jun-04	565	Baldonnel -Algiers-Tindouf (Algeria)- Rabat (Morocco)- Baldonnel	Foreign Affairs
23-Jun-04	25-Jun-04	350	Baldonnel -Budapest-Cork- Baldonnel	Health
27-Jun-04	27-Jun-04	100	Baldonnel -Luxembourg- Baldonnel	Environment
28-Jun-04	28-Jun-04	90	Baldonnel -Luxembourg- Baldonnel	Environment
28-Jun-04	28-Jun-04	180	Baldonnel -Brussels- Baldonnel	Tánaiste
1-Jul-04	1-Jul-04	170	Baldonnel - Amsterdam - Baldonnel	Communications, Marine & Natural Resources
4-Jul-04	5-Jul-04	180	Baldonnel -Brussels- Baldonnel	Finance
8-Jul-04	8-Jul-04	90	Baldonnel -Maastricht, Netherlands- Baldonnel	Social & Family Affairs
09-Jul-04	09-Jul-04	120	Baldonnel -Adberdeen- Baldonnel	Taoiseach
11-Jul-04	11-Jul-04	85	Baldonnel -Rotterdam- Baldonnel	Education
12-Jul-04	12-Jul-04	180	Baldonnel -Brussels- Baldonnel	Foreign Affairs/MOS Foreign Affairs
13-Jul-04	13-Jul-04	120	Baldonnel - Northolt - Baldonnel	Tánaiste
14-Jul-04	17-Jul-04	300	Baldonnel -Reykjavik- Baldonnel	Tánaiste
18-Jul-04	19-Jul-04	270	Baldonnel -Cork-Brussels- Baldonnel	Agriculture
26-Jul-04	27-Jul-04	60	Baldonnel -Cork- Baldonnel	Tánaiste
29-Jul-04	31-Jul-04	330	Baldonnel -Cork-Geneva- Baldonnel	Agriculture/MOS Michael Ahern
10-Aug-04	11-Aug-04	310	Baldonnel -Malaga-Brussels-Malaga- Baldonnel	Finance
19-Aug-04	20-Aug-04	310	Baldonnel -Malaga-Brussels-Malaga- Baldonnel	Finance
27-Aug-04	28-Aug-04	330	Baldonnel -Cork-Munich-Cork- Baldonnel	Health
01-Sep-04	01-Sep-04	60	Baldonnel -Belfast City- Baldonnel	Foreign Affairs
02-Sep-04	02-Sep-04	30	Baldonnel -Belfast City- Baldonnel	Foreign Affairs
03-Sep-04	04-Sep-04	260	Baldonnel - Belfast -Maastricht-Knock- Baldonnel	Foreign Affairs
06-Sep-04	06-Sep-04	60	Baldonnel - Dublin -Cork- Baldonnel	An Taoiseach
07-Sep-04	07-Sep-04	200	Baldonnel -Cork-Valkenburg- Baldonnel	Agriculture
09-Sep-04	11-Sep-04	180	Baldonnel -Valkenburg- Baldonnel	Finance
13-Sep-04	13-Sep-04	60	Baldonnel -Shannon- Baldonnel	Education
16-Sep-04	17-Sep-04	180	Baldonnel -Valkenburg- Baldonnel	Defence
16-Sep-04	16-Sep-04	150	Baldonnel -Manston- Baldonnel	Foreign Affairs
21-Sep-04	21-Sep-04	60	Baldonnel -Belfast City- Baldonnel	M.O.S. Foreign Affairs
23-Sep-04	23-Sep-04	125	Baldonnel -Belfast City-Prague- Baldonnel	M.O.S. Foreign Affairs
24-Sep-04	25-Sep-04	180	Baldonnel -Brussels- Baldonnel	Tánaiste
29-Sep-04	30-Sep-04	180	Baldonnel - Amsterdam - Baldonnel	Justice
7-Oct-04	7-Oct-04	200	Baldonnel -Luxembourg- Baldonnel	MOS Transport
11-Oct-04	11-Oct-04	180	Baldonnel -Luxembourg- Baldonnel	Foreign Affairs
12-Oct-04	12-Oct-04	60	Baldonnel -Belfast City- Baldonnel	Foreign Affairs
13-Oct-04	14-Oct-04	200	Baldonnel -Luxembourg- Baldonnel	Environment
20-Oct-04	20-Oct-04	200	Baldonnel -Luxembourg- Baldonnel	Finance
25-Oct-04	25-Oct-04	200	Baldonnel -Luxembourg- Baldonnel	Justice
8-Nov-04	8-Nov-04	160	Baldonnel -Rotterdam- Baldonnel	Social and Family Affairs
11-Nov-04	14-Nov-04	700	Baldonnel -Rome-Cairo-Rome- Baldonnel	Foreign Affairs
15-Nov-04	16-Nov-04	180	Baldonnel -Brussels- Baldonnel	Finance
19-Nov-04	19-Nov-04	90	Baldonnel - Dublin -Guernsey- Northolt - Baldonnel	An Taoiseach
22-Nov-04	22-Nov-04	235	Baldonnel -Knock-Brussels- Baldonnel	Agriculture
24-Nov-04	26-Nov-04	210	Baldonnel -Brussels-Cork- Baldonnel	Enterprise, Trade & Employment
28-Nov-04	29-Nov-04	180	Baldonnel -Brussels- Baldonnel	Communications, Marine & Natural Resources
30-Nov-04	30-Nov-04	180	Baldonnel -Brussels- Baldonnel	Enterprise
01-Dec-04	03-Dec-04	170	Baldonnel - Amsterdam - Baldonnel	Arts, Sports & Tourism
04-Dec-04	05-Dec-04	740	Baldonnel -Rome-Tel Aviv-Rome-Cork- Baldonnel	MOS Environment
2005				
07-Jan-05	07-Jan-05	180	Baldonnel-Brussels- Baldonnel	Foreign Affairs

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
23-Jan-05	25-Jan-05	220	Baldonnel -Derry-Brussels- Baldonnel	Agriculture
26-Jan-05	26-Jan-05	210	Baldonnel -Zurich-Cork- Baldonnel	Enterprise

## BEECH

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
<i>2002</i>				
5-Sep-02	5-Sep-02	110	Baldonnel - Derry - Baldonnel	Foreign Affairs
18-Sep-02	18-Sep-02	50	Baldonnel - Kerry - Baldonnel	Taoiseach
21-Sep-02	21-Sep-02	90	Baldonnel - Belfast City - Baldonnel	Foreign Affairs
11-Oct-02	11-Oct-02	90	Baldonnel - Derry - Baldonnel	Foreign Affairs
1-Nov-02	1-Nov-02	115	Dublin - Cork - Dublin	Taoiseach
7-Nov-02	7-Nov-02	55	Baldonnel - Belfast city - Baldonnel	Foreign Affairs
8-Nov-02	8-Nov-02	45	Baldonnel - Belfast city - Baldonnel	Foreign Affairs
12-Nov-02	12-Nov-02	100	Baldonnel - Kerry - Baldonnel	Defence
15-Nov-02	15-Nov-02	45	Baldonnel - Sligo - Baldonnel	Taoiseach
25-Nov-02	25-Nov-02	45	Dublin - Shannon - Dublin	Tánaiste
6-Dec-02	6-Dec-02	110	Baldonnel - Derry - Baldonnel	Tánaiste
<i>2003</i>				
17-Jan-03	18-Jan-03	90	Baldonnel - Cork - Baldonnel	Tánaiste
20-Jan-03	20-Jan-03	80	Baldonnel - Belfast City - Baldonnel - Belfast - Baldonnel	MOS for Foreign Affairs
25-Jan-03	26-Jan-03	95	Baldonnel - Galway - Baldonnel	Taoiseach
30-Jan-03	30-Jan-03	90	Baldonnel - Belfast City - Baldonnel	Foreign Affairs
7-Feb-03	8-Feb-03	90	Dublin - Galway - Dublin	Taoiseach
10-Feb-03	10-Feb-03	80	Baldonnel - Cork - Baldonnel	Communications, Marine & Natural Resources
15-Feb-03	15-Feb-03	80	Baldonnel - Belfast City - Baldonnel	MOS Taoiseach
27-Feb-03	27-Feb-03	90	Baldonnel - Belfast City - Baldonnel	MOS Foreign Affairs
3-Mar-03	3-Mar-03	150	Baldonnel - Brussels - Baldonnel	Tánaiste
7-Mar-03	7-Mar-03	90	Baldonnel - Dublin - Knock - Dublin - Baldonnel	Taoiseach
1-Apr-03	1-Apr-03	90	Baldonnel - Galway - Baldonnel	Tánaiste
4-Apr-03	4-Apr-03	135	Baldonnel - Belfast City -Kerry - Dublin -Belfast - Baldonnel	Foreign Affairs/Taoiseach
21-Apr-03	21-Apr-03	90	Baldonnel -Sligo- Baldonnel	Education
22-Apr-03	22-Apr-03	40	Baldonnel -Sligo-Shannon- Baldonnel	Education
23-Apr-03	23-Apr-03	45	Baldonnel -Shannon- Baldonnel	Education
28-Apr-03	28-Apr-03	90	Baldonnel - Shannon- Baldonnel	Tánaiste
6-May-03	6-May-03	150	Baldonnel - Cork - Brussels- Baldonnel	Health
8-May-03	8-May-03	90	Baldonnel - Galway- Baldonnel	Enterprise,Trade & Employment
14-May-03	14-May-03	300	Baldonnel - Strasbourg- Baldonnel	Foreign Affairs
15-May-03	15-May-03	90	Baldonnel - Shannon- Baldonnel	Education
21-May-03	21-May-03	80	Baldonnel - Waterford- Baldonnel	Tánaiste
24-May-03	24-May-03	45	Baldonnel - Dublin - Baldonnel - Galway- Baldonnel	Taoiseach
25-May-03	25-May-03	45	Baldonnel - Galway- Dublin - Baldonnel	Taoiseach
1-Jun-03	2-Jun-03	360	Baldonnel - Cork - Brussels-Cork- Baldonnel	Health
5-Jun-03	5-Jun-03	40	Baldonnel - Derry - Baldonnel	Foreign Affairs
6-Jun-03	6-Jun-03	75	Baldonnel - Derry - Belfast- Baldonnel -Belfast - Baldonnel	Foreign Affairs
30-Jun-03	30-Jun-03	60	Baldonnel - Cork - Galway-Cork- Baldonnel	Health
8-Jul-03	8-Jul-03	90	Baldonnel - Sligo- Baldonnel	Health
17-Jul-03	17-Jul-03	170	Baldonnel - Cork - Donegal-Sligo-Cork- Baldonnel	Health
20-Jul-03	20-Jul-03	150	Baldonnel - Donegal- Baldonnel -Donegal - Baldonnel	Tánaiste/Foreign Affairs

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
21-Jul-03	21-Jul-03	155	Baldonnel -Kerry- Donegal- Baldonnel -Kerry - Baldonnel	Foreign Affairs/Transport
15-Sep-03	15-Sep-03	90	Baldonnel - Cork - Baldonnel	Tánaiste
20-Oct-03	20-Oct-03	45	Baldonnel - Knock - Baldonnel	Tánaiste
26-Oct-03	26-Oct-03	90	Baldonnel - Donegal - Dublin - Baldonnel	MOS Environment
11-Nov-03	11-Nov-03	100	Baldonnel - Kerry - Baldonnel	Defence
17-Nov-03	17-Nov-03	120	Baldonnel - Dublin - Sligo- Galway- Dublin	Taoiseach
20-Nov-03	20-Nov-03	90	Baldonnel - Belfast (City) - Baldonnel	Community, Rural, Gaeltacht
25-Nov-03	28-Nov-03	325	Baldonnel - Brussels - Baldonnel	Tánaiste
26-Nov-03	28-Nov-03	415	Baldonnel - Budapest	Health
30-Nov-03	1-Dec-03	180	Baldonnel - Donegal - Brussels - Baldonnel	Social, Family Affairs
<i>2004</i>				
6-Jan-04	6-Jan-04	60	Baldonnel -Donegal- Baldonnel	M.O.S. Environment
12-Jan-04	12-Jan-04	90	Baldonnel -Waterford- Baldonnel	Tánaiste
21-Jan-04	22-Jan-04	325	Baldonnel -Brussels- Baldonnel	Social & Family Affairs /MOS Enterprise, Trade & Employment
26-Jan-04	26-Jan-04	90	Baldonnel -Galway- Baldonnel	Tánaiste
9-Feb-04	9-Feb-04	45	Baldonnel -Sligo- Baldonnel	Environment
10-Feb-04	10-Feb-04	90	Baldonnel - Belfast - Baldonnel	Foreign Affairs
17-Feb-04	17-Feb-04	90	Baldonnel - Dublin -Galway- Dublin - Baldonnel	Taoiseach
19-Feb-04	19-Feb-04	45	Baldonnel -Donegal- Baldonnel	Education
20-Feb-04	20-Feb-04	45	Baldonnel -Donegal- Baldonnel	Education
3-Mar-04	03-Mar-04	300	Baldonnel -Brussels- Baldonnel	Social F. Affairs
4-Mar-04	04-Mar-04	120	Baldonnel -Galway- Baldonnel	Social F. Affairs
9-Mar-04	09-Mar-04	90	Baldonnel - Belfast - Baldonnel	Foreign Affairs
12-Mar-04	12-Mar-04	150	Baldonnel - Dublin -Galway- Dublin - Baldonnel	Taoiseach
27-Apr-04	27-Apr-04	45	Baldonnel -Sligo- Baldonnel	Justice
29-Apr-04	29-Apr	90	Baldonnel -Cork- Baldonnel	Education
29-Apr-04	29-Apr-04	120	Bal- Dublin -Galway- Dublin - Baldonnel	Tánaiste
4-May-04	04-May-04	90	Baldonnel - Belfast - Baldonnel	MOS Foreign Affairs
06-May-04	07-May-04	590	Baldonnel -Budapest-London(Stansted)-Sligo- Baldonnel	Social & Family
04-May-04	04-May-04	45	Baldonnel -Shannon- Baldonnel	Arts, Sports & Tourism
05-May-04	05-May-04	90	Baldonnel -Derry- Baldonnel	MOS Environment
06-May-04	06-May-04	90	Baldonnel -Shannon- Baldonnel	Justice
13-May-04	13-May-04	105	Baldonnel -Galway- Baldonnel	Community, Rural & Gaeltacht Affairs/ Communications, Marine & Natural Resources
14-May-04	14-May-04	140	Baldonnel -Paris-Cork- Baldonnel	Health
12-May-04	12-May-04	165	Baldonnel -Strasbourg- Baldonnel	MOS Dick Roche
15-May-04	15-May-04	50	Baldonnel -Donegal-Waterford- Baldonnel	MOS Pat the Cope
16-May-04	16-May-04	35	Baldonnel -Waterford-Donegal- Baldonnel	MOS Pat the Cope
15-May-04	17-May-04	45	Baldonnel -Cork- Baldonnel	MOS Michael Ahern
17-May-04	17-May-04	45	Baldonnel -Cork- Baldonnel	MOS Michael Ahern
22-May-04	23-May-04	175	Baldonnel - Amsterdam -Brussels- Baldonnel	Communications, Marine & Natural Resources
24-May-04	24-May-04	45	Baldonnel -Galway- Baldonnel	Tánaiste
28-May-04	28-May-04	90	Baldonnel -Sligo- Baldonnel	Communications, Marine & Natural Resources
31-May-04	01-Jun-04	515	Baldonnel -Galway-Donegal(Carrickfinn)-Luxembourg- Baldonnel	Social & Family
02-Jun-04	02-Jun-04	45	Baldonnel - Belfast - Baldonnel	M.O.S. Foreign Affairs
22-Jun-04	22-Jun-04	115	Baldonnel -Kerry- Belfast - Baldonnel	Arts, Sports & Tourism
25-Jun-04	26-Jun-04	90	Baldonnel -Shannon- Baldonnel	Tánaiste
30-Jun-04	30-Jun-04	90	Baldonnel -Sligo- Baldonnel	Communications, Marine & Natural Resources

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
8-Jul-04	8-Jul-04	280	Baldonnel -Sligo-Carrickfinn- Baldonnel	MOS Environment
9-Jul-04	10-Jul-04	135	Baldonnel -Mastricht,Netherlands- Baldonnel	Social & Family Affairs
15-Jul-04	15-Jul-04	60	Baldonnel -Cardiff- Baldonnel	Social & Family Affairs
16-Jul-04	16-Jul-04	140	Baldonnel -Cardiff-Sligo- Baldonnel	Social & Family Affairs
04-Sep-04	05-Sep-04	270	Baldonnel -Cork-Glasgow-Shannon- Baldonnel	Health
09-Sep-04	10-Sep-04	300	Baldonnel -Valkenburg-Cork- Baldonnel	Health
01-Oct-04	01-Oct-04	45	Baldonnel - Dublin -Galway- Baldonnel	An Taoiseach
07-Oct-04	07-Oct-04	135	Baldonnel -Donegal-Shannon- Baldonnel	Defence
08-Oct-04	08-Oct-04	120	Baldonnel -Galway-Sligo- Baldonnel	An Tánaiste
09-Oct-04	09-Oct-04	45	Baldonnel -Sligo- Baldonnel	An Tánaiste
12-Nov-04	12-Nov-04	45	Baldonnel - Dublin -Shannon-Bal-Shannon-Galway- Dublin - Baldonnel	Taoiseach
13-Nov-04	13-Nov-04	250	Baldonnel -Kerry-Liverpool-Kerry- Baldonnel	Arts, Sports and Tourism
19-Nov-04	19-Nov-04	165	Baldonnel -Guernsey- Baldonnel -Kerry- Baldonnel	Arts, Sports and Tourism
26-Nov-04	26-Nov-04	120	Baldonnel -Kerry- Baldonnel -Kerry- Baldonnel	Social & Family
02-Dec-04	02-Dec-04	60	Baldonnel -Derry- Baldonnel	Enterprise
02-Dec-04	02-Dec-04	150	Baldonnel -Derry-Cork- Baldonnel	Enterprise
06-Dec-04	06-Dec-04	170	Baldonnel -Knock-Shannon- Baldonnel	Arts, Sports & Tourism
15-Dec-04	15-Dec-04	90	Baldonnel -Cork-Baldonnel	Enterprise
19-Dec-04	20-Dec-04	300	Baldonnel -Brussels- Baldonnel	Environment
17-Dec-04	17-Dec-04	330	Baldonnel -Brussels-Cork-Brussels	Enterprise
<i>2005</i>				
19-Jan-05	19-Jan-05	90	Baldonnel -Cork- Baldonnel -Cork- Dublin - Baldonnel	An Tánaiste
21-Jan-05	21-Jan-05	80	Baldonnel -Waterford- Baldonnel -Waterford- Baldonnel	Transport
24-Jan-05	24-Jan-05	75	Baldonnel -Shannon- Baldonnel -Galway- Baldonnel	An Tánaiste
25-Jan-05	25-Jan-05	45	Baldonnel -Galway- Baldonnel	An Tánaiste

## CASA

Date	Return	Ministerial Time on Board (minutes)	Destination	Minister
18-Sep-02	—	170	Baldonnel - Kerry - Donegal - Baldonnel	Taoiseach' s Office
19-Sep-02	—	90	Dublin - Donegal - Dublin	Taoiseach
10-Dec-02	—	100	Baldonnel - Belfast City - Baldonnel	MOS Foreign Affairs
13-Dec-02	—	135	Baldonnel - Belfast City - Baldonnel	MOS Foreign Affairs
<i>2003</i>				
14-Apr-03	—	100	Baldonnel - Dublin - Isle of Man- Dublin - Baldonnel	Taoiseach
13-Jun-03	—	95	Baldonnel - Shannon- Baldonnel	Tánaiste
26-Jun-03	—	90	Baldonnel - Dublin - Cork- Dublin - Baldonnel	Taoiseach/Transport
10-Sep-03	—	30	Baldonnel - Cork - Dublin - Baldonnel	Agriculture & Food
20-21 Sep 03	—	190	Baldonnel - Galway - Northolt - Knock - Baldonnel	Community, Rural, Gaeltacht.

**Defence Forces Property.**

510. **Mr. S. Ryan** asked the Minister for Defence the position regarding the FCA property at Slievenamon Road, Thurles, County Tipperary; if he has agreed to sell all or part of this property and if so, if and when he intends to provide an alternative building for military personnel. [4613/05]

**Minister for Defence (Mr. O'Dea):** My Department has been approached by a developer who

wishes to access his property through a portion of the RDF property in Thurles, County Tipperary, to facilitate development at the rear. No agreement, however, has been made by my Department to sell any part of this military property nor has any commitment been entered into in relation to the incorporation of any portion thereof into the proposed development. Furthermore, there is no question of relocating the RDF unit elsewhere.



### Civil Defence.

511. **Mr. J. O’Keeffe** asked the Minister for Defence the number of members of the Civil Defence throughout the State; the details of their role; and if he will make a statement on the matter. [5045/05]

**Minister for Defence (Mr. O’Dea):** There are about 6,000 members of the Civil Defence organisation throughout the State at present. Civil Defence celebrated the 50th anniversary of its foundation in 2000 and over that period the primary role of the organisation has changed considerably from that of providing a civil response to potential hazards which might arise in a war situation to one of assisting the primary emergency services and providing community support.

The Government White Paper on Defence, published in February 2000, set out the broad policy framework for the future of Civil Defence as that of continuing to develop its capacity to respond to emergencies as a high quality, second line emergency service in support of the primary services and to facilitate community support activities while preserving the voluntary nature and ethos of the organisation. As part of the implementation of that policy the Civil Defence Act 2002 was enacted and, by means of an order under that Act, the then Minister for Defence established the inaugural Civil Defence Board in 2003. The board is comprised of the main stakeholders in the wider civil protection community and by virtue of the Act has taken over the day-to-day management and development of the Civil Defence organisation at national level from my Department. I expect the board to continue to develop and enhance the role of the Civil Defence organisation in accordance with the broad parameters as set out in the White Paper and with the provisions of the Act and I look forward to working with the board in the implementation of its development plans in that regard. As Minister for Defence, I retain overall responsibility for the policy and the funding of Civil Defence.

### Planning Issues.

512. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if there are guidelines regarding exclusion zones, such as residential, medical or educational areas, in which mobile telephony transmitters and masts may not be erected; where such guidelines may be viewed; and if he will make a statement on the matter. [4894/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In July 1996, my Department issued guidelines for planning authorities on telecommunications antennae and support structures. Their purpose was to assist planning authorities, An Bord Pleanála, operators of

mobile telecommunications services and the public by providing guidance on dealing with telecommunications masts and base stations within the planning system.

The guidelines advise that “in the vicinity of larger towns and city suburbs operators should endeavour to locate in industrial areas or in industrially zoned land”. They advise that “only as a last resort should free-standing masts be located within or the immediate surrounds of smaller towns or villages” and also that “only as a last resort should free standing masts be located in a residential area or beside schools”. The guidelines are available in the Oireachtas Library. They are also available in electronic format from my Department and will be available on the Department’s website shortly.

### Site Acquisitions.

513. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if a property solution has been identified for the proposed Government offices in Kilkenny City; if he will confirm the numbers of staff involved in each; the number that have offered to transfer; the steps he is taking to promote both locations; if local interest groups can assist the Department in marketing the locations; and if he will make a statement on the matter. [4892/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The present position regarding office accommodation for my Department’s decentralised office in Kilkenny is that the Office of Public Works is evaluating a number of options in Kilkenny and this process has yet to be finalised. A total of 77 applications had been received at the Central Applications Facility, CAF, priority cut-off date on 7 September 2004 in respect of the 62 posts to be decentralised. My Department has published on its website, *www.enriron.ie*, a fact-sheet which includes information on services and facilities available in Kilkenny such as schools, housing and other amenities. In accordance with the recommendations of the decentralisation implementation group, my Department will be setting up small planning groups in conjunction with local interests to help facilitate staff locating to Kilkenny when the timescale for transfer becomes clearer.

### Local Authority Loans.

514. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if consideration will be given to writing off the outstanding amounts owed by low income families who financed mortgages with State-backed funds at fixed interest. [4548/05]

518. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if

[Ms O. Mitchell.]

he will consider writing off the outstanding amounts owed by low income families who financed mortgages with State-backed funds at fixed interest and who, although having made repayments over 30 years, still owe in some cases more than the amount borrowed despite that the State has rolled over the original loan which financed the scheme. [4621/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 514 and 518 together.

Local authority mortgages are provided to eligible low income households, who would not otherwise obtain finance. The lending is provided on a self-financing basis.

The loans the question refers to were issued by local authorities prior to the introduction of variable rates in December 1987, and reflect the long-term costs of the funds prevailing at the time the loans were advanced. Rates were fixed for the life of the loan. The subsequent introduction of variable interest rates for local authority mortgages has provided borrowers with increased flexibility and choice.

Borrowers with fixed rate local authority repayments are permitted to redeem such loans without any interest rate penalty and re-finance them in the private sector. This represents a significant concession having regard to the redemption penalties of up to six months' interest or more applied by commercial lending agencies in the event of early redemption of such mortgages. In 2001, the position regarding high fixed interest rates on local authority loans was reviewed in consultation with the Department of Finance. This review determined that a State subsidy to reduce such interest rates would not be appropriate.

#### **National Spatial Strategy.**

515. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government the objectives of the Government national spatial strategy; and if he will make a statement on the matter. [4560/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Government published the national spatial strategy on 28 November 2002 as a 20-year planning framework designed to enable every part of the country to achieve its potential. The principal aims of the NSS are to achieve more balanced regional development through a better spread of economic activity, employment and population growth, energise the potential of all urban and rural areas with the support of a stronger urban structure, including gateways, hubs and other

towns, and set a national context for regional and local planning strategies.

The strategy aims to build up the strengths of all areas to achieve more balanced regional development and population growth. It recognises that a greater share of economic activity must take place outside the greater Dublin area. To achieve this, the strategy sets out a framework within which gateways, hubs and other urban and rural areas will act together to allow areas to grow.

#### **Planning Issues.**

516. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government the agency which takes enforcement action on section 25 planning decisions and the mechanism for such enforcement procedures. [4568/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Section 25 of the Dublin Docklands Development Authority Act 1997 provides for the approval by the Minister of planning schemes in relation to areas of the docklands. Any development by the authority which is consistent with such a scheme, or any development by a person other than the authority that is certified by the authority to be consistent with such a scheme, is exempted development for the purposes of the Planning and Development Act 2000.

A certificate granted by the authority under section 25 may contain such conditions in relation to the carrying out of the development concerned as the authority considers appropriate. Where such conditions are not complied with, the relevant development would cease to be exempted development. In that event, the enforcement of planning controls would, in the normal course of events, be a matter for the relevant planning authority, in this case Dublin City Council, using the mechanisms provided under the 2000 Act. However, under section 160 of that Act, any person, including the authority, is empowered to apply to the Circuit Court or High Court for an injunction in relation to unauthorised development.

#### **Turf Cutting Compensation.**

517. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government when a person (details supplied) in County Roscommon will receive top-up payment for the purchase of bog; and if he will make a statement on the matter. [4587/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department concluded an agreement with the farming pillar under Sustaining Progress in July 2004. This agreement included increased rates of compensation for the cessation of turf cutting in bogs that

have been statutorily proposed for designation. The new rates are deemed to reflect the increase in the value of bogs since the original scheme was launched in March 1999.

The new rates include a scaled incentive payment up to a maximum of €6,000, additional to the rate per acre for purchase of bog or turbary. For people whose bogs were statutorily proposed for designation prior to 1999 and who have already sold to the Department, it was agreed that the new additional scaled incentive payment would be applied retrospectively, with the previous €1,270, £1,000, bonus, where already paid, being deducted.

My Department is at present examining the entitlement of the person named to an additional payment under this provision of the agreement.

*Question No. 518 answered with Question No. 514.*

### **Election Management System.**

519. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government if he has plans to review the electoral laws to guard against abuse of the electoral franchise; and if he will make a statement on the matter. [4622/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** There are extensive measures in place under existing electoral law to protect the electoral franchise.

The returning officer or the presiding officer may of his or her own volition, or if so requested by a personation agent present in the polling station, request any person applying for a ballot paper to produce a specified identification document. If a person fails to produce such a document, or if the returning officer or the presiding officer is not satisfied that the person is the person to whom the document relates, they are not permitted to vote. Returning officers or presiding officers may also, or if so requested by a personation agent shall, put certain questions or administer an oath or affirmation to persons applying for a ballot paper.

Electoral law also sets out a range of offences and penalties in relation to personation, including a new offence provided for under the Electoral (Amendment) Act 2004 for the unlawful possession or use of a polling information card. The prevention of personation relies on the deterrent effect of sanctions applicable for committing an electoral offence and on the vigilance of polling staff and personation agents present in the polling station. In this regard, my Department provides on an ongoing basis comprehensive guidance documentation to returning officers and presiding officers which contains detailed advice on countering personation.

I am concerned to ensure that the legislative and administrative arrangements in place are as

flexible as possible while maintaining the security and integrity of the electoral process. I will continue to keep current practice, including the scope for further improvements, under review.

### **Local Authority Housing.**

520. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the total allocation given to various local authorities over the past three years in respect of providing essential repair grants for replacement windows in local authority homes; his plans to increase funding in this area substantially; and if he will make a statement on the matter. [4649/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** In cases where my Department provides funding for refurbishment work to schemes of houses in need of remedial works, it is usual that such work includes the replacement of defective windows. No separate financial allocations are provided to local authorities for the replacement of defective windows solely. In other instances where the replacement of windows is undertaken as a normal maintenance requirement, funding would fall to be provided by local authorities from their own resources as part of their ongoing maintenance programmes.

### **Planning Issues.**

521. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will end the planned changes in the retail planning guidelines to protect local shops and not to follow the example of France in which small local shops and communities have been devastated; and if he will make a statement on the matter. [4708/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Questions Nos. 524 and 528 of 8 February 2005.

### **Cycle Facilities.**

522. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the amount his Department has invested in cycle lanes; the total length of cycle lanes here compared with five years ago; the way in which he intends to increase the rate of cycling in the country; and if he will make a statement on the matter. [4733/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The provision and funding of cycle lanes is a matter for the relevant local authority. Local authorities may, however, use discretionary improvement and

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block grants, provided by my Department, towards the cost of providing cycle lanes.

The total discretionary improvement grant allocation by my Department to county councils in 2005 is €22.661 million, which represents an increase of 3% on the 2004 allocation. The total block grant allocation by my Department to city, borough and town councils in 2005 is €14.478 million, which also represents an increase of 3% on the 2004 allocation. The selection of works to be funded from these grants, including the amount to be used for the provision of cycle lanes, is entirely a matter for the relevant local authority.

The allocation of grants for national roads is a matter for the National Roads Authority. The Dublin Transportation Office also allocates grants for traffic management measures to local authorities in the greater Dublin area. Details regarding the total length of cycle lanes in the country are not available in my Department.

#### Water and Sewerage Schemes.

523. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will consider the introduction of a grant scheme for the boring of wells by farmers who are within the vicinity of mains water supplies to

Ancillary equipment	Total value of contract
	€
Customised tilt tables for voting machines, for access by disabled voters	382,525
Transport trolleys for voting machines	398,173
Hand trucks for voting machines	38,412
Back-up batteries for voting machines	70,567
Storage cases for ballot modules and programme reading units	67,033

#### Retail Sector Developments.

525. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government if officials in his Department were opposed to the removal of the retail floor space cap outside Dublin; the reason he rejected his officials advice; and if he will make a statement on the matter. [4910/05]

526. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the independent, expert planning and other assessments he carried out before arriving at his decision to change the retail planning guidelines; and if he will make a statement on the matter. [4911/05]

537. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government if he sought the views of the National Roads Authority, NRA, and the Dublin Transportation Office on the proposed change to the retail plan-

ning guidelines; the views of same on the proposed change; and if he will make a statement on the matter. [4882/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In accordance with my Department's water services pricing policy, grants to individuals for the provision of water supplies are confined to supplies for domestic consumption. There are no proposals to review that position.

#### Election Management System.

524. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government his views concerning the ancillary equipment that was procured to facilitate electronic voting; if an open tender process was followed for each contract; the cost of each contract awarded; when these contracts will be due for renewal; and if he will make a statement on the matter. [4883/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 520 of 8 February 2005. As that reply stated, an open tender competition was undertaken for the procurement of each item of the ancillary equipment. These contracts were for the provision of specific equipment and the question of renewal does not arise. The value of the contracts is set out in the following table:

ning guidelines; the views of same on the proposed change; and if he will make a statement on the matter. [5118/05]

538. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government if, in view of the fact that a company — details supplied — has agreed to operate smaller format stores in the UK as a result of the planning regime there, he will review his decision to allow for smaller format stores as agreed for the UK; and if he will make a statement on the matter. [5119/05]

539. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the number of submissions received in his Department on the retail planning guidelines review; the number of submissions in favour of retaining the guidelines; the number in favour of changing the guidelines; and if he will make a statement on the matter. [5120/05]



**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 525, 526 and 537 to 539, inclusive, together.

I recently announced the decision to amend the retail planning guidelines, with effect from 1 February 2005, to provide that the floorspace 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 with Tullamore and Mullingar, Cork, Dublin, Dundalk, Galway, Letterkenny, Limerick with 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 floorspace cap on retail warehouses, which was set in 2001. These guidelines had prescribed a maximum floor area of 6,000 sq. m. in gross retail floorspace 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 continuing to respect proper planning and sustainable development.

Following the closing date for the receipt of submissions pertaining to the review, my Department arranged for the preparation of reports summarising the main points raised in the submissions on the review and the analysis of those submissions, with particular reference to the arguments for and against lifting the overall restriction on the size of retail warehouses nationally, as specified in the guidelines, in the context of the issues of traffic impact, the impact on city and town centres and the implications of any change for the national spatial strategy. Two of the reports prepared in this context recommended no change in the existing guidelines.

In concluding the review of the retail planning guidelines, I considered a number of options. These included making no change in the existing guidelines, abolishing the overall size cap on retail warehouses nationally, increasing the size cap, making a specific amendment to the guidelines to allow for large-scale unique format stores, and providing for the non-application of the size cap in certain specified areas.

Taking account of the submissions made during the review and various analyses carried out by my Department I decided, with the approval of the Government, that the revised retail planning guidelines would provide that the existing floor space cap of 6,000 sq. m. gross on a single warehouse development would no longer apply in those areas which are the subject of integrated area plans under the Urban Renewal Act 1998 within the functional areas of the four Dublin local authorities and in the other national spatial

strategy gateways. The revised guidelines also specifically provide that to be acceptable from a planning point of view, individual retail warehouses in excess of 6,000 sq. m. must be located close to a road network with sufficient capacity to cater for development of the scale proposed, that any proposal for such a retail warehouse must be accompanied by a traffic impact assessment and that any potential impact on the vitality and viability of town centres will be an important consideration to be taken into account by planning authorities in determining applications for such development. My Department did not commission any specific independent research or studies during the review of the guidelines.

The National Roads Authority did not make any submission to my Department in relation to the review of the retail warehouse cap. The Dublin Transportation Office made a submission to my Department during the public consultation period, in which it indicated that it did not favour any change to the existing floorspace cap on retail warehouses.

With regard to suggestions that the company referred to has agreed to operate smaller format stores as a result of the planning regime in the UK, my Department has no specific information in this regard apart from the reports in the media. I am aware, however, that the company has a network of 13 stores in the UK. Eight of these are in excess of 20,000 sq. m. and all of them are in excess of 15,000 sq. m., that is, more than double the size of the floorspace cap which applied to retail warehouses in Ireland.

To assist in carrying out the review of the floorspace cap, interested parties were invited to make submissions to my Department. Some 71 submissions were received and assessed. Of the 71 submissions received by my Department, 48 submissions were in favour of retaining the existing cap, 19 were in favour of the cap being increased or abolished, and four submissions did not come down on either side. These submissions were fully taken into account in the finalisation of the review.

#### **Local Authority Housing.**

527. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government when he expected to be in a position to approve a scheme for the purchase of flats and maisonettes as submitted to his office by Dublin City Council; and if he will make a statement on the matter. [4967/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I refer to the reply to Questions Nos. 1385 and 1389 of 26 January 2005.

Discussions between officials of my Department and of Dublin City Council are continuing. The issues involved are complex and further

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engagement with Dublin City Council and other housing authorities is required. In these circumstances I am not yet in a position to say when final decisions on the city council's draft proposals will be made.

#### **Water and Sewerage Schemes.**

528. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that his Department has received tenders for the Castletown-Geoghegan sewerage scheme; if he will give immediate approval to same, details supplied; and if he will make a statement on the matter. [4970/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** A tender report was received by my Department in December 2004 from the procurement authority, Meath County Council, in respect of the group of sewerage schemes, including Castletown-Geoghegan, selected by the national rural water monitoring committee as a pilot programme to test a range of new, small-scale waste water collection and treatment systems. The tender report is under examination and will be dealt with as quickly as possible.

#### **State Airports.**

529. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that the proposals to introduce public safety zones at the State airports are fully consonant with the terms of both the European Convention on Human Rights Act 2003 and each of the six principles of good regulation outlined in the recent White Paper, *Regulating Better*; and if he will make a statement on the matter. [5034/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I intend to issue draft planning guidelines in respect of the land use of zones that have been identified as public safety zones at State airports this year. Any guidelines issued will adhere to any relevant Government policies, including those relating to better regulation.

530. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he has proposals to provide compensation for third parties whose properties are injuriously affected within safety zones designated by the HSA in accordance with the terms of the Seveso Directive as implemented in this State by means of SI 476 of 2000. [5035/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Under the Planning and Development Act 2000, permission may

be refused for a development where the proposed development could, due to the risk or occurrence of a major accident, lead to serious danger to human health or the environment, or where the proposed development is in an area where it is necessary to limit the risk of serious danger to human health or the environment. Compensation is specifically not payable in such cases.

I have no plans to amend these provisions which were relatively recently endorsed by the Oireachtas when enacting the 2000 Act.

#### **Waste Disposal.**

531. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government if he has received or undertaken any report into the operation of Repak in respect of the total revenue raised; the percentage of the value of product covered by the packaging directives which this represents and the extent to which this is acting as an equitable contribution to the problem of packaging disposal against a background of the public having been required in recent years to more than quadruple their contribution to the cost of the waste disposal. [5036/05]

533. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government his views on strategies to encourage manufacturers and retailers to reduce packaging waste; if he will consider changing the existing regulatory provisions which provide that members of Repak are not required to take back packaging waste, particularly in view of the great difficulty in built-up areas such as Dublin city in identifying sufficient sites for bring centres that are convenient for the public; and if he will make a statement on the matter. [5038/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 531 and 533 together.

Directive 94/62/EC on packaging and packaging waste is based on the principle of producer responsibility, which is intended to require 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. The directive is transposed into national legislation by the Waste Management (Packaging) Regulations 2003, as amended, which replaced earlier regulations introduced in 1997.

Under the regulations, "major producers" of packaging waste, that is, manufacturers, importers, distributors, wholesalers and retailers, representing all participants in the packaging

chain, who place more than 25 tonnes of packaging on the market each year and who have an annual turnover exceeding €1million, excluding VAT, are required to take steps individually to recover their packaging waste, that is, 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 the directive and is the only such approved compliance scheme in Ireland. Repak membership income is used to subsidise the collection of packaging waste from both the household and commercial sectors. In the household sector, a subsidy is provided towards the collection of packaging waste from bring banks and civic amenity recycling centres as well as segregated kerbside collection of packaging waste from households. Over 560,000 households or approximately 42% of all households nationally are now served by segregated collection.

Repak has reported consistent progress since 1997 and in 2001 Ireland met the 25% packaging waste recovery target required by the directive. The Environmental Protection Agency, 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, indicating that Ireland is on course to meet the higher recovery and recycling targets for end 2005. While Repak's primary role is to support the recycling of packaging waste rather than packaging minimisation, the fees structure applicable to its members which is related to the type and amount of packaging placed on the market reflects the polluter pays principle and directly incentivises the minimisation and reuse of packaging by producers. As undertaken in An Agreed Programme for Government and in my Department's 2002 policy document, *Delivering Change*, a national waste prevention programme was launched last year. The roll-out of this programme, co-ordinated and led by the EPA with funding support from the environment fund, will assist in delivering substantial results on waste prevention and minimisation across all waste streams.

Under the terms of its approval as an approved compliance scheme under the regulations, Repak is required to submit an annual report on its operations to my Department, including annual financial accounts indicating details of income raised and expenditure incurred. The most recent annual report submitted was in respect of 2003; the 2004 annual report is required to be submitted by the end of May 2005. In the light of the significant increase in packaging waste collected for recycling in recent years which has resulted in increased subsidy payments to waste collectors,

Repak has increased its membership fees by an average of 7% in 2004 and an average of 19% in 2005. In the absence of Repak subsidisation of the household segregated collection service, household waste charges would be considerably greater than are being applied by service providers.

The regulations exempt major producers who are participating in the Repak scheme from having to take back packaging waste from consumers. This exemption is the main incentive to join the collective scheme and thereby contribute to the funding of recycling activities. Removal of the exemption would be likely to undermine the scheme and, given that the existing regulatory arrangements are achieving the desired result in relation to meeting the directive's recovery and recycling targets, such a measure is not under consideration.

A significant number of retail outlets affiliated to the Repak scheme have voluntarily allowed bring banks to be located in their car parks. In the absence of such good corporate responsibility, the bring bank network would be significantly diminished.

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

532. **Mr. Walsh** asked the Minister for the Environment, Heritage and Local Government the number of houses that will be completed in 2005 under the affordable housing programme; and the location of each scheme. [5037/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department provisionally estimates that some 3,500 housing units will be delivered from the various affordable housing schemes in 2005. Detailed information on the location of each of these affordable developments is not available in my Department.

*Question No. 533 answered with Question No. 531.*

#### **Water and Sewerage Schemes.**

534. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 787 of 27 April 2004, when the Shannon and Foynes sewerage scheme will be completed. [5053/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Shanagolden and Foynes sewerage schemes, which are being advanced as part of a grouped project, are included in my Department's water services investment programme 2004 — 2006 as schemes to commence construction this year. My Department is awaiting the submission by Limerick County Council of a preliminary report for the schemes.

535. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government when the sewerage schemes at Kilkerrin, Dunmore and Leenane, County Galway, will commence; if his attention has been drawn to the public outrage in all three locations at the slow pace of progress on these vital projects; if the contractors have been selected; if the finance is available; if a starting date has been set; and if he will make a statement on the matter. [5116/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Dunmore, Kilkerrin and Leenane sewerage schemes have been approved for funding in my Department's water services investment programme 2004 -2006 under the rural towns and villages initiative.

Galway County Council's tender documents for the three waste water treatment plants, which are being procured as a grouped design-build-operate contract, together with the council's tender recommendations in respect of the collection systems, are being examined in my Department and will be dealt with as quickly as possible.

#### Urban Renewal Schemes.

536. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the action he will be taking to ensure that local authorities do not abuse urban renewal initiatives to facilitate large-scale retail developments; and if he will make a statement on the matter. [5117/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The revised retail planning guidelines published by my Department on 28 January 2005 have been carefully drafted to ensure that the development of large-scale retail warehouses will contribute in a positive way to urban renewal and the development of the national spatial strategy gateways.

Any proposals for retail warehouses in excess of the 6,000 sq. m. cap will have to be situated in an area in respect of which there is an integrated area plan, IAP, made under and in accordance with Section 7 of the Urban Renewal Act 1998. In November 1997, detailed guidelines were issued which set out criteria that a local authority shall have regard to in preparing an IAP. Observance of these criteria will ensure that any new large-scale retail development will be consistent with a holistic, well-planned approach to the overall regeneration of the relevant IAP area.

*Questions Nos. 537 to 539, inclusive, answered with Question No. 525.*

#### Regional Road Network.

540. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which road or bridge realignments and improvements are likely to be approved by his Department in the current year, having regard to the various proposals submitted by the relevant authorities for his consideration; and if he will make a statement on the matter. [5124/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In 2005, the total allocation for non-national roads from my Department is €495.27 million and grant allocations were notified to all authorities on 31 January. Of the total funds available, a sum of almost €392 million has been allocated to local authorities for improvement works.

Grants for improvement works are allocated under a number of different grant categories. Under some of these, local authorities are invited to submit specific proposals for consideration and the initial selection of projects to be submitted is a matter for the relevant local authority. In the remaining categories, the selection of works to be funded is entirely a matter for the relevant local authority.