



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 1 March 2005.

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DÁIL ÉIREANN

*Dé Máirt, 1 Márta 2005.
Tuesday, 1 March 2005.*

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

*Paidir.
Prayer.*

Ceisteanna — Questions.

Consultancy Contracts.

1. **Mr. Rabbitte** asked the Taoiseach when he expects to receive the report of Mr. Dermot Quigley into the circumstances of the appointment of a person (details supplied) and related matters; and if he will make a statement on the matter. [34256/04]

2. **Mr. Kenny** asked the Taoiseach if he has received a report into the circumstances of the appointment of a person (details supplied) by the Department of the Environment, Heritage and Local Government and related issues; and if he will make a statement on the matter. [2602/05]

3. **Caoimhghín Ó Caoláin** asked the Taoiseach if he has received the recent report that he commissioned by Mr. Dermot Quigley; and if he will make a statement on the matter. [3646/05]

4. **Mr. Sargent** asked the Taoiseach if he will report on the findings of the recent report he commissioned by Mr. Dermot Quigley; and if he will make a statement on the matter. [5701/05]

5. **Mr. J. Higgins** asked the Taoiseach if he has studied a recent report by Mr Dermot Quigley; and if he will make a statement on the matter. [6512/05]

The Taoiseach: I propose to take Questions Nos. 1 to 5, inclusive, together.

The report prepared by Mr. Dermot Quigley was published on Thursday, 27 January 2005. I made the report available to Deputies in the Oireachtas Library and also on the Department of the Taoiseach website. There is nothing in the report to suggest that Deputy Cullen, now Minister for Transport, acted inappropriately regarding the matter.

In so far as the report makes recommendations for improvements in the procurement procedures, additional procedures have been approved by the Government for incorporation

into the Cabinet handbook and are available on my Department's website. Those procedures will give the Secretary General to the Government and the Government secretariat a role in examining certain procurements. In so far as there are recommendations for other Departments, I understand that they are actively being pursued.

Mr. Rabbitte: Does the Taoiseach agree with finding 4.2.1 of the Quigley report into the affair surrounding the Minister, Deputy Cullen? It states:

... there are risks in a Minister proposing a named person for a contract. Such a procedure may not least give rise to a perception of impropriety.

Does the Taoiseach share the conclusions of Mr. Quigley, the report's author? In particular, does he agree that the reason for such a perception is that the fees commanded in this case would be attracted only by the top dozen or so senior partners in long-established public relations companies in this city? Ms Leech cannot be counted among those fortunate few. Is it not the case that, on the other hand, she can indeed be counted as a political associate of the Minister? Are those the facts that give rise to what Mr. Quigley called "a perception of impropriety" and the need to change the rules? Will the Taoiseach state specifically which change will address this issue?

The Taoiseach: The question of there being a suspicion or perception of impropriety can arise, as Mr. Quigley stated. I have accepted that position and, within that broad principle, there must be changes to the rules. It arose in this case and we must ensure that it does not happen again. It was precisely because those concerns existed that I set up the inquiry into the procurement process. It was commissioned and I agreed to the suggestion from Deputy Rabbitte. The report makes it clear, regardless of how anyone would interpret the events, that there were good, objective reasons for the engagement of a person and that the quality of that person's work was good. The work done conformed with what was asked for in the stated plan. All those matters have been examined and dealt with, but I accept the point that there should be no doubt in such instances and it is for that reason that I have changed the system.

Regarding Deputy Rabbitte's second question, the position now is that there are several recommendations. Mr. Quigley put forward several procedures, among them that the Department's Accounting Officer and an audit officer should immediately be informed if a Minister mentions or refers to a name now. If the person mentioned comes forward, the question arises of the Secretary General to the Government or the Cabinet secretariat being informed. They can either reject the position or attach conditions. Broad flexibility is allowed and what condition they might attach is not stipulated. An example might be that the

[The Taoiseach.]

person should not be involved in political activity during the life of the programme.

I hope two things will happen as a result of this. First, now that the rule has been made clear I hope events such as this will not take place again. Deputy Rabbitte knows my view on these matters. It is better not to get involved with this range of people. Politicians are better off leaving it to the procurement system than getting into recommendations in the first place. Second, there is now a process in place whereby when people are recommended and it is not absolutely tied down, those people are protected by the procurement regulations.

The third aspect is that there are other issues about the whole procurement process which the Department of Finance has to examine. I believe it will do that separately. Dermot Quigley raised these points. He believes there is a need to look back on the procurement procedures, which are not that old; they were only put in place in 1999. He raised the point and I have asked the Department of Finance to examine that. It is better that we fully comply with what he stated.

Mr. Rabbitte: I thank the Taoiseach for that reply but is it not the case that however restrained the language in the Quigley report, Ms Leech was sponsored in her public service career by the current Minister for Transport and that the fees commanded are commensurate with, if not better than, what would be commanded by the top senior partners in the most practised firms in this city. There is no precedent that I can find for this type of hourly rate to be paid on an eight-hour recurring basis.

An Ceann Comhairle: A question, please, Deputy.

Mr. Rabbitte: That is a question, Sir. The Taoiseach may be aware of a precedent. Let me put it this way. Does the Taoiseach know of any other precedent where this level of fee can be commanded effectively on a permanent basis? In other words, is it not the case that the structure of these companies' charging arrangement is that the senior partner in the most prestigious firms may charge a figure approaching what was charged in this case by Ms Leech's company for a very small number of hours but that the work thereafter is done by middle ranking or lower executives for a fraction of what is being charged here, and that we are forgetting the element of political cronyism that was involved in this case? Is that not what Mr. Quigley is getting at, albeit in temperate, restrained and very polite language?

The Taoiseach: I do not intend to have a re-run of Mr. Quigley's report. He did that work and put forward his issues. I have not checked what people got but Mr. Quigley said that the procedures in that Department alone on previous occasions were not unlike what had happened in

this case. Other issues had happened at other times. Perhaps years had moved on and the rates would not be the same but he made the point clearly that it was not out of kilter with what that Department had done on previous occasions. It is also a point that the value of Ms. Leech's service was further evidenced by the fact that the Office of Public Works, on similar rates, engaged her services subsequently to manage projects when the Minister, Deputy Cullen, had left that area. That issue does not stand up either.

The first point is whether it is appropriate that Ministers would recommend people. We all know that in politics, people know people and they would suggest someone who has a good deal of experience. In this case, the individual concerned had 20 years' experience in marketing and communications. She was active in the business community and the national chamber of commerce. People were very satisfied with her work — that is a fact. They came to an agreement on the individual's remuneration. The central issue, however, was whether there was a question of wrong-doing. That is what the report was about, not the rate. It was whether there was wrong-doing or some misappropriation and whether this was unfitting behaviour. That is what the report was about and we are not going to change what the report examined. In those instances, the Minister, Deputy Cullen, was cleared. However, Mr. Quigley raised a number of points relating to the procurement process which he believed, in procedural terms, should be improved upon. The Government dealt with these at its meeting on 15 February.

Mr. Kenny: The late and much loved Hugh Coveney was obliged to resign from Government because he merely inquired whether a person might be able to tender for — not to mention obtain — a contract. As Deputy Rabbitte said, Mr. Quigley pointed out that not only could Deputy Cullen's behaviour give rise to a perception of impropriety but there should have been five firms instead of three, that the value of the contract with the then Department of the Environment and Local Government was well in excess of the threshold for advertising in the Official Journal of the European Union, that there was no comprehensive inventory compiled of the work carried out——

An Ceann Comhairle: Perhaps the Deputy could just ask a question. The purpose of Question Time is to elicit information from the Taoiseach or other members of the Government.

Mr. Kenny: The purpose of the Chair is to allow Deputies to make their case and to ensure that the questions they ask are relevant and complete.

An Ceann Comhairle: No, the purpose of the Chair is to ensure that we all, including the Chair, adhere to Standing Orders.

Mr. Kenny: It is only Tuesday. Following the long trip from the fine county in which he lives, the Ceann Comhairle can take it easy.

In light of the Quigley report, has the Taoiseach circulated to each Minister a set of guidelines that will apply in future in respect of the appointment of PR consultants? Have the Accounting Officers, that is, the Secretaries General, in each Department taken these guidelines on board? Is the Taoiseach sure that other Ministers have not used similar methods to appoint consultants?

The Taoiseach: The purpose of the inquiry was to ascertain all the facts. Everybody was interviewed about the relevant issue. In future, we will have to follow the procedures put forward. The Cabinet discussed the issue so all Ministers are, therefore, aware of what is happening. We have also informed Ministers of State about the new procedures. We will change the Cabinet handbook at the appropriate time. I have also asked the Department of Finance and any other Departments to address their own procedures.

As regards the point the Deputy made in respect of tenders, it would always be better if the necessary number of tenders were received. However, for various reasons and on a quite regular basis, this is not the case. I understand why this is the case but it is not the best way for matters to proceed. As I pointed out to Mr. Quigley, the same thing happened to other individuals who previously occupied the position of Minister in that Department. However, I accept that this does not make it the best system. I am not stating that anyone did anything wrong on this or any other occasion but questions about procedures arise. The report concludes that, in the round, the necessary procedures that were in place were applied. It would be better, however, if we addressed the issues that have arisen.

I do not wish to comment on the specific procurement exercises that were conducted in this instance. In the future, however, we should seek to take on board the points that have been made. The Department of Finance will consider the EU procurement guidelines to see what improvements we should make in that regard. Mr. Quigley's report will form the basis for such improvements.

Caoimhghín Ó Caoláin: Does the Taoiseach agree that most people would view granting of such a contract by a Minister as a scandal? Does he accept that the scandal has been compounded by the fact that the contract involved public relations duties that should and could have been carried out by the Civil Service? What is his view of the fact that the report shows that the value of the contract given to Ms Leech was well in excess of the threshold for advertising in the Official Journal of the European Union and should have been put out to tender? Has the Taoiseach admonished the Minister, Deputy Cullen, particularly as the report shows that the OPW contract

awarded to Ms Leech as project information coordinator was unique to Waterford, the Minister's constituency, and was unprecedented for any other major OPW project—

An Ceann Comhairle: Questions do not afford an opportunity to reopen matters that were the subject of the inquiry.

Caoimhghín Ó Caoláin: —with the exception of that relating to Farmleigh House?

The Taoiseach: As regards matters to do with European procurement, the report addresses issues relating to procurement. Deputies are well aware that the application of procurement guidelines whether at national or EU levels is complex and no two sets of circumstances are alike, as the report makes clear. Mr. Quigley's report at no time says that anything was wrong with the specific procurement exercises. He recommends improvements for them in the future, but the process adopted had been used many times before and will be used again.

As regards value for money, both the OPW and the Department considered that this had been forthcoming on the basis of the reports submitted.

Caoimhghín Ó Caoláin: Has the Taoiseach admonished the Minister for Transport, Deputy Cullen?

Mr. Sargent: Apparently not. The Taoiseach—

Caoimhghín Ó Caoláin: Apparently, the Taoiseach is very happy with the whole thing.

Mr. Sargent: —stated that he felt Deputy Cullen had—

Caoimhghín Ó Caoláin: He stated very little.

An Ceann Comhairle: Allow Deputy Sargent to speak.

Mr. Sargent: —not acted inappropriately. I ask him to take on board that this is not a view shared by me or by many people. The fact that Deputy Cullen is still there—

An Ceann Comhairle: Will the Deputy please ask a question?

Mr. Sargent: I will ask the question, based on what I am saying. The fact that the Minister is still there reflects badly on the Office of the Taoiseach as much as it does on the Minister for Transport. That said, is the Taoiseach serious when he says politicians would be better off leaving such matters of appointments to the procurement system, when his response to the Quigley report has been to basically involve the Department of the Taoiseach all the more in overseeing the appointment of public relations and

[Mr. Sargent.]
communications staff? Is there not a direct contradiction in his view that this should be left to the procurement system and to the Standards in Public Office Commission, rather than involving his Department and perhaps the Taoiseach himself in the area of consultants' appointments? Is it not the case that the fact of politicians policing themselves is bound to draw a cynical response? It would be better to enhance the terms of reference given to the Standards in Public Office Commission so that people with substantial contracts from Departments are precluded from political fund raising, for example, with the Department keeping a register of all consultants engaged, including their terms of reference. Finally, foreign travel must be subject to strict criteria, which obviously were not in place in this case.

The Taoiseach: Procedures are already in place for all of these areas. If one insists on everything being so clear-cut as regards such matters, one will find oneself all over the place.

Mr. Sargent: They are not clear enough, according to the Quigley report.

The Taoiseach: The Quigley report did not say so. It said, however, that there was nothing to suggest that Deputy Cullen acted inappropriately in the matter. Obviously, Deputy Sargent just wants to fire people when they have been cleared. I am glad he is not a judge. In the remit of the Standards in Public Office Commission, which I set up on foot of the wide-ranging powers in the Standards in Public Act 2001, I do not believe the commission should be involved in the procurement system of every contract within every Department. That is not what the Standards in Public Office Commission is involved in. Although it is inappropriate, people will always know someone they can recommend and there are dangers in that approach. I have said this many times. If there is a procurement system it is better if it is left to that system. It is not my office that would be involved but the Cabinet secretariat, and only in the case where the Accounting Officer believes there should be an issue of conditions in the procurement system, where a politician is mentioned, to make the system more secure.

As we come across more and more matters of this nature I imagine people become wiser as regards their involvement. However, I do not want to suggest that anyone involved in the political system or who might have canvassed or who might have been seen with Deputy Kenny or Deputy Ahern has done wrong. I have spent most of my adult life trying to promote democracy and involvement in political parties. If we fit into a system of being whiter than white—

Mr. Sargent: There is still a long way to go.

The Taoiseach: I do not think that is the case either. In the last decade, we have moved an enormous distance in terms of tightening up things. Sometimes there is a level of common sense with these issues and people should tie that level down. I set up the investigation into this so we can learn lessons, tighten procedures and not have vagueness. At the same time, we cannot write a system in which no one can move. At the end of the day, people have to be innovative and make things work. If we all become experts at tying everything down and nobody can do anything, I do not know where the country will be in 20 years. I would not like to leave it that way either.

Mr. O'Dowd: In the interests of transparency and openness, will the Taoiseach release all papers relating to the Quigley report to Members and to the general public? They have been refused to me following a request under the Freedom of Information Act.

The Taoiseach: The only papers I have on the report is the report itself, which I have made available in the Dáil Library. I have no other papers.

Mr. O'Dowd: That was not my question. I am referring to all of the documents that were presented and which were listed under the freedom of information request which I made, yet were refused to me, a Member of the Oireachtas. Will the Taoiseach arrange for them to be released?

The Taoiseach: I cannot do so because I do not have those papers. I only have the report. Mr. Quigley's working papers and documents were not given to me and are not available to me.

Mr. O'Dowd: With respect—

An Ceann Comhairle: The Deputy has made his point. I am not sure the Freedom of Information Act is a matter for the Taoiseach, except for information from the Department of An Taoiseach. I call Deputy Rabbitte.

Mr. O'Dowd: Does the Taoiseach agree that they ought to be released?

An Ceann Comhairle: I have called Deputy Rabbitte. If the Deputy has another question I will return to him.

Mr. Rabbitte: Will the Taoiseach agree to Deputy O'Dowd's request? If there is litigation on this issue, as there might be, is it not the case that all these documents will be discovered to the court in any such action? Would it not be better for the Taoiseach to instruct that the papers be laid in the Library so Members could study them?

I have listened to the Taoiseach's very benign interpretation of the Quigley report. Are we not talking about a very large amount of taxpayers'

money? The person in the eye of this storm did not have the remotest experience commensurate with the level of fees being commanded. Her employment as a political advisor would have been more appropriate, perhaps with a dimension of public relations and marketing skills.

An Ceann Comhairle: I think we are going well outside the scope of the questions. It appears to the Chair that we are holding a further inquiry here into matters that have already been inquired into and reported. The questions are on the report only.

Mr. Rabbitte: We are asking the Taoiseach for his response to the Quigley report. All of the matters to which we referred are well within the bounds of the Quigley report. I am asking the Taoiseach why he is glossing over the gravity of it. The Taoiseach and I both know that senior civil servants are very protective of their Ministers past and present. The fact that this is written in temperate language does not underplay the gravity of what was at issue here. Has the Taoiseach not spoken in Duleek and Kilcock to the same people to whom I spoke who regard €330,000 of taxpayers' money as a hell of a payment for a short number of half weeks? They agree that it is appropriate to discuss the matter in the House. Does the Taoiseach agree that the person concerned did not have a level of experience commensurate with the level of fees commanded?

An Ceann Comhairle: That does not arise from these questions.

Mr. Rabbitte: Does the Taoiseach agree, therefore, that there is an urgent need to ensure that all aspects of the Quigley report are implemented?

The Taoiseach: There are a number of points. Significantly, the report finds that, taken in the round, there was little material difference between work done by Ms Leech and what was contracted for. The Minister and Ms Leech rejected the suggestions that they did not in any way complete the full work contracted for, whatever about the rates of salary, expenses and allowances. They were agreed as part of the contract. The report notes that both Departments involved were very satisfied with the quality of work done by Ms Leech. I am certainly not in a position to take an alternative view. I do not know on what basis Deputy Rabbitte makes his assertion.

On the papers to which Deputy Rabbitte referred, there is a procedure for dealing with freedom of information requests and it is being followed. I do not have the papers, or the working papers as they constitute a matter to be dealt with under freedom of information legislation. There is not a twin-track procedure for that.

To address Deputy Rabbitte's other point, the deficiency in the procurement process was evident within the Department on occasions other than the one in question. That is not a justification, but a reason to put matters right, which is precisely what we have done in the area of procurement. Mr. Quigley said the matter could have been handled better, that the audit committee should have been involved and that when a Minister makes a point like that outlined it should be brought to the accounting officer's attention early. All these points have been dealt with to assist with procedures.

The evidence I have read does not suggest that Ms Leech had no qualifications to carry out the job and none of the people concerned has voiced that opinion. I appreciate that Deputy Rabbitte has formed that view, but it is not one formed by the Department, the former chairperson of the OPW, the current chairperson of the OPW, people involved in marketing over 20 years or any of the other people with whom Ms Leech was associated. I accept that Deputy Rabbitte is entitled to form a view, but it is contrary to that of everybody else.

Mr. Timmins: Did the Taoiseach instruct other Departments to find out whether they had contracts in place similar to this one? If so, did he receive a response?

The Taoiseach stated that he had spent most of his adult life promoting democracy. Having studied the report, does he agree that there is a significant democratic deficit given the Government's endless access and the Opposition's limited access to resources?

Mr. Sargent: The Quigley report recommends that the Government's contracts committee, in the hands of which the Taoiseach said the matter in question will rest, should review its guidelines on the engagement of consultants. Other than the provision of advice, what checks or sanctions can be imposed if a Minister fails to proceed according to best practice?

Caoimhghín Ó Caoláin: Regarding his response to Deputy Rabbitte a moment ago, how does the Taoiseach explain the view he claims everyone but the Deputy holds, given that the report states that no comprehensive inventory of work was done under the contract and that monitoring and recording of the work was not satisfactory? Does the Taoiseach not agree there are real questions on the carrying out of the work under the very lucrative contract for this firm?

The Taoiseach: Four weeks ago information pertaining to all contracts in each Department was circulated on foot of parliamentary questions. Every Minister and Department was asked to ensure that all contracts were properly in place. As shown in the detailed report, most press work is done by civil servants. People were asked to

[The Taoiseach.]
ensure that standards were in place regarding contracts.

The Quigley report recommended the Department of Finance review the guidelines dating from 1999 with regard to the engagement of consultants, especially in the context of single tendering arrangements where “urgently” is stated as the grounds for proceeding, and the Department will do so. What happened in the case in question is that the normal procurement where three or four tenders are procured before making a decision were not followed. I understand that in many cases people must proceed on a quicker basis, but the recommendations are that it should be examined in areas where it occurs. The procurement system should be strengthened.

People must follow the Cabinet guidebook for Ministers and that is the sanction. People must follow the procedures laid down and abide by them. They are subject to the procedures under the ethics in public office guidelines. A Minister of State in the previous Government had to resign for what was a very small breach by anyone’s standards in that he effectively left something out. However, those are the rules and people must abide by them. They are extreme, harsh and tough on people’s political careers and lives and would be regarded as such.

Deputy Ó Caoláin asked a question about best practice. In an ideal world we would try to follow procurement arrangements as much and for as long as we could. Many EU procurements follow these standards in the normal sense. I am not speaking of political involvement but the procedures take much time and are very demanding and we must follow them. That is done in the normal course of events and is something that Departments and Accounting Officers, including those involved in this case, work hard to achieve.

On Deputy O’Dowd’s question, my understanding is that the reason they were refused was that it would have been prejudicial to Dermot Quigley’s inquiry which was ongoing at that stage.

Deputy O’Dowd: I was referring to the time since the inquiry was completed.

The Taoiseach: I can ask about that, but my information is that was the reason for refusal, so I am not aware of why it has been refused now. I can ask.

Legislative Programme.

6. **Mr. Rabbitte** asked the Taoiseach his Department’s legislative priorities for 2005; and if he will make a statement on the matter. [34264/04]

7. **Mr. J. Higgins** asked the Taoiseach his Department’s legislative programme for the current session of Dáil Éireann; and if he will make a statement on the matter. [1458/05]

8. **Mr. Kenny** asked the Taoiseach his legislative priorities for 2005; and if he will make a statement on the matter. [2601/05]

9. **Caoimhghín Ó Caoláin** asked the Taoiseach his legislative priorities for 2005; and if he will make a statement on the matter. [3647/05]

10. **Mr. Sargent** asked the Taoiseach his Department’s legislative priorities for 2005; and if he will make a statement on the matter. [4486/05]

The Taoiseach: I propose to take Questions Nos. 6 to 10, inclusive, together.

My Department has three items of legislation for the current Dáil session: the National Economic and Social Development Office Bill 2002, the Interpretation Bill 2000 and the Statute Law Revision (Pre-1922) Bill 2004. I do not anticipate any change in priorities in the next 12 months.

The National Economic and Social Development Office Bill is awaiting Committee Stage. The Interpretation Bill, which has passed all stages in this House, is awaiting Committee Stage in the Seanad. The Statute Law Revision (Pre-1922) Bill is at Order for Second Stage in the Seanad.

Mr. Rabbitte: The schedule of promised legislation has 86 Bills, none of which is from the Department of the Taoiseach. The pressure for legislation is therefore obviously less in that Department.

The National Economic and Social Development Office Bill was published in April 2002, finished Second Stage on 18 December 2003 and we have not heard of it since.

I know this could be because the Taoiseach does not have any clout in the Whip’s Office. If he does, however, could the Bill be introduced to see if we could finish it before the end of the current Dáil session? One never knows what kind of collapse might happen after the by-elections. We would be left with this Bill which has not been enacted and the Minister, Deputy O’Dea, would not qualify for a pension.

Mr. O’Dea: I am qualified already.

Mr. Kenny: Not for the big one.

The Taoiseach: I repeat that three Bills from my Department are before the Houses at present: the National Economic and Social Development Office Bill, the Interpretation Bill and the Statute Law Revision (Pre-1922) Bill. Deputy Rabbitte is correct in saying that if we were to get some time, we could clear all three Bills. It would be helpful if we could do so and move on.

While I would still like to complete the National Economic and Social Development Office Bill, the reason we have not been pushed it that much is that the office has been established and is operating. It was agreed in the Programme for Prosperity and Fairness to establish the office on a statutory basis and I gave a commitment to

do so. It has some pension purposes that would help the existing staff, so I would be in favour of completing it. It could be completed in half an hour.

Mr. Kenny: My question relates to the Taoiseach's legislative priorities but not to his own Department. I know the Ceann Comhairle is going to get very technical about this.

An Ceann Comhairle: No. The Chair is ruling, as it has ruled since the establishment of the State, that these questions must be appropriate to the Department of the Taoiseach.

Mr. Kenny: Given that you are so picky about this matter, why did you allow this question to appear on the Order Paper?

An Ceann Comhairle: Which question?

Mr. Kenny: Question No. 8. You allowed it on the Order Paper.

An Ceann Comhairle: I took it that when the question was submitted, it was in accordance with the Standing Order that applies.

Mr. Kenny: I am sure it is.

An Ceann Comhairle: Standing Order 33 states that questions to the Taoiseach should refer specifically to the Department of the Taoiseach.

Mr. Kenny: This is a matter of interpretation. The Ceann Comhairle allowed the question on the Order Paper. It seeks to ask the Taoiseach about his legislative priorities.

An Ceann Comhairle: No. I take it that present questions are for the Department of the Taoiseach. The Deputy should be aware of that.

Mr. Kenny: The Ceann Comhairle cannot amend his own Standing Orders on the hoof.

Mr. Rabbitte: The Ceann Comhairle is in a corner this time. He should back down gracefully.

An Ceann Comhairle: No.

Mr. Kenny: The Ceann Comhairle allowed it on the Order Paper. It is there in black and white. We have enough ambiguity about other matters in this House. Has the Taoiseach any other legislative priorities outside his Department which is often quite limited?

An Ceann Comhairle: This does not arise on Taoiseach's questions.

Mr. Kenny: I will ask the question anyway but the Ceann Comhairle will probably shoot me down. I am concerned that there was a group that recommended changes in the legislation governing the protection of children and vulnerable

adults. It proposed an amendment to the Protection of Persons Reporting Child Abuse Act 1998 and the Sex Offenders Act 2001. Does the Taoiseach have any idea if such an amendment is anywhere on the Government's scale of priorities?

The Taoiseach: I could check it.

An Ceann Comhairle: In case there is any ambiguity about it, I will read out Standing Order 33 and I will then allow the Taoiseach to provide a brief answer to the question.

Mr. Kenny: I will then ask the question again.

An Ceann Comhairle: Standing Order 33 states:

Questions addressed to a member of the Government must relate to public affairs connected with his or her Department or to matters of administration for which he or she is officially responsible (including bodies under the aegis of his or her Department in respect of Government policy).

I take it that when the question was submitted, the Deputy was aware of Standing Order 33.

Mr. Kenny: The Taoiseach is the Head of Government but he is in charge of all Departments and, therefore, should be able to answer a question about them.

The Taoiseach: The legislation referred to is on the legislative list of the Department of Justice, Equality and Law Reform. However, to be helpful to Deputy Kenny, I will check its current status.

Mr. Kenny: I thank the Taoiseach very much.

Mr. Rabbitte: A Cheann Comhairle—

An Ceann Comhairle: Deputy Rabbitte, we are running out of time and Deputies Sargent and Ó Caoláin also submitted questions. I will take a question from each of them followed by a final reply from the Taoiseach.

Caoimhghín Ó Caoláin: In the replies the Taoiseach has given so far, as regards his Department's legislative priorities, I did not note a reference to any legislation specific to the peace process, including the ongoing and, regrettably, currently suspended contacts between both Governments and all parties. Is it not the case that there is legislation that should be brought forward arising from the Good Friday Agreement and all that has developed since? Why would the Taoiseach project here today that he does not envisage any other legislation over the coming 12 months? I ask the Taoiseach to be as specific as he can because it is a matter of great concern.

Mr. Sargent: I congratulate the Ceann Comhairle on giving rise to the best oxymoron today in the Dáil when speaking of legislative priorities in the Taoiseach's Department. Given that it has been five years since the Interpretation Bill——

An Ceann Comhairle: I ask the Deputy not to waste time. We are now past the time for Taoiseach's questions. If Deputy Sargent does not have a question I will call on the Taoiseach to answer Deputy Ó Caoláin's question.

Mr. Sargent: I am asking a question. Given that the National Economic and Social Development Office is up and running, why has the legislation relating to it yet to be passed? Does that not indicate a back-to-front operation?

Will the Taoiseach be involved this year in the five-year review of the non-proliferation treaty? Accordingly, would it not make sense for the legislation, which has been awaited since 2001 on that matter — a non-contentious issue — to be passed?

An Ceann Comhairle: I suggest that the Deputy submits a question to the appropriate Minister.

The Taoiseach: There is no legislation in my Department relating to Northern Ireland but a number of Bills are pending in other Departments such the Foyle fisheries Bill and other related legislation and orders. The Foyle fisheries Bill is at a fairly advanced stage and we should be able to progress it. Other legislation not relevant to my Department is pending but is caught up in North-South issues.

The purpose of the Bill on the National Economic and Social Development Office, which is awaiting Committee Stage, is to establish the office on a statutory basis. The three offices were separate and we brought them together some years ago. There was a commitment under the Programme for Prosperity and Fairness that it would be set up on a statutory basis. There are a number of reasons for that apart from putting it on a legal basis, mainly in terms of advantages to the staff involved. The NESO has been in existence for a 30-year period, the NESF is about 12 years old and the NCPP is a more recent organisation. These bodies were not set up on a statutory basis and the purpose of the legislation is to bring them together. The staff have been doing their job, in some cases for many years. The legislation will include provisions to assist the staff, including, as Deputy Rabbitte stated, on pension issues. Many of the staff, for example, in the NESO, have been in the job for 30 years and the matter is a pressing one for some individuals.

Mr. Sargent: Is it urgent?

The Taoiseach: I do not think anyone will leave tomorrow but it is important that we deal with the matter during the course of the year.

Priority Questions.

Overseas Missions.

73. **Mr. Timmins** asked the Minister for Defence his plans to change the legislation permitting Irish troops to train overseas; and if he will make a statement on the matter. [6807/05]

74. **Mr. Sherlock** asked the Minister for Defence if there is a need to change the law to facilitate Irish participation in EU battle groups; and if he will make a statement on the matter. [6810/05]

390. **Mr. Durkan** asked the Minister for Defence the extent to which he has had discussions with his EU colleagues in the matter of European battle groups or rapid response forces; and if he will make a statement on the matter. [6932/05]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 73, 74 and 390 together.

I refer Deputies to my reply to this House on this subject on 26 January last. The position remains as I outlined at that time.

The background to the rapid response elements concept commonly referred to as the "battle groups" is that at the European Council in Helsinki in 1999, member states set themselves a headline goal, that is, that by the year 2003, co-operating together and voluntarily, they will be able to deploy rapidly and then sustain forces capable of the full range of Petersberg Tasks as set out in the Amsterdam treaty. This included, *inter alia*, a capability to provide rapid response elements available and deployable at very high readiness. The ambition of the EU to be able to respond rapidly to emerging crises has been and continues to be a key objective of the development of the European Security and Defence Policy and the rapid response concept.

The EU has learned from historical experiences in the Balkans and Africa and wants to be able to react faster when crises develop. This was effectively illustrated last year by the EU's first autonomous military operation, which was conducted in the Democratic Republic of Congo.

During his visit to Dublin in October 2004, UN Secretary General Kofi Annan underlined the extent to which he believes regional organisations, such as the EU, can contribute to the UN's requirements in the crisis management area. In this context, if we did not seek to establish how best Ireland could make a meaningful contribution to the rapid response elements initiative we would be departing from our traditional policy of full support to the United Nations. At the Cabinet meeting of 16 November, the Government agreed that I should advise my EU counterparts of Ireland's preparedness to enter into consultations with partners with a view to potential participation in rapid response elements. A military capabilities commitment

conference was held on 22 November 2004 at which member states committed up to 13 battle group formations, which will be available to deploy to crises within a five to ten day period from 2005 onwards. The five to ten day period begins from the date of a decision by the European Council to launch an operation. However, it is to be expected that a crisis would normally have a longer gestation period during which the UN Security Council would have sufficient opportunity to decide on a UN mandate.

To fully assess the implications associated with such participation, I have established an inter-departmental group, which includes representatives of my Department, the Defence Forces, the Taoiseach's Department, the Department of Foreign Affairs and the Attorney General's office. This group met in December and has established three sub-groups to address the policy, legislative and operational issues arising. The work of these sub-groups, which met earlier this month, will span some months due to the fact that the rapid response elements concept is still evolving and a complete picture of all other member states' proposed involvement is not yet available. Following completion of the necessary analysis I intend returning to Government with proposals regarding the level of any proposed participation.

One must bear in mind the Defence Forces are currently in Liberia in a UN operation, in Kosovo in a NATO-led operation and in Bosnia in an EU-led operation, and that rapid responsive elements are but one aspect of EU capabilities to assist in crisis management. The rapid response concept raises many issues, not alone for Ireland but also for other EU member states, such as legal issues; operational, training, deployability, rotation and timeframe issues; and decision-making issues, in particular how to preserve the integrity of national decision-making.

Once again, I stress that the question of Ireland's participation in rapid response elements will remain subject to the usual requirements of a Government decision, Dáil approval and UN authorisation, and I have no plans to change this.

Mr. Timmins: The Minister has had a few months during which to think about this matter. If the sub-group dealing with legislative matters indicates that legislation needs to be introduced to permit Irish troops to serve abroad, will the Minister bring forward legislation to that effect?

Mr. O'Dea: I will not anticipate the outcome of the sub-group's deliberations. We have identified certain legal barriers to our participation in the so-called battle groups. I have asked people representing various Departments and the Office of the Attorney General to advise us on precisely what are those problems and how they propose we get around them. When I receive the report of the relevant sub-group, I will discuss the matter with my Cabinet colleagues.

Mr. Sherlock: Is there a conflict between the Minister and his colleague, the Minister for Foreign Affairs, on this issue? The Minister for Foreign Affairs, Deputy Dermot Ahern, has clearly stated that the law needs to be changed but the Minister for Defence has stated that there is no point in changing the legislation. What are the precise legal and constitutional issues to which the Minister referred? Would these changes affect the triple-lock procedure?

Mr. O'Dea: As I emphasised, the Government's policy is that the triple-lock procedure will remain in place. In accordance with the Defence Act 1960, if we are to deploy troops abroad, provided the number of troops is more than 12 and provided they are carrying arms, the triple-lock will continue to apply. In other words, that operation will require a United Nations mandate, a decision of the Cabinet and a decision of Dáil Éireann. That will continue to be the position.

I take this opportunity to reiterate that there is no difference in policy between myself and my very good friend and colleague, the Minister for Foreign Affairs, in this matter. There may be a difference in emphasis in the way in which we have responded to questions asked by the media but we are both committed to the triple-lock. We both recognise that there are some legal impediments to our participation in the so-called proposed battle groups. We are engaged in an exercise of trying to identify what are those legal impediments and what proposals will be necessary to get around them. When that report is available, which I expect it to be by the summer, I will discuss it with my Cabinet colleagues.

Mr. Timmins: The Minister is known as an outspoken man. Does he believe Irish troops should be allowed to train abroad with other armies and what view will he express? Does he believe we should participate in these battle groups? Has any member of the Government asked him to park this issue until after the referendum on the EU constitution?

Mr. F. McGrath: It should be parked forever. It should be clamped.

Mr. O'Dea: No one has asked me to park this issue until the outcome of the referendum on the EU constitution is known or any other time. The concept of our becoming involved in battle groups is still evolving. The European Council has just agreed the broad outline parameters of what will be involved. As I stated, a huge amount of detail must be finalised in terms of where the battle groups will train, whether it will be in the host country, which will provide the main element of the battle group, and with which countries we will be involved.

Mr. Timmins: What is the general principle?

Mr. O'Dea: As Kofi Annan has stated, times have changed and the UN must be in a position

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to respond quickly to avoid the genocide and slaughter which was witnessed in the Congo last year. The recommendation is that to do that, this particular aspect of the rapid response element is necessary. It would be invariably organised regionally, whether by the EU or NATO. In principle, I agree it is a very good idea. I agreed with Kofi Annan when he suggested it. However, the question of Ireland's participation in it will have to be decided by the Cabinet in light of the changes that will be required to Irish law to make that participation possible. That will be more obvious in a couple of months' time when the sub-group is ready to report and makes available the many outstanding technical details in regard to how battle groups will operate in respect of joint training and so on. However, these are not available at present.

Mr. Sherlock: I asked the Minister if there was a difference of view between himself and the Minister for Foreign Affairs. The Minister for Foreign Affairs, Deputy Dermot Ahern, stated that there was no constitutional prohibition against participation, which the Government wanted, but that the law needed to be changed. He referred to the Defence Act 1960 which prevents this. At the same time, the Minister for Defence stated that there is no point changing legislation until the UN Security Council is able to produce resolutions within the deadline in terms of battle groups and so on.

Mr. O'Dea: I do not accept that there is a conflict. We both agree that to participate in the battle groups as we understand the concept at present, the law will have to be changed. I made the point that there might not be much point changing the law until the UN reforms itself to get Security Council decisions much more rapidly than at present. That in no way conflicts with what my colleague stated. We are both in agreement that there must be some legal changes if we are to participate in the battle groups as they are constituted.

Bullying in the Workplace.

75. **Mr. F. McGrath** asked the Minister for Defence if he will report on the way in which bullying is dealt with in the Defence Forces; and the number of confirmed cases there have been in the past year. [6878/05]

Mr. O'Dea: Dr. Eileen Doyle and the external advisory committee presented their report, *The Challenge of a Workplace*, in March 2002. This independent report addressed the range of interpersonal issues for the Defence Forces. Its contents and recommendations were accepted in full.

Implementation of the recommendations of the report has been one of the highest priorities for the Defence Forces and my Department since its publication. An independent monitoring group was established in May 2002 to oversee the imple-

mentation of these recommendations. The independent monitoring group's progress report, *Response to the Challenge of a Workplace*, launched by my predecessor on 24 September 2004, is available on the Defence Forces website and describes in detail the progress achieved since the publication of the original Doyle report in 2002.

Arising from the Doyle report, the following steps have been taken. Firm guiding principles have been set out in the Defence Forces "Dignity in the Workplace" charter. A major educational awareness programme throughout the Defence Forces is ongoing. A new administrative instruction on interpersonal relationships was introduced in March 2003 and a user's guide distributed to every member of the Defence Forces. Some 177 of a planned 200 designated contact persons have been put in place throughout the organisation to facilitate the operation of the formal and informal procedures that may be used by any party wishing to institute a complaint. An independent external confidential free phone helpline and counselling service was set up for members of the Permanent Defence Force in March 2003. An independent pilot project of exit interviews seeking the experiences and views of outgoing members of the Defence Forces was conducted. Leadership training has been the given by external experts and has been the subject of NCO. focus groups with emphasis on training the trainers. Changes in cadet school instruction have been initiated and issues concerning the ranking, selection and training for cadet school instructors are being addressed. Defence Forces regulations, administrative instructions, policies and procedures have been reviewed by an equality steering group under a Labour Court chairperson. Legislation to establish a Defence Forces Ombudsman completed all stages in 2004.

The chief of staff has repeatedly emphasised his acceptance of the problems indicated by the Doyle report.

Additional information not given on the floor of the House.

He has recognised the necessity to tackle this matter in a fundamental way at all levels of the Defence Forces and has demonstrated an active and genuine commitment to change. He has emphasised that it is incumbent on all commanders to ensure that best practice in the management of personnel is fostered at all levels to eliminate the problems identified in the Doyle report.

Policies on equality, dignity and bullying are constantly being communicated to all ranks. I am satisfied that the military authorities are alert and vigilant on this issue and are committed to addressing the matter in a continuing and proactive manner through education modules on interpersonal relationships now embedded in career courses for all ranks.

Bullying is not training for anything. I realise that the project of bringing about necessary fun-

damental changes in attitudes and culture will not be quick or easy. However, with substantial and vigorous leadership, I have every confidence that the proper environment will be firmly established and maintained throughout the Defence Forces.

The military authorities advise that since the revised procedures on the conduct of interpersonal relationships in the Defence Forces were introduced in March 2003, eight complaints of unacceptable behaviour have been formally initiated in the Defence Forces. Five of these cases were proven to be unfounded. One case was upheld and the person complained of had disciplinary action taken against him. There are two cases under investigation. I cannot comment on these further at this stage, as they have not concluded.

Mr. F. McGrath: I thank the Minister for his response. Is he aware of the serious allegations by members of the Defence Forces that bullying is widespread? Is he aware of the recent serious allegations of bullying and intimidation by members of the Defence Forces, particularly against female soldiers? These allegations must be confronted. Citizens do not want a cover-up on this issue. What exactly is the role of senior officers in these cases? Is the Minister aware of the suffering of junior members, particularly female members, of the Defence Forces? It is a nightmare for many of them, especially for those who wish to serve in the Defence Forces in the future.

Does the Minister now accept the need for an independent inquiry to deal with bullying in the Defence Forces? Is it good enough to have cases of intimidation, bullying and abuse in the Army being investigated by the Defence Forces? I welcome the establishment of the independent monitoring group. What is its composition? There cannot be a cover-up of bullying in the Defence Forces. Is the Minister aware that these cases of bullying and intimidation will discourage young people from joining the Defence Forces in future? Many of them wish to serve at United Nations level. I put particular emphasis on female soldiers who wish to have a career in the Defence Forces. These allegations are doing serious damage to the Army. Will the Minister act immediately on these matters?

Mr. O'Dea: The chairperson of the independent monitoring group is Dr. Eileen Doyle who composed the original report. The members include the deputy chief of staff, the assistant secretary of the Department of Defence, the general secretary of PDFORRA and the general secretary of RACO, the representative organisations of enlisted personnel and officers.

Everybody is aware of allegations. We read the newspapers, although I do not believe everything I read in them.

Mr. Timmins: The Minister writes many articles himself.

Mr. O'Dea: Apart from those. The final part of my reply puts the issue in context. Since the revised procedures for making complaints were introduced in March 2003, eight complaints of unacceptable behaviour have been formally initiated in the Defence Forces. Five of these cases were proven to be unfounded. One case was upheld and the person complained of had disciplinary action taken against him. Two cases are under investigation and I cannot discuss them in detail.

I believe Deputy McGrath was referring to the allegations relating to McKee Barracks. Certain female staff members have alleged bullying. That is one of the cases being investigated and the investigation is coming towards a conclusion. There was another high profile case recently, again involving a female recruit. That case was investigated by the military authorities and a conclusion was reached. I wish to be as transparent and informative as possible but I do not wish to discuss that case because the recruit in question has now consulted a solicitor and put the matter into the legal domain. I am precluded from discussing the internal Army investigation.

It will no longer be a question of *nemo iudex in sua causa*; the Army will not be investigating itself. There are procedures in place but, ultimately, people will have recourse to an independent ombudsman. Some people who complained in the past of bullying in the Army did not use the internal complaints procedures for one reason or another but decided to go to the courts. That is their entitlement.

I am confident the changes we have put in place since 2002 have considerably improved the atmosphere in the Army. To provide reassurance, however, we have ensured that in early 2007 there will be another examination of what improvements have been put in place since the monitoring committee reported last September.

National Emergency Plan.

76. **Mr. Timmins** asked the Minister for Defence his plans to extend the composition of the emergency planning cell; the frequency with which this group meets; and if he will make a statement on the matter. [6808/05]

Mr. O'Dea: The Government task force on emergency planning, which I chair, was established in October 2001. The membership of the task force includes Ministers, senior officials of Departments, senior officers of the Defence Forces and the Garda Síochána and officials of other key public authorities that have a lead or support role in Government emergency planning. I can provide a list of the people to the Deputy. The work of the task force continues and there have been 36 meetings to date. The next task force meeting will be held tomorrow afternoon and further meetings will be held on a regular basis as required.

The office of emergency planning was established, following a Government decision in

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October 2001, as a joint civil and military office within my Department. The office supports the work of the task force and continues to work with Departments and other public authorities to ensure the best possible use of resources and compatibility between different emergency planning requirements. A key area of activity is oversight of emergency planning to refine and develop the arrangements that exist, to improve them continuously through review and revision and generally to provide the basis for an increased confidence in the emergency planning process.

An interdepartmental working group on emergency planning supports the work of the task force and carries out studies and oversight of emergency planning structures and processes. This working group has met on 33 occasions. Its membership is slightly different from that of the task force and I can supply the list of members to the Deputy. The interdepartmental working group encompasses all Departments with lead roles in the various Government emergency plans and those key public authorities, including the Defence Forces, which plan to support such activities.

The lead responsibility for specific emergency planning functions remains with the relevant Departments, as do the budgetary and resource management requirements. Emergency plans are co-ordinated by the various lead Departments at a national level and through the local authorities, including the fire service, the Health Service Executive and the Garda divisions at local and regional levels. The Departments and key public authorities involved in this process have particular responsibilities under eight strategic areas of Government emergency planning. The objective of the Government is to ensure that all State bodies can react quickly and efficiently to any large-scale emergency.

My officials have met in 2004 with 13 Departments with responsibilities in emergency planning and four State bodies which provide key support functions. These oversight meetings are conducted as part of a continuing programme which informs my confidential annual report on emergency planning to Government. Each of these Departments has assured the office of emergency planning that it is addressing its emergency planning responsibilities and has plans and response arrangements in place to address large-scale emergencies in Ireland.

Additional information not given on the floor of the House.

As chairman of the task force, my approach continues to be that such responses must be characterised by effective management of all aspects of emergency planning and by a high level of public confidence in all the response arrangements. Review and refinement arrangements will ensure co-ordination of all those responding so that, should we be unfortunate enough to experi-

ence a large-scale emergency, we will be in a position to mount a credible response. I will continue to report regularly to Government on a confidential basis on emergency planning. There continues to be excellent co-operation between my Department and all other Departments and public authorities in these vital areas.

Mr. Timmins: Since taking office as Minister for Defence and attending these meetings, does the Minister have a concern about the state of preparedness of his or other Departments to deal with a natural disaster or nuclear fallout from Sellafield? Have members of the group expressed concern about our state of preparedness? Although I do not have detailed evidence, I believe we are ill-prepared for a natural disaster, irrespective of how we might talk up the situation. Have any members of the committee made proposals or suggestions of radical changes with a view to setting up a full-time group or organisation that might deal with co-ordinating reaction to any natural disaster? Is there any funding implication as a result?

Mr. O'Dea: No. It has been my practice since becoming Minister to call the emergency planning task force together on at least a monthly basis, which will continue. The next meeting is tomorrow afternoon. No member of the task force said anything that would necessarily alarm me or drew my attention to serious deficiencies.

Each plan is a matter for the relevant lead Department. For example, the public health reaction to some sort of a biological threat or the fallout from biological warfare would be a matter for the Department of Health and Children. In the case of nuclear accident, the lead Department would be the Department of the Environment, Heritage and Local Government, which has its plan to deal with such an incident.

With regard to whether there have been proposals for change, I have made such proposals because some aspects of the functioning of the task force could be changed, although this is not in any way to criticise the good work done. However, we must bring the work of the task force into the public domain and let the public know what is happening. This can be achieved by disseminating information in various ways and publicising the simulated exercises in which many of these bodies engage. For example, last year the Garda Síochána and the Army engaged in a number of simulated exercises, as did the Department of Health and Children. In the United Kingdom, when the army, police or any government department become involved in such exercises, there seems to be no barrier to this information coming into the public domain. While there has been a shyness in this regard in this country, we intend to change this. That is my proposal to the task force and I hope to implement it.

Mr. Timmins: Does the Minister agree local authorities were ill-equipped to deal with flood-

ing last winter? As a result, does he agree it would be difficult to have confidence in the Department of the Environment, Heritage and Local Government plan to deal with nuclear fallout, whatever the plan may be? Is the Minister aware or, more importantly, are local authorities aware what the plan is?

Mr. O'Dea: The plan was prepared by the Radiological Protection Institute of Ireland. I am aware of it and can make a copy available to Deputy Timmins, if he wishes. He can evaluate it himself.

Mr. Timmins: I would appreciate that.

Mr. O'Dea: A definitive plan exists. I wish to explore aspects of it with the Department of the Environment, Heritage and Local Government. As there will be a large representation at tomorrow's meeting, we can refine the plan there. I have no difficulty making the plan available for the Deputy's perusal.

Defence Forces Training.

77. **Aengus Ó Snodaigh** asked the Minister for Defence if he will report on the human rights training provided to members of the Defence Forces, including subject matter, duration and upskilling requirements. [7051/05]

Mr. O'Dea: A number of educational programmes are undertaken in the Defence Forces in regard to international humanitarian law. The military authorities advise that the position is as follows. Lectures on international humanitarian law are conducted by legal officers on all basic officers courses in the Military College. In addition, a day-long seminar on international humanitarian law is conducted for the command and staff course. Non-commissioned officers and privates are instructed on the fundamental rules of international humanitarian law applicable in armed conflicts regarding the protection of war victims.

Since the 1970s, legal and line officers of the Permanent Defence Force have attended the international military course on the law of armed conflict at the International Institute of Humanitarian Law in San Remo in Italy. A number of line officers and many legal officers have now completed this course. Since 1990, the Defence Forces have made PDF legal officers available from time to time to conduct courses provided at the institute.

All officers and senior NCOs proceeding to overseas peace support missions receive briefings at the United Nations Training School in the Curragh on international humanitarian law and human rights.

Aengus Ó Snodaigh: Is it correct that the White Paper on defence includes no reference to human rights training? Does the Minister agree that human rights training and regular human rights upskilling are essential for a modern army,

especially given the cases to which he referred in reply to Deputy Finian McGrath's Parliamentary Question No. 75, on some of which I questioned his predecessor?

Is the Minister aware of incidents involving Irish peacekeepers in sexual violence against women in conflict zones in which they have served? Does the international humanitarian law and human rights training course include a module on gender sensitivity designed to educate members of the Defence Forces against engaging in domestic or sexual violence, sexual harassment or other sexual abuses? Does the Minister agree that international humanitarian law training should form part of human rights training?

Mr. O'Dea: The Deputy is correct that there is no reference in the White Paper to this aspect. Nevertheless, the position remains that officers — those in charge — get a very good grounding in international humanitarian law, which includes human rights law. To be frank, I do not know whether the course includes a specific section on sexual harassment, but I will find out and let the Deputy know.

I am not aware of the allegations of sexual violation or mistreatment of women in combat zones by Defence Forces personnel. If that accusation had any validity, it would be thoroughly investigated by the Army.

Aengus Ó Snodaigh: The cases are not recent. They were investigated in the past.

Mr. O'Dea: Since becoming Minister, I have not been aware of any investigation in that line and I do not know the outcome of any such investigations. I am not aware that anybody was specifically punished, dealt with or otherwise. Therefore, I must conclude the investigations found no case to answer or insufficient evidence to condemn anybody.

We send personnel to the international course in San Remo to keep them upskilled on changes to the law. They learn the latest position and keep officers and troops upskilled. Officers receive a good grounding in this area while troops learn the basic rules. We do not have the time or money to turn all our troops into international lawyers. However, the ground rules are fairly clear and officers know what they are doing. I will ascertain whether the human rights aspect of that course contains particular reference to sexual harassment or bullying.

Other Questions.

Defence Forces Regulations.

78. **Mr. Sherlock** asked the Minister for Defence if his attention has been drawn to the fact that Defence Forces recruits who are injured in the course of their training are expected to meet the full costs of their medical expenses

[Mr. Sherlock.] should they require treatment in a private hospital due to the lengthy waiting times for public treatment; if his attention has further been drawn to the fact that injured recruits who may have to wait for up to two years for medical treatment or surgery in a public hospital are only given six months leave from the Army and are therefore forced to leave the Defence Forces; and if he will make a statement on the matter. [6691/05]

Mr. O'Dea: Medical treatment of military personnel is carried out as far as possible in a military hospital or other medical facility under the auspices of the Army medical corps. If the necessary treatment is outside the scope of the Army medical corps, non-commissioned personnel, including recruits, are referred for treatment in the public health service. Such personnel, in common with all citizens, are eligible for treatment as public patients in public hospitals.

The position with regard to recruits is that, under the provisions of Defence Forces regulations, each recruit must within a period of three months following the date of attestation be either finally approved or discharged in accordance with the provisions of the regulations. A recruit shall not be finally approved until he or she is considered suitable in all respects, including meeting the required medical standards for service in the Permanent Defence Force.

The regulations provide that in circumstances where recruit training has been interrupted or delayed, the three month period may, with the prior permission of the deputy chief of staff, be extended to a maximum of six months from the date of attestation. In determining the date by which a recruit shall be finally approved or discharged, periods of sick leave, special leave or privilege leave may, at the discretion of the deputy chief of staff, be excluded.

A recruit discharged from the Permanent Defence Force on the grounds of not having been finally approved for medical reasons may reapply for consideration for enlistment at a later date when any medical treatment required has been completed. Applicants are now required to satisfy the military authorities that they meet the minimum medical standards and other criteria for enlistment.

Mr. Sherlock: I know the Minister applies common sense to whatever he does and says. However, the case I raise was brought to my attention by an Army recruit who suffered an injury during his first week in training. The Army doctor advised him to seek further medical treatment, which he duly did, and medical experts advised him that keyhole surgery was required, but that he would have to wait two years to be treated publicly. Alternatively, he could be treated privately, almost immediately, at a cost of €5,000. The Army informed him it would not make any contribution to private treatment though the injury occurred while he was training

with the Army. Moreover, the Army stated it would only give him six months in which to have the surgery so he had no choice but to pay for it in private practice. Does the Minister consider that reasonable and does he agree with it?

Mr. O'Dea: It appears unreasonable on the face of it that distinction should be made in such an instance between officers and ordinary members of the Defence Forces. That is the way things have been traditionally because it was assumed that enlisted men and women had more access and eligibility under the public health service than officers. Obviously I have inherited that situation and it will be difficult to change it. During questions to the Taoiseach someone noted that if one gives something to someone, it is very difficult to take it away. It would not be practicable to extend private medical care to everyone.

I do not know if Deputy Sherlock has written to me about this case since I became Minister. I have asked for the matter to be checked out and I am told by the Department that it has no information about anyone who had to leave the Army in circumstances such as those mentioned. If Deputy Sherlock writes to me I will investigate the case.

Another case was brought to my attention. The military authorities advise that in the past three years their records show 11 recruits discharged, not finally approved, mostly for non-medical reasons. One recruit was discharged, and not finally approved, for medical reasons. Another was discharged as being not likely to become efficient.

The medical case was the one brought to my attention. The recruit was enlisted on 29 November 2001 and discharged on 17 March 2004. Her medical condition was not due to an injury sustained in training but was a continuing medical condition which necessitated repeated periods of sick leave. She appears to have been given a period in excess of two and a half years to attempt to complete her recruit training, which is well in excess of the minimum period of three months or the maximum period of six months in which recruits are required to be finally approved under Defence Forces Regulation A(10). If Deputy Sherlock writes to me about the case in question I will make inquiries as to why the same approach was not taken.

Mr. Sherlock: Does the Minister believe that the situation is blatantly unfair and will he consider changing it? I will write to the Minister about this issue.

Mr. O'Dea: If recruits, particularly those injured in training, are discharged because they cannot have access to the public health service within the requisite six months, I agree that is unfair and must be looked at.

Bullying in the Workplace.

79. **Mr. Kehoe** asked the Minister for Defence

the number of cases of alleged bullying which are under investigation; and if he will make a statement on the matter. [6723/05]

114. **Ms O'Sullivan** asked the Minister for Defence if his attention has been drawn to recent comments from a person (details supplied) that bullying is rife in the military despite the launch of a Defence Forces anti-bullying campaign; if his attention has further been drawn to this person's claims of physical and verbal abuse; his views on whether the extent of bullying in the Army projects an extremely negative image of the Defence Forces in general; and if he will make a statement on the matter. [6702/05]

124. **Mr. Sargent** asked the Minister for Defence if the latest public statement by a female recruit of Army bullying is accurate; his Department's policy on bullying; and if he will make a statement on the matter. [6757/05]

131. **Mr. Coveney** asked the Minister for Defence if he will report on the efforts being taken by him to tackle bullying and harassment in the Defence Forces; and if he will make a statement on the matter. [6733/05]

Mr. O'Dea: I propose to take Questions Nos. 79, 114, 124 and 131 together.

My previous reply on this subject detailed the comprehensive measures which have been taken since Dr. Eileen Doyle and the external advisory committee presented their report, *The Challenge of a Workplace*, in March 2002. The contents and recommendations of the report were accepted in full.

The military authorities advise that since the revised procedures regarding the conduct of interpersonal relationships in the Defence Forces were introduced in March 2003, eight complaints of unacceptable behaviour have been formally initiated. Five of these were proven to be unfounded. One case was upheld and the person complained of had disciplinary action taken against him. There are two cases currently under investigation so I do not want to comment in detail on those.

I am aware of the recent public comments by a former female recruit. However, because the recruit in question has had access to a solicitor, the solicitor has informed the Department of the intention to put this into the legal domain. I am, therefore, constrained in what I can say about this case.

Mr. Timmins: Does the Minister agree that due to the nature of the employment and training, the Defence Forces are susceptible to the allegation of bullying and that the concept of bullying has been prevalent right across society but only in recent times has received publicity? Having served in the Defence Forces for almost 20 years, I believe that there is no more bullying there than in any other walk of life.

Mr. O'Dea: I agree. How the Defence Forces operate is predicated on the simple assumption that lawful orders must be obeyed. Accordingly, the discipline in the Defence Forces not just in this country but elsewhere in the world is different from the relationship between a manager and employee of a factory or office. Sometimes, what might be reasonably interpreted as bullying in the workplace would not necessarily be so interpreted in the Army. There is a fine line there.

The Doyle report indicated that an alarming number of Army personnel, particularly female recruits, felt themselves to be the victims of bullying, harassment and so on, but it is significant that since March 2003, two years ago, we have had only eight complaints. It was at that time that the procedures were simplified and everyone was informed about them. A new regulation was also introduced to the effect that attempting to punish someone because he or she made a complaint was an offence subject to immediate discipline. Since then, only eight complaints have been received through the normal channels and five of those were found to be basically unfounded.

A confidential telephone helpline service was introduced in 2003 and a number of calls have been made to it. However, my information is that the number who call to allege bullying is quite small, in single figures. I agree with Deputy Timmins, some confusion surrounds the situation.

Bullying is not training for anything. If anyone feels bullied or feels reason for complaint in the Army, clear procedures exist to deal with such cases and all have been repeatedly informed of those procedures. No one can use the excuse that they did not know where to go or who to turn to or to talk to.

Mr. Sherlock: Arising from Question No. 114, has the Minister's attention been drawn to recent comments from a person (details supplied) that bullying is rife in the military despite the launch by the Defence Forces of an anti-bullying campaign? The question arose some time ago of people perhaps being afraid to complain of bullying, but the question which now arises is why, if no problem exists regarding bullying in the Army, the matter is being raised so frequently.

Mr. O'Dea: Without wanting to be flippant about the matter, it is analogous to crime in Limerick. When a crime of a particular nature takes place in Limerick, everyone is keen to talk about it. The same crime would not attract the same attention in Cork, Waterford, Galway, Blessington or elsewhere. It is basically a sexy story. If someone says "Oh my goodness, I was in the Irish Army, was bullied relentlessly, was made undergo all sorts of embarrassing procedures and had to do this, that and the other", that is a big, sexy story. The tabloids go crazy for stuff like that.

I am aware of the allegations to which Deputy Sherlock refers. However, without prejudicing the outcome of legal proceedings and in the

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interest of the recruit herself, the case was investigated under instruction A7, which is the new instruction setting out the complaints procedures, remedies, etc. All the relevant procedures were followed and it was found there was no case to answer. The recruit does not accept that, which is her right. She has engaged a solicitor who is taking the matter to court and we will see where it goes from there.

However, a confidential telephone line was provided and almost 200 people were recruited to hold "clinics" with members of the Defence Forces, 8,500 of whom are ordinary members. This presented a clear opportunity to those who had a complaint and it was communicated to everybody. A regulation is in place where a person who tries to interfere with a complainant is immediately subject to disciplinary procedures, which is a powerful disincentive. However, since 2003 only eight people have come forward and made allegations, despite all the reports in newspapers. The newspaper reports are one thing, but the reality on the ground can often be quite different. Only one complaint was upheld and five were found to be groundless. Apart from the female recruit to whom I referred, the others have accepted the result and they have not pursued court cases.

I wonder about the accuracy of the continuing reports of widespread bullying. Although I do not doubt people had this perception in 2002 I do not know whether it was the reality. However, given what has happened since, the lack of complaints indicates the problem is not as widespread as we have been led to believe by certain sections of the media.

Departmental Properties.

80. **Mr. Hogan** asked the Minister for Defence the extent of his Department's property portfolio in Dublin city and county; and if he will make a statement on the matter. [6718/05]

Mr. O'Dea: The Department of Defence holds property in Dublin city and county as follows:

Location	Area
McKee Barracks, Dublin 7	45 acres
Cathal Brugha Barracks, Dublin 6	46 acres
St. Bricin's Hospital, Dublin 7	5.5 acres
Esplanade (part), Collins Barracks, Dublin 7	2 acres
Arbour Hill Stores, Workshops, etc.	1.5 acres
Site at Islandbridge	1 acre
Casement Aerodrome, Baldonnel	685 acres
FCA Premises, Swords, Co. Dublin	0.6 acre

Married Quarters at

47 McKee Park, Dublin 7

64 McKee Park, Dublin 7

2 Tomar Court, Arbour Hill, Dublin 7.

Overseas Missions.

81. **Mr. Gilmore** asked the Minister for Defence the statutory authorisation required in respect of non-UN overseas missions in which the Defence Forces participate, as listed on the Defence Forces website; if none was required, the reason therefor; if authorisation was required, the method by which it was given; and if he will make a statement on the matter. [6695/05]

Mr. O'Dea: The Defence Forces participate in two main types of overseas missions, namely, traditional UN-led "Blue Hat" missions and UN-authorized missions, where the mission is established under the authority of the UN Security Council or the General Assembly of the UN. These two types of missions are represented on the Defence Forces website as UN and non-UN missions respectively. In both instances, the provisions relating to the dispatch of a contingent of the Defence Forces for overseas service are laid down in the Defence Acts, which require that the mission must be authorised by the UN, approved by Government and, where the contingent is armed and exceeds 12 members, approved by way of a resolution of the House.

With regard to authorised missions listed in the Defence Forces website to which a contingent of the permanent Defence Force was/is deployed, for example, Organisation for Security and Co-Operation in Europe, OSCE, verification mission in Kosovo, SFOR, KFOR, INTERFET, ISAF, UNMIL and EUFOR, Government and Dáil approval, as appropriate, were obtained and the mission was authorised by the UN. Apart from these larger missions, at any given time, small numbers of personnel are deployed overseas in an administrative, staff, observer or advisory capacity on other missions, none of which are armed operations. These include missions under the auspices of the OSCE, the European Union Monitor Mission, EUMM, to the former Yugoslavia and other military appointments in Europe. Such assignments, which are voluntary, do not require statutory authorisation.

Defence Forces personnel have also been deployed on humanitarian missions in support of NGOs or with other international organisations. The recent deployment of a small number of personnel to the UN joint logistics co-ordination centre in Colombo, Sri Lanka, is an example of such a mission. Defence Forces regulations provide that, volunteer members of the Permanent Defence Force, can be seconded to such undertakings by the Minister for Defence, with their agreement and with the consent of the Minister for Finance, for periods of up to one year.

Mr. Sherlock: The Minister gives lengthy replies to parliamentary questions and I often find it difficult to pick up the main point. Members of the Defence Forces serve overseas on 19 non-UN missions, according to the Defence Forces website, including the KFOR and SFOR

missions, which involve more than 1,400 personnel. How can the Minister assert that the Defence Forces cannot travel abroad, even for training purposes, without EU and UN authorisation when history proves the contrary?

Mr. O'Dea: The Deputy is mistaken. There are two types of operations, which might involve Irish troops going abroad. There are traditional UN-led operations, where the UN organises the mission and approaches its members to supply troops. However, there are also UN-authorised operations, where other bodies such as the EU, NATO or the Organisation of African States put the team together, having been authorised by the Security Council or the General Assembly. The issue is whether the operation is led by or authorised by the UN. Currently, our commitment abroad under traditional UN "Blue Hat" operations, the most significant of which is in Liberia, comprises 466 troops while under UN-authorised operations, 268 troops are deployed abroad. Another 36 members of the Defence Forces have volunteered to work on various military missions with my sanction and the consent of the Minister for Finance. The primary deployment relates to UN-led or UN-authorised operations, in other words, an operation constituted by the UN from among its constituent members or an operation put together by another group such as NATO or the EU at the request of the UN.

Mr. Sherlock: Is the Minister saying the UN does not establish these missions but they are authorised by the UN? How can he reconcile that distinction with the wording of the Defence Acts, which defines a UN mission as one established by the Security Council?

Mr. O'Dea: The missions conform perfectly with the Defence Acts. The interpretation of successive Attorneys General is that the word "established" in the Acts covers the scenario where the UN decides that a mission must be deployed abroad but regards it as more appropriate to ask the EU, NATO or the Organisation of African States to undertake it rather than put it together itself. The advice is the word "established" covers both scenarios.

82. **Mr. Broughan** asked the Minister for Defence if Irish participation in EU battlegroups will be limited to the Petersberg Tasks; and if he will make a statement on the matter. [6692/05]

90. **Mr. Deenihan** asked the Minister for Defence if he will reform the triple lock mechanism which governs the deployment of contingents of the Defence Forces; and if he will make a statement on the matter. [6741/05]

92. **Mr. Durkan** asked the Minister for Defence the extent to which the formation and participation in European battlegroups has evolved; if he will outline his perception regarding the way

in which the logistics will be determined; and if he will make a statement on the matter. [6710/05]

93. **Mr. P. Breen** asked the Minister for Defence if Ireland will participate in EU-led groups that can intervene in a rapid manner to prevent the loss of life; the circumstances under which such participation may take place; and if he will make a statement on the matter. [6729/05]

107. **Ms Burton** asked the Minister for Defence if military operations carried out by an EU battlegroup on the authority of the UN Security Council falls within the definition of a UN peacekeeping force for the purposes of the State's triple lock mechanism; and if he will make a statement on the matter. [6693/05]

Mr. O'Dea: I propose to take Questions Nos. 82, 90, 92, 93 and 107 together.

The background to the rapid response elements concept, commonly referred to as battlegroups, is that at the European Council in Helsinki in 1999, member states set themselves a headline goal that by the year 2003, co-operating together and voluntarily, they would be able to deploy rapidly and then sustain forces capable of the full range of Petersberg Tasks, as set out in the Amsterdam Treaty. The EU has learnt from historical experiences in the Balkans and Africa and wants to be able to react faster when crises develop. That was effectively illustrated last year by the EU's first autonomous military operation, which was conducted in the Democratic Republic of Congo. The operation, which was undertaken at the request of the United Nations Secretary General and deployed very rapidly, was successful in contributing to the stabilisation of the security environment and the improvement of humanitarian conditions in the Democratic Republic of Congo.

Kofi Annan also stressed its importance during his recent visit to Dublin. Deputies will also recall that, in his address to the Forum on Europe on 14 October, he specifically welcomed the development of EU capabilities in the context of European security and defence policy and stressed how important strengthened EU capacities, in particular rapid deployment capabilities, are to the UN. He also highlighted Ireland's pivotal role during our Presidency of the European Union in promoting co-operation between the EU and the United Nations in crisis management and in particular the potential use of EU rapid response elements to support UN peacekeeping operations.

Regarding the other part of the question, I can confirm that the activities of those troops will be confined to the Petersberg Tasks, which are essentially humanitarian, including rescue, peacekeeping and crisis management.

One must bear in mind that the Defence Forces are currently in Liberia on a UN operation, in Kosovo on a NATO-led operation, and in Bosnia on an EU-led operation, and that rapid response

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elements are but one aspect of EU capabilities to assist in crisis management.

The rapid response concept raises many issues, not only for Ireland but also for other EU member states. Once again, I stress that the question of Ireland's participation in rapid response elements will remain subject to the usual requirements of a Government decision, Dáil approval and UN authorisation.

Mr. Sherlock: I know that the Minister has said it, but is the Government's position still that our international commitment will be confined to the Petersberg Tasks, with a UN mandate necessary? Perhaps I might quote from the Petersberg Tasks, and Missions for the EU Military Forces. Of Article 17.2 of the Treaty on European Union it states the following.

Questions referred to in this Article shall include humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking.

Mr. Timmins: Does the Minister agree there is a great deal of confusion regarding Ireland's possible participation in battle groups and the EU constitution and common defence policy? Notwithstanding the fact that Fine Gael fundamentally disagrees with the Government's archaic policy of the triple lock, does he agree that it is very important that the message gets out into the public domain that membership of the battle groups is nothing more than having a more efficient mechanism to deal with UN missions than that which we have currently?

Mr. O'Dea: In reply to Deputy Sherlock, the answer to both questions is "Yes". It is our policy that the UN mandate will continue to be required. Second, activities are confined to the Petersberg Tasks, the definition of which has been expanded somewhat recently. Essentially, they are humanitarian, involving peacekeeping, rescue operations and crisis management, including peacemaking.

Deputy Timmins disagrees with the "archaic triple lock". He probably knows this, but I must point out the obvious, that Fine Gael is completely at odds with its potential coalition partners, particularly the Greens and the Labour Party.

Mr. Timmins: As are Fianna Fáil with the Progressive Democrats.

Mr. O'Dea: It will be very interesting to see how they square that circle come the next general election. The Government is firmly committed to the triple lock, which is and will remain the lodestone of its policy on foreign commitments.

Mr. Timmins: For now.

Mr. O'Dea: It is the case as far as this Government is concerned, which will be with us for many a long day.

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 James Breen — to ask the Minister if she will provide facilities at one of the schools in Ennis for children and teenagers suffering from autism; (2) Deputy Eamon Ryan — to ask the Minister how he intends to decide on the appropriate level for the wild salmon catch for 2005 given the conflicting scientific advice he has received; (3) Deputy Naughten — the need for the Minister to outline his plans for a hard shoulder on the N5 west of Scramoge, County Roscommon; (4) Deputy Gormley — to discuss the erection of a mobile phone mast on the roof of the OPW buildings in Rathmines close to a school; (5) Deputy O'Shea — the need for a university in Waterford; (6) Deputy Cowley — if the Minister will carry out an independent quantified risk assessment on the upstream pipeline at the Corrib gas field pipeline at Rosspport, County Mayo; (7) Deputy Paul McGrath — the need for the Minister to provide the necessary funds to complete phase 2b of Mullingar General Hospital.

The matters raised by Deputies Paul McGrath, Gormley, James Breen, and O'Shea have been selected for discussion.

Leaders' Questions.

Mr. Kenny: As the Taoiseach will be aware, the national development plan promised 275 additional buses for Dublin Bus over and above those necessary to replace decommissioned vehicles. The Minister for Transport, Deputy Cullen, told Deputy Mitchell in the House on 3 February that in 2001, 2002, 2003 and 2004 Dublin Bus had 1,062 buses. Yesterday the Taoiseach described those figures as gobbledegook, yet they were given to the Dáil by his Minister for Transport less than two months ago. In the report published yesterday, Dublin Bus pointed out that commuters in the rapidly growing suburbs of greater Dublin are facing even longer journey times. As the Taoiseach will know, commuters in towns such as Leixlip, Celbridge, Maynooth, Kildare, Dunboyne and Ashbourne who want to switch from cars to public transport now find that impossible.

Perhaps we might have an explanation from the Taoiseach as to why commuters and those who wish to avail themselves of public services and transport have been let down by another broken promise. Why is there a serious discrepancy between the figures announced by the Minister to the Dáil and what the national development programme envisaged? What is the point of

introducing additional bus lanes if there are no new buses to use them? Is that not another example of statements being made by the Government that it cannot honour and the Taoiseach's calculations and mathematics bringing us to a new low or new high, depending on how one wishes to view matters?

The Taoiseach: The Government is certainly not abandoning its commitment to provide additional buses under the national development plan. Funding for over 300 new buses has been made available in the last five years, and there are now over 1,000 buses in the service of Dublin Bus. We are continuing to invest in Dublin Bus, whose annual subvention is now €60 million.

The issue, as has been pointed out by Dublin Bus management, is that the success of Luas has taken many people out of cars but also buses. That has meant that there are 30 or more buses available for use elsewhere in the city, according to Dublin Bus figures, as the management told me yesterday. It had previously stated that publicly. Spare capacity is likely to increase when the very substantial upgrade to the capacity of the DART is complete. Such spare capacity should of course be used before any decision is made on where the new buses are to go.

Dublin Bus has applied for funding for 40 additional buses, and the potential impact on demand for buses of the arrival of Luas was discussed with the company. It has not put in any additional funding for 2005; its figure was for last year. The Department of Transport asked the Dublin Transportation Office some time ago to carry out a bus network review, which will highlight the additional investment required for the bus fleet. Ministers made it clear that when that and certain other reform issues, which are ongoing and on which a great deal of progress has been made, have been cleared, they will be able to deal with the question. The idea that we should add additional buses on to a fleet when agreement has not been reached on the routes of buses not being used is ridiculous. I hope those discussions can be concluded at an early date.

Mr. Kenny: I bring to the Taoiseach's attention an e-mail I received from Dublin Bus on 2 December last year. It clearly states:

The NDP (2000 to 2006) funded additional buses for Dublin Bus as follows: 2000, 93 buses; 2001, 0 buses; 2002, 0 buses; 2003, 0 buses; 2004, 0 buses.

The national development plan for 2004 proposes funding for 80 additional buses for 2005 and 102 additional buses for 2006. Will the Taoiseach confirm that it takes 12 months to bring a bus on to the street from the date of order? Are there more buses on the streets now than there were this time last year? Will the Taoiseach confirm also, in respect of the national development programme, which he launched with great fanfare, that there will be 80 additional buses on the streets for 2005

and 102 for 2006, given that it takes 12 months for this Government to get a bus on the road from the time it is ordered? I do not know the extent of the Taoiseach's canvassing—

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

Mr. Kenny: —but the frustration people feel sitting in endless traffic jams must be appreciated before he can understand what is happening on the streets of towns and villages. The Taoiseach's programme has let them down again—

An Ceann Comhairle: Deputy, you had one minute to ask a supplementary question. You have already used two minutes. I ask you to give way to the Taoiseach.

Mr. Kenny: May we have an answer to these questions? Will there be 80 and 102 additional buses for 2005 and 2006?

Mr. J. O'Keefe: Will it be like the 2,000 extra gardai?

The Taoiseach: They are on the way too.

Mr. Rabbitte: They will probably be mini-buses.

An Ceann Comhairle: This is Deputy Kenny's question. Only he is entitled to ask a supplementary.

The Taoiseach: Not alone are there more buses, there are 1,000 buses. Over 300 buses have been changed. Obviously, some of those are replacement buses. On Dublin Bus figures, they have 30 buses, the change of routes of which they have not yet agreed. They have to also agree some of their other reform issues. They have been told by the Department that when those issues are addressed there will be agreement on the required additional buses. That is what the review is concerned with. They have not put in an application for any additional buses in 2005. They requested 40 buses before the Luas was set up last year. They have stated that the effect of that was to take buses off their own areas. We should continue with the QBCs and the additional buses we have available. We are also carrying far more passengers. There has been an increase of approximately 12% over the past four years in the numbers of people travelling by Dublin Bus, and that has worked successfully.

Deputy Kenny mentioned the other issues. A total of €1.2 billion has been invested in railways in the past four or five years. Iarnród Éireann, which is carrying people to Kildare, as the Deputy mentioned, has seen an enormous increase in capacity. A total of 120 new inner city rail cars, the largest order ever placed in the history of the State, have been ordered and will be commissioned. As Deputy Kenny is aware, a

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large number of them will go into the towns he mentioned. That is on top of a huge increase in capacity over recent years. The DART, Luas and bus services are also helping, although maybe not in the areas he mentioned. It is the rail services they require.

Mr. Rabbitte: I want to raise another and separate dereliction of duty by another Minister. I refer to the subject matter of the Travers report. Will the Taoiseach indicate if the Travers report will be put into the public domain on receipt or kept under cover until after the by-elections? Will he answer clearly whether he still has confidence in the Minister, Deputy Martin, in particular? This must be the biggest debacle in the history of public administration in Ireland. It certainly rivals anything we saw previously. Despite what the Tánaiste has caused to be made public, the Minister, Deputy Martin, blithely sails through it all as if it had nothing to do with him and he carries no responsibility for it.

Whatever the arguments about going back to 1976, is it not the case that, as the Supreme Court judgment has made clear, and the only inference that can be drawn from that judgment was that after the 2001 decision, for political motives, to give medical cards to the over 70s, there was no doubt about the illegality of what the State was doing? That is the only clear inference, and the Minister charged with preparing the legislation to bring in those cards for those over 70 could not but have known about it.

Mr. Kenny: Hear, hear.

Mr. Rabbitte: If he did not know about it, he had to know about it in 2003. When one health board got explicit legal advice to the effect that the charges were illegal and passed them on to the Department and the other health boards, for some reason it took ten months to get a meeting in the Department of the top chief executives, the top management and the three managers on 16 December 2003. At that meeting this was the main issue discussed.

The Tánaiste, Deputy Harney, may be accused of dumping on the Minister, Deputy Martin, and that may be because she suspects he was responsible for leaking the information about her stopping the authorised officer's inquiry into Ansbacher in her Department. I am sure he was not, but it is good that there is tension between them because she put into the public domain the minutes of this meeting, which show the three Ministers are listed as attending. He says he was not there for part of it, but he got the minutes. He had two Ministers there, one of whom was a Minister for older people.

Mr. F. McGrath: That is right.

Mr. Rabbitte: If a Minister for older people did not know about this, what did the Minister for

older people know? Does the Taoiseach still have confidence in these three Ministers?

The Taoiseach: Deputy Rabbitte asked when the Travers report will be available. I do not know exactly; it is due in shortly. The report is not that long in preparation but I understand Mr. Travers is anxious to complete it as soon as he possibly can.

Mr. Allen: After the by-elections.

The Taoiseach: Maybe before that, it depends on when it comes in. Obviously, the Government will have to consider it but it is committed to publishing it.

Mr. Allen: We were promised it before the by-elections.

An Ceann Comhairle: Deputy Allen, this is Deputy Rabbitte's question.

The Taoiseach: We will publish it. If these matters had been dealt with before the election in 1977, we would not be here now.

Ms O. Mitchell: Who brought in the medical cards?

The Taoiseach: What was clear in 2003 was very clear in 1976. It went through—

Mr. J. O'Keeffe: That is rubbish.

The Taoiseach: Unfortunately, it is not rubbish.

An Ceann Comhairle: Allow the Taoiseach to reply.

Mr. Quinn: That is absolutely pathetic.

The Taoiseach: It would be nice to say that everyone knew everything a year ago. It was as clear at the time of the judgment in 1976 as it was after the latest legal advice. That is the position.

Ms McManus: That is not what the Supreme Court is saying.

An Ceann Comhairle: Allow the Taoiseach to reply without interruption.

The Taoiseach: The Supreme Court has found that the retrospective provisions of the Bill on making lawful the imposition and payment of such charges in the past is unconstitutional in so far as this concerns the property rights of individuals. The provisions to allow such charging in the future were not found to be repugnant to the Constitution. When we deal with the Travers report we will also have to deal with that legislation. We had a meeting last week to discuss the process and the organisation of the repayments that have to be made. When the Travers report is available the Attorney General will have to look

again at the legal aspects of it. We will have to decide how to put together a scheme of repayments that will be sufficiently fair. It is estimated that at least €500 million will have to be repaid. However, that matter must be considered in light of the Travers report and the Attorney General's ongoing examination of the Supreme Court judgment. The volume of calls on the Health Service Executive helpline has caused delays and difficulties. I hope additional operators will be employed to deal with calls from the public.

Mr. Allen: The Taoiseach should tell them to ring Deputy Perry.

The Taoiseach: Eleven governments and 40 health boards in the past 29 years have supported the policy of charging in respect of long-stay care.

Mr. Rabbitte: The Taoiseach has evaded the question and described the problem. We know what is the problem. I do not know whether it should have been known about in 1976. From its judgment, it is apparent the Supreme Court does not know either. However, it knows that the position was clear from 2001. The documents the Tánaiste has placed in the public domain indicate that, at the MAC meeting on 16 December, the then Minister and Ministers of State are listed as meeting the chief executives of the health boards to discuss this problem. How can they seriously state that they were unaware of it? I accept that 16 December is close to Christmas and the then Minister of State at the Department, Deputy Callely, might have been signing his Christmas cards but what is the excuse for the other Minister of State, Deputy Tim O'Malley, who is responsible for people with mental incapacity included under this category?

What is the explanation in respect of the senior Minister who received the MAC minutes, which recorded the decisions taken? A decision was taken at that meeting, as a result of an assessment prepared by the Department, to communicate by letter — this would have been signed by the Secretary General — with the Attorney General and request legal advice. It has been stated that this letter was, unfortunately, not sent at that time. Who causes a Secretary General of a Department not to sign a letter? Who made that decision? Why was the letter not sent to the Attorney General? Does the Taoiseach have confidence in the Minister for Enterprise, Trade and Employment, Deputy Martin, following this, as the Tánaiste described it, systemic maladministration and political incompetence?

The Taoiseach: The Deputy, the House and everyone else should wait until the Travers report is published. In answer to the Deputy's final question as to whether I have confidence in the Minister for Enterprise, Trade and Employment, the answer is "yes".

Mr. Rabbitte: The Taoiseach has not yet seen the Travers report. How could he have confidence in the Minister?

The Taoiseach: The Deputy asked me if I have confidence in him now. I hope I will also have confidence in him when the Travers report appears. I do not believe the Minister, Deputy Martin — following the version he has imparted — was responsible for stopping the letter being sent. However, I will have to see what will be included in the Travers report.

Ms McManus: It is only the Minister's version.

The Taoiseach: The Minister does not organise the sending of letters on behalf of others. He may, however, organise sending his own letters. Unfortunately, the letter in question was never sent to the Attorney General. As Members are aware, the first occasion on which the Attorney General was asked to investigate this matter was in the autumn of 2004. He investigated it quite speedily and issued a report to the Tánaiste. The Government also acted speedily in respect of the report. That was the sequence of events.

Mr. Rabbitte: It beggars belief.

Mr. J. Higgins: In recent weeks a plethora of cases involving gross exploitation of Irish workers and, in particular, migrant workers in vulnerable situations by a range of employers have emerged. In the case of the Dublin Port tunnel, it was discovered that 40 Polish workers were being paid half the rate applicable to their Irish counterparts. The employees to whom I refer were also forced to work excessive hours. In addition, other irregularities also emerged. In Mullingar, migrant workers — bricklayers and blocklayers — were forced to go on strike.

An Ceann Comhairle: It is not appropriate to name firms which are not in a position to defend themselves.

Mr. J. Higgins: I did not name anybody.

An Ceann Comhairle: The Deputy did name them.

Mr. Quinn: The Deputy merely indicated where the employees in question were working.

Mr. J. Higgins: I did not name any firm. I referred to a case in Mullingar involving the gross exploitation of workers. As regards women in domestic service and those working in the care area, the Migrant Rights Centre has documented cases of low pay, excessive working hours, illegal deductions and the fear of deportation if these individuals come forward. There is a major problem in this area.

Does the Taoiseach agree with the trade union activist who stated that the resources the Govern-

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ment provides to root out these abuses are pitiful? I am informed that there are at least 40 dog wardens in the State. There are at least as many rogue bosses as there are mad dogs in the country but there are only 21 labour inspectors. I accept that these inspectors are hard-working and conscientious. However, with the rate of abuse and the fact that there are almost 2 million workers, the resources are completely inadequate. This is a matter of the greatest gravity, involving immoral exploitation. The rogue employers to whom I refer undermine the wages and conditions of all workers. However, those wages and conditions give the latter an edge when it comes to bidding for contracts against firms that pay proper rates and offer their employees proper conditions.

This is a matter of great concern to Independent Deputies from across the country who informed me about similar cases. We want a commitment from the Taoiseach in respect of it. Will he massively increase resources to double or treble the number of personnel employed by the labour inspectorate? In addition, we are seeking that the inspectorate have an office not only in Dublin but one in each of the regions so that it will be easily accessible for workers who need its services. Will the Taoiseach give the inspectors sufficient resources to enable them to be proactive in terms of seeking out exploitation and abuse and in circumventing the front of respectability the exploiters are experts at putting up? The workers who are the victims are often afraid to come forward and, therefore, there must be a sufficient number of inspectors to approach them so that we might root out this immorality that is affecting employment practices.

The Taoiseach: Deputy Joe Higgins is correct that this matter has arisen in the House on a number of recent occasions. The Minister has, on each occasion, contacted the Deputies who raised it seeking the information in their possession. I understand Deputy Joe Higgins brought an independent councillor to meet the Minister and that the latter was given some information relating to a Polish firm which is being examined.

The pay and conditions of the workers concerned appear to fall within the scope of the construction industry's registered employment agreement. Under that agreement, the statutory minimum rate is applicable to the highest grade of construction operative. While this is not in line with the industry or going rate, it is normally a matter for the parties concerned to regularise the position. It has been pointed out publicly to the workers involved in any of these cases that they are Europeans and come within the ambit of Irish labour legislation. The Minister, Deputy Martin, has considered some of the contracts and the Department is examining a number of clarifications.

There is no differentiation in terms of the statutory minimum rates of pay or conditions of employment between any workers in specific cat-

egories. Such workers enjoy equal access to the various redress mechanisms the relevant legislation provides. We have pointed this out to them. None of the workers concerned and none of the firms concerned has registered a formal complaint with the labour inspectorate, even though we have made the position clear through the trade unions.

In terms of the number of cases they are obliged to check, the staff at the inspectorate are not snowed under because no such cases have been brought to their attention. They are proactively checking the sources to whom Deputies have referred in the House. To date, they have not had to do a great deal of investigation because very little evidence has been put forward. I reiterate that if Members on any side of the House have information about this matter, they should make it available. At this stage, all we have is one contract in our possession and this is being examined.

Mr. J. Higgins: The Taoiseach rambled incoherently. I do not know what he was talking about.

The Taoiseach: I know the Deputy does not know what I am talking about. The Deputy was asked to produce the evidence and he has not done so.

Mr. F. McGrath: A number of Deputies have submitted questions.

Mr. J. Higgins: The Taoiseach must withdraw that immediately. He is obviously completely ignorant and does not know what he is talking about. I will give him an opportunity.

An Ceann Comhairle: Deputy Joe Higgins, without interruption. He has one minute left.

The Taoiseach: I know the facts. The Deputy should be careful what he says because I know what happened.

Mr. J. Higgins: I invite the Taoiseach to give the facts—

The Taoiseach: I will give the full facts in a minute.

An Ceann Comhairle: Deputy Joe Higgins should be allowed to submit his questions, without interruption.

Mr. J. Higgins: —because he obviously did not listen to what was a general question about the position of migrant workers. On the complaint I raised two weeks ago, I am satisfied that this is being taken seriously, so I have not raised that today. However, the Taoiseach must withdraw the assertion that I have not brought the evidence I had to the attention of the official inspectorate, because that is completely wrong

and false. I give the Taoiseach the benefit of perhaps not being aware of this, since he will not know everything that happens. I am aware he knows most things, but not everything. He will have to withdraw that when he gets up.

An Ceann Comhairle: The minute has concluded.

Mr. J. Higgins: In view of the fact that the Taoiseach—

An Ceann Comhairle: I have allowed injury time for that.

Mr. J. Higgins: Yes, but the Taoiseach diverted. I was asking him about the position of migrant workers generally. The Taoiseach seems to say there is not a problem. Migrant workers, in some cases, are being treated as shamefully as our countrymen and countrywomen in a different epoch, when they were building the railroads in the United States or carrying the hod to the top of the London skyline. Some conditions have not changed. What we are calling for is a doubling of the inspectorate, at least, so that these abuses can be rooted out and so that the inspectors may be proactive. Many complaints are coming in from around the country from workers and from many advocates who work with migrants, in particular.

The Taoiseach: Deputy Joe Higgins raised one case in the House and I asked the Minister immediately to follow it up. I am not arguing about that case. At the time the Deputy said he would get the information about that case, which he did, and we have investigated it. However, the labour inspectorate nor any of the workers concerned in that case have registered a formal complaint. We have examined the contract, but no formal complaint has been lodged. Most of the workers coming here are from three categories. Polish workers represent about 47%, Lithuanians more than 27% and about 12% are Latvians.

These are European workers and all of our Irish labour legislation is compatible with their requirements. We have made it absolutely clear at every level, through companies, chambers of commerce, trades councils, the Irish Congress of Trade Unions and all its affiliates, that this is the position. Some employers seem to be paying the rate as set down in the registered employment agreement for the construction industry, the REA, as it has been known for 30 years, not the going rate. For the benefit of Deputy Joe Higgins and anyone who has ever been involved in negotiations, it is not only workers from outside the State who fall into this category. That has been regular practice by employers and in law it is matter for the parties concerned to regularise whatever contract is in place. In so far as there is any information, the inspectors are dealing with that. My point is that there is very little information. A number of people have raised this issue, but there is very little hard information.

Any information forthcoming will be investigated.

As regards some of the non-European countries, if the Deputy is raising that issue today it is a separate question. I appreciate there have been more complaints in that regard concerning people who come here from Nigeria, Bulgaria and Romania. However, we have been treating Romania and Bulgaria as accession countries, even though their citizens do not come under the same agreement, and they are enjoying the same conditions as Irish workers. These matters are being investigated. If it becomes a case that requires more resources, the answer to Deputy Joe Higgins is, that it will have to be better resourced. However, there is a genuine attempt to investigate comprehensively, as the Deputy has accepted, any of these cases as they arise. It is not acceptable under Irish labour law that employers treat these people differently to what is set down in the legislation. I have gone out of my way to make that clear, by every means possible, to protect vulnerable people who might be abused.

Order of Business.

The Taoiseach: It is proposed to take No. 16, Social Welfare and Pensions Bill 2005 — Order for Report, Report and Final Stages, proceedings to be brought to a conclusion, if not previously concluded at 7 p.m. by one question from the Chair and which shall, in relation to the amendments, include only those set down or accepted by the Minister for Social and Family Affairs; and No. 17, Driver Testing and Standards Authority Bill 2004 — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, the Dáil should sit later than 8.30 p.m.; and business will be adjourned for Private Members' business, No. 44, motion re investigation into the murder of Robert McCartney, which shall be taken for 90 minutes at 7 p.m., or on the conclusion of the debate on No. 16, whichever is the later.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with No. 16, Order for Report, Report and Final Stages of the Social Welfare and Pensions Bill 2005 agreed to? Agreed. Is the proposal for dealing with Private Members business agreed to? Agreed.

Mr. Kenny: When does the Taoiseach expect the alcohol products (control of advertising, sponsorship and marketing practices/sales promotions) Bill will be produced? The heads have been agreed, texts are being drafted and it is a matter of continuous concern as we move towards the early summer period where such advertising can present difficulties for young people.

The Taoiseach: The purpose of the Bill is to protect children and adolescents from over-

[The Taoiseach.]
exposure to alcohol advertising. The heads of the Bill have been approved for some time and the legislation is being drafted. My information is that the Bill will not be available until later this year.

Mr. Rabbitte: I refer the Taoiseach to two ministerial orders on today's Order Paper, SI 86 and SI 87. Basically, they seek to extend the existing framework for decommissioning purposes. As the Taoiseach will recall, this was provided for in the Decommissioning Act 1997, immediately after the Good Friday Agreement. The regulations were made and were intended to comply with the commitment in the agreement that decommissioning would be completed within two years. Each year since the Taoiseach has extended them, in 2001, 2002, 2003, 2004 and now the Minister for Justice, Equality and Law Reform, Deputy McDowell, seeks to extend them again. I merely ask how this may be reconciled with the background against which this is being done, the attitude of the Minister, as articulated in the House and outside and whether it would not be more in keeping with the Government's position and more prudent in terms of the wider issue to allow the regulations to lapse. Then if the circumstances change, the regulations could be re-entered.

The Taoiseach: As Deputy Rabbitte has said, we have extended the scheme, which arose from primary legislation in the two jurisdictions, at Westminster and here in the Oireachtas. We rolled over the regulations every year since in the hope that after three rounds of decommissioning we will achieve an end to the process, as we almost did in the discussions of the 8 December. We are keeping those regulations in place in the hope that we may return to this issue again.

Mr. Sargent: I realise that decommissioning is quite narrowly confined in the context in which the Taoiseach has mentioned it. I want to ask about decommissioning as regards promised legislation that does not, on the face of it, seem to be as difficult as the Northern Ireland situation and the conflict on this island. The Comprehensive Nuclear Test Ban Treaty Bill has been promised as far back as 2001. I tried to ask the Taoiseach on this before but perhaps he can answer me now. There will be a review next May of the non-proliferation treaty, of which Ireland was the first signatory. Will that legislation be passed before May? It has been promised each year since 2001. It does not seem to be a controversial Bill and he should be able to give an indication that we can co-operate.

The Taoiseach: The legislation is due later on this year.

Mr. Sargent: Is it due after May? That is ridiculous.

Mr. Kenny: The Bill on business improvement districts is listed for publication in 2005. Given that there are major developments in places like Dundrum, Abbottstown and other areas, does the Taoiseach expect the Bill to be expedited? Is it necessary given the scale of developments that are taking place in some of these locations?

The Taoiseach: There are 20 heads in this Bill which is being prepared for 2005.

Ms McManus: How soon will we see the details of the compensation scheme being devised to enable elderly people to get their money back? When will we see the Supplementary Estimate which is required to pay for it and which was promised by the Tánaiste? Is it a matter of concern that this scheme will be spun out as long as possible and that there will be undue delay?

The Taoiseach: The Supreme Court only made its decision two weeks ago. We have to work out how we can operate the scheme and what categories it will cover. It is a complex job but it is receiving priority, not only in the Department but also with the Attorney General. There is a debate on the issue to follow.

Ms O. Mitchell: The Road Traffic Act 2004 provided for the privatisation of the administration of the fixed camera speeding fine system. The Minister for Justice, Equality and Law Reform recently announced that he intends to bring forward more legislation. When will that be due and what is in this proposed legislation?

The Taoiseach: What is the name of the Bill?

Ms O. Mitchell: It deals with the privatisation of speed cameras.

The Taoiseach: I have no legislation listed yet.

Mr. Gilmore: For some time, I have asked the Taoiseach for a debate in the House on the related issues of house prices and building land as well as the various reports that have been published on it. The last time I asked him, he said he would talk to the Government Whip about it.

An Ceann Comhairle: Is there a debate on this?

Mr. Gilmore: Yes there is. I am asking about it again because I saw a report last week in which the Taoiseach spoke about doing a trade-off of State-owned land with private builders. I did not really understand what he had in mind. When will we have the debate on those reports on building land and house prices? Will he assure the House that we will have such a debate before there is a trade-off of State-owned land?

The Taoiseach: We will certainly have a debate. Some of the areas for trade-off are

already proceeding. They may not be completed, but I certainly know of one site advertised months ago where the negotiations have moved quite far. I cannot give the guarantee that it will not be completed before the debate.

Mr. Rabbitte: Is that site on Harcourt Street?

The Taoiseach: Yes.

Mr. J. O’Keeffe: No. 11 on the Order Paper is a motion on the approval of the terms of an agreement between the Government and the Government of the Republic of Bulgaria on co-operation in combating illicit trafficking in drugs, money laundering, organised crime and other serious crime. When will the notice of motion be moved? Why is this agreement, which was made in February 2002, only now being brought forward for approval? Have recent events in Bulgaria stimulated the Government to table this notice of motion at this stage?

The Taoiseach: It is three years since this was discussed. I do not know why it is being moved now. Negotiations were carried out a long time ago.

Mr. J. O’Keeffe: When will it be taken?

The Taoiseach: It is not listed. I imagine as soon as possible, so it can be cleared.

Mr. Kenny: The Taoiseach should have a guess and mention a time.

Mr. Neville: Concern has been expressed on the need to modernise the Coroner’s Court, especially with respect to bereaved families. When will the Coroners Bill be introduced to the House to provide reform of the coroners service?

The Taoiseach: It is hoped to have this legislation in the House this year. It may be after summer but it is hoped to pass it in 2005.

Mr. Allen: I asked a question two weeks ago and since then another EU member state has decided to hold a referendum on the EU constitution. Has the Taoiseach had discussions at Cabinet level on this? Has he dates in mind for the publication of the legislation that will enable a referendum? What is his preferred date for a referendum in this country?

The Taoiseach: The Cabinet has not made that decision yet. We will discuss it with the leaders of the main Opposition parties.

Mr. Allen: In view of the British general election in May—

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

Mr. Allen: When that is over, our referendum will be caught in the crossfire of the British referendum. That would be inadvisable given the nature of the British tabloid press.

Planning and Development (Amendment) Bill 2005: First Stage.

Mr. Gilmore: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Planning and Development Act 2000.

An Ceann Comhairle: Is the Bill opposed?

The Taoiseach: No.

Question put and agreed to.

An Ceann Comhairle: Since this is Private Members’ Bill, Second Stage must, under Standing Orders, be taken Private Members’ time.

Mr. Gilmore: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

Social Welfare and Pensions Bill 2005: Report Stage.

Mr. Penrose: I move amendment No. 1:

In page 5, between lines 14 and 15, to insert the following:

“1.—The Minister shall within 6 months from after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on the earnings disregards applicable to schemes operated under the Social Welfare Acts and the impact of transition to work on the recipients of secondary benefits attaching to such schemes.”.

We had a comprehensive debate about this on Committee Stage. The Minister probably knows my views as they have been often articulated. I hate to harangue him continually with these views. There is an idea that getting people into work is the best way out of poverty. However, it is not good enough to point to relatively low unemployment figures and assume that someone who has a job will have no further problems. The Minister will surely agree that is far from the truth. Not everyone has a job that will leave them comfortable. Many of those who have jobs are not taken out of poverty. There is a plethora of policies by which the Government intends to encourage work and social inclusion. Many of these have become ineffective through not operating earnings disregards and liable inflation, tightening the regulations unduly for entering schemes and making it harder to retain secondary benefits. It is that situation at which the thrust of this amendment which was eloquently moved by

[Mr. Penrose.]

my colleague, Deputy Seán Ryan, on Committee Stage, is aimed. Many vulnerable people who may have been unemployed for some time or have low levels of educational attainment are in low-paid, insecure, part-time temporary work. The same is true of many groups whose members suffer social exclusion. The Labour Party believes that everything possible must be done to assist them to move into the workplace by ensuring the work they obtain is decent. Income policy should focus on a combination of minimum-wage and tax policy to ensure work is adequate to remove people from poverty.

The survey on rent supplement undertaken for the social partners found that 54,000 children lived in houses in which rent supplement was paid. These households are the poorest of all as even increases in social welfare payments are clawed back in most cases to below the basic supplementary welfare rate. As proposed changes to the rental system will take years to implement, special interim measures are required to alleviate the impact of the claw-back on families in poverty. If the income threshold of €317.43, which has been in effect since 1996, had been index linked, it would stand at approximately €400. It has been in place for over eight years. Earning disregards which apply to long-term payments such as the one-parent family payment should be carried over to supplementary welfare to ensure that earnings up to a certain amount are completely disregarded while half of the remainder is assessable as means. The qualification for greater attention by access to back-to-work schemes should be eased. While a number of the savage 16 cuts have been tinkered with, they have yet to be reversed.

The policy of the Department of Social and Family Affairs to claw-back from the wills of old-age contributory pensioners whose assets exceed the means threshold due to the saving of pension payments was discussed *ad nauseam* on Committee Stage. The committee discussed the impact of the policy on health board residents who receive a refund of withheld pensions. Members of the committee wished to ensure that elderly residents of welfare homes in receipt of non-contributory pensions will not be penalised. The refunds made to them in consequence of the Supreme Court decision will be assessed as means. While I acknowledge that the Minister, Deputy Brennan, has increased the capital disregard threshold to over €20,000, the weekly pensions of the people in question may be reduced. This retrograde step would create tremendous difficulties and form the focus of everyone with an interest in fairness in the system. The matter is one the Minister should observe closely.

An alternative possibility could involve the Department clawing back in due course the sums it considers to be overpayments. The Minister has consistently made a fair point which used to fall on deaf ears when we made it to his predecessor. The barren ground has gone and we may have a

little fertile soil whereby the Minister may allow an acorn to become an oak. If not we will harass him politically. Joined-up Government policy in the treatment of pensioners is a figment of the imagination. There is a plethora of step-in and step-out schemes, disregards and top-ups, but no comprehensive policy. The Minister must focus on pensioners. I accept there might be some validity in the Minister's contention that the claw-back must apply to all income as it will not be possible to trace sources. Assets accruing from pensions already paid by the Department, however, are readily identifiable as such.

There are still some people in rural areas, if not many, who live frugally and are self-sufficient in the supply of potatoes, onions and other vegetables. We should encourage more people to live like that. Such people may have saved over their lives sums of €30,000 and the executors of their wills have a fiduciary duty, rightly, to comply with tax law. The minute they do, however, the Minister's vigilant inspectors will identify circumstances in which a claw-back may be appropriate. A claw-back is fine if someone has sold land or is earning an undisclosed income from land. As the Minister pointed out correctly, the idea of social welfare is to distribute to those in need. It is right to raise barriers to people who are well off who attempt to obtain something from the system to which they are not entitled. The equitable principle of tracing was established in a 19th century case which I cannot exactly remember as I am no longer a student. It relates to banks and the intermingling of one's money with someone else's. It is not beyond the realms of the Department's ingenuity to identify as arising from a genuine source refunds of moneys originally paid out as pensions. While the people in question were already means tested to obtain their pensions, their heirs will have their inheritances assessed as capital.

Mr. S. Ryan: As time is limited and a significant number of amendments have been tabled, I do not intend to say too much on this amendment. As amendments Nos. 1 and 2 are related, I will make a much wider contribution when the second of them is moved.

The main problem in addressing the problem of poverty is to discover how to get people into education and work. In this context, the principle we wish to promote involves dealing with the earnings disregard. As long as there is an impediment to the realisation of the aspirations of the people who wish to enter education and the workplace, we will have a major problem. Community employment schemes provide education and work. While I acknowledge that a disregard of €60 per week has been provided, people on social employment schemes are still not eligible for rent supplement. It is a significant matter which must be considered in the context of the operation of the schemes. I look forward to hearing the Minister's response. Together, we must

ensure that impediments to work are dealt with positively.

Mr. Ring: We have had much debate over the last two or three weeks on single parents. I read an article in *The Irish Times* in which criticisms of one-parent families were made by a journalist who should have known better than to make the comments he did. I have also listened to the last two speakers. If we are serious about helping people to escape the poverty trap, we must make it easier for them to move from social welfare to the workplace. Most people find it difficult to come off social welfare because they are afraid of the unknown. Many on social welfare quickly lose their secondary benefits once they enter the workplace. We must look at this issue.

Medical cards should be protected for low earners, regardless of their circumstances, particularly if they have only come back into the workplace after many years of unemployment. There should at least be a five-year barrier. They should be allowed to retain their medical card if they have been unemployed for the previous three years and they should be able to hold on to the card for the next five years regardless of their income.

Previous speakers mentioned the over-70s, and we gave medical cards to millionaires and billionaires. A problem now exists with regard to nursing homes. We have created one of the greatest disasters since the foundation of the State. We started giving back money to elderly people but the problem is rolling on because people with loved ones in nursing homes—

An Ceann Comhairle: The Deputy is wandering away from the Social Welfare and Pensions Bill.

Mr. Penrose: That was never known to happen before.

Mr. Ring: I am moving on to that matter.

Mr. S. Ryan: The Deputy has been missed.

Mr. Penrose: We all miss him.

Mr. Ring: I am making the point about nursing homes and the problem which has been created by the Government. I want to move on to a matter raised by Deputy Penrose, which I raised in my speech last week. I only know rough figures as I do not have them off the top of my head. A woman in her 90s was in hospital for over ten years and left behind €16,800 or so. The family then had to repay approximately €8,000 as agreed with the Department of Social and Family Affairs. It is a means-tested payment, but surely one cannot expect somebody on a pension to get their money on Friday and spend it by the following Thursday because if they die with more than €20 the State will want it back. There must be a decent disregard for these people. Where this is

wrong they must go back ten, 20 or 30 years. This has created a big problem for many families.

As Deputy Penrose said, the legal people are now obliged by law with regard to probate. When probate goes through they must check with social welfare to ensure they were getting their pension rights at the time, whether they are on a contributive or non-contributive pension. The disregard in terms of that is not right and the Minister must examine the matter.

The whole system of disregard is too restrictive for those on social welfare. Many of these payments are means-tested, but these people are not getting a fortune from the Department. As I said with regard to the article in *The Irish Times* criticising lone parents, it is very difficult for a lone parent to live on €175 or €180 plus €16.50 for their child. There is no way they will have a great living on that amount. The problem of people claiming money from the Department of Social and Family Affairs who should not do so is an entirely different issue. We are referring to genuine people who totally depend on social welfare and have no other means. They want to get out of the poverty trap.

Every year, the Department of Social and Family Affairs spends a fortune on advertising. The previous Minister spoke about this issue but did nothing. The current Minister's photograph has not come through my door, as did the previous Minister's. Every time the budget was announced, I received photographs. The former Minister, Deputy Dermot Ahern, was the first to do so and it cost a fortune.

The current Minister should start advertising the family income supplement. The Department should be encouraging people on social welfare to apply for this. If they cannot get into the workplace, they can qualify for FIS. Thousands of people in the State who are entitled to receive it and are not on social welfare are not collecting the supplement. Why does the Government not make an effort to target these people and encourage them to get what they are entitled to? The Minister and his Department should launch a campaign. It is very simple, RTE will take any money the Department wishes to give it. The Department should advertise and tell people what they are entitled to. If they have one child, they can get €446; if they have two children, they can get €472. RTE would do a good advertisement and people would begin to realise they qualify. The Minister should start up a proper campaign with regard to FIS.

Mr. Boyle: The Minister was thrown into his Department and not given much time to prepare either the original Social Welfare Bill or this legislation. In terms of assisting transition from work and the identification and elimination of welfare traps, this is a challenge and an opportunity which the Minister has, at this time, chosen to miss.

Following Inchydoney there would have been sufficient pressure within the Cabinet to ensure

[Mr. Boyle.]

the €14 increase was the first priority. However, after that the Minister had alternative choices to identify and eliminate, on a case by case basis, the many welfare traps which still exist within the system. He has chosen to lessen the traps where they exist, which I accept is fully within his responsibility to do. Fewer people might be affected by particular traps, but the traps still exist. I and many Opposition Members would argue that a better strategy is the elimination, one by one, of these welfare traps and the taking of opportunities such as this legislation as and when they happen.

As with Deputy Ring, I can cite a specific example in my constituency of a woman working part time in what has been described as “yellow pack” employment in a large retail supermarket. Her husband became unemployed and she inquired as to the availability of the family income supplement. She was led through the bureaucracy which surrounds the application for this payment and was told she must conform with the work requirement of 19 or 19.5 hours. She, and thousands like her, do not work a standard 19-hour week. Sometimes they work 21 hours, sometimes 15 hours, depending on when their employer lets them work. Invariably they must work Sundays and bank holidays. The Department’s inability to factor in the flexibility of modern working life and marry it with welfare payments has led to the low take-up of payments such as FIS.

Unlike Deputy Ring, I would go further. The best system to allow for maximum take-up of additional resources available to those on low payment is refundable tax credits. It should not be a person’s responsibility to go through a bureaucratic system to claim for the additional payment. It should be a direct payment, made the State, by way of the information that the State already has through the tax system. There would, therefore, be 100% take-up of a system that is already in place should we choose to use it, rather than a bureaucratic nightmare where there is only 30% take-up by people in need in our society. This is just one example of a welfare trap that continues to persist, but there are dozens more. The Minister should take the opportunity in future legislation to identify these traps one by one and make it a priority in the time he has left before the next general election to ensure that these are tackled as soon as possible.

Mr. F. McGrath: A number of Deputies have referred to the issue of poverty and getting people back to work, which is why I strongly support amendment No. 1. It is a very strong amendment which develops and furthers debate on poverty. Sadly, in broader society and many sections of the media, and even in this House, many think the debate on poverty is over and that we are suddenly living in an affluent and wealthy country and everybody is all right. The Minister is aware that the poverty debate is not over and that there

are still pockets of this country where major disadvantage and poverty exist. We see the statistics and figures. There are children in poor areas who eat nothing but junk food every day. They have a packet of crisps or a bottle of coke for their lunch in primary school and go to school in the morning without a breakfast. Breakfast clubs provide such facilities, which is a reminder to us all that the poverty debate is not over.

On the north side of Dublin, including my constituency, some estates have an unemployment rate of 16%, which is four times the national figure. It is appalling that urban pockets are suffering such deprivation. The amendment seeks to deal with the supports that people require. The Minister has a major role in dealing with welfare traps. The amendment concerns this issue and seeks to add teeth to the legislation.

A section of the population is unable to work because of personal problems linked to social dysfunction. I would put the number of those affected at 50,000 to 60,000. The Minister should introduce a creative support framework for such people. I support other Deputies who have called for the removal of impediments to getting people back to work. I urge all Deputies to support the amendment which adds strength to the whole debate on poverty.

Mr. Crowe: I support the amendment which lies at the core of our attempts to encourage people back into employment. If people had a genuine choice they would opt for employment. There is a notion that people are happy to live off social welfare but, in reality, the longer one is in poverty the more difficult it is to break out of it.

I agree with what has been said about the family income supplement. We need to ensure that people are more aware of their entitlements. I recently came across a case of a woman who did not know she was entitled to the family income supplement. She had been working for a number of years but did not know how to apply for it. I was informed that if a person does not know they were entitled to the supplement, it is not a valid excuse for claiming back payments. Perhaps the Minister will examine that matter.

Deputy Boyle referred to the issue of tax credits which merits attention. We must examine the problem of poverty to discover whether it is diminishing. I welcome the fact that the Minister recognises the existence of poverty. Many of his predecessors argued that huge improvements had been made, but those working on the ground said that despite the Celtic tiger, the situation was deteriorating. The gap between rich and poor has widened in recent years. There are more millionaires in the country than ever before, but we also have more low earners living on credit.

There are many people working who are also living in poverty. That is the core of another debate that has not been touched on by *The Irish Times* or anyone else. Many people are working in bad employment conditions. I support this

worthwhile amendment. It gets to the heart of the issue, which is that we should be encouraging people back to work. One of the means by which this can be achieved is through income disregard.

Mr. McCormack: I also support the amendment, particularly because we should not put obstacles in the way of people who want to return to work. I advise the Minister to accept the amendment. There is no use in debating different aspects of social welfare unless a Bill such as this one is before the House. This is the time to ensure that we obtain what we are seeking. The Minister agrees with us on some matters, but the measures are never implemented.

The amendment refers to the earnings disregard applicable to schemes operated under the Social Welfare Acts. I have reminded the Minister on a number of occasions of several incomes that disqualify people under the Social Welfare Acts. I have discussed several times with the Minister the trap a carer who becomes a widow can fall into — she cannot draw a double social welfare allowance and receives a widow's pension only. The Minister should correct that matter. If we do not do so in this legislation we will have no other opportunity to do it. For example, if a carer who is looking after an invalid full time suddenly becomes a widow, she will lose the carer's allowance when she gets the widow's pension because her income would be regarded as a double social welfare payment. Following this year's budget, that carer will obtain a respite grant in June, but that is not much good to someone who is a carer 365 days per year, yet has lost the carer's allowance. If such a change can be incorporated into the Bill, I would advise the Minister to do so, even if it cannot be done through this amendment.

Mr. Brennan: I do not propose to accept the amendment. I explained on Committee Stage that I appreciate the amendment is a semi-*pro forma* one which calls for a report. I confirm that I would have no difficulty in reporting to the House on this subject any time I am called upon to do so. Most Deputies will acknowledge that the *pro forma* nature of the amendment is to enable us to discuss the matter of earnings disregard. I take note of what Deputies have said. Some measures have been introduced in the social security scheme over the period to help people to return to work. A number of subjects that have been mentioned under this amendment will arise in other amendments as we proceed, but I do not want to stray into those until we get to them.

The first €146.50 weekly earnings of the one-parent family payment, plus 50% of the balance to €293 is disregarded. Deputies will be aware that budget 2005 also provided for a transitional 50% payment for six months after reaching the €293 level and after exceeding it, so that should help a little.

As regards unemployment assistance, 40% of net earnings from part-time work is disregarded. As regards the disability allowance, the first €120 earnings from rehabilitative employment is disregarded. Deputies will be aware that the rent or mortgage supplement and other secondary benefits are being retained on a tapered basis in certain circumstances.

Subject to an income limit of €317 per week, secondary benefits, such as rent, mortgage interest, diet and heating supplements, back to school clothing and footwear allowance and fuel allowances may also be retained in certain circumstances. Rent and mortgage interest may be retained on a tapered basis for up to four years — that is, 75% in year one, 50% in year two and 25% in years three and four.

Back-to-work allowances and family income supplement are disregarded in assessing household income for the purposes of the €317 income limit. From their constituency work, Deputies will also know that in addition to the tapered retention system, participants in the back-to-work, community employment and other approved schemes, who work less than 30 hours per week, have the option of being assessed for rent or mortgage interest supplement under standard social welfare rules. Deputy Seán Ryan mentioned that matter to me and the debate indicates that we must do more of this.

We are gradually drawing together social security payments and other benefits, which are major weapons in helping to ease the transition from welfare to work or education. By designing such a mixture of benefits we will not have any sudden falls or losses in income. All sides of the House are satisfied that is the way to proceed. We are certainly heading that way fairly rapidly.

Deputies also referred to the capital disregard. I remind the House that I have increased that from €12,000 to €20,000, which should certainly help anyone who has an SSIA. We will come to that matter later.

Regarding earnings from part-time employment, Deputy Seán Ryan asked me the amount of additional income over and above the appropriate supplementary welfare allowance rate that can be disregarded in the means test for rent or mortgage interest supplement in respect of earnings. That has been increased to €60 per week. The disregard is not applied for the purpose of assessing the €317 household income limit relating to tapered retention of supplement. As Members are aware, employment scheme participants who work less than 30 hours a week can be regarded as being in part-time employment and therefore they can avail of the disregard when assessed under the standard SWA rules.

Deputy Ring asked me about advertising the family income supplement. He is correct about that; we need more take-up of it. The Department undertakes a number of measures to ensure that people are aware of the FIS which include advising all newly awarded one-parent family

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payment recipients and employers on an annual basis in PRSI mailshots, and examining entitlement in all awarded back to work allowance cases. Information on FIS is contained in all child benefit books and can be accessed on the Department's website. The scheme has been extensively advertised through local and national media outlets, including newspapers and radio, as well as through poster campaigns and targeted mailshots. I will examine the effectiveness of these measures and see if I can draw further attention to the scheme. I take his point on that matter.

Deputy Boyle referred to welfare traps. I have spoken about the gradual approach to moving from welfare to work. Deputy Finian McGrath referred to the debate on poverty not being over. He said that some people were of the opinion that the debate was over. It is far from over. I acknowledge that completely. The gap has widened and we need to narrow it. The famous rising tide has not lifted all boats. Poverty is not just, as is often thought by some people, a factor in households of unemployed people. There is a new working poor and coping class. That is a real issue. Increasingly, the evidence I have received points to a great deal of child poverty in homes where someone is working, albeit in difficult circumstances and on a very low income. We would be wrong to give the impression that the battle against poverty is over. It is an ongoing effort which we must sustain. Deputy Crowe commented on much the same type of subject.

Deputy McCormack asked me about carers and widows. He is aware that the Oireachtas committee recommended that 50% of the carer's allowance would go to widows when they took up caring duties. We examined that but we did not have a great deal of time to address it this year. We responded with the €1,000 respite grant which, as the Deputy stated, can now be claimed from June. That will help to some degree. It is not an enormous sum but it is recognition of the work many widows do in taking up caring duties. The issue of paying the full allowance or some portion of it is a matter I continue to examine. I will see what is possible. It is a matter which would require considerable financial investment. Having said that we will examine the matter closely. I will refer to other related subjects when we discuss carers later. I thank Deputies for their comments.

Mr. Penrose: I thank the Minister for his reply. I also thank my colleagues for their comprehensive contributions on this matter. It indicates that people are acutely aware that the debate on poverty is not over by a long shot. The Minister rightly identified that in some cases people who take up low paid jobs find it more difficult to survive. Much of the poverty to which the Minister referred in regard to children — whether there are 60,000 or 120,000 depends on the measure used — relates to such an environment.

The interface between part-time work and social welfare needs to be reviewed. I have a strong view on that matter. We are all in favour of promoting gender equality. If that is the case, women and men should have equal access to work and employment opportunities. Increasing women's participation in employment is also a key policy in alleviating child poverty. Many women have a very different social and labour market experience to men. We need to modernise the social welfare system to make it more friendly towards women.

More than 130,000 women are considered as qualified adults in social welfare terms in the sense that their spouses receive social welfare payments for them that are worth only 70% of a full adult payment. These women, who comprise 98% of qualified adults, are not only denied independent access to money but are also invisible in the labour market. It is not worthwhile for them to sign on and register as unemployed because of the limitation rule that a family cannot claim two unemployment assistance payments and can only claim for one adult and a qualified adult. Not only does this leave them poorer by about €45 a week, it also means that the qualified adult is not directly eligible for labour market or FÁS and education programmes. This is where the issue becomes jammed up. This is the route to poverty. If we can tackle this, we will get to the root of the problem. It is time to modernise the social welfare system to acknowledge that, for the most part, it is women who are in that position although there are also some men.

We developed the social welfare system in 1952 when things were different. In general, men were the breadwinners and women were recognised under the Constitution in that we paid lip-service to the tremendous work they did bringing up families and staying at home to do great work.

An Leas-Cheann Comhairle: Is the Deputy replying?

Mr. Penrose: I am.

An Leas-Cheann Comhairle: The Deputy is entitled to a two minute conclusion.

Mr. Penrose: I had better bring it to a conclusion. Obviously poverty is such an important topic that every Member of the Opposition would wish to reply for 20 minutes. The Minister is aware of that.

It is time to modernise the social welfare system to take cognisance of the reality of life in 2005. It is 53 years since the system was brought into being and it is time to modernise it.

An Leas-Cheann Comhairle: Deputy Ring has indicated that he wishes to contribute. Deputy Penrose will have to give way.

Mr. Penrose: I will withdraw the amendment if the Minister gives a commitment that he will

draw up a report on how income disregards are applied. The Minister can produce the report in June or July. Surely the Department will have an opportunity to evaluate the matter in that interim.

Mr. Ring: I am glad the Minister will do what I asked in regard to the FIS and get the Department to spend some money on advertising it. I accept the Department has the information on websites, social welfare books and other places. However people still do not understand how it works. A simple advertisement on RTE would do the job.

I agree with Deputy Penrose that the social welfare system needs to be reformed. However there is a difference between reforming the system and taking money from people. Every time I hear of reform I know people will lose money. Any time a social welfare officer tells a client of mine he or she should receive more money, I know what will come next. He or she will come back to me in a month's time saying that the result was that he or she received less money. As a result, I am always afraid when I hear the word "reform". I would prefer to see people being told their rights. Both the Department and its clients should know their rights. I look forward to a strong campaign regarding FIS.

Mr. Brennan: All these amendments call for reports of one kind or another. I indicated to the House and to the committee that I have no difficulty in discussing these matters by way of parliamentary question, Adjournment matter and special debates or through legislative debate. I have no difficulty in making reports on these matters. We can discuss the best format for it later. I would be reluctant to commit to a range of formal reports at this stage.

Mr. Penrose: The Minister's *bona fides* have been sound up to now so I accept his commitment. However I hope it is not as slow as the report on the back to education allowance.

Amendment, by leave, withdrawn.

Mr. Penrose: I move amendment No. 2:

In page 5, between lines 14 and 15, to insert the following:

"1.—The Minister shall within 6 months from after the passing of this Act prepare and lay before both Houses of the Oireachtasa report on the impact of the social welfare system on one parent families and on proposals to remove the restriction on formation of a family unit which presently applies to recipients of such payments, and to alleviate the requirement that income disregard be assessed by reference to any particular week rather than averaged over a year or other period."

This is a very important matter. Over recent weeks, the quoting of figures has gone out of con-

trol, particularly those relating to the number of young women who are drawn into the perils of early and unmarried motherhood, according to someone's apology on 10 February. However, those figures are totally false. The total number of lone-parent households in Ireland has remained a fairly constant percentage of total households in the past six years. They comprised 11.2% of private households in 1996 and 11.6% in 2002. A sizeable proportion of lone-parent households are headed by a man rather than a woman. Therefore, nearly one sixth of lone-parent households are headed by men. The total number of births to women under the age of 20, whether lone parents, has remained fairly constant over the past 30 years at approximately 3,000 per year.

The Minister will agree that, according to the recent CSO figures, the actual numbers and percentage of births to this group has fallen from 5.35% in 2001 to 4.55% in 2003. The age profile of women in receipt of lone parent allowance for 2002 shows that only 3.2% of them are under 20 years, while the majority, 51.4%, are aged between 30 and 59. In this context, the report by Camille Loftus entitled *One Size Fits All? — The Irish Government's Failed Approach to One Parent Families 1994-2004*, published by the One Parent Exchange Network, OPEN, is compulsory reading. I urge the Minister to ensure that it is mandatory reading for every official in his Department who deals with this topic. It is one of the best surveys or overviews of the issue and makes invaluable suggestions.

The Minister needs to do more than commission another report and suggest reform. I agree with Deputy Ring in that reform should include modernisation by, for example, making a woman equal to a man in terms of abolishing the age old qualified adult allowance, giving her 100% of the allowance and treating her as an equal, which would provide a boost of approximately €45. However, the minute one hears the Minister refer to reform, one must walk away because it is generally a nice way of referring to cutbacks. Nevertheless, I support positive reform which modernises and takes cognisance of the realities of the new millennium.

The Walsh-Myers scenario of an explosion of teenage births in recent years is absolutely false and has no basis. Few people choose to be lone parents since lone parenthood can arise through death, divorce, desertion, separation, imprisonment of a partner or through an unplanned pregnancy. Whatever the cause, it is usually a very traumatic event for both the lone parent and the affected children. The initial stages of adaptation to lone parenthood can be very difficult as can the long-term prospects for parents and children.

Some 51% of lone parents are aged between 30 and 59 years and only 3.2% are under 20 years. There is evidence internationally and in Ireland that lone parents are at high risk of persistent poverty. Employment for lone parents in Ireland

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is low, as it is in England, Germany and the Netherlands. However, the key to raising lone parents out of the poverty to which their family circumstances often condemn them is to facilitate their move into work. This transition is what is dealt with by this amendment.

It is difficult for a lone parent to take up work. Children must be cared for and there is no second parent to share that responsibility. Work must be found which facilitates such requirements as when children need to be taken to and collected from school. Moreover, many lone parents might not have sufficient educational qualifications for many jobs and, therefore, find only relatively low-paid insecure employment. For many lone parents work will be impossible without having child care. For low wage earners generally as well as lone parents, the cost of child care can take up to the whole of an income earned and leave those low income and lone parent families no better off than when the parent was not working.

In 1996 the lone parent family payment was an innovative provision which allowed lone parents to work and earn up to €146.50 per week without losing any of their allowances. This graduated to €293 per week before social welfare payments were lost. A 12-month transition was available which was cut to six months by one of the “savage 16” cuts. The current position is that there is a six-month transition period, which represents half the “savage 16” measure.

The kernel of this amendment is that the thresholds were never increased from the 1996 eligibility barrier, with the result that lone parents can lose all State payments before they can even earn enough to cover Ireland’s extremely high child care costs. Therefore, the incentives aimed at trying to get people out to work collapses because they lose their benefits. Whatever people earn in additional income is consumed by child care costs. This applies not just to lone parents but across the spectrum of many low-income employees.

The 2001 report of the National Economic and Social Forum, as well as Camille Loftus’s 2004 report, highlight the fact that many employment supports, educational and training issues and employment schemes available are aimed at the unemployed in general and do not take into account the special needs of one parent families. It is often a highly complicated exercise to calculate whether an individual lone parent would gain or lose financially by availing of them. There is a lack of information available to lone parents about the social welfare system, with little attempt to explain what lone parents’ rights are, which reflects Deputy Ring’s point about people not knowing to what they are entitled. It is time to simplify the system.

In regard to child care, it is worth noting that the problems experienced by lone parents echo the experience of all the groups on social welfare and prove the need to simplify the whole system.

I disagreed with the propositions at the centre of the recent press furore, which I set out in my Second Stage speech. The controversy gives us the initiative to reform these payments in a positive manner to facilitate the transition to work and to education.

This is why the abolition of the back to education allowance was an absolute disaster, although we cannot visit it upon the Minister. We must be honest. If we are not, we should not be in this House. The barriers to self-sufficiency for single parents was made worse by the “savage 16” cuts which were tinkered with in the most recent Finance Bill but not reversed. The abolition of the crèche supplement which allowed single parents the opportunity to take up education and training opportunities is another problem, as are the cutbacks in the back to education scheme, which represented another important avenue or opportunity. The eligible period was brought back from 15 to 12 months, although it had been six months. The excuse was that there had been a great deal of abuse of the system. However, I never saw this abuse. If there is abuse, the people responsible should be curtailed rather than bringing a sledge-hammer to crack a nut and killing the scheme so that it is no good to anyone.

Deputies Boyle and Finian McGrath will give examples of people who fall within an 11-month timeframe, but the Minister has set the regulation at 12 months. We want to bring it back to a minimum of nine, although it should be brought back to six months. For the sake of €1.5 million or €2 million, one could open up an avenue which would be very positive for lone parents as well as other groups. Further difficulties are caused by the restrictions in regard to entitlement to one parent family payment for those who are in employment on modest earnings as well as the rent allowance restrictions.

The €317.43 limit, formerly £250, which was set nine years ago, restricts the ability of lone parents and other low income families in private rented housing to improve their situation by taking up work. This means that a lone parent with two children on a community employment scheme, which has also been emasculated, would forego his or her rent allowance. I am sure Deputy Finian McGrath will speak with greater authority than I about the conclusions of the Vincentian Partnership’s research. It concluded that the community employment scheme earnings meant the difference for most lone parent families on the scheme between buying fresh vegetables and yoghurt for their children and less nutritious food or between getting into debt on day-to-day living or not. These restrictions help to keep lone parents in poverty. It is high time the €317.43 limit was raised in line with the growth in average earnings since 1996 when the limit was set.

I wish to make a final point, although I believe the Minister took it on board. He has an agile brain and I hope his officials are keeping pace with him because sometimes he is able to sidestep

me, which he would not have done at one time because I would have given him a good shoulder. The point I wish to discuss is the capital disregard in the means test for the one-parent family payment. I will take the example of a lone parent with a 12 or 13 year old child. She got the opportunity of a postal job with periodic casual payments. It pays approximately €350 per week or €400 per week with overtime. There are about ten weeks' work over the year, which means earnings of approximately €4,000. This would give the parent an opportunity to provide a better environment for the child. Perhaps there would be more clothes, more opportunities to go places, extra tuition or even a holiday, which most people take for granted.

However, as a result of the lone parent's income being over €293 for four weeks, she must go out of the system and get half her payment for those four weeks. That takes ages; she will be back in the system again by the time the half payment is paid. She might go out of the system again in the summer, go back into it afterwards and then leave it again over Christmas. The €146 multiplied by 52 is €7,500 to €8,000. The income should be calculated on a bulk or aggregate rather than a weekly basis. In that way, the young lone parent can take up the employment and improve her lot while retaining the one-parent payment.

That is preferable to yo-yo bureaucracy where one is in and out of the system. It involves a plethora of letters and, as Deputy Ring said, going to various places to find out one's entitlements and then returning again. It is a yo-yo, up and down system. Deputies table parliamentary questions on behalf of the person, which costs a fortune. A parliamentary question probably costs €250 to answer. It would be better to leave the person concerned with her lone parent's money which will only cost €150 to €160. It is tomfoolery economics.

This should be put on an aggregate basis. It should be based on the person not exceeding €7,500 on a per annum basis. That sum is roughly equivalent to €146.50 multiplied by 52.

Mr. S. Ryan: The Deputy does not even need a calculator.

Mr. Penrose: We were not allowed to have calculators at school. The Christian Brothers were great in that regard.

My point is that this requirement must be changed. It is provided for in the Social Welfare (Consolidation) Act 1993. It is Rule 1 of subsection (8)(a) of Part II of the Third Schedule of that Act, as amended by section 3 of the Social Welfare Act 1999. The quicker the Minister introduces the new consolidation Act, the better. It is all right for lawyers to root through the legislation but what about an unfortunate member of the public? It is time to simplify the gobbledegook in social welfare legislation. Often it is difficult to understand the language, which is always phrased

negatively: "The person will receive their payment provided they do not...". It is time to be positive. People are entitled to their payments. The system should be positive, facilitative and flexible to ensure they get them.

Mr. Ring: A recent EU study of one-parent families showed that 50% of lone parents find life difficult. The research for the report was conducted in Ireland and throughout Europe. The report shows there is a difficulty in this sector.

The Minister spoke about child poverty. Why was there no increase in the last ten years in the child dependant allowance? The person who wrote the article in *The Irish Times* should spend a week with a lone parent with two or three children and see how they survive. He will see the misery of what they go through. I and other practising politicians see it all the time.

When this controversy arose, the Minister said he would thoroughly examine the one-parent payment. Suggestions were made regarding cohabitation. What proposals does the Department have with regard to allowing people to live together and providing for a proper disregard? In some cases the social welfare system does not encourage families to live together but works against it. This is due to the restrictive guidelines about what they can earn. In situations where two people are on social welfare or where one person is on social welfare and the other is in a low paid job, they will lose their rent allowance, medical card and other payments to which they are entitled.

Last year, the previous Minister and the Government in general spoke about what they would do for lone parents and people living in poverty. However, they then imposed the 16 savage cuts. Deputy O'Dea was Minister of State at the Department which produced a study that showed that if these people were caught at an early stage, re-educated and sent back into the workplace, most of them would leave the social welfare system. What was done instead? A provision was introduced whereby a person had to be 15 months out of education before he or she could qualify for the back to education allowance. The current Minister reduced that period to 12 months. We sought to reduce it to nine months in this Bill but that has not happened.

The cut in the crèche supplement and the other savage cuts affected women. A woman who calls to my constituency office has made an important point to me on many occasions. It might be appropriate for the Minister to speak to the Judiciary about women and how they suffer. I can give a simple example. One of my constituents was, correctly, convicted of drunk driving. While the judge imposed a massive fine, the man's wife wished he had been sent to jail. It would have been easier for her to manage had he been sent to jail. The husband did not give a damn because he intended to drink anyway. However, his wife would still have to pay the fine out of her social welfare money. When judges are impose such

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fines, they should consider it carefully and find out if the person is on social welfare. If the husband has a drink problem and is behaving irresponsibly, the judge knows he will not give a damn. He will drink each night regardless and the wife will try to pay the fine. She will try to borrow it from her family or from somebody else. That puts major pressure on the family, as I have seen many times over the years.

The Minister should conduct a complete review of the one-parent family payment. It is not popular to say it but if cohabitation is taking place, the social welfare system should work with the people involved rather than against them. That will benefit both the State and the family unit. There are many cases where women could have a partner to live with them and help them raise the children but they cannot do it because of the social welfare code. It is time there was a debate on this. The Minister and the Department should examine this issue to find a way of improving the lot of these people. The debate has begun and should continue. The Department should watch it carefully.

As I have asked on many previous occasions, why are there three rates of payment for children? Someday, somebody will take a test case about this to the courts and they will win. There are three rates — €21.60, €19.30 and €16.80. Why can it not just be one rate of €21.60? The three children are equal. I have raised this issue on many occasions. What is the difference with the children who are getting €19.30 and €16.80? Under the Constitution we are obliged to treat all children equally. The Minister should examine this in the next budget and bring all the rates up to €21.60.

Over the years it has been proven by statistics that women spend their child benefit on children. It is important the money is targeted to deal with child poverty because much poverty and hardship exists and many on social welfare find life very difficult. *6 o'clock* It was stated that parents with one or two children on social welfare would receive approximately €200 per week. How can anybody live on €200 in this country, given the stealth taxes?

The most serious problem which I encountered this week in regard to Mayo County Council is that when claimants, particularly women, receive social welfare increases, the first form to come through the door is an income query from the local council, which takes a percentage of their social welfare payment from them. The second body to take from their payments is the ESB. I have asked the Minister to investigate this. I have never heard as many complaints about increases in ESB charges as in recent months. People find it difficult—

An Leas-Cheann Comhairle: The amendment refers to one-parent families.

Mr. Ring: One-parent families are suffering most from this; they are feeling the pinch. I ask the Minister for a real debate on the issue of lone parents. We must consider this matter to find out how we can improve their lives and how the social welfare code can assist them rather than working against them.

Mr. S. Ryan: I welcome the opportunity to contribute on this important issue. Controversy recently arose in the context of the article by Kevin Myers and the contribution of Dr. Ed Walsh. At the time, I stated that Kevin Myers's article was a despicable attack on lone parents and on children, and was based on many inaccuracies. However, I also acknowledged, given my work experience, that an issue requires to be addressed. Irrespective of what people might perceive or wish the situation to be, we must acknowledge Ireland is no different from a range of other countries where change is taking place in family life.

It is interesting to note that in 1972 the rate of extra-marital births stood at 3% whereas it is now almost 30%, a situation which must be addressed. Whether we like it, the one-parent family is now part of the diversity of family types and is increasing as a proportion of Irish families. Between 1991 and 2002, a 75% increase in the number of one-parent families was recorded, as highlighted in the recent census figures, which indicate that 11% of the population live in one-parent families. Deputy Penrose stated that lone parents come from a diversity of backgrounds in that 40% of sole parent-headed households are headed by widowed persons, 32% by separated or divorced persons and 24% by single people who were never married. Given some of the comments made, as few as 3.2% of lone parents are under 20 years of age. This information must be considered.

As we consider the issue of poverty and address it in a certain way in regard to amendment No. 1, the fact remains that one-parent families face a significantly higher risk and rate of poverty than their two-parent counterparts and the overall population. It is interesting to note that the EU survey on income and living conditions released in January of this year indicates that 33% of one-parent families live in constant poverty compared to 9% of the population overall. Moreover, 42% are at risk of poverty compared to 23% of the overall population. These facts must be considered. We must also consider welfare and poverty and how we link these aspects together to improve the situation for one-parent families.

Conditions for the one-parent family payment stipulate that any additional income will be assessed against entitlement to payment in excess of €146.50 per week. If we are talking about dealing with this issue and amending the income disregards, it is a scandal that these payment levels have not been increased for nine years. How are we to deal with this? At the same time, we have

seen an increase in the average industrial wage, the introduction of the minimum wage and significant increases in social welfare payments. We must consider the issue in this context.

A matter to which I referred is how we get lone parents into a work environment, particularly given their low average educational attainment compared to married people. Significant evidence suggests that many lone parents do not have first level and second level education and very few have third level education. We must improve this if we are to get lone parents into the work environment. They must first be enabled to get education.

For many lone parents the real problem is the capacity to have children looked after when they try to return to the workforce. The cost of child care must be addressed. It is a fundamental issue, not only for lone parents but for many social welfare recipients and workers on low incomes who are trying to improve their situation. In this context, many people wonder how they can break into the work environment when, for example, their children have begun school and there is the potential to join a community employment scheme.

The Government's recent record on the construction of social housing is scandalous. The numbers on social housing lists have increased by almost 60% since the Government took office. People cannot get a house and cannot expect to get one. They could wait a further four to six years if they are lucky. We urge them to avail of a social employment scheme only for their rent supplement to be affected. The modest improvements made in this area do not go far enough and the matter must be examined.

I know that on Committee Stage the Minister referred to and took on board the strong case made by the Opposition to reduce the back to education scheme requirement from the 12 months stated in the legislation to nine months. In effect, the Minister said primary legislation would not be necessary to deal with the issue and that it could be dealt with by regulation. I had hoped that the Minister would have said today that he was working on such regulations and that they would be in place within a specified time.

Regarding lone parents and the matter mentioned by Deputy Ring, I draw attention to people working in low income jobs who cannot obtain local authority housing and who aspire to live together. Irrespective of views we may have, they want to set up a relationship and work. They might not take the traditional path but they want to set up a sound family relationship. They cannot get housing, however, and can only avail of the rent supplement option. In the context of the savage 16 cuts, the Minister confirmed that anyone who works is not eligible for rent supplement. People then have the option of trying to fool the system by giving the impression they do not live together even though they do, thereby abusing the system. None of us wants that, nor do the

couples of whom I speak, but they are sometimes left with no alternative. Their other option is to live separately with no relationship between them and their children.

A number of issues are involved. The Opposition is prepared to work with the Minister and his officials to address this major issue positively and deal with the restrictions which inflict poverty on lone parents. We must do all we can to get people into education and jobs and generally improve the lot of a substantial and ever-increasing number of people in society.

Mr. McCormack: The essence of this amendment is simple and I am sure the Minister will accept it. It merely asks to bring before the Dáil the report on the impact of the social welfare system on one-parent families, and on the proposal to remove the restriction on the formation of family units which applies to recipients of such payments.

We cannot stress enough the importance of the family unit. As Deputy Ryan noted, that unit is quite different from what we envisaged when many of us married 20 or 30 years ago. Family units now are quite different. We know this from the people coming to our constituencies. Will the Minister bring forward legislation to allow both parents to live with their children because, currently, many single mothers are financially discouraged and disadvantaged by having the father or their children living with them? Will the Minister expand on his recent statement that he would examine the one-parent family situation and the benefits children get from having two parents in the home instead of one? That is the crux of much of the difficulty with single parents or with children born to a single parent.

We know from our office and constituency work that in some cases a blind eye is turned to situations where single parents have partners living with them and the situations are denied or ignored. If the Minister agrees with the amendment, which I think he does, when he brings to the Oireachtas the report on single parents and family units, perhaps he might expand on his recent statement which he subsequently left hanging. There was no follow-up on what he would do to help the situation whereby families could, within the social welfare rules or whatever situation obtained, have two parents instead of one, something from which children and families would benefit greatly. The Minister might expand on this in his reply because we must deal with the reality of the situation rather than what we might like it to be, especially in light of the statistics given by Deputies Penrose, Seán Ryan and Ring regarding the numbers of children now being born out of wedlock.

The Minister might also expand on his earlier statement in this regard and say what he proposes to do. If he cannot do so now and he accepts the amendment, when he brings the report before the Houses of the Oireachtas within six months, perhaps he might have found a solution which

[Mr. McCormack.]

Deputies on all sides of the House could support. That solution might allow children to benefit from having two parents living with them instead of one.

Mr. Boyle: The Minister might think the Opposition ungracious in not acknowledging his partial retraction of the qualifying criteria for the back to education scheme. In reality, the Minister has merely engaged in a J-turn as he has not even gone the full distance of a U-turn. The criticism from these benches was also made outside this House at a recent seminar by the One Family group. The policy officer of that organisation was quite clear that it was relatively indifferent whether women in one-parent families had to wait in poverty for 12 months or six months to access the one route out of poverty many of them have, namely, accessing a back to education course. The Minister might bear that in mind when revisiting and reviewing the criteria.

The Minister, his predecessor and his Department put in place an unnecessary barrier as part of their intransigence on the issue of child dependant allowances. The argument made more by the Minister's officials than anyone else is that the effects of child dependant allowances are better achieved through large increases in child benefit such as those made in recent years. However, the child dependant allowance was intended to recognise that children in these circumstances had additional needs which the universal child benefit payment could not meet. If the Minister and his officials are not prepared to accept that reality, I take with a pinch of salt his recent statements that he is prepared to examine this issue in terms of how the role of families and the lot of one-parent families are defined. The Minister needs to focus on this. I would like him to devote more resources to this area to justify the statements he has made recently. Unfortunately, they are not provided in the legislation but the Minister should seek to attain these goals in his remaining two years in office.

Mr. Crowe: I support the amendment. The area I represent has one of the highest concentrations of single parents in the State. Recent media reports suggest that many of these young parents are parasites living off the State. They did not go as far as saying they do not love their children but the reports feed the perception that these people are taking the State's money. The reality is different. Many of these young mothers had unplanned pregnancies and, in the majority of cases, they all love their children. They would jump at the opportunity to work and many of them are interested in returning to full-time education but they cannot do so because of financial considerations or a lack of child care support.

The Combat Poverty Agency states families with children are at a higher risk of poverty, with those consisting of four or more children or of only one parent with children having a one in two

chance of being poor. In addition, a quarter of those aged under 18 live in poor households while Ireland has a relatively high level of child poverty.

Previous speakers called for the extension of the back to education allowance. I argued with the Minister's predecessor that the cutback in the allowance was a major setback for one-parent families and that it was a miserly sum in the context of the overall budget. However, the futures of many people were destroyed because they had prepared to take up courses but could not do so. It was ridiculously asserted that many EU citizens had moved to Ireland for the craic and were claiming this allowance. Representatives of AONTAS recently appeared before the Oireachtas Joint Committee on Education and Science and they said they had never come across such individuals coming here for the craic. This was an attempt to denigrate the problems faced by social welfare recipients. The cutback in the back to education allowance was a major setback for them.

We need to debate why many young lone parents find themselves in this situation. Many of them in my area are looked upon as children rearing children. Their first option, which should be encouraged, is to stay at home with their parents, but this results in gross overcrowding in some homes. This means that a number of lone parents do not have an option. The majority of young single parents in my local authority area are trying to get houses but the supports are not in place. Suitable housing for them is not being built.

We must also examine the issue of cohabiting couples and the lifestyle they must lead. They are afraid, they must look over their shoulders and so on. Many of the fathers want a role in rearing their children and I presume that is where the Minister is coming from on this issue. The State must respond to the real as opposed to the imagined situation. People have lives and are trying to move on. They are in long-term relationships in a number of cases but cannot be recognised for financial reasons.

There are significant problems. If one is a single parent, there is a greater chance that one will live in poverty. If one lives in poverty, one's focus is on trying to get housed. Previously, if a single parent left home, he or she had a problem getting approval for rent allowance, although changes have been made in this regard. The debate on this issue has not taken off. Media reports do not address the overall problem while the Minister is hoping to examine this area. However, we would like to hear his ideas. This is an increasing problem. New family formations exist and the State needs to wake up and recognise that.

Mr. Brennan: I thank Deputies for their contributions on the amendment but I prefer to decline making the amendment on the understanding that I am happy to discuss the issue in the House whenever they wish.

The one-parent family issue goes back to 1997 when the structure of the allowance was reorganised. A one-parent family can result from death, separation, divorce or being unmarried but I am determined to address the perception that lone parents are seen as a problem, which Deputy Crowe captured well. They should be seen as an asset or resource the State must use and can ill afford not to provide with the full range of employment and education choices. If we approach the issue in this manner rather than as a difficulty, problem or a burden, we will come up with exciting solutions. That is the space I am in as I try to work through the issue.

Entitlement to payment is contingent on not cohabiting. However, that can be an obstacle to a parent getting married or otherwise living with a partner, which can be also be difficult for the child or children involved. I have queried the social policy advantages — there do not appear to be any — of State officials enforcing a non-cohabiting rule when sensible social policy dictates, given that children are involved, joint parenting should be encouraged with both parents being available to support the children while not necessarily living together.

State policy has been designed to the contrary with officials knocking on doors to ensure the child's father is not in the house. I do not have an easy answer to this problem but Members are correct to pursue me on this and ask what I am doing about it because I have referred to this issue previously. An interdepartmental group is working on a number of issues relating to lone parents and it will report in the middle of the year. I am considering how to address the cohabitation issue. If Deputies have any thoughts on the matter, I would genuinely welcome them since I also agree with Deputy Ring. When I talk of welfare reform, I approach it from the perspective of simplification, modernisation and bringing sensible social policies into play. I am not talking about touching anyone's income — quite the contrary. Given our anti-fraud measures of recent years, I believe that we have applied enormous pressure where necessary to combat the problem. No one on welfare is making a great living. Anyone who is not on welfare should try it; they would know very well just how difficult it is. I assure Members that no one is living it up. Most incomes are very modest.

Mr. Ring: The Minister should tell his officials that.

Mr. Brennan: Anti-fraud measures maintain the pressure since it takes funds from those who deserve them, and they must be available to them. I have made this point many times, especially in the area of lone parents. We cannot simply throw money at a social issue and hope that it salves our conscience. We must get behind

the payment and see what the social issue is and whether we can solve the basic problem, which is to ensure that such parents can get to work through the provision of child care, another area to which we must apply much more work and thought.

This area spans five Departments. The Government has been discussing moving on the area at recent meetings and I believe that we are set to make some real progress. Child care was one aspect, and the other is one on which Deputy Penrose has spent some time, writing about it recently in *The Irish Times*. He has called time and again for improvements in disregards. Lone parents have a disregard significantly greater than any accorded in other means-tested areas. To that extent, the system is designed to encourage them back to work.

Having said that, we have not achieved the same level of employment participation secured by lone parents in other countries, something borne out by EU and OECD studies. The latter found that employment participation among lone parents in Ireland is among the lowest in the organisation. Where they are working, they tend to be in low-paid employment. All those findings indicate that the current arrangements might not be the most appropriate to facilitate a real choice of employment and, ultimately, better standards of living. That is why the Cabinet committee on social inclusion has a senior officials group and sub-group, which were to report to me by the middle of this year, having examined earnings disregards and a range of other issues to do with lone parents.

I intend to seek other professional advice on what to do about the cohabitation rule specifically. I must also be fair and not upset other arrangements regarding other types of families. One cannot simply remove the cohabitation rule without thinking matters through. One must ensure that the people involved get the same amount of money but that, at the same time, payments to a family cohabiting in the ordinary sense are not upset. One obviously has to watch that. I make this invitation genuinely: if there are thoughts on how we might do that, I would welcome them. I never liked social policy on the cohabitation rule. Even leaving the parents aside, it is wrong for the children, and the State will have to figure out a better way of doing it. Until then, it will remain a little like the old argument regarding the points system on the leaving certificate examination. It is not great, but until one finds something better, one cannot mess around with it. At this point, I say that I do not like it, since it is not good social policy. Between us, we must find a better way. The group will do some of that work and I look forward to hearing Deputies' thoughts on it — I would certainly welcome them.

[Mr. Brennan.]

We should also approach with caution some of the myths regarding lone parents. It is simply not fair that the prevalent image is of teenagers getting pregnant, while they account for only 3% of lone parents. That means that 97% are not teenagers, and we must get that into our heads as a nation for a start. There has been too much pub talk about that and it is neither right nor accurate. The average age is approximately 26, 27, 28 or even a little higher, and that shows a clear element of choice. That is something of which we should take account.

There is another myth, which is also pub talk, that somehow youngsters, who, as I said, are not so young, take this path time and again because the benefits are so luxurious. No one does that. The figures I have show that only 15% have more than one child. That means that 80% or 85% have one child. The vast majority have one child and are not engaged in any practice seeking to secure funds. I certainly cannot think of anyone with that philosophy, and the figures bear that out.

The back to education grant has been raised, and since it arises later, I will not go into it in any detail. In response to Deputies' demands, I have changed the qualifying period back to 12 months. I have said that I will keep it under review with the intention of reducing it further.

Mr. S. Ryan: A little further.

Mr. Brennan: I have come some of the way and I gave very good reasons for that. Next September is the key date and between now and then we will make final decisions on it. That is the month of the application to go back to education, and in the meantime we will make some decisions in that regard. I will take account of what is being said here.

Mr. Penrose: It will only cost a couple of million.

Mr. Brennan: Several Deputies spoke of reform. With a social security system the size of this, which accounts for one third of all Government spending and which has risen from €6 billion to €12 billion in four or five years at a time when unemployment is approximately 4%, and economic growth of 3%, 4% or 5% per annum is predicted, one must continue reform. That means simplifying, modernising and targeting funds where necessary, and doing so in an atmosphere in which it is clear that we are dealing with people's entitlements rather than hand-outs, charity or generosity. They are people's legitimate entitlements and we will conduct our reform in that context. The absence of reform would be wrong and would trap people in institutionalised poverty and difficult family circum-

stances. One must continue changing, reforming and amending so that we support a better quality of life and more choice for people rather than locking them into traps from which they are afraid to budge, almost as if dazzled by headlights, lest they lose some allowance or other. That is what I mean by reform, but I start that reform on the basis of not reducing people's incomes. That is not reform. Focusing income to bring about a better quality of life is our intention.

Deputy Ring asked me about the child dependant allowance. I have raised the three rates several times. I will make two points on that. First, the number of different rates has been reduced from 36 to the current three. The Deputy said that I should complete the process and remove the last three.

Mr. Ring: It is two, I think.

Mr. Brennan: I will give the Deputy my advice. To introduce a standard rate and change the three to the one of which the Deputy speaks would mean that approximately 336,000 payments would be brought up to the higher rate, which is what the Deputy is advocating.

Mr. Ring: There should be one rate. The Minister should go the whole way since all children are equal.

Mr. Brennan: The current cost of that would be €60 million annually.

Mr. Ring: The Minister will have the money spent on spin doctors, booklets and photographs. It will be a one-year wonder.

Mr. Brennan: I believe that all sides of the House have agreed that, though that may be too strong a word. I do not get the sense that Members are pushing the argument that child dependant allowances should be the focus of our increases. They have deliberately not been increased since 1994 by successive Governments. I came to the issue with an open mind, examined it and listened to the arguments. I came to the same conclusion reached by three, four or five former Ministers, namely, that they can be a disincentive to employment because they are related to employment and that the funds available should go into child benefit which is universal, employment neutral and has become the major instrument of the State in getting income for children.

On the child dependant allowance, successive Governments were of the view, and I accepted the argument, that it is not the most appropriate way because it is linked to employment and the more child dependant allowances are paid, the greater the disincentive for breadwinners to go

into employment. That is the reason successive Governments have left that alone. If we had €60 million I would be interested in the Deputy's views. Would we be better off if that €60 million went directly to child benefit or should we—

Mr. Ring: That promise was broken in 1992. The only year it was honoured was the year before the election.

Mr. Brennan: If I could be convinced that child dependant allowances were better than child benefit, I would listen to that argument but—

Mr. Boyle: The Combat Poverty Agency thinks so.

Mr. Brennan: I have met a large number of the 30 or 40 groups involved in this area and the vast majority of them opted for child benefit, which has increased dramatically in recent years. They opted for that as the main focus because it goes to all homes irrespective of employment whereas child dependant allowance is linked primarily to unemployment and, therefore, one has to be unemployed to get it. That means that by being unemployed, the child dependant allowances go up in that home. One does not need to be a sociologist to understand that child benefit is a better payment but I have an open mind. I have been convinced at this point that that is the better way.

Mr. Penrose: I am glad we initiated this debate because the total number of lone parent households has remained at a constant percentage over the past six years. It was 11.2% in 1996 and 11.6% in 2002. A sizeable proportion of lone parent households, about 15%, are headed by men but 85% are headed by women.

I agree with the Minister. The total number of births to women under 20, regardless of whether they are lone parents, has remained fairly constant over the past 30 years at about 3,000. Over the past few years both the actual numbers and percentage of births to this 20 year old age group has fallen, from about 5.35% in 2001 to 4.55% in 2003. The majority of lone parents, therefore, 51.4%, are between the 30 and 59 age cohort.

We must develop the debate on this area and examine in a wider context the way women are treated generally in the social welfare code. The social welfare system was developed in 1952, a time when males were the main breadwinners. At that time, women stayed at home and it was considered socially acceptable to deal with them only as their husband's dependants.

It is time that a new model of social welfare is examined and rooted in the social insurance principles of benefits as of right while acknowledging the complexity of women's lives. We have a Constitution which pays lip service to women who had to stay at home, bring children into the world

and look after them, yet we never acknowledged the contribution of those women. Their contribution should not be measured just in terms of paid work but also through the care those women gave to children and the elderly. We must recognise that concept. There is little point in having a Constitution that pays lip service to the role of women in terms of bringing children into the world and rearing them if we then ignore them when it comes to addressing their social welfare entitlements. Only when we treat women equally in the social welfare code and get rid of the qualified adult dependant allowance, where they get 70% of the original payment, will we get equality. What was acceptable in a male dominated society in the 1950s is no longer acceptable in this age of equality in 2005. In initiating this debate we should try to develop and formulate a positive policy in that regard.

This will not be easy. There are legal matters which have to be examined in respect of one-parent families, cohabitation and so on. I have had correspondence from people who are married with two children and so on. I was the eldest of ten children. My father had not much of a wage in the county council but he got tax free allowance for each child and because there were ten of us it meant that he never paid tax. The county council's wages were a miserable sum. The staff only got paid every fortnight and we would be looking out the window on a Saturday morning for the postman.

I know all about the Murphy decision in 1981, but the Murphy decision will be revisited in the context of the social welfare reforms we all want to initiate. We should ensure, however, that in bringing in a measure that is positive in one area we do not create disadvantage in terms of the marital situation. That will be a real test of how we progress.

Mr. Ring: I want to make three points to the Minister, and I will not hold up the debate. I was delighted to hear Deputy Penrose say he is one of a family of ten. I came from a family of 13. My father spent a lot of time in England but he spent a lot of time at home as well. We waited on the Thursday evening for the cheque to come — at that time it was wired.

An Leas-Cheann Comhairle: The Deputy should speak to the amendment.

Mr. Penrose: He is in full flow, a Leas-Cheann Comhairle. Do not disturb him.

Mr. Ring: I want to raise three issues, particularly in regard to women. The Deputy is right, people often come into our clinics, particularly women when they reach pension age, whose husbands have worked all their lives and they get the qualifying allowance of 70%, but that is not the

[Mr. Ring.]

issue. I am aware they can apply for it in their own right but in any review of pensions the question of giving women their own pensions should be considered. They should not have to depend on their husbands. If they are entitled to one through the husband's earnings, that is fine, but it should be paid to the women and they should not have to make application for it. Many women come into my clinic who have to make application because their husbands may be very well off but very mean and they may not get the portion of the pension to which they are entitled. Rather than women having to apply for this, the pension is paid to them automatically. If a woman is entitled to a portion of her husband's pension it should be paid to her.

Coming back to the debate on child benefit and child dependant allowance, child benefit is paid to every child in the State and child dependant allowance is paid to people on social welfare. Child dependant allowance has not been raised in ten years. I would argue in favour of child dependant allowance. It is very difficult and costly to rear a child now. Every year they get the €16.80, €19.60, €21.60 or whatever the rate is, but I have been asking the Minister for many years to increase the three rates to the higher rate. A family may get a €10 or €12 increase in the budget every year but if there is no increase in the child dependant allowance it is very difficult for them. It holds back their payment. Everybody gets the child benefit. Even millionaires are entitled to it, but I have to make the argument regarding child dependant allowance.

I want to ask the Minister a question and he may not be able to respond today but he may respond in a committee. I hear people talking in pubs and in the media about abuse of the lone-parent payment. How many people have been prosecuted for abusing the lone-parents law? Does the Minister have that statistic available to him? How many have been brought to court and prosecuted for drawing the lone-parent allowance when they should not have been doing so? I would like the Minister to answer that question.

Mr. S. Ryan: I welcome the Minister's contribution. In my contribution I referred to access to education and training for parents in one-parent families. The Minister did not respond to it but I know it is not a deliberate omission on his part. Some of the facts are stark in regard to that. The NESF report of 2000 indicated that 23% of sole mothers have no formal qualifications compared to 9% of married mothers. Some 38% of sole mothers attained only a junior certificate or equivalent level compared to 25% of married mothers.

That is a major problem which must be addressed in some way. It is indicative of the difficulties that arise in trying to deal with this matter.

We must try to get the balance right in respect of people who live in a regularised relationship or who are married and who might inquire whether they are losing out as a result. We will be obliged to discuss this matter again between now and the laying of the report before the Houses in six months' time.

Mr. Boyle: When the Minister assumed that everyone agreed with him on child dependant allowances, I interjected and stated that the Combat Poverty Agency and the End Child Poverty coalition, which represents several bodies, does not hold that position. One-parent representative organisations such as One Family have also articulated views contrary to those of the Minister on this matter. The failure to increase child dependant allowances since 1994 means that the relative income of people whose children depend on such allowances has disimproved. The latter is regardless of what the Government has done in respect of child benefit.

The assertion about child benefit being universal is also untrue. It is no longer universal because the children of asylum seekers do not qualify for payment. I presume the children of EU workers who have failed to meet the two-year criteria in terms of living and working in this country also fail to qualify. There are entire categories of children living here who do not qualify for child benefit. The Minister is wrong, therefore, on two grounds. There is a demand that child dependant allowance be paid because it is meant to be a child-centred payment. Children have no control over whether their parents are unemployed. To freeze the child dependant allowance for ten years and state that child benefit is a compensating factor is not acceptable, particularly to those whose job it is to identify and cater for the needs of children, especially those in one-parent families, who live in poverty.

I ask the Minister to give more consideration to this matter. He should not be as adamant when it comes to making decisions in preparation for next year's budget and social welfare Bill.

Mr. Brennan: The NESC is considering the possibility of a new payment which will represent an amalgamation of FIS and CDA and which can be targeted at child poverty. We expect to receive a report from the NESC on the matter in the coming months. Like me, the NESC is of the opinion that something else is required. In that context, it has been suggested that a new allowance should replace both FIS and CDA for people on a certain level of income and that this should be targeted at children on the margins. The details have to be fleshed out and the NESC is working on them. We might be able to retain the objective of the CDA in this area. That might help us to resolve the argument, which has been ongoing for a number of years, as to whether

CDA is better than child benefit. I will keep an open mind on the matter. However, I have, for the moment, accepted the argument that we should await the NESC's research on it. In the interim, we should adhere to the child benefit increases.

I meant to place on record that the number of recipients of one-parent family payments at the end of last year was 79,000. This is up from 58,000 in 1997.

Mr. Penrose: The Minister has been fair in terms of the way he confronted this issue. He provided quite an expansive and comprehensive response to a merited debate which dispels some of the myths and gives lie to some of the various assertions that were made recently in respect of one-parent families. Lone parents do not have access to pots of gold and must continually struggle to make ends meet. This should not be a state of permanency for them. We should try to facilitate their transition from it to one where they gain employment or return to education, a move which will ultimately lead to their obtaining work and improving their financial positions.

The Minister should give careful consideration to the child dependant allowance and FIS. In light of the fact that the take-up rate for FIS is less than 40%, surely there is an excellent opportunity for the NESC to consider the amalgamation of the two schemes to ensure the maximum take-up rate. The universality principle of child benefit will be maintained but there will be an additional payment which would be targeted at those whose incomes fall below a certain threshold. This would focus it on those, children and others, who live in consistent poverty. In light of this, I withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Penrose: I move amendment No. 3:

In page 5, between lines 14 and 15, to insert the following:

1.—The Minister shall within 6 months from after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on the social welfare treatment of income from SSIAAs.

The Minister has reacted positively to this matter that was brought to public attention by my colleague, Deputy Lynch, who was particularly eagle-eyed in respect of it. She was sharper than her spokesperson in the area in that regard and articulated the difficulties that would arise in respect of the social welfare treatment of income from SSIAAs. This is a Government-backed scheme and those on social welfare payments who have invested whatever small amounts they can afford in it are entitled to obtain the same benefits as anybody else. Most of them will not contemplate having a pot of gold at the end of

their rainbows but it would be a grave injustice if the small amounts of capital they would have accumulated during the scheme prevented them from qualifying for something in respect of which they would normally have qualified.

We appreciate that the Minister could not treat income from this source differently from income derived from sources such as credit unions, financial institutions or whatever. To be fair, he did flag the difficulties that might arise. He and his officials have brought forward, in the Social Welfare and Pensions Bill, a mechanism to deal with the problem. I will, therefore, withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Penrose: I move amendment No. 4:

In page 5, between lines 14 and 15, to insert the following:

1.—The Minister shall within 6 months from after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on the implications of providing that accrued savings from old age pensions should not be regarded as means for the purposes of payment of the old age non-contributory pension.

I raised this matter previously with the Minister. Some of the ways we have of effecting social transfers are not effective in terms of reducing poverty. A large proportion of our social protection payments are means tested. The average for the 15 states in the EU before enlargement was that approximately 10% of social protection payments were means tested. In Ireland, the figure is 28%. Means testing is supposed to be an effective way of targeting resources to those most in need. In reality, however, complex means testing leads to a low take-up of services by those most in need. We referred earlier to those who accrue money from pensions that have already been means tested. When these people pass on to the next world, someone is waiting to initiate a claw-back. This matter has been raised on numerous occasions and I await the Minister's reply in respect of it.

Mr. Brennan: I appreciate the Deputy's comments on SSIAAs in respect of amendment No. 3. We drew up what is probably a practical way to deal with the matter and I appreciate the support of the House on it.

The Deputy knows the answer in respect of amendment No. 4. However, I appreciate why he is raising the matter. This comes down to the source of any capital held by a pensioner, which can include savings from income received while formally working, those derived from the sale of property or other assets, those derived from occupational or social welfare pensions, gifts, inheritances, accumulated interest or dividends, or a combi-

7 o'clock

[Mr. Brennan.]
 nation of these. There is great difficulty in distinguishing between the different forms of savings and the sources from whence they come. I was also making another point, about accrued savings for old age pensioners.

An Leas-Cheann Comhairle: As it is now 7 p.m., I am required to put the following question

in accordance with an order of the Dáil of this day: "That the amendments set down by the Minister for Social and Family Affairs and not disposed of are hereby made to the Bill, Fourth Stage is hereby completed and the Bill is hereby passed."

Question put.

The Dáil divided: Tá, 69; Níl, 37.

Tá

Ahern, Dermot.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Martin.
 Breen, James.
 Brennan, Seamus.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Collins, Michael.
 Connolly, Paudge.
 Coughlan, Mary.
 Cowen, Brian.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 de Valera, Síle.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Kelleher, Billy.
 Kelly, Peter.

Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 McDaid, James.
 McDowell, Michael.
 McEllistrim, Thomas.
 McGuinness, John.
 McHugh, Paddy.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.
 Wright, G. V.

Níl

Allen, Bernard.
 Boyle, Dan.
 Breen, Pat.
 Burton, Joan.
 Crawford, Seymour.
 Crowe, Seán.
 Deasy, John.
 Ferris, Martin.
 Healy, Seamus.
 Higgins, Joe.
 Hogan, Phil.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Padraic.
 McGinley, Dinny.
 McGrath, Finian.
 McGrath, Paul.
 McManus, Liz.

Mitchell, Olivia.
 Naughten, Denis.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Shea, Brian.
 Pattison, Seamus.
 Penrose, Willie.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Timmins, Billy.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Kehoe and S. Ryan.

Question declared carried.

An Ceann Comhairle: As the Bill is considered by virtue of Article 20.2.2° of the Constitution to be a Bill initiated in the Dáil, it will be sent to the Seanad.

Private Members' Business.

Northern Ireland Issues: Motion.

Mr. Kenny: I move:

“That Dáil Éireann

- deplores the brutal murder of Robert McCartney in Belfast on 30 January last;
- commends the McCartney family and Robert’s partner for their courage in highlighting the circumstances of this brutal crime and in seeking justice in this matter;
- notes the recent statements by Sinn Féin that it supports the McCartney family’s quest for justice for Robert;
- believes that all the persons responsible for this crime, including those who attempted to remove evidence from the crime scene, should face prosecution in the courts;
- regrets that no witnesses to this murder have yet come forward; and
- calls on all public representatives to actively encourage those with knowledge of this crime to come forward and give statements to the investigating police so that the justice in the courts sought by the McCartney family can be achieved.”

My purpose in moving this motion is to provide for the democratically elected representatives in this House the opportunity to express our shock and revulsion at the brutal murder of an innocent man, at the attempts to cover up this appalling crime and the destruction of evidence at the scene. Most of all, it gives us the opportunity to express our admiration of the family of the late Robert McCartney for their brave and persistent attempts in the face of fear and intimidation in their community. The immense courage of the McCartney family and Robert’s partner, Bridgeen, has touched the hearts of people all over this island. Their quest for real justice has the unconditional support of the overwhelming majority of our people and I hope that the Dáil will unite in solidarity with them in supporting this motion when it is put to a vote tomorrow evening. I welcome the indications from the Government and the Labour Party that they will do so.

The courageous stand taken by the McCartney family provides the provisional movement and its political representatives with both a challenge

and an opportunity. For the first time, the provisional movement has been shaken by the depth of reaction from within its own community. It is probably fair to say that the McCartney family has achieved more movement from Sinn Féin and the IRA in the past three weeks than the British and Irish Governments have achieved over some time. The ongoing investigation of Robert McCartney’s murder provides the provisional movement with an opportunity to put its words into action. This is an acid test of the movement’s sincerity, of its repeated disavowal of criminal activity in all its forms.

The provisional movement, under pressure from the McCartney family, has moved significantly from its initial rejection of any suggestion that republican activists were in any way involved in this crime. In the early stages following the murder, Sinn Féin MLA, Alex Maskey, attacked the SDLP deputy leader, Alisdair McDonald, for stating that IRA men were responsible for the murder. The provisional movement also sought, in the initial aftermath of the murder, to downplay the significance of what happened by dismissing it as “knife culture”, as if it was a bar-room brawl that had got out of hand.

It also rushed to condemn police searches of suspects’ homes and to orchestrate rioting to hinder these searches. Far from supporting the McCartney family’s calls for justice, it is clear that Sinn Féin and the IRA did everything they could to distance themselves from this crime. It was not until a fortnight after the murder that a Sinn Féin representative, Gerry Kelly, met the family and it was even later when the IRA issued its first statement on the matter.

The campaign of the McCartney family, supported by the vast majority of the community in the Short Strand area, has pushed the provisional movement to the point where it announced last Friday that it had expelled three of its members for involvement in this murder. This was the first time that anyone in the IRA or Sinn Féin had acknowledged that republican activists had participated in this savage crime. This internal disciplinary action within the IRA is totally inadequate and says more about the effects of internal pressure from its own community than any commitment to achieving real justice.

I understand that there are reports of an arrest this evening in respect of this murder. I also understand that a member of the gang that murdered Robert McCartney was previously expelled by the IRA for attempting to rape a woman in her own home, only to be re-admitted soon afterwards, having been given some minor flesh wounds to bolster his street credibility. In a second case, a person who had sex with a 14 year old was expelled from the IRA but re-admitted later. This is the measure of IRA expulsions.

Sinn Féin should have done far more to aid the investigation of the murder. Rather than issue public statements that have no effect within the community, Sinn Féin should go directly to the

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people who perpetrated the murder and are well known to the leadership of the party. My understanding is that 12 people participated in the brutal murder of Robert McCartney, a significant number of whom are members of the provisional IRA. Several of the central participants are active members of Sinn Féin who played important roles in the Assembly election campaign of Alex Maskey in November 2003. These people carried out a truly brutal crime that has been compared to the notorious activities of the Shankill butchers. It was not, as some suggest, a matter of a bar-room brawl which got out of hand and ended in an accidental death, but the savage murder of a completely innocent man. Any attempt to dilute the seriousness of what happened must be rejected.

The murder of Robert McCartney was ordered by a commander in the Belfast brigade of the provisional IRA following a minor dispute between the commander's uncle and the group with which Mr. McCartney was socialising. On the orders of the senior IRA man, Brendan Devine and his friend, Robert McCartney, were viciously attacked, dragged from Magennis's pub and brutally beaten and stabbed outside. When the attack, which included stamping on Robert McCartney's head, was over, both men were left to bleed to death on the street while the perpetrators locked all the customers inside the pub and announced that their activities were IRA business. Customers were warned that if anyone spoke about the incident, everyone present would be held responsible. People were also warned not to phone an ambulance for the victims. While all the customers were imprisoned in the pub, the perpetrators of Robert McCartney's murder proceeded to cleanse the crime scene forensically to remove any physical evidence as well as CCTV video tapes.

The cover up was ruthless and thorough and when it was over some of those involved returned to the Markets area from which they had been summoned. These activities were followed by the widespread intimidation of people in the area to prevent them from co-operating with the murder investigation. The intimidation ranged from direct threats against a witness who had a gun put to his head to arrogant swaggering around the Short Strand area by the perpetrators to send a signal that they believed themselves to be above the law.

I call upon representatives and leadership of Sinn Féin to practice what they preach. We have listened in recent months as they used the most warped and twisted language to explain what they believed to constitute "crime". There is a unique definition that appears to hinge on whether members of the IRA are involved. More recently we have heard statements, including one by Deputy Ó Caoláin in the House, in which they claimed they would not tolerate any criminality within their ranks and called on anyone involved

in crime to leave their movement. These remarks were repeated recently by the president of Sinn Féin, Mr. Gerry Adams, which makes me wonder why he had no problem being in the company of one of the murderers of Robert McCartney at the funeral of Joe Cahill, as captured on film.

The time has come for Sinn Féin to break its link with its criminal associates once and for all. The party does not need to look very far to find the perpetrators of the murder of Robert McCartney. The members of the gang involved are republican activists with direct links to Sinn Féin. The gang, which has been nicknamed "C company" after the notorious gang run by Johnny Adair on the Shankill Road, has been terrorising and intimidating the people of the Short Strand area for too long. Its members inflict the most horrendous physical injuries on youths in the area whom they deem to have stepped out of line. It has been put to me that youths who fall foul of the gang have appointments made for them at the local Sinn Féin advice centre before being transported to receive punishments which range from severe beatings and kneecapping to severe and permanent injuries. There is no equivocation in their language about the definitions of "two-pack", "four-pack", or "six-pack" with which they refer to ankles, knees and elbows. It is time for their political associates to bring to heel the members of this gang who take the law into their own hands.

Tonight's motion demands that all those involved in Robert McCartney's murder and the subsequent destruction of evidence face prosecution in the courts in keeping with the stated objective of the McCartney family. I am deeply concerned by recent comments by the Sinn Féin president, Mr. Gerry Adams, who disgracefully described the savage murder as a "killing or manslaughter". He has also suggested that a single individual may have been responsible for the murder of Robert McCartney and the attempted murder of Brendan Devine. I reject completely these attempts to downgrade the severity of the offences. The McCartney family will not accept the presentation of a sacrificial lamb to take the rap for the entire gang. Equally, the outcome of last week's IRA kangaroo court is no substitute for real justice in the courts as sought by the McCartney family.

The family members, some of whom are former voters for Sinn Féin representatives, have made it clear that they do not want to do down Sinn Féin but seek to ensure that the perpetrators of the murder are brought before the courts and prosecuted and for the law of the land to take its course. We cannot have circumstances in which the IRA decides what evidence can be presented in any future prosecution. Sinn Féin must use its undoubtedly considerable influence with the community in the Short Strand area to encourage those who witnessed the savage attack to provide statements to the investigating police.

The issue of co-operation with the police is central to the satisfactory resolution of the crime. The Sinn Féin amendment to the motion, about which Deputy Ó Caoláin contacted me earlier, is a complete cop out. It seeks to widen the scope for people to come forward to individuals and bodies which have no role in the judicial process. If people were to follow the party's advice and present information in the manner suggested, little or nothing would be achieved. Sinn Féin representatives are well aware that the only effective way in which people can help to achieve real justice for the family of Robert McCartney is to provide formal witness statements to the police. If there are those in the nationalist community who feel for whatever reason that they cannot directly provide evidence to the PSNI, they are fully entitled to visit the police in the company of a solicitor or legal representative. One person has already done so.

I do not accept the comparison made by Deputy Ó Caoláin between the murder of Robert McCartney and that of Seán Brown in Bellaghy, County Derry, in 1997, the investigation of which was re-opened recently. The essential difference is that the PSNI is seeking general information from the community in the Brown case rather than the specific evidence sought in the case under discussion. While many people know who perpetrated the McCartney crime, the only way a prosecution can succeed is if formal witness statements are given and repeated in court as the IRA has destroyed all the physical evidence. Sinn Féin speaks about people in the nationalist community who do not trust the PSNI. As I have said, such people can visit the PSNI in the company of their legal advisers or solicitors. Sinn Féin could show some real leadership by removing any impediment to co-operation with the investigating police in this case. They should match their pious announcements with real action and let the tragic death of Robert McCartney be the catalyst for the separation of Sinn Féin from its criminal associates once and for all. A small step which could be made in this regard is to accept the clear and unambiguous motion which I have put before the House.

I met with Robert McCartney's sisters and fiancée in Belfast last week. Considering the environment and atmosphere in which this investigation is being conducted, they are truly courageous and brave in standing up to this type of fear and intimidation, living as they do in the Short Strand area. In many ways they have lit a fire for the truth and unambiguous words necessary to bring an end to this matter.

I am reminded of the words of Martin Luther King in the 1960s. In his book, *Strength to Love*, he wrote:

Returning hate for hate multiplies hate, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that. Hate mul-

tiplies hate, violence multiplies violence, and toughness multiplies toughness in a descending spiral of destruction.

Robert McCartney's sisters and fiancée have shown their love for their brother and man, and that love demands truth and justice. Truth requires those responsible for this most brutal murder to be brought before the courts. Justice requires that those courts implement the law of the land.

I hope Robert McCartney's two little children grow up in a better world and that his sisters' and fiancée's unprecedented act of courage and bravery will be an inspiration to all of those on this island who are truly democratic and want to build an island of communities where equality is central. Sinn Féin and the provisional movement now have an opportunity to bring that about. If they do so — I hope they do — Robert McCartney's life and death may not have been in vain.

Mr. Allen: As Deputy Kenny said, the murder of Robert McCartney was a vile and brutal act and there should be no equivocation or hesitation in describing it as such. To set upon two men, killing one and injuring another, cannot be justified. This was an act without justification.

To set about a clean-up mission following such a heinous crime, cleansing the crime scene of evidence and intimidating a large group of people into silence and submission are actions that undermine the very basis of our society. Our sense of justice and ideals of democracy and simple common decency must be outraged at these acts as well as the initial act of murder.

A murder may be carried out by a small group of people but the subsequent acts of intimidation and crime scene tampering are the work of a larger organisation. All of those involved in this assault on society — which is the very nature of the murder and attempted cover-up — should be brought to justice.

From these most dreadful acts we have seen the immense courage and conviction of a family that will not be cowed into submission or intimidated into silence by the IRA. Following the murder of Robert McCartney, his family and partner set a standard from which they have never deviated. They are asking for the truth and for all of those involved in his murder to face justice and they will not accept anything less.

Robert McCartney's family and partner have been crystal clear in what they have said and done since his awful murder and their belief and strength sends a clear message to all people on this island. Contrast this with the confused, circular messages which have emerged from Sinn Féin since the murder. The day after the murder, Sinn Féin condemned the SDLP for asserting that the IRA was responsible for the killing. The party then tried to pass off the incident as a mindless act of violence, bemoaning the growth of a knife culture. This was a deeply disingenuous attempt

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to make this IRA murder appear as an unfortunate bar fight but this attempt to hide the truth also failed.

Perhaps when 1,000 people attended the requiem mass for Robert McCartney, Sinn Féin realised that IRA attempts to intimidate entire communities in Northern Ireland would not be successful on this occasion. The IRA may be able to frighten individuals from coming forward, but the huge attendance at the funeral mass was a clear signal that the community would stand and oppose this intimidation together.

The denials of the IRA that it was not involved in the murder were eventually shown to be utterly and completely false with the news on 25 February that it had expelled three people from its ranks. As in the murder of Detective Garda Jerry McCabe in Adare, we were once again treated to another Sinn Féin and IRA denial of involvement which was later exposed as a lie. The statement from the IRA offering three of the 12 people suspected of being involved in the murder and subsequent cover up was rightly described by the SDLP as a highly cynical exercise. The family of the murdered man did not accept it either, saying that no one had come forward and they believed the IRA was still shielding the nine other people involved. Moreover, it was an outright insult for Sinn Féin not to call on people with information on the murder to immediately go to the police.

These double standards and deceit have damaged the current peace process and the nature of democracy on this island. In recent years it has been apparent that a blind eye has been turned to Sinn Féin and IRA criminality in this country. This has damaged our democracy and society. We cannot allow a situation to continue where one particular party enjoys all the benefits of inclusion in a democratic process that, by their actions, they then seriously undermine.

Criminality has damaged the peace process and this has become all too apparent in recent times. The Northern Bank robbery, the resumption of punishment beatings throughout Northern Ireland and the vile murder of Robert McCartney are episodes of serious and unacceptable criminal activity. A blind eye can no longer be turned to what is happening in different parts of this island.

In all of this, the Northern Ireland political process has weakened and parties, such as the SDLP, have been sidelined by the two Governments in the headlong rush to bring terrorists in from the cold. This is a shame and a folly, as demonstrated by recent events. Parties exclusively committed to peaceful and democratic means must be re-engaged in the peace process at the highest levels.

The SDLP has made detailed proposals with regard to the future of the Northern Assembly. I echo the SDLP leader's call that the Government reconvene the Forum for Peace and Reconciliation without delay. This forum should meet soon and as often as is necessary and may prove

invaluable to finding a way forward from the current significant difficulties.

It is difficult to imagine that only months ago this Government was making the most warm and inclusive statements with regard to Sinn Féin and the IRA. Cabinet Ministers are now clear that Sinn Féin and the IRA are two sides of the same coin. Was it not recently that the Minister for Foreign Affairs predicted Sinn Féin would serve in Government relatively soon? Was it really our Minister for Justice, Equality and Law Reform who stated that it would be the happiest day of his life if he had to travel to the widow of Detective Garda Jerry McCabe to explain the Government decision to release his killers?

The Taoiseach and the Government must press for justice in the case of Robert McCartney without compromise or equivocation. If there is to be a trial in this case and if those who are responsible are to face justice for their actions, witness statements will have to be taken. In the absence of these statements, no justice will be forthcoming. In this matter, Sinn Féin and the IRA have serious questions to answer. Why did Sinn Féin dismiss this murder as an incident of knife culture, as if there was no paramilitary involvement in the killing? Why did Sinn Féin condemn the police for carrying out searches and questioning people about this murder? If a murder happened in my constituency I would certainly question the Garda Síochána if it failed to do its work of protecting the community by searching for the killers. Why did the leader of Sinn Féin wait for more than two weeks after the family of Robert McCartney had spoken out before he mentioned the murder publicly? Was he hoping that, unlike the IRA, the McCartneys would go away?

This evening I am asking whether Sinn Féin will, for once and for all, call upon people to go to the police if they have information on this murder. Will they ensure that the systematic intimidation of witnesses is stopped? The cause of justice is our cause. I lend my voice to the call by all public representatives to actively encourage those with knowledge of this crime to come forward and give statements to the investigating police to ensure that the justice in the courts sought by the McCartney family is achieved.

We welcome the support of the Green Party for this motion. I ask that it be passed by the House without division.

Mr. Ring: I am delighted to see the leader of Fine Gael putting this motion before the House. It puts the Fine Gael position very clearly to the people. A few months ago, although I was doubtful about the situation, I thought IRA-Sinn Féin criminality was finished. As recently as last December, the Minister for Justice, Equality and Law Reform told the House that was the case.

I compliment the McCartney family. This is a turning point in Irish history because the people of Northern Ireland, particularly the Nationalist community, are speaking out and saying that they believe in the political process. They no longer

believe in the IRA. There cannot be two laws in this or any other country. There must be one rule of law and one police force. It would be outrageous if it were otherwise.

I have heard the Taoiseach, the leader of Fine Gael and other speakers tell the House the details of punishment beatings that take place regularly in Belfast and other parts of Northern Ireland. When one sees those things happening, it is not a civilised society to live in. There can be only one police force.

I have had many contacts with Northern people who come to the town in which I live, particularly on holidays. It is sad to hear Nationalists say they would prefer to go back to the bad old days in Northern Ireland and be controlled by the RUC, rather than being controlled by the thugs of the IRA. As Deputy Kenny said, if young lads commit minor crimes in the North, which should be dealt with by the police force, they are brought instead to political clinics where they receive punishment beatings and may be knee-capped. This must stop.

I tell the Taoiseach and the Minister for Justice, Equality and Law Reform that the time is over when we can turn a blind eye to IRA people who are involved in committing crimes, including the drugs trade and robbing banks. The full resources of the State should be given to the Garda Síochána to do its job. In recent years, I believe there was a coded message telling the Garda Síochána to lay back because these people were coming into the political process. That is not happening, however, so we now have to deal with them. We have to take them on if they are not prepared to join the political process. They had the opportunity to do so.

Every political party supported peace and the Good Friday Agreement. They were prepared to bring these people on board and give them all the help and resources of the State's democratic institutions. They did not take their chance, however, so it is now time for the Government, the Garda Síochána and the Army, if we have to use it, to round up these criminals. The place for them is behind bars. When they are put behind bars they must not be allowed to control the prison services, as is going on in Castlereagh. I spoke to constituents of mine who were put in that prison for a short time before being transferred elsewhere in the State to serve their sentences. They saw who was controlling the prison. I have to ask whether the IRA, the Garda Síochána or the Prison Service is in control.

Fine Gael believes in law and order. There must be only one police force in the State and one Government. That is what the people want and they believe that the IRA has to be dealt with. My colleagues in Sinn Féin have a job to do in ensuring that they distance themselves from the IRA, so that we know exactly where they stand. Listening regularly to Gerry Adams and other Sinn Féin spokespersons, I notice that they

have a coded message all the time and never answer a question.

I congratulate the media for allowing the McCartney family to explain their case. The media has a major role to play in what is going on North and South. Members of the family, including the late Mr. McCartney's aunt, wrote to the newspapers and were not afraid to appear in the media to name and blame the IRA. This is a turning point. The time has come for more Nationalists in the North to speak out, but they will need the support of the media and the police on both sides of the Border.

The days are over when the IRA could tell Irish citizens that if they did not leave the State, they would be knee-capped or killed. If they do not come into the democratic system we will confront them head on. That must happen if lawlessness is to cease.

I am glad Fine Gael has moved this motion and I hope all democratic parties will support it tomorrow. It is a simple, straightforward and honest motion that speaks for the people, and I hope every Member of the House will vote for it tomorrow night. I do not want to see anyone abstaining. If they vote for it they will send out the right message to the IRA.

Mr. McGinley: I am delighted to have a chance to speak on this motion, which is both timely and opportune. It will give every Member of the House an opportunity to show their solidarity, support and sympathy for the brave sisters and fiancée of Robert McCartney. I come from a Border county, as does the Minister, Deputy Dermot Ahern. In the 1970s, 1980s and 1990s, Donegal was probably more aware of the difficulties in Northern Ireland than any other county, including yours, a Cheann Comhairle.

Donegal is virtually cut off from the Republic. If the bridge at Ballyshannon was no longer there the only land access we would have to the rest of the country would be through Northern Ireland. If one did not avail of that, one would have to travel by boat to leave Donegal and re-enter the country. We were very aware of what was going on in Northern Ireland. We were very affected by it socially, politically and economically. Indeed, the unemployment rate in County Donegal is 16% or 17%, which is four times the national average.

There is a strong correlation between what is going on in Northern Ireland and its effect on my side of the Border. The Troubles often percolated right into my constituency. I had occasion to attend funerals in Donegal of constituents who were murdered by the IRA who had associations with Northern Ireland, some of whom were members of the police force there. The two areas are closely associated.

We were delighted in recent years that things had quietened down in Northern Ireland. There is a semblance of normality there for a number of years. However, while the outward manifestations of the Troubles such as watchtowers, army

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patrols, barricades and surveillance have almost disappeared from the Northern Ireland landscape, they have been replaced by a far more sinister and vicious phenomenon lurking, almost invisible like a serpent, underneath the surface throughout Northern Ireland, particularly in nationalist communities. It is possible that they exist in loyalist communities as well. I refer to the gangs of vigilantes operated and controlled by members of the Provisional IRA.

While we have all been aware for some time of their criminal activities, two recent events, namely the Northern Bank robbery and particularly the vicious, brutal and savage murder of Robert McCartney have become wake-up calls for every true democrat on this island, North and South. This was a callous, calculated and brutal killing carried out with the brutal viciousness and efficiency that only psychopaths can command. That was followed, as Deputy Kenny has already said by the gruesome exercise, in the presence of over 70 customers, of forensically cleansing the scene of the crime and threatening anyone who dared to speak with a similar fate.

A number of people have expressed surprise to me that over 70 ordinary people would not come forward and tell the story of what happened. The ordinary people of Northern Ireland can differentiate between right and wrong, good and bad, as well as the rest of us. They are no different. They are good living people and they try to do their best. When one is subject in one's community to jackboot tactics by vigilantes and members of Sinn Féin, one will think twice before coming forward.

Another example of this phenomenon is the funeral of the much lamented Jean McConville. When her remains was found after 30 years her funeral went through nationalist Belfast. The people there would have wanted to show respect to a neighbour and a mother who was brutally murdered but they were intimidated and terrorised. They were told to keep their doors closed, their blinds drawn and not to show any sympathy. That is the extent of the intimidation that is going on there.

The first response of the Provisional IRA after this murder was, as Deputy Kenny stated, to deny any involvement or association. Through pressure from the sisters of the victim and the media they eventually expelled three of their members. We have to salute and recognise the bravery of the sisters and the fiancée of Robert McCartney. Only for their courage, his death would be buried like so many others who suffered the same fate at the hands of the IRA down through the years.

The family want their brother's killers to answer for their vicious crime in a court of law, not in an IRA kangaroo court. They want convictions in the courts of the land. That can only be achieved by making all the relevant information and evidence available to the police. This appears to be the stumbling block of the Provisional IRA

and even of its spokespersons in this House. They have difficulty in stating that people should go to the police to tell them what they know so that those responsible can be charged.

These people do not want a police service in Northern Ireland; they want to police their own areas and retain the power and control they exercise over these communities. The Nationalist communities are subject to a reign of terror and intimidation even worse that what was exercised in the past in the pre-Patten era.

As the motion states, I urge people to come forward and tell the police what happened. The force is completely reformed. A member of the commission who came from the United States who was involved in the restructuring process of the RUC, stated that the PSNI is the most open, democratic and transparent police force in the world. No one should have any reservations about going forward and giving it information so that justice is done for Robert McCartney. As a Border Deputy, I urge people to come forward and do that.

Minister for Foreign Affairs (Mr. D. Ahern): I wish to share time with the Minister of State, Deputy Brendan Smith.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. D. Ahern: I am delighted to be able to participate in this debate. The case of Robert McCartney is one of collusion. The purpose of the collusion is to avoid justice, to escape the truth and to protect the killers. Like all collusion cases before it, the Irish Government will incessantly press for truth and justice for the family and for the wider society. Like the cases of Rosemary Nelson, Patrick Finucane, Robert Hamill and many others, we will not allow the case of Robert McCartney to slip from the agenda.

On behalf of the Irish Government I made that pledge to Robert's sisters and partner and I intend to keep it. Robert was clearly a deeply loved brother, partner and father. The family spoke movingly and tenderly about him. I commend their composure and determination. Although deeply grief stricken, they have sought to focus on achieving truth and justice. The longer that process is delayed, the longer it will be before they can deal with their loss as a family. No length of time will dull their will to secure justice. No matter how long it takes, I know this House and the Irish people will stick solidly by them.

I add my voice to all those who have commended the stand taken by the McCartney family. It has taken real courage to confront those responsible and their associates. The sickening details of the murder can leave no one in doubt about what these perpetrators are capable of, and what a menace to their own community they represent.

It has also taken real courage for the family to take its case to the court of public opinion. Their

interviews and public statements have been marked by a degree of integrity and belief in the rule of law that has inspired all who have heard them. The courage of the McCartney family is also reflected in its demand that the killers be brought to justice, not the justice of the backstreets, the mountainside or the seashore but the justice that only the law of the land can provide. Despite their own reservations about the administration of justice in Northern Ireland, they are prepared to trust the courts and the PSNI to give them justice.

Truth and justice are words that spring easily to the lips of spokespersons for Sinn Féin. The challenge now is whether the provisional movement can accept the family's demand and give them the truth and justice they are seeking in the family's own terms. There has been much talk about encouraging people to come forward. Provisional leaders and spokesmen have said that people with information should offer that information to whoever they feel comfortable in imparting it. That may or may not mean the PSNI. In the weeks following the murder, Sinn Féin spokespersons openly called on people with information to come forward, but not necessarily to the police. The leadership stated there were reservations about the police.

Let us be clear about this. The only information that will help put the killers of Robert McCartney behind bars is information given directly to the PSNI which will lead to statements that can be used as evidence in a court of law. The question is not whether Gerry Adams would testify in court but whether he would offer a statement to the PSNI.

That would certainly be an implication of his recent statement but given the allegations of witness intimidation it would be helpful if he could clarify that point. I fully agree with the Taoiseach and the McCartney family when they say the IRA has a role here too in ensuring the killers are brought to justice before the courts. When I met the McCartney family last week, the Sinn Féin leadership had already made statements supporting the family's call for justice and encouraging people to come forward. However, when I talked to them, none of the witnesses to the crime had done so. So intimidating is the menace of paramilitaries in the Short Strand and Markets areas that their mere presence is enough to still voices and quell legitimate protest.

The McCartney family made clear to me that it was one thing to issue statements and quite another to see results. They were very clear that the leaders of the provisional movement knew how to do both; how to issue statements and how to ensure that witnesses felt free to come forward. They were clear that the only real measure of the sincerity of the Sinn Féin leadership lay with the outcome. The bottom line is that until the killers are brought before the courts, no member of the provisional movement can utter the words truth or justice with any credibility. No amount of spin

is worth the conviction of the killers and justice for the family.

I do not need to remind the House of the broader political context which has contributed to the general lack of credibility of the statements issued by or on behalf of the provisional movement. Séamus Heaney once remarked that in ancient Ireland the spoken word had the power of voodoo. There was reverence for the word, for its value and integrity and the peace process made significant progress because it was believed that words would be honoured by deeds. However, as the McCartney family has said, people are now too familiar with the double-speak of the provisional movement and they know how to decode it.

My officials and I were monitoring this dreadful event in some detail very soon after it occurred. Based on our contacts and sources, a detailed picture quickly emerged of the main outlines of what had happened. It was an appalling picture of bullying and thuggery that quickly degenerated into heinous violence against innocent men. However, contrary to all the intelligence of which we were aware in Dublin, a leading spokesman for Sinn Féin, a life long member of the provisional movement and a former Lord Mayor of Belfast, Alex Maskey, condemned the incident as a tragic example of the knife culture in Belfast. He accused the PSNI of being heavy handed in searching for evidence against the killers and excused the young rioters out to impede the police. Did he not know what we in Dublin already knew?

Rumours were spread by others locally that victims had in fact been the perpetrators of their own wounds in a fall-out amongst friends. A rumour was circulated that McCartney was a member of the Provisional IRA so that the ordinary decent members of the public should have no need for concern. Let me remind the House what the Government once said about another incident when the victims were blamed for their own deaths:

What sets this apart from other tragedies that might rival it in bloodshed...is that the victims suffered a second injustice when others sought to taint them with responsibility for their own deaths in order to exonerate, even at that great moral cost, those they found it inexpedient to blame.

Those words can be found in the report, Bloody Sunday and the Report of the Widgery Tribunal — the Irish Government's Assessment of the New Material. They were directed at the British Government for the actions of the Lord Chief Justice, Lord Widgery, in blaming the victims of Bloody Sunday in order to exculpate the soldiers involved. In response to our assessment that the Widgery report was not just deeply flawed but a profound injustice to the victims, the new Labour Government under Prime Minister Blair set it aside and established a new public inquiry under an international panel of judges to look again at

[Mr. D. Ahern.]

those terrible events. This set the new tone of the British Government's engagement in Northern Ireland under Tony Blair and proved an auspicious start to a process that would quickly see the achievement of the Good Friday Agreement.

What irony then that Robert McCartney should be literally slaughtered at the hands of those self-styled republicans returning from the Bloody Sunday commemoration. I wholeheartedly agree with the comments of Eamonn McCann when he likened those who murdered Robert McCartney to the British paratroopers in the Bogside. The PSNI was judicious in its comments. There was no reflex response by the PSNI publicly, assuming or claiming the worst as far as the IRA were concerned. As early as 3 February, the chief constable said he did not believe the crime was related to a particular terrorist group following its particular objective. At that point, the case seemed clear — a bar brawl had ended in a terrible tragedy and the IRA was not involved.

However, privately, we knew that the reality was quite different. The family knew it as did the people of the Short Strand and the IRA was protecting its own under the blanket of denial and obfuscation. That pattern has persisted. While the provisional movement has rapidly shifted its position in response to the pressure mounting from the family and their community, any progress forward has been consistently one step short of what is required. The remarkable feature of this case is the speed with which truth overwhelmed the official line peddled by the provisional movement's spokesmen.

Inspired by the family's courage, by the depth of revulsion about the slaughter of an innocent man, a Sinn Féin voter no less, the community of the Short Strand held a candle-lit vigil and on the day of the funeral attended in their masses. Some 1,200 people came out to support the family and with silent dignity defy the official line from a Provisional leadership that liked to portray itself as a defender of that community.

The McCartney case crystallised a challenge to some fundamental notions of what the provisional movement claims to stand for. It claims to stand for justice but the question is what form of justice. Is it the same kind of justice in the courts of law and public inquiry that it has demanded for the families of Bloody Sunday, for the Finucane, Hamill, and Nelson families? It claims to stand for truth, but will it stand for truth only when that truth can be used as a weapon in pursuit of its own interest? It claims to stand as a defender of the small and vulnerable Short Strand community. That rings hollow for the McCartney family.

This case is clearest evidence of the gaping and growing divergence between provisionalism and Irish republicanism. The people, in the first act of 32 county self-determination since 1918, over-

whelmingly backed the Good Friday Agreement. That Agreement granted Irish people the legitimate expectation of an end to paramilitarism and criminality. That is clearly the will of the Irish people. No Irish republican can oppose that will. However, the provisional leadership continues to hinder that will. That movement continues to cling to paramilitarism and criminality. If protecting killers, or destroying forensic evidence or keeping the police from the crime scene do not constitute criminality, I do not know what does.

Pearse, in his great poem, the Rebel, spoke of a sorrowful people under the lash of masters, and of their courage and their determination for freedom. In the Short Strand and the case of Robert McCartney, the provisionals seem to have become the masters. A normal Irish family like that of Robert McCartney's have become today's rebels, determined to secure truth and justice against all. That is not what Ireland in the 21st century was supposed to be like.

On Friday the IRA announced that it had expelled three of its members. It offered a narrative of sorts for the events of that day, as if its own self-styled process of inquiry could offer facts about what transpired as if it were a court of law. The outcome was the expulsion of three members and encouragement that they take responsibility for their actions. Was this a step in the right direction? Certainly when I spoke to the family earlier that week, they asked why the perpetrators remained in the ranks. The IRA statement of Friday last was a response of sorts to that. However, in falling so short of what the family wanted, it was a response that seemed tailored to the provisional movement's need to ease the pressure rather than listen to what the family was saying.

The family has insisted that is not enough and we stand by the wishes of the family. What they want is justice, not the provisional definition of justice or the provisional definition of what it finds tolerable. The McCartney family like any normal decent Irish family wants and is entitled to justice without limits and without prescription.

As a republican, I can understand the sense of siege and vulnerability felt by nationalists living in Northern Ireland. I am old enough to have lived most of my life in a time of violence and conflict because of the problem in Northern Ireland. I have known and admired people who have lost their lives, including decent people who suffered the ultimate penalty because they fell under the suspicion of the provisional movement. One was Tom Oliver from Cooley, in my constituency, who was brutally murdered. Even after his murder, his name was smeared through a whispering campaign against him and his family.

I knew there had to be a better way and I believe the Sinn Féin leadership knows there is a better way. I acknowledge its profound contribution to the peace process. Nobody can gainsay

the fact that it has managed its constituency in all its aspects to ensure that a ceasefire has been maintained and that weapons have been decommissioned, to an extent, in a situation where the overall political environment has presented some opportunities but equally has been prey to turbulence and uncertainty.

However, there comes a time when the old ways of doing business will not work anymore. There comes a time when responsibility demands that rhetoric is matched by actions, when a moral crisis demands clarity and precision and when the provisional movement must act like Irish republicans and heed the will of the Irish people. What does one do? Listen to the family and help them find justice. What is justice? It is the rule of law. How does one co-operate? One co-operates by making statements to the police.

There comes a time when a case arises that carries with it enormous significance. The public is rightly focused on this case because of its moral clarity. Words and statements will not deflect its focus. The demand for justice will only be satisfied when everything possible has been done and has been seen to be done.

Some Sinn Féin spokespersons referred to concerns about the criminal justice system in Northern Ireland. That, too, fell under the umbrella of the Good Friday Agreement. Under the Good Friday Agreement, the criminal justice review made 294 recommendations for change. Those changes are being implemented following two Criminal Justice Acts and a revised implementation plan in a process overseen by an independent criminal justice oversight commissioner. In the negotiations leading to the comprehensive agreement of 8 December, Sinn Féin did not raise concerns about what had been achieved under the Good Friday Agreement and the Joint Declaration in terms of the criminal justice system in Northern Ireland.

This is not about Sinn Féin and the broader issue of policing or criminal justice. However, as I said to the McCartney family, policing is a key element of this case. Only by cooperating with the PSNI can the killers of Robert McCartney be brought before the courts and prosecuted for this terrible crime. Sinn Féin and the IRA can only help the McCartney family when they accept that this is the case.

This is a challenge for the provisional movement. I acknowledge the recent statements by the Sinn Féin leadership that it recognises that there are more hard choices and more hard decisions ahead. I welcome that it says it is up for the challenge today. It is positive and encouraging that the leadership has restated its commitment to seeing all the guns taken out of Irish politics and to being part of the collective effort that will create the conditions where the IRA ceases to exist — the sooner, the better.

The Irish Government has been a willing partner for peace throughout this process. We have stuck with it through all the tough times. We will do so again. We will not be found wanting when the opportunity arises to ensure that the commitments to abide by democracy and the rule of law are turned into a reality for everyone living in Northern Ireland.

I welcome this opportunity for the House to consider the murder of Robert McCartney. The Government has not sought to put down a counter motion. We fully subscribe to this motion without hesitation. Our approach underlines the unanimity among Deputies who believe in justice and the rule of law. I commend this motion to the House as a declaration of support for the McCartney family and their pursuit for justice.

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): I commend this motion in support of the courageous stand being taken by the McCartney family in their search for justice for their murdered brother, Robert, a family man and respected member of the Short Strand community. The family has shown remarkable strength and determination in what could only be considered as the most difficult of circumstances. They deserve the full support of this House in their efforts to bring Robert's killers to court to face the full legal and moral consequences of their actions.

In normal circumstances his family should be allowed to grieve in private with the support of their friends and community. They should be able to expect a speedy and efficient investigation with the co-operation of all those who witnessed Robert's murder. Instead, they find themselves having to mount a public campaign to try to achieve justice. Last Sunday found them out on the streets of the Short Strand encouraging members of their community to continue to support their campaign for justice.

Over the past four weeks Robert's family, his sisters and partner have traversed the country. They have met journalists, diplomatic representatives, the Minister for Foreign Affairs and his officials and representatives of the political parties in this House. They have done so in the name of truth and justice, to highlight the tragedy of Robert's murder and to bring attention to the intimidation and fear being meted out to a community to prevent individuals from bringing his killers to justice.

We should not under estimate the courage it has taken for the family to carry out this campaign. These are ordinary women, with young families, living what should be normal, everyday lives. However, in the wake of the murder of their brother, they have had to face down those within their communities who try and control the lives of those around them by virtue of their association with paramilitaries and the threat of viol-

[Mr. B. Smith.]

ence. Brigeen, Robert's partner and mother to his children, has joined that campaign and has not had the full opportunity to grieve and to console her children.

It is a tragic fact that the McCartneys are not the first family in Northern Ireland who have had to find the courage to speak out in the face of threats and intimidation in an effort to find out what happened to their loved one. Over the years we have seen campaigns mounted by many families forced to go public in an attempt to seek justice. I am thinking of the Conlon family and their long fight for justice, the Finucanes, whose search for truth continues, the family of Jean McConville and the relatives of all those known as "the disappeared". For many of them the suffering goes on, without knowing who killed their loved one or why or even where the body is buried. I am thinking, too, of the Bloody Sunday families whose efforts over 25 years have at last resulted in a public inquiry.

Although the circumstances of Robert McCartney's death can rightly be considered brutal, cowardly and without justification, the aftermath and the cover-up that ensued compounds the derision and distaste that we feel towards the perpetrators of this horrible crime. I trust that time and the procedures of the criminal justice system will reveal some, if not most, of the truth surrounding the questions that remain over paramilitary involvement in this murder. One thing, however, is clear to everybody. The efficient and ruthless clean up operation that quickly followed this barbaric attack had all the hallmarks of significant paramilitary involvement. It is difficult to believe that it was confined to one or two errant or "on the edge" members of a particular group. Those involved made it clear to potential witnesses that they were operating under the flag of the IRA.

The cover-up of this crime was meticulous and thoughtful. Potential witnesses were quickly identified and approached by men one would not wish to darken one's door. Behind the scenes and under cover of Sinn Féin denials, efforts went into overdrive to hinder, block and interrupt any police attempt to quickly apprehend the suspects involved. Youths filled the streets and rained missiles on approaching police vehicles and personnel, allegedly in response to a heavy-handed police operation.

The feelings of the McCartney family were overlooked at this time by those too concerned with their own survival. They were unaware of the backlash their efforts would provoke and unprepared for the response of the McCartney family and the good people of Short Strand. This intimidation, this iron fist, is nothing new to parts of the North of Ireland. For many years it was viewed in some communities as a necessary by-product of the Troubles, and one that had to be

tolerated for the sake of maintaining the safety of these areas in the absence of a police force supported by the entire community. The seeds were sown at this time and nurtured by men and groups whispering promises of security and peace of mind to fearful residents. These promises will no longer receive a welcoming ear as they have ultimately proved to be nothing more than a means to an end for those who benefit from this heavy-handed control of small communities on both sides of the religious divide in the North of Ireland.

By all accounts, Robert was killed in an attack provoked by a grudge. No claim has been made that it had anything to do with republican objectives. These individuals, who call themselves republicans, have a grip on the community and people live in fear and terror. That must end. It is with the courage of those like the McCartney family that we will hopefully see the beginning of the end of fear in these communities, where justice is denied.

One of the most encouraging aspects of the McCartney's campaign is their determination to seek justice for their brother through the courts, in co-operation with the PSNI. For too long, paramilitaries on both sides of the divide have meted out their own form of justice through punishment attacks, beatings, knee-cappings, so-called "Padre Pio" attacks and the exiling of trouble makers or those who dared to cross them. The McCartney family have been particularly courageous in not accepting this form of justice. Their reaction to the IRA's expulsion of three of its members was to say that it was not enough, and they have asked about the other nine suspected of involvement. This is the attitude needed to stand up to the paramilitaries, criminals and those who try to control a community through fear. What was once seen by some as the protection of those who were unable to protect themselves has now become the exploitation of a responsibility and a trust that was once the republican movement's greatest ally.

The inability of the IRA to recognise the wish of all the people of this island since the Good Friday Agreement in 1998 has left their credibility in tatters. More importantly, it has signalled a change in public attitude that the republican movement realises it must address to restore the confidence of those who have long supported its political ambitions as a legitimate and worthy alternative to armed force. The questions are now being asked and satisfaction must be had with what is received in response.

As Members of this House are all too aware, those seeking to take the road of moral responsibility and civic duty over gangsterism and financial benefit have experienced serious intimidation at the hands of those opposed to the reforms taking place in the North of Ireland. For some time this burden has primarily been borne by

Nationalist and independent members of the policing board and the district policing partnerships, who have been subjected to a vicious and sustained campaign against their democratic right to represent their communities. These people are doing their civic duty by working to bring about acceptable, representative policing in their local areas, and by working alongside the policing board to ensure local policing needs are identified and met for the greater good of everyone in their community. However, because of this, they have experienced deplorable and cowardly intimidation from those seeking to undermine the progress made in policing. It is a testament to the courageous individuals on the partnerships that these attacks have served to reinforce their resolve to carry out their civic duty.

In a similar vein, the McCartney family has demonstrated integrity in the face of the intimidating tactics of those who wish to bring nothing more to their communities than chaos and despair in defence of their own interests. The courageous decision of the SDLP and other Nationalists to take their places on the policing board and local partnerships has been vindicated beyond doubt by the progress towards the new policing arrangements that were clearly set out in the Agreement, namely, a professional and effective police service which carries out its duties fairly and impartially, is free from partisan political control, is accountable under the law and to the communities it serves, is representative of those same communities and acts in accordance with the highest human rights standards. There are other examples of families taking risks, overcoming decades of mistrust and displaying their willingness to work with the police in an attempt to bring the killers of their loved ones to justice.

To be successful, these efforts require new attitudes on the part of the PSNI. It must show, and is attempting to show, that it can be trusted by both sides of the community to carry out its duties professionally and impartially. I am reminded of the case of Sean Brown, a great GAA man and a pillar of his community. In 1997 he was abducted from outside the GAA club in Bellaghy, County Derry, driven to a lonely location some miles away and shot six times. While the RUC launched a full-scale murder investigation and a number of suspects were arrested and interviewed, no one was brought to account. When the police ombudsman later found that the investigation into Sean Brown's death had not been "efficiently and properly carried out", the PSNI accepted this assessment and immediately offered a new police inquiry. Despite misgivings, the Brown family agreed to co-operate with the new investigation, subject to certain conditions. The re-investigation is ongoing and the family continues to co-operate with the police and to urge the community to do so as well.

What is important now is that all who have influence, including Sinn Féin, create that atmosphere in which the rule of law is upheld and respected. For too long, the people have lived under the smothering tactics of ruthless paramilitary gangs who spread decay throughout their communities. For too long, the iron fist has held the upper hand through force and the threat of force. It is time for the message to be relayed loud and clear to those who seek to continue this abuse of trust. The McCartney family and the people of Short Strand have taken a courageous step.

Mr. Rabbitte: I wish to share time with Deputy Crawford.

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

Mr. Rabbitte: The provisional republican movement has finally been confronted with reality of its present position: promises hedged, delayed and broken; a ten year history of claiming ownership of the peace process while never coming to terms with the demands imposed by peace; a history of valuing the process more than the peace; and a still unfolding history of denial, prevarication and deceit.

When the two Governments announced that the only remaining obstacle to a lasting and durable settlement was the ongoing paramilitary and criminal activity of the IRA, it reacted with outraged and injured innocence. By making such an allegation, it stated, the Governments had undermined the whole basis of the peace process. What in God's name could the IRA have meant by that assertion, that the whole basis of the peace process is that the IRA is exempt, that it alone is not obliged to keep the peace or that it could still reign supreme in its fantasy island, Easter Monday, Thirty-two County republic, immune from our laws and the rule of law?

The Governments have had more than enough of this. They have insisted on a fundamental change of direction, a turning point. Peace is not a bargaining chip to be placed on and then taken off the table, with the hint that it might reappear in the next round or in the round after next in return for the fulfilment of yet another set of yet-to-be-finalised demands. This time it is different. Outraged denial no longer works because this time it is not just the Governments that have spoken, or all the other parties on this island, but the voice of the communities the IRA is pledged to support and defend, the people the IRA wants to portray as vulnerable communities within enclaves, encircled by enemies and in need of IRA protection. These people have risen. They have, in the words of Pearse, been harried and held, bullied and bribed by tyrants, hypocrites and liars. They are sick and tired of it. However,

[Mr. Rabbitte.]

their oppressor is not the British but the IRA itself.

What these people want is justice, not the mock justice of a self-styled court martial or the alternative system of community justice of Gerry Kelly and his sinister henchmen, delivered in back alleys and under cover of darkness, or the sort of community justice that, for example, in 2003 had one of Deputy Crowe's election workers abducted in Dublin and taken to south Armagh where he was tortured, tried by the IRA and shot in both ankles for what was described as freelance fundraising. What the McCartney family and the people of the Short Strand want is a police investigation, a Crown prosecution and a trial in a court of law. They want the freedom to give evidence in public against those who have so grievously wronged them. They want normal lives, rules and freedoms, freedom from the demands of swaggering louts and wide boys, and all those other parasites who thrive on abnormality, crisis and fear. They want exactly what the two Governments want, an end to the crimes of paramilitaries who consider themselves to be untouchable, to be beyond the claims of conscience, the reach of the law and the judgment of their neighbours.

The recent statements from the IRA and Sinn Féin demonstrate some belated realisation of the rebellion it is now facing. Those statements came about only because of the huge personal courage of members of the McCartney family and their absolute determination to see Robert McCartney's killers brought to justice. The IRA in its statement has disowned intimidation and threats to any person who wishes to help the family and it urges the men responsible to come forward and to "take responsibility for their actions as the McCartney family have asked" which can only mean or, perhaps I should say, should only mean that they hand themselves over to the PSNI.

Whatever about the outcome of this investigation, in the longer term the real test of the IRA's bona fides will be if they fully and completely release communities in Northern Ireland from the thuggish hold they have exerted for far too long. The IRA must decommission its arms now and cease all its illegal activities. Unless and until it delivers on this, Sinn Féin cannot participate on an equal basis with other political parties because it is the political wing of a movement that retains, maintains support for and is in turn sustained by an organised criminal, paramilitary wing.

The Sinn Féin leadership is in a position that it cannot credibly maintain any longer, let alone into the indefinite future. On the one hand it points to its democratic mandate and insists that it neither has nor has control of guns. On the other hand it is more than happy in its internal

forums to assert its military credentials. As Sinn Féin's then and current vice president Pat Doherty put it when he described the Sinn Féin leadership to the 1986 Ard Fheis:

They were the people who, along with others, were doing all the things that were required to be done on the ground at local level during the years 1969 to 1975. They were the people who after the disastrous 1975 truce moved into middle leadership and national leadership and started to pick up the pieces and push the movement forward once again. They are the people who moved into the Sinn Féin leadership from 1980 to the present, and have led Sinn Féin to various electoral propaganda successes. What I am saying is that the present leadership did not drop out of the sky in the last few months but have always been in our organisation. There are no long rifles or arm-chair generals among them. They have always led from the front. Some of them come from the war zone, others come from, and work day and night throughout, the 26 counties.

Pat Doherty went on to endorse "armed struggle in the six counties, in pursuance of British withdrawal, and political struggle throughout the whole 32 counties, in pursuance of the Republic". In other words, Danny Morrisson's message repeated, an armalite in one hand and a ballot box in the other, with the political and military wings united in a common task under a common leadership.

This is the same Pat Doherty who was charged by the Sinn Féin leadership with the task of producing a new party constitution, to be debated and adopted by its Ard Fheis this month. When we are eventually permitted to see it, we will know just how much that party has moved from a position where its delegates renewed their allegiance every year to the IRA Army Council as the sole legitimate government, administering "the civil and military affairs of the Republic in trust for the people" to one of acceptance of the lawfulness and validity of the institutions of this State and its Constitution, of the status of Northern Ireland within the United Kingdom and of the institutions of government established under the Good Friday Agreement.

Whether it formally accepts that, unless and until the people decide otherwise, those democratic institutions of government have the sole and exclusive entitlement to the allegiance of the Irish people, as they have whether it finally accepts that the Good Friday Agreement is addressed specifically to Sinn Féin, and imposes particular obligations on that party when it requires all participants to reaffirm their commitment to the total disarmament of all paramilitary organisations, to confirm their intention to continue to work constructively and in good faith with the independent commission and to use any

influence they may have to achieve the decommissioning of arms within two years.

Gerry Adams says he will no longer be used as a conduit by the Governments in negotiations with the IRA. This is disingenuous rubbish. Why on earth else does he think the Governments talk to him? More than once, in quiet times as well as moments of crisis, he has hinted that he could not alone deliver on decommissioning but that he and his party, alone of all parties, could make the IRA disappear. It is time for him to make good on his promises.

Meantime, what we want and are entitled to get from this Government is consistency. It is not good enough for the Taoiseach and the Minister for Justice, Equality and Law Reform, Deputy McDowell, to claim that the Government parties are completely at one and that there is no disunity or difference of opinion. At the Waterfront in Belfast the Taoiseach told reporters:

The issue of the photographs has not been agreed. Everything else has been agreed. I believe all the other modalities of decommissioning could be agreed, but this is the outstanding question and it is to do with confidence on the one side and the desire on the other side that they not participate in anything that they regard as humiliating.

At the same time the Tánaiste asserted quite bluntly in this House: "It would be wrong to assume that the only outstanding issue is that of photographic verification." Within the past fortnight the Minister for Justice, Equality and Law reform, Deputy McDowell, has not only named members of the Sinn Féin leadership who also serve on the IRA Army Council but has presented them as a single, coherent and united front. At the same time the Taoiseach has insisted that identifying examples of overlapping membership is essentially irrelevant and that Mr. Adams and Mr. McGuinness are doing their best to persuade a so far unpersuaded IRA.

The issue is all the more serious because there is a direct and proactive role for the Minister for Justice, Equality and Law Reform under the Offences against the State Acts 1937 and 1985. Under those Acts, all the property of the IRA, or property held for its use, benefit or purposes, is automatically forfeit to the Minister and is already vested in him by operation of law. If they are within this jurisdiction, the proceeds of the Northern Bank robbery already belong to the Minister and he is charged with statutory responsibility to "take possession of, recover and get in" that money.

It is also within the Minister's power, and not that of the Garda Commissioner or the CAB, to serve on any financial institution in the State a directive requiring that institution to transfer any specified funds to the High Court. He must then defend any legal proceedings that may be

brought, within six months, by anyone claiming to be the true owner of those funds. Uniquely, under section 5 of the 1985 Act, an unsworn document setting out the Minister's opinion, an opinion he is rarely slow to share, is admissible evidence in High Court proceedings as to the purpose for which those funds were held. Any opinion he gives will be subject to cross examination as to its basis and his other opinions on related issues will inevitably become subject to similar scrutiny. Given the far reaching consequences of an unsworn statement of the Minister's opinion in such matters, it is vital, first, that his opinion, when expressed, is measured and authoritative and, second, that it is shared by his colleagues in Government, including the Taoiseach. I hope it is.

Mr. Crawford: I welcome the opportunity to contribute to this important debate. I listened with interest to the leader of the Democratic Unionist Party on Sunday as he outlined his thoughts and hopes for the future of Northern Ireland and its relationship with this State. There has been a major change in the attitude of that individual and his party. Prior to the last election in Northern Ireland, they still opposed the Good Friday Agreement but there was a seismic change in his attitude. It was a turning point. Despite the bank raid, other criminal acts and the savage murder of Robert McCartney, he was still talking about the possibilities for the future last Sunday.

We are down to one issue, which is whether the IRA and Sinn Féin are prepared to decommission once for all. I do not refer only to the decommissioning of arms because the decommissioning of minds is also a problem. What we, as reasonably normal people, regard as criminality is not regarded similarly by people in that movement. Last night I attended a meeting of my organisation in north Monaghan and I could not believe what I heard about activities along the Border and the fear felt by people on a regular basis.

There was proof of this in a report in today's edition of *The Star*. Two people were taken away by up to 15 members of the Provisional IRA. They were accused of something they never did and were abused. They may only have been Travellers but they have a right to move wherever they wish. The report stated, "During the ordeal, the men were beaten with sticks and cudgels, threatened with pistols, tied up and a hood put over their heads. One of them was even slashed with a knife". Is this the type of justice we want in this country? This incident happened on the border with County Monaghan. The two people were released eventually when they proved their innocence in this kangaroo court and they had to walk to Castleblayney. This incident was not isolated. Similar incidents are taking place and they must be stopped if we are to have peace on this island.

[Mr. Crawford.]

It has been suggested that Robert McCartney suffered because of a knife culture. I am reminded of the death of Detective Garda Jerry McCabe. Similar denials and refusals to admit the IRA had anything to do with the murder were the order of the day. However, Robert McCartney died while Brendan Devine continues to suffer. He will carry his injuries like many others to his grave. The denial of Robert's murder and the subsequent agreement that the perpetrators should come forward through various means is totally unacceptable. They should come forward to the PSNI, whether through a solicitor or other means, and there is public support for that, even in the Short Strand.

The efficient and ruthless clean-up following the murder was unbelievable. Who ordered the deaths of Robert McCartney and Brendan Devine, given that it was through God's grace that he did not die? Who ordered the clean-up to ensure there would not be evidence or witnesses? That is why it is so important that the motion should have unanimous support and that the only place justice should be administered against the perpetrators is in court. There should be only one army and one police force, the Garda, and we should all commit ourselves to that if we believe in democracy.

The refusal of Sinn Féin to join the policing board in Northern Ireland begs one to ask what the party has to hide and whether it wants to continue down the road of criminality. I commend the SDLP for joining the board and I beg Sinn Féin to do so and to commit itself to the motion. The party should also give full support to Robert McCartney's family who have been absolutely outstanding and courageous.

Debate adjourned.

Adjournment Debate.

Hospitals Building Programme.

Mr. P. McGrath: I wish to share time with Deputy Penrose.

I thank the Ceann Comhairle for allowing me to raise this important issue. I welcome the Minister of State at the Department of Health and Children, Deputy Tim O'Malley, to the House but I am disappointed, as are the people of Westmeath, that the Tánaiste and Minister for Health and Children is not present to reply to the debate. When she recently opened and closed a 12 bed unit in Mullingar hospital on the same day, she asked why I had not turned up at the opening to discuss the matter with her. My retort was that I would raise the matter in the people's forum, the Dáil. As my colleague and myself raise this issue,

the Tánaiste feels free not to turn up to reply to the debate.

She stated in Mullingar a few weeks ago that she should make an announcement on the future of the hospital. Why is she not present to put on record her future plans for the hospital? What has happened there is an absolute disgrace. Phase 2a of the hospital was built in 1997 at a cost of approximately €10 million to the taxpayer. A five storey block was built but only one storey was kitted out with the remaining four storeys like warehouses, empty waiting to be occupied. Eight years later no detailed plans on how these floors will be kitted out have been prepared, no planning permission has been sought, no funds have been allocated and no timeframe has been set within which the extra work will be completed. The extra beds so long promised and so badly needed are not provided. We have been told on various occasions that the money for phase 2b of the hospital was ring-fenced and that, if Deputy Cassidy, who is not here to take part in tonight's debate, were elected to this House, in his words "immediate progress" would be made regarding Mullingar General Hospital. However, nothing has happened. Deputy Cassidy announced in April 2003 a 12-bed unit for the hospital. The Tánaiste had the brass neck to come to Mullingar to open it two or three weeks ago. As she left the hospital, the locks were turned again on the door of the unit that she had just opened. It will not be open for a few more weeks. What kind of carry-on is that? A Minister comes to open a facility, and as she leaves, the doors are locked behind her. Is that an opening? It is good for publicity and the television cameras and so on, but it is not good enough for the people of Westmeath.

The Minister of State, Deputy Tim O'Malley, answered a debate tabled by Deputy Penrose and me in October 2003, 18 months ago. During that debate, he said the Department was finalising the development control plan for phase 2b. I sincerely hope the Minister does not have that same phrase tucked into the speech he is to read us tonight. I hope he will not have the brass neck to issue to us tonight, 18 months later, what we got then. I want to hear what definite progress has been made, when we will be treated fairly in Mullingar, and when we will hear the real story regarding finalisation of this hospital.

Mr. Penrose: I thank Deputy Paul McGrath for sharing time with me. He and I have fought manfully on the floor of the House to try to ensure that the rightful property of the people of Longford and Westmeath, Mullingar General Hospital, will be delivered. It is a shame this Government has been pussyfooting around, foot-dragging and obfuscating for the past eight years. It is scandalous to see a building with people lying in beds with an occupancy rate of 130% overlooking a building, as Deputy Paul McGrath has

said, with four floors uncompleted, some of it almost dilapidated. It has been there for eight years, turning grey while people look out the windows.

We have the second most efficient hospital in the country, and if this were delivered, we would have the most efficient. That is a compliment to the professionals, nurses, attendants and ambulance staff — everyone involved. They are asking what the timeframe is, when the money is to be provided, and when the hospital is to be finished. It is serving the people of Longford and Westmeath, and the commitment was given back in the 1980s when Longford did not have the services. It is time to get off the fence and fulfil the commitment. What has happened is disgraceful. It is a scandal, and it is about time that the Government got its priorities right.

Mullingar General Hospital needs 311 beds but has only 203. The occupancy rate is 130% in winter. It is disgraceful that we can waste €52 million on electronic voting when another €20 million would have completed the hospital. Can anyone explain this? The Tánaiste opened the new unit, and neither Deputy Paul McGrath nor I attended — rightly so, since it was a charade. It was an opportunity for photographs, with people straining their necks at the optimum angle to be recorded in the local newspapers. That type of cynicism has destroyed politics, and the people of Westmeath together with the people of Longford which may be included in the new constituency, have sent us here tonight. They are saying to us that we must get the hospital delivered, since they have been let down by the Government. It is an absolute scandal.

The Government should forget all its obfuscation and tell us when it will provide the money and why it has taken so long. They could have built the Great Wall of China in eight years, yet we cannot complete a hospital in Mullingar. Every time we attend a meeting, the public asks us when it will be delivered. I tell them that Deputy Cassidy promised upon his election in 2002 that he would be like a magician, arriving in a helicopter with schools and hospitals. Three years later, we are still waiting. Now the Minister should get off the fence. The people of Longford and Westmeath want Mullingar General Hospital finished once and for all for the general population who pay their taxes. We are fed up being treated like second-class citizens.

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, including its capital programme. The progression

of phase 2b of the Midland Regional Hospital must be considered in that context.

The necessary funds to progress phase 2b form part of the funding provided to the HSE in the capital envelope of the capital investment framework for 2005 to 2009. The hospital is being developed in phases. Phase 1 was completed in 1989 and phase 2a in 1997, at a cost of €13 million.

Phase 2a included “shelled-out” — external walls, floors and roof — accommodation for completion, or “fit-out”, in phase 2b, the final phase of the current redevelopment programme, which is at the design stage.

The “shelled-out” accommodation is on four floors over the existing radiology department and a single floor over the existing entrance concourse. It was provided for future ward accommodation and an operating department. The accommodation was provided as part of the phase 2a contract as a long-term, value-for-money construction solution, which will minimise disruption to existing functioning accommodation during the phase 2b construction works contract.

The Department approved the Midland Health Board's stage 2 submission — development control plan — proceeding to stage 3 — sketch design and cost plan — for phase 2b in September 2004. It is anticipated that stage 3 will be complete in mid 2005. Phase 2b includes the fit-out of the “shelled” accommodation, together with additional accommodation to provide a pathology department, an operating department, general medical wards, a medicine for the elderly and rehabilitation unit, general surgical wards, day services, including surgery, administration accommodation, staff accommodation, an acute psychiatric unit, a child and adolescent psychiatric unit, an occupational therapy department, catering facilities, educational facilities and a new entrance concourse.

The executive is currently finalising its proposals under the CIF in line with the procedures set down by the Department of Finance. That process will be completed in the coming weeks. However, the Tánaiste is aware that the procurement priority for phase 2b has always been the fit-out of the “shelled-out” ward accommodation, as the first stage, to provide additional beds, and it is anticipated that this stage will be complete in late 2006.

The delivery of the balance of phase 2b following the first-stage fit-out mentioned is also being considered by the HSE in the context of determining capital priorities to be progressed in 2005 and beyond, in line with overall funding resources available.

Departmental Property.

Mr. Gormley: I thank the Leas-Cheann Comhairle for the opportunity to raise this matter. I

[Mr. Gormley.]

very much regret that the Minister of State at the Department of Finance, Deputy Parlon, is not here this evening to answer.

The proposal to install a mobile phone base station in Ardee House, Ardee Road, Rathmines, arises from a review commissioned by the Minister's Department "to assess the suitability of the State property portfolio for use in the mobile telecommunications sector". The idea is to charge mobile operators for a licence to install and operate telecommunications antennae on public buildings. It appears that the very first public building to be the subject of such a licence is Ardee House, an OPW building that houses the Central Statistics Office. It is the location that is the real problem, since Ardee House is close to some of the major schools in the area. It is directly adjacent to St. Mary's College and Junior School and also close to St. Louis High School. The proposed installation will be within metres of the school buildings and grounds of St. Mary's College. It seems clear to me that the Department or its consultants did not consider the proximity of those schools in assessing Ardee House for its suitability and that the proposal must be withdrawn immediately. I say that not simply because of the great disquiet expressed to me by my constituents but because of the latest findings by the UK independent expert group on mobile phones, also known as the Stewart group. It clearly supports the application of a precautionary principle that should rule out this proposed installation.

Before I get into the health concerns that it raises, I will say a few words on planning. I raised this issue by way of a question in December 2004.

9 o'clock In his reply, the Minister of State at the Department of Finance, Deputy

Parlon, stated regarding this installation: "Licensees will also be required to fully comply with normal planning regulations." I suggest that reply is rather disingenuous as the normal planning regulations in this case are the Planning and Development Regulations 2001, which exempt this installation from the normal planning process. In other words, the rules are that there are no rules. The normal planning process affords members of the public the opportunity to make observations on developments which affect them. In this case, neither the public nor the local authority can make any such observations.

The issue of planning in regard to telecommunications equipment is a key element of the Stewart report. Although it refers to the planning regime in force in the United Kingdom, the issues are largely the same in this State. In this respect, the recommendation of the independent expert group is unambiguous. It recommends that all base stations, including those with masts under 15 metres, be permitted development rights, that further erection be revoked and that the siting of

all new base stations should be subject to normal planning processes.

It is worth noting that the Planning and Development Regulations 2001 specifically exclude schools, child care facilities and hospitals from the schedule of buildings on which antennae can be installed without planning permission. This would appear to be a sensible precautionary measure given that, as the Stewart report points out, children will absorb more energy per kilogram of body weight from an external electromagnetic field than adults. However, the siting of a base station adjacent to a school makes this precaution worthless.

In reply to my colleague, Deputy Sargent, in the House last year the then Minister for Communications, Marine and Natural Resources stated that in the particular case of an installation on the upper floor of a building, the aerials emit electromagnetic energy laterally away from the aerial installation. He further stated that the position which receives the lowest emissions from such an installation is directly underneath it. That was by way of reassuring us that the installation of a base station on the upper floors of a nursing home would have no adverse health effects. It follows from the Minister's statement, however, that we should be more careful of what is next to buildings on which such equipment is installed.

The independent expert group makes this point, specifically in regard to schools. The Stewart report states that because of the way in which emissions are beamed, a macrocell base station located near a school may cause higher exposure to pupils than if it were placed on the roof of the school building. In other words, mobile phone masts near schools, as in this instance, are more of a cause of concern than mobile phone masts on school buildings.

In these circumstances, what is the point in excluding schools from the planning regulations if we are to allow these antennae to be installed next door to schools without planning permission? Again, the Stewart report addresses this issue and makes a recommendation that the agreement of the school and parents should be obtained in cases where the beam of greatest RF intensity from a base station would fall on any part of the school grounds, whether this station is located on school grounds or nearby. In this instance there has been no consultation with the school or parents. Parents are completely in the dark about this proposal.

I emphasise that the reason for applying a precautionary principle in this case is not simply to ease the concerns of residents and parents but to take account of the fact that there is, as of yet, a paucity of scientific research on the effect of emissions from these installations. This is acknowledged in the Stewart report which notes that despite public concern about the safety of mobile phones and base stations, rather little

research specifically relevant to these emissions has been published in peer-reviewed scientific literature. If the Minister goes ahead with this installation, it is nothing short of reckless.

Mr. T. O'Malley: I thank Deputy Gormley for giving me the opportunity to outline the matter to the House, on behalf of my colleague, the Minister of State, Deputy Parlon.

Over the past few years, the Commissioners of Public Works have received an ever-increasing number of requests from mobile phone operators to install equipment on State property. These requests were dealt with on a case by case basis and the commissioners did not have a standard approach to dealing with such requests.

To develop a consistent and standard way of dealing with these requests, the commissioners appointed telecommunications consultants Vilicom Limited to assess the suitability of the State property portfolio for use in the mobile telecommunications sector and to act in an advisory capacity to the commissioners in their dealings with mobile telecommunications operators. This was also done in support of Government policy on the roll-out of 3G mobile technology and as part of the commissioners' transforming State assets programme.

A standard agreement, which sets out the terms and conditions under which operators will be allowed to install equipment on State-owned properties, has been finalised. Any mobile phone operator granted such a licence will be required to strictly comply with all relevant health and safety Acts, operate within current standards and EU regulations and adhere to the guidelines on exposure limits to emissions issued by the International Commission on Non-Ionizing Radiation Protection.

This compliance with health and safety legislation etc., required under the licence agreement, also applies to any future relevant legislation or regulations and ICNIRP guidelines. Licensees will also be required to fully comply with normal planning regulations.

Part of Vilicom's role as consultants to the commissioners is to ensure that all equipment installed is constructed in accordance with all the relevant legislation in the first instance and to randomly test sites thereafter to ensure compliance is continuous.

I assure the Deputy that it is only within the strict framework outlined above and detailed in the licence agreement that the installation of telecommunications equipment on the State building on Ardee Road, Rathmines, has been approved.

Special Educational Needs.

Mr. J. Breen: I raise this matter as a result of a reply to a question I tabled last week to the Minister for Education and Science. She did every-

thing but answer my question on that occasion. She kicked for touch on the issue, and when the Minister kicks for touch in answering a question, she would do justice to O'Gara or O'Driscoll. Many Ministers do the same.

Ennis has a population of approximately 26,000. I request autism facilities in a mainstream school in the town of Ennis. Ennis has a catchment area of 35,000. If it had mainstream autism facilities for children and teenagers those services would be available within five miles of the town. We have a first class autism facility in the other half of my parish in Inagh, and that is operating very successfully.

The Department gave 70% funding last year for the building and the community raised the other 30%. Six pupils attend that school. They come from Ennis, Kilmurray, Miltown Malbay and Toonagh. Ennis is 14 miles from Inagh and we need an autism facility in a mainstream school in Ennis where children suffering from autism can mingle with the other students in the school in a natural environment. We have facilities in Ennis for autism but there are no special schools. It is a swipe at the most vulnerable in our society that the Minister for Education and Science will not give a guarantee that autism facilities will be provided in Ennis.

There is another matter in Ennis which concerns the Minister's Department. Eleven pupils currently attend St. Michael's school for special needs children, but this school will be closed by 2006, although the Department of Health and Children has denied that. The school is not taking any more enrolments and when that happens it means the school is being phased out. I ask the Minister not to allow that to happen. The children attending that school have 14 hours education and tuition weekly. The school now wants them to attend two and a half hours of intense training, but that is not acceptable for children ranging in age from two and a half to six years.

If the Minister of State intends to give me the same reply as the one I got from the Minister for Education and Science last week, I ask him not to read it out because I do not want to hear it. If he has something positive to say, however, or if he can tell me that the Minister will provide the facilities I am requesting for Ennis, I will listen to the reply.

Mr. T. O'Malley: I welcome the opportunity to clarify the position of the Department of Education and Science in respect of education provision for pupils with autism in the Ennis area of County Clare. The Department of Education and Science supports the education of individual students with autism in various primary and second level schools throughout the country. The precise model of provision made available will depend on the assessed needs of the pupils involved. Some students are capable of attending

[Mr. T. O'Malley.]

ordinary classes on an integrated basis, with resource teacher and-or special needs assistant support. In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil-teacher ratios. A class catering for children on the autistic spectrum would be supported at a pupil-teacher ratio of 6:1. The Department also supports arrangements whereby second level students attached to these special classes are facilitated in attending ordinary subject classes on an integrated basis wherever possible.

In the primary school system, there are three special classes for pupils with autism attached to two special schools in Ennis. There are a further three special autism classes attached to three mainstream primary schools in County Clare, one of which is in the Ennis area. All six classes can cater for a maximum of six pupils with autism and are generally staffed by one teacher and a minimum of two special needs assistants. The Deputy may be interested to know that the Department of Education and Science is considering an application for the establishment of an autistic unit at St. Senan's primary school, Kilrush, County Clare. Officials from the Department are liaising with the national educational psychological service in this regard and a decision will be conveyed to the school in question as soon as this process has been completed.

I assure the Deputy that the Department, as a matter of general policy, is favourably disposed to making educational provision for children with autism, as and when required. The details of each application must to be carefully examined, having regard to such matters as the assessment reports for the individual children, the suitability of proposed accommodation from an educational and health and safety perspective and the proximity of existing autism-specific provision in the area. Should an application for additional autism provision be received from a primary school in the Ennis area, it will be considered in this context.

The Minister for Education and Science is aware of the emerging need for the development of appropriate second level education services for children with autism in Ennis who will be due to progress from the primary system in the coming years. Organising such provision is a significant task of the National Council for Special Education, NCSE. The latter was established as an independent statutory body with responsibilities as set out in the National Council for Special Education (Establishment) Order 2003. With effect from 1 January 2005, the NCSE through local special educational needs organisers, SENOs, will process resource applications for children with special educational needs. Where a pupil with special educational needs enrolls in a primary or post-primary school, it is open to the

school to apply to the local SENO for additional teaching support and-or special needs assistant support for the pupil.

The Department is confident that the establishment of the National Council for Special Education will prove of major benefit in ensuring that all children with special educational needs receive the support they require when and where they require it. I thank the Deputy for raising this matter.

Third Level Education.

Mr. O'Shea: The Minister for Justice, Equality and Law Reform, Deputy McDowell, is reported as having roundly endorsed the compelling case for a south-east university which was made at a regional conference in Waterford city last January. While acknowledging that the final Government decision would be guided by the Minister for Education and Science, Deputy Hanafin, the Minister and president of the Progressive Democrats stated that he believes "that in the south-eastern region between Kilkenny, Wexford and Waterford there is a future for a proposal to transform the existing third level infrastructure into something more elaborate and I would be the last to say that the march towards a university is to be cut off at the pass". He also stated: "Universities should not be centrally controlled and Waterford Institute of Technology should not all the time be answerable to an elected Minister."

The Minister for Transport, Deputy Cullen, who represents Waterford, made the keynote address at the same conference and stated that Waterford Institute of Technology, WIT "is a university in all but name". He also stated:

This is an anomaly which must be rectified in the very near term. It is a primary goal.

However, on 27 January 2005, in reply to two parliamentary questions I tabled, the Minister for Education and Science stated: "it should also be noted that the OECD Review of Higher Education in Ireland, which was released on 16 September 2004, recommends that the differentiation of mission between the university and the institute of technology sectors be preserved and that for the foreseeable future there be no further institutional transfers into the university sector".

The expert group from the OECD carried out a major review of the Irish higher education system which involved visiting Ireland and consulting extensively with all the major education stakeholders. The positions taken up by the president of the Progressive Democrats and the Minister for Transport, on one hand, and the Minister for Education and Science, on the other, are hardly compatible, to say the least. There is no other interpretation of what the Minister for Education and Science stated than that she intends to cut off

Waterford's march towards university status at the pass. The president of the Progressive Democrats would be the last to say that this should be the case.

The position of the Minister for Transport is that WIT is a university in all but name and that the rectifying of this anomaly in the near future is a primary aim. This is incompatible with the statement that "the differentiation of mission between the university and the institute of technology sectors be preserved and that for the foreseeable future there be no further institutional transfers into the university sector".

The Government's policy on this hugely important issue for Waterford and the south east depends on whether one listens to the president of the Progressive Democrats and Minister for Justice, Equality and Law Reform, Deputy McDowell, the Fianna Fáil Minister for Transport, Deputy Cullen, or the Minister for Education and Science, Deputy Hanafin, who, after all, has line responsibility for the third level education sector. The first two Ministers, Deputies Cullen and McDowell, would leave one with the impression that university status for Waterford is near hand, while the Minister for Education and Science appears to indicate that this status will not be achieved in the foreseeable future. Politics are undoubtedly being played with this extremely important issue which is vital for the future development and prosperity of the entire south-eastern region.

The parliamentary questions I tabled to the Minister for Education and Science asked for her proposals, first, to grant national institute of higher education status to Waterford Institute of Technology in order that NIHE Waterford may develop along the same route as the University of Limerick and Dublin City University developed from NIHE Limerick and NIHE Glasnevin, respectively, and, second, to grant Waterford Institute of Technology a stand-alone status similar to Dublin Institute of Technology as a first step towards university status. The two questions separately offered alternative routes to university status for Waterford Institute of Technology. The Minister's reply, "There are no plans to change the status of Waterford Institute of Technology", was negative and clear.

This Fianna Fáil-Progressive Democrats Government has no intention of conferring university status on Waterford Institute of Technology. This should be clearly and unambiguously understood. However, it should not deter, in any way, the purpose and commitment of those of us who understand how vital university status for WIT is in terms of bringing about a major enhancement of the economic, cultural and industrial development of the region. No less an authority than Dr. Edward Walsh, President Emeritus of the University of Limerick, has stated that the challenge for the State in establishing a university

in Waterford should not be significant, either in financial or organisational terms, particularly in light of the major capital investment already made in buildings and infrastructure to support a 6,000-student campus at WIT and a new 150-acre campus at Carriganore.

Waterford is the only one of the five major cities that does not have a university. This is reflected in the annual spend for third level institutions in each of those cities. In 2004, recurrent funding was: Dublin — €490 million; Cork — €160 million; Galway — €117 million; Limerick — €101 million; and Waterford — €43 million. This is another illustration of the inequality delivered upon Waterford. Waterford has waited long enough and I am calling on the Minister for Education and Science to reverse her position and give Waterford Institute of Technology, Waterford and the south-east region the vital additional third level status and investment that is not alone greatly needed, but richly deserved.

Mr. T. O'Malley: I thank Deputy O'Shea for raising this issue as it affords me the opportunity to clarify the position of the Department of Education and Science as regards this matter.

In July 1996, the Government approved in principle the recommendations in the report of the steering committee on the future development of higher education as a benchmark for future planning in the sector. The steering committee concluded that an upgrading and expansion of Waterford Regional College, since re-titled Waterford Institute of Technology, represented the most appropriate response to the higher educational needs of the south east region. The committee's report recommended an increase in student places, with the major focus of expansion to be at degree level, and a change of title.

The Government accepted these recommendations. The provision of both the total number of places and of degree level courses in Waterford Institute of Technology has since been significantly expanded. Over that period, student numbers at Waterford IT have grown by some 40%. It now provides a range of programmes, the majority at degree level, right across the academic spectrum, including the humanities, health and nursing, science and informatics, engineering, business and education. These measures have provided the necessary capacity for the institute to meet the identified higher educational needs of the south east region over the coming years.

The Minister for Education and Science stated recently, and it is worth repeating, that the Massachusetts Institute of Technology is a world-class third level institution without having the title "university". The same applies to the London School of Economics, the Geneva Institute and many others.

[Mr. T. O'Malley.]

Nor has Waterford Institute of Technology's development been impeded by the lack of a university title. It has forged formal academic exchange and research partnerships with more than 40 universities worldwide. It has delegated authority to make its own educational awards up to Masters level, under the terms of the Qualifications (Education and Training) Act 1999. Waterford IT has been extremely successful in the research field, with its researchers having competed successfully for prestigious national and EU research funding. One of the major PRTL research programmes, Smart Space Management, is located in Waterford IT.

The OECD Review of Higher Education in Ireland, which was released on 16 September 2004, recommends that the differentiation of mission between the university and the institute of

technology sectors be preserved. It identifies this feature of the Irish system as a great strength and recommends that, for the foreseeable future, there be no further institutional transfers into the university sector.

The south eastern region has benefited greatly from the presence of a very successful and flourishing higher education institution in the form of Waterford Institute of Technology. The Government is committed to supporting Waterford IT into the future in continuing to make a significant contribution to the economic, social and cultural development of the south east and beyond.

Again I thank the Deputy for raising this matter.

The Dáil adjourned at 9.25 p.m. until 10.30 a.m. on Wednesday, 2 March 2005.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies received from the Departments (unrevised).

Questions Nos. 1 to 10, inclusive, answered orally.

Questions Nos. 11 to 72, inclusive, resubmitted.

Questions Nos. 73 to 82, inclusive, answered orally.

Overseas Development Aid.

83. **Mr. Noonan** asked the Minister for Defence the number of Defence Forces personnel currently working to assist those affected by the December 2004 tsunami; and if he will make a statement on the matter. [6744/05]

110. **Mr. Neville** asked the Minister for Defence the reports he has received from members of the Defence Forces who travelled to tsunami affected countries; and if he will make a statement on the matter. [6745/05]

111. **Mr. Penrose** asked the Minister for Defence if he will report on the work of those members of the Defence Forces seconded to the UNJLC in Colombo, Sri Lanka, to assist in the relief effort following the tsunami in south Asia; if further troops may be deployed in the region; and if he will make a statement on the matter. [6703/05]

123. **Mr. Eamon Ryan** asked the Minister for Defence if he will report on the deployment of a Defence Forces team to Sri Lanka to assist in relief following the tsunami disaster; and if he will make a statement on the matter. [6755/05]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 83, 110, 111 and 123 together.

As soon as the scale of the recent disaster in south-east Asia became clear, the Department of Foreign Affairs deployed a high level technical assessment team, which included a member of the Defence Forces, to examine the situation on the ground and identify what assistance Ireland should offer to the affected region. Arising from its initial assessment, the team advised the Department of Foreign Affairs of an immediate requirement for two logistics planning experts and two engineers to be attached to the United Nations Joint Logistics Centre, UNJLC. Four officers of the Permanent Defence Force were seconded, with effect from 18 January 2005, on a volunteer basis to the UNJLC in Colombo, Sri Lanka.

I should point out that it was not the primary role of these personnel to report on further areas where Ireland can be of assistance but to report to the UNJLC, following a detailed analysis of key priorities within their fields of expertise. The role of the logistics officers has been to evaluate,

on behalf of the UNJLC, the current and future transport requirements in the affected areas for the delivery of humanitarian aid and to recommend solutions to overcome any identified short-falls. The role of the engineers has been to examine the road infrastructure in the affected areas, specify the rehabilitation and repair requirements and establish repair priorities so as to restore a functioning transport network in the area.

At the request of the UNJLC, an assessment of transport and logistics requirements in the north and north east of the country was conducted. In addition, the engineers completed a full and detailed analysis of the south and south east coastal road system. The team met the Government task force to rebuild the nation, TAFREN, on 17 February and presented its findings and recommendations. The two engineers returned home to Ireland last week. It is expected that the two logistic officers will complete their work in the coming weeks and then return home to Ireland.

No further requests for Defence Forces assistance have been received from the authorities in the region. However, in the event that the Defence Forces have the capacity and resources to offer further required assistance in the region in specified roles, this will be examined on a case-by-case basis having regard to the requirements and the situation on the ground. I can assure Deputies that the Government is very positively disposed towards supporting the relief effort in the affected areas to the greatest possible extent.

United Nations Reform.

84. **Mr. Howlin** asked the Minister for Defence if he will clarify recent comments attributed to him (details supplied) that he has been informed by senior figures in Brussels that the UN intends to introduce reforms that may lead to the speedier agreements of UN Security Council resolutions in crisis situations; the details of the reforms of which he has been informed; the persons who informed of these reforms. [6697/05]

Minister for Defence (Mr. O'Dea): The comments attributed to me were made consequent to the publishing of the UN's Report of the High Level Panel on Threats, Challenges and Change, which issued on 2 December 2004. I refer Deputies to the reply to Question No. 173 given by my colleague, the Minister for Foreign Affairs, to this House on 2 February.

Briefly, the background is that the high level panel was established in November 2003 by the United Nations Secretary General, Kofi Annan, to examine how best collective action can meet current and future threats to peace and security. Specifically, the panel was tasked with analysing current and future challenges to international peace and security and assessing how best collective action can meet these challenges. It was asked to recommend changes necessary to ensure effective collective action, including but not limited to a review of the principal organs of the United Nations.

[Mr. O'Dea.]

A central priority of Ireland's Presidency of the European Union was to mobilise EU support for the multilateral system and the United Nations. Ireland drafted and co-ordinated the EU's contribution to the work of the panel, and it is gratifying that many of its key elements are reflected in the panel's recommendations.

At the UN next September, Heads of State and Government will seek to reach agreement on reforms, including institutional reforms, to improve the functioning and effectiveness of the UN system.

At the end of next month, Secretary General Annan, having reflected on the panel's recommendations and the reaction to them will bring forward some core proposals of his own to act as a basis for agreement on a balanced outcome at the September summit.

In publicly welcoming the report of the panel in December, the Minister for Foreign Affairs said that it made a compelling case for the multilateral system as the best way for all states, working together, to confront threats and challenges to security and development in today's world.

From Ireland's perspective, the report contains two critically important elements. First, it makes the case, convincingly, for a new, more comprehensive approach to security, making it clear that effective collective security demands that we address poverty, disease and underdevelopment as well as terrorism and weapons of mass destruction. This reflects the central premise of the EU's contribution to the work of the panel: there can be no hierarchy of threats.

Second, the report makes a number of specific recommendations for the prevention of threats, including terrorism, poverty, internal conflict and the proliferation of weapons of mass destruction, as well as on the institutional reform of the UN. Many of these are sound and constructive, and worthy of support. A particular emphasis of the panel, which Ireland strongly endorses, is the need for sustained, co-ordinated multilateral support for peace-building in countries emerging from conflict and at risk of sliding back into conflict.

Ireland also welcomes the impetus the report has given to consideration of reform of UN institutions, including the Security Council and the General Assembly, as well as the proposal for the establishment of a peacebuilding commission. The Deputy may be assured that the promotion of support for a positive outcome at the September summit is an important priority of the Government.

Defence Forces Equipment.

85. **Mr. Connaughton** asked the Minister for Defence the improvements to the Air Corps he proposes to make in terms of aircraft over the coming 12 months; and if he will make a statement on the matter. [6727/05]

Minister for Defence (Mr. O'Dea): The focus with regard to new aircraft for the Air Corps this year is on the acquisition of helicopters. I previously informed the House that following a comprehensive tender competition, two contracts have now been signed for the provision of new helicopters for the Air Corps, at a total cost of over €61 million. Four utility AB 139 helicopters are being acquired from the Bell Agusta Aerospace Company at a cost of €48.4 million, inclusive of VAT. The four helicopters will be built at the Agusta facility near Milan, Italy. Two AB 139s will be delivered in 2006 and the other two will be delivered in 2007.

The four AB 139 helicopters will be operated by the Air Corps in a general purpose military operational and training role. Primary taskings for the utility helicopter will include training and operations with special forces, security and aid to the civil power, military exercises, infantry interoperability training and limited troop transport. They will also be used to perform air ambulance, inland search and rescue, aid to the civil community and VIP transport tasks.

Two light utility EC 135 helicopters are being acquired from Eurocopter SAS at a cost of €12.8 million, inclusive of VAT. The two helicopters will be built at Eurocopter's facility in Donauwörth, Germany. Both EC 135s are scheduled to be delivered in the latter part of this year. The two light utility helicopters will be operated by the Air Corps primarily in the military pilot and aircrew-training role. Primary taskings for the helicopters will include pilot training, instructor training and instrument flight training.

The acquisition of the helicopters is the second major acquisition of aircraft for the Air Corps in recent years. The delivery of eight Pilatus training aircraft for the Air Corps at a total cost of €60 million was completed during 2004. The delivery of the modern training aircraft in tandem with the delivery of the new helicopters over the next three years has provided a very significant boost to the Air Corps.

Commemorative Events.

86. **Mr. Quinn** asked the Minister for Defence if, further to his reply of 26 January 2005, there is further information on an appropriate form of commemoration for the Irish soldiers involved in the events in Jadotville more than 40 years ago while on service with the United Nations; and if he will make a statement on the matter. [6704/05]

Minister for Defence (Mr. O'Dea): As outlined to the House on 26 January 2005, detailed consideration was being given to the most appropriate form of commemoration for those involved in the events in Jadotville and I am pleased to be in a position to report on the progress made since then.

I have decided that a plaque will be situated in Athlone to commemorate the events at Jadotville and the very significant contribution of A com-

pany and of the 35th battalion, as a whole, to the UN peace support mission in the Congo. To this end, discussions are ongoing at present in the Western Brigade regarding the siting of this plaque.

I have also decided that portraits of Lieutenant Colonel McNamee, 35th battalion commander, and Commandant Quinlan, company commander A company, will be commissioned and arrangements in this regard are under way. Once completed, it is intended that these portraits will hang in the Congo Room in the United Nations Training School in the Curragh.

Defence Forces Equipment.

87. **Mr. Durkan** asked the Minister for Defence the degree to which the Defence Forces are equipped and capable of dealing with eventualities in the event of a terrorist attack, with particular reference to the availability of breathing and skin protection; and if he will make a statement on the matter. [6709/05]

102. **Mr. Stanton** asked the Minister for Defence the number of NBC protective clothing suits that will be purchased by his Department in 2005; and if he will make a statement on the matter. [6730/05]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 87 and 102 together.

The Garda Síochána has primary responsibility for law and order, including the protection of the internal security of the State. It continuously monitors the potential threats to the State arising from international terrorism in co-operation with the Defence Forces.

The Defence Forces make contingency plans for a range of scenarios where the security of the State may be at risk. In addition, the Defence Forces have contingency plans in place in relation to the provision of aid to the civil power — meaning in practice to assist, when requested, the Garda Síochána, and the provision of assistance to the civil authorities for a range of emergency situations.

The capacity of the Defence Forces to deal with major emergencies is kept under constant review. Plans and procedures are updated as necessary and such additional equipment as is required to address any perceived deficiencies is acquired on the basis of identified priorities. Training and preparation for such events is also provided for in the Defence Forces annual training plan.

The Defence Forces have available to them equipment for monitoring and protecting their members in dealing with nuclear, biological or chemical, NBC, threats identified from time to time. They hold an extensive range of modern NBC equipment that meets their current requirements. This range includes approximately 7,000 NBC suits, 1,500 of which were delivered in 2004. It is planned to purchase a further 1,000 NBC suits this year.

In addition, the Defence Forces have a sufficient stock of respirators for each individual soldier. They also have 98 of the most technologically up to date chemical agent monitors and Defence Forces personnel have been trained on their operation. Other equipment on hands includes biological agent detector and screening kits, group decontamination equipment and personal decontamination equipment.

The requirement for additional NBC equipment is kept under continuous review by the Defence Forces. A programme for the purchase of NBC equipment is ongoing and whatever equipment deemed necessary is purchased expeditiously to meet the changing requirements.

Overseas Missions.

88. **Mr. Eamon Ryan** asked the Minister for Defence the position regarding Irish troops serving in Liberia; and if he will make a statement on the matter. [6754/05]

95. **Mr. McCormack** asked the Minister for Defence if he will report on the situation in Liberia and the operations that members of the Defence Forces are engaged in; and if he will make a statement on the matter. [6738/05]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 88 and 95 together.

The Defence Forces contingent, which was deployed for service with the United Nations Mission in Liberia, UNMIL, in December 2003, comprises a motorised infantry battalion of 428 personnel. A small number of additional personnel have been also deployed at force headquarters and as military observers.

Irish personnel are rotated on a six monthly basis. The 92nd Infantry Battalion commenced a six month tour of duty in December 2004.

Ireland, together with an Infantry Company Group from Sweden, provides the Quick Reaction Force, QRF, to the UNMIL force commander. I very much welcome the participation of Sweden as part of the QRF. This type of co-operation is reflective of the changing dynamics in peacekeeping. The range and diversity of arrangements now in place for peacekeeping allow us to work in tandem with like-minded nations to contribute in a very effective and meaningful manner to peace support operations throughout the world. The role of the Irish personnel is the provision of an immediate response capability, deployable in sufficient strength and with the required level of force to provide a swift and decisive military reaction to any crisis situation.

The Irish battalion in UNMIL has operated in a path-finding and reconnaissance role supporting the deployment of other UN contingents. It has also conducted long-range patrols beyond Monrovia and well into the interior of Liberia showing a UN presence, deterring lawlessness and protecting local populations. The contingent also undertakes regular daily patrols within the

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Monrovia area. The Irish battalion is available to the force commander to provide support and a rapid response capability in the event of a breakdown in law and order or further conflict.

On 14 December 2004, I accompanied President and Dr. Martin McAleese on their visit to Liberia. The principal purpose of the visit was to meet members of the Irish contingent serving with UNMIL and to observe at first hand the work of the contingent and to convey to them, on behalf of the Government and the people of Ireland, our deep appreciation for the outstanding manner in which they continue to perform their duties on overseas service. UNMIL is a challenging assignment and the Defence Forces are to be congratulated on the expeditious manner in which they planned and undertook deployment to this mission.

The situation in Monrovia has remained calm since the unrest in Autumn 2004. However, the speed with which these situations can get out of hand is indicative of the difficult circumstances in which our troops operate and one can never lose sight of this. We will continue to keep this situation under review to ensure that our troops have the necessary equipment and resources to discharge their mandate.

Departmental Properties.

89. **Mr. J. O'Keeffe** asked the Minister for Defence if it is proposed to sell lands or buildings under his control in the remainder of 2005; and if he will make a statement on the matter. [6734/05]

127. **Mr. Sargent** asked the Minister for Defence his plans for the part development or sale of Cathal Brugha Barracks in Rathmines; and if he will make a statement on the matter. [6756/05]

393. **Mr. Durkan** asked the Minister for Defence the total receipts to date from the sale of military installations closed in 1998; and if he will make a statement on the matter. [6935/05]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 89, 127, and 393 together.

The Government, on 15 July 1998, approved a programme of evacuation and sale of six barracks considered surplus to military requirements. The barracks in question were located at Ballincollig, Fermoy, Castleblayney, Naas, Kildare and Clancy Barracks, Dublin.

The sale of 97 acres approximately at Murphy Barracks, Ballincollig was completed in 2003 for a total of €42 million. The bulk of the lands was purchased by O'Flynn Construction. The sale of a site comprising c. 2.7 acres to the Southern Heath Board for €1.73 million was completed in December last. A further area comprising approximately 27 acres at Murphy Barracks is being handed over to Cork County Council for community use. Agreement has also been reached for the sale of a site c. 1.7 acres to the

Department of Education and Science for approximately €1.1 million. A half acre site has been set aside on foot of a request from the Office of Public Works, OPW, for a plot of ground to facilitate extension of the existing Garda station located on Main Street, Ballincollig. My Department is in correspondence with the OPW on arrangements for transfer of the lands concerned, including the matter of a consideration therefor.

A total of 19.218 acres at the former Fitzgerald Camp, Fermoy, were sold to Cork County Council in 2001 for €973,889 for development in conjunction with IDA Ireland. Castleblayney Military Post, County Monaghan, comprising c. 10 acres, was sold to the North Eastern Health Board for €761,843 in 2002. A total of seven acres at Devoy Barracks, Naas, County Kildare, were ceded free of charge to Naas Urban District Council, while a further 14 acres were sold to that authority for €8,888,167. The balance of the barracks lands — one acre — was sold to Kildare County Council for €380,921 in 2002. Clancy Barracks, Dublin, comprising 13.65 acres approximately, was sold to Florence Properties Limited for €25.4 million in 2004. The disposal of a number of other minor properties which were surplus to requirements was also completed during this period.

The Government decided in July 2003 that Magee Barracks, Kildare, and Gormanston Camp, County Meath, would be among the State lands released for inclusion in the Sustaining Progress affordable housing initiative. The modalities of the transfer of these properties, as well as sites at St. Bricins Hospital, Dublin and at Collins Barracks, Cork, to the relevant local authorities are under active consideration in consultation with the Department of the Environment, Heritage and Local Government and the Chief State Solicitor's office.

The value of sales-disposals completed since 1998 has totalled in the region of € 90 million. There are no plans for the part development or sale of Cathal Brugha Barracks in Rathmines. The Department's property portfolio is, however, kept under continual review and any properties surplus to military requirements will be disposed of to fund much needed investment to meet the equipment and infrastructure needs of the Defence Forces.

Question No. 90 answered with Question No. 82.

Defence Forces Reserve.

91. **Mr. J. O'Keeffe** asked the Minister for Defence the current strength of the reserve Defence Forces; the type of operations they are engaged in; and if he will make a statement on the matter. [6737/05]

101. **Ms McManus** asked the Minister for Defence if the RDF unit in Cahir, County Tipperary, will be retained at its present location;

and if he will make a statement on the matter. [6699/05]

108. **Mr. Kehoe** asked the Minister for Defence his plans to permit the service of RDF personnel overseas; and if he will make a statement on the matter. [6725/05]

125. **Mr. O'Dowd** asked the Minister for Defence the current strength of the Reserve Defence Forces; and if he will make a statement on the matter. [6806/05]

378. **Mr. Timmins** asked the Minister for Defence the current strength of the Reserve Defence Forces; and if he will make a statement on the matter. [6809/05]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 91, 101, 108, 125 and 378 together.

On 26 July 2004 my predecessor the former Minister, Deputy Michael Smith, officially launched the Reserve Defence Force review implementation plan which is the start of a process that will radically change the structure and configuration of the reserve while preserving its traditional strengths. These include such things as the spirit of voluntary commitment, the maintaining of strong links with local communities and a nationwide geographical spread.

An important change recommended by the study of the reserve is that members of the FCA and Naval Service Reserve should be considered for participation in overseas peace support missions subject to suitable qualifications, personal availability and appropriate advance training. In other countries service by reservists on overseas peace support missions is quite common.

As specified in the reserve Defence Force implementation plan, any such participation is likely to be in specialist areas such as medical, transport, engineering and communications and information services. This service will be dependent on extended pre-deployment training. General criteria governing selection for overseas service come within the scope of representation and any matters relating to overseas service by members of the reserve, which come within the scope of representation, will be raised with the representative associations at the appropriate forum. The question of the security of civilian employment, for the members of the reserve who may wish to serve overseas, will be considered as part of the ongoing implementation process.

While there are no immediate plans for participation by members of the reserve Defence Force in overseas missions, policies to support the selection of reserve personnel for overseas duties will be developed over the lifetime of the reserve Defence Force implementation plan. The military authorities have advised that the strength of the reserve Defence Force, including An Slua Muirí, is 12,038.

The Permanent Defence Force is now organised in a three-brigade structure and a Defence Forces training centre. The reserve Defence Force will be similarly reorganised and restructured and it is envisaged that the implementation

of this plan will take place over the course of the next six years.

The plan defines the organisational framework of the new Army Reserve and provides for a greater concentration of units within each Army brigade area. There will be mergers both at battalion and company level as well as between sister technical support units. This will be the key to providing enhanced training facilities and opportunities for each member of the reserve.

In producing detailed proposals for the restructuring of reserve units within each brigade area, the military authorities have taken due cognisance of the existing FCA presence within communities. Consultation and communication have been a priority throughout the development of the plan. They will continue to be important if the changes now proposed are to be carried through smoothly and effectively. Reserve units will be kept informed of developments on a regular basis.

As part of this reorganisation Cahir in County Tipperary which is currently the B company headquarters of the 13th Infantry Battalion which has an existing strength of 31 personnel will become a troop centre, which is similar to a platoon, with an establishment of 33 personnel. Accordingly, the strength of the reserve in Cahir will not suffer as a result of this change.

Members of the FCA are already seeing the benefits of the re-organisation process in terms of better clothing and improved equipment and more and better quality training. As the process develops we will see additional benefits in terms of a clearer role for the reserve, a better overall organisation structure, and opportunities for suitably qualified personnel to serve overseas. We will also see benefits from the closer integration of the reserve with the Army.

Questions Nos. 92 and 93 answered with Question No. 82.

Decentralisation Programme.

94. **Mr. Stagg** asked the Minister for Defence if the building that has been identified as the new permanent headquarters of the Civil Defence board in Roscrea is available to be occupied; and if he will make a statement on the matter. [6708/05]

104. **Mr. Timmins** asked the Minister for Defence the situation with respect to the decentralisation of Civil Defence to Roscrea; and if he will make a statement on the matter. [6715/05]

Minister for Defence (Mr. O'Dea): I propose to take Question Nos. 94 and 104 together.

The Office of Public Works, which has responsibility for the provision of official accommodation for Government Departments, has issued tenders for the fit-out of the leased building in Roscrea, and it is hoped that a contract can be placed shortly. It is expected that this building will be available for occupation later this year.

There are approximately 30 posts in the Civil Defence headquarters. Part of the staff of the Civil Defence board has moved to temporary

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accommodation in Roscrea with effect from 10 September 2004.

Question No. 95 answered with Question No. 88.

Common Foreign and Security Policy.

96. **Mr. Boyle** asked the Minister for Defence if the position of British and French nuclear weapons has been discussed within the European security and defence policy; and if he will make a statement on the matter. [6749/05]

130. **Mr. Cuffe** asked the Minister for Defence if the stationing of 480 US nuclear weapons in eight bases in six European countries, five of which are in the EU, has been discussed at meetings of EU Defence Ministers; the implications of these weapons for the EU defence policy; and if he will make a statement on the matter. [6750/05]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 96 and 130 together.

At the European Council at Helsinki in 1999, member states set themselves a headline goal, that is, that “by the year 2003, co-operating together and voluntarily, they will be able to deploy rapidly and then sustain forces capable of the full range of Petersberg Tasks as set out in the Amsterdam Treaty”, that is, in short, humanitarian, rescue, peacekeeping and crisis management operations including peacemaking.

The ambition of the EU, to be able to respond rapidly to emerging crises and undertake Petersberg Tasks peace support missions, has and continues to be the key objective of the development of the European Security and Defence Policy, ESDP. Accordingly, the issue of nuclear weapons, apart from the protection of personnel against the effects of nuclear, biological and chemical, NBC, agents, has not and does not arise in the context of participation in ESDP.

Overseas Missions.

97. **Mr. McCormack** asked the Minister for Defence the number of members of the Defence Forces that are available to the United Nations; if this number will be increased in 2005; and if he will make a statement on the matter. [6728/05]

100. **Mr. P. Breen** asked the Minister for Defence if he will report on the overseas missions that it is envisaged the Defence Forces will contribute to in the remainder of 2005; and if he will make a statement on the matter. [6739/05]

391. **Mr. Durkan** asked the Minister for Defence the overseas locations to which Irish troops are likely to be deployed in the next 12 months; and if he will make a statement on the matter. [6933/05]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 97, 100 and 391 together.

Ireland is currently contributing approximately 770 Defence Forces personnel to 22 different missions throughout the world, full details of which

are listed in the following statement. The main commitments are to the United Nations mission in Liberia, UNMIL, with 434 personnel and to the NATO-led international security presence, KFOR, in Kosovo, with 208 personnel. Other personnel are serving as monitors and observers with the United Nations, UN, the Organisation for Security and Co-operation in Europe, OSCE, and the European Union, EU. Staff are also deployed at the organisational headquarters of the OSCE, the UN, NATO and the EU.

Ireland's current major contribution to peacekeeping is in Liberia, where a contingent of the Permanent Defence Forces has been serving since December 2003, with the United Nations Mission in Liberia, UNMIL. Here, Ireland, together with an infantry company group from Sweden, provides the quick reaction force to the UNMIL force commander. Ireland was specifically requested by the UN to participate in a substantive manner in this mission, which is a tribute to the high regard in which the UN holds the Irish Defence Forces. It is intended that Defence Forces involvement in UNMIL will probably conclude in 2005-06, once the Liberian elections, planned for mid-2005, are completed.

In KFOR, the Defence Forces are serving as part of a Finnish battalion with a Swedish-led multinational brigade. A re-organisation and down-sizing of the NATO-led forces in KFOR, including the Irish contingent, was planned and had partly commenced when civil disturbances broke out in March this year in Kosovo. That down-sizing has now been deferred to allow the situation to settle. Having regard to the fragility of the peace in Kosovo and subject to ongoing assessments of the situation on the ground, Ireland will continue to maintain a presence in KFOR for some time yet.

Ireland currently has 53 personnel deployed to EUFOR, the EU-led operation in Bosnia and Herzegovina. EUFOR was established under the authority of the UN Security Council — Resolution 1575 of 22 November 2004. The resolution authorised the establishment for an initial period of 12 months of a multinational and stabilisation force, EUFOR, as a legal successor to SFOR the NATO-led UN authorised operation in Bosnia Herzegovina. The long-term objective of this mission is the establishment of a stable, viable, peaceful and multi-ethnic Bosnia and Herzegovina, co-operating peacefully with its neighbours.

Ireland has offered, through the UN Standby Arrangements System, UNSAS, to provide up to 850 military personnel, configured as a light infantry mounted battalion, for overseas service at any one time. This figure equates to some 10% of Ireland's standing Army, excluding reserves, and demonstrates Ireland's commitment to the cause of international peace. This is the maximum sustainable commitment that Ireland can make to overseas peacekeeping operations.

Ireland receives requests from time to time in relation to participation in various missions and these are considered on a case-by-case basis. However, we are currently fairly close to the limit of our sustainable commitments. It is appropriate that we keep some level of resources in reserve,

should we need to reinforce existing missions or to take on additional missions at short notice. No other deployments are planned or envisaged at this time.

Members of the Permanent Defence Force serving Overseas as of 23 February 2005

1. UN Missions	
(i) UNIFIL (United Nations Interim Force in Lebanon)	5
(ii) UNTSO (United Nations Truce Supervision Organisation) — Israel, Syria and Lebanon	13
(iii) UNFICYP (United Nations Peacekeeping Force in Cyprus)	1
(iv) MINURSO (United Nations Mission for the Referendum in Western Sahara)	4
(v) UNMIK (United Nations Interim Administration Mission in Kosovo)	4
(vi) MONUC (United Nations Mission in Democratic Republic of the Congo)	3
(vii) ONUCI (United Nations Mission in Ivory Coast)	2
(viii) UNMIL (United Nations Mission in Liberia) FHQ	6
UNMIL 92th Inf Bn	428
TOTAL	466
UN Mandated Missions	
(ix) EUFOR (EU-led Mission Operation in Bosnia and Herzegovina)	53
(x) KFOR (International Security Presence in Kosovo)	208
(xi) ISAF (International Security Assistance Force in Afghanistan)	7
Total number of personnel serving with UN missions	734
2. EU Missions	
(i) European Union Monitor Mission (EUMM) to the former Yugoslavia	5
(ii) European Union Mission to the African Union Monitoring Mission to Darfur	1
Total Number of Personnel serving with EU Missions	6
3. Organisation for Security and Co-operation in Europe (OSCE)	
(i) OSCE Mission to Bosnia & Herzegovina	1
(ii) OSCE Mission in Croatia	1
(iii) OSCE Presence in Albania	1
(iv) OSCE Mission in FRY	1
(v) OSCE Mission in Macedonia	1
(vi) OSCE Mission in Georgia	5
(vii) Staff Officer, Higher Level Planning Group, Vienna	1
Total number of personnel serving OSCE	11
4. Head of Military Staff (Brussels)	1
5. EU Military Staff (Brussels)	6
6. Liaison Office of Ireland, PfP (Brussels)	2
7. Permanent Representative to EU (Brussels)	3
8. Military Representatives/ Advisers	
(i) Military Adviser, Permanent Mission to UN, New York	1
(ii) Military Adviser, Irish Delegation to OSCE, Vienna	1
(iii) Military Representative to Partnership Co-ordination Cell/Supreme Headquarters Allied Powers Europe (SHAPE), Mons, Belgium	1
9. Appointments — UN HQ (New York)	
Officers seconded to DPKO (Department of Peace Keeping Operations)	2
10. Other Assignments — UNJLC (Sri Lanka)	
Officers seconded to the United Nations Joint Logistics Centre	2
Total Number Defence Forces Personnel serving Overseas	770

Common Foreign and Security Policy.

98. **Mr. M. Higgins** asked the Minister for Defence his plans for joint procurement of arms and equipment for the Defence Forces and the military forces of other States; and if he will make a statement on the matter. [6696/05]

Minister for Defence (Mr. O’Dea): A decision to establish an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments, known as the European Defence Agency, EDA, was formally adopted at the General Affairs and External Relations Council meeting on 12 July 2004.

[Mr. O'Dea.]

The overall aim of the agency is to support member states in their efforts to improve European defence capabilities in support of European security and defence policy. To achieve this, the agency has been ascribed four functions, relating to: defence capabilities development; armaments co-operation; the European defence technological and industrial base and defence equipment market; and research and technology.

At its meeting on 6 July 2004 the Government agreed that Ireland would participate in the framework of the agency. Participation in individual projects of the agency will be a matter for national decision on a case-by-case basis. Ireland is not involved in any projects at this stage.

The agency, which is still in the early stage of development, will be an important forum by which the EU can seek to improve competitiveness and efficiency in the defence equipment sector which has been notable for fragmentation and duplication. While Ireland is not a major consumer of defence equipment, I believe that we should encourage developments which improve market efficiencies or which may yield some economies of scale for equipment procurement for the Defence Forces.

Ireland paid a contribution of €21,733.07 towards the agency's initial general budget for 2004. A provision of some €315,000 has been sought in respect of the agency for 2005, which includes a contribution to "once off" capital costs in respect of accommodation and facilities.

Decentralisation Programme.

99. **Mr. Deasy** asked the Minister for Defence the stage at which his plans for decentralisation are; and if he will make a statement on the matter. [6719/05]

126. **Mr. Allen** asked the Minister for Defence the progress being made with regard to decentralisation from his Department or agencies under his control; and if he will make a statement on the matter. [6731/05]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 99 and 126 together.

The Government decision on decentralisation provides for the transfer of my Department's Dublin based Civil Service staff to Newbridge, County Kildare. The number of staff to be relocated to Newbridge is 200. The Government decision also provides for the transfer of 300 Defence Forces headquarters staff to the Curragh, County Kildare. A total of 385 personnel, of whom 78 are currently serving in the Department, have declared an interest in relocating to Newbridge.

The Office of Public Works is in discussions with Kildare County Council regarding the possible acquisition of a site in Newbridge for the Department's new headquarters. A site for the Defence Force's headquarters at the Curragh has been selected and preliminary planning in connection with the design of the building has commenced. It is envisaged that the relocation will take place in 2007.

The Civil Defence board is being relocated to Roscrea, County Tipperary. There are approximately 30 posts in the Civil Defence headquarters. Some of the staff of the Civil Defence board moved to temporary accommodation in Roscrea with effect from 10 September 2004.

The Office of Public Works, which has responsibility for the provision of official accommodation for Government Departments, has issued tenders for the fit-out of a leased building in Roscrea, and it is hoped that a contract can be placed shortly. It is expected that this building will be available for occupation later this year.

Question No. 100 answered with Question No. 97.

Question No. 101 answered with Question No. 91.

Question No. 102 answered with Question No. 87.

Military Police Investigations.

103. **Mr. S. Ryan** asked the Minister for Defence if, further to his reply of 26 January 2005, the second of two military police investigations into suggestions of near mutinous behaviour on a Naval Service vessel has been concluded; the action which has been taken in view of this investigation; and if he will make a statement on the matter. [6706/05]

Minister for Defence (Mr. O'Dea): The military police investigation into the second alleged incident is still ongoing and therefore it would be inappropriate to comment on the matter.

Question No. 104 answered with Question No. 94.

Defence Forces Equipment.

105. **Mr. Deasy** asked the Minister for Defence the cost to date of maintenance on Mowags; and if he will make a statement on the matter. [6721/05]

Minister for Defence (Mr. O'Dea): The initial contract for 40 APCs with Mowag of Switzerland was valued at €51 million inclusive of VAT and saw deliveries completed by March 2002. The second contract for an additional 25 armoured personnel carriers was valued at some €33 million. Deliveries of all 25 took place in 2004. This gives the Defence Forces 65 Mowag APCs in total. Some 28 Mowag APCs are currently on operational duties with our troops in Kosovo and Liberia.

With regard to maintenance of the APCs, such work is carried out by Defence Forces personnel at home and overseas. The cost to date of spare parts and equipment related to maintenance of the APCs is estimated at €3.5 million.

Defence Forces Strength.

106. **Ms Enright** asked the Minister for Defence

the strength of the Defence Forces at 1 July 1998 and 1 January 2005; and if he will make a statement on the matter. [6713/05]

119. **Ms O. Mitchell** asked the Minister for Defence the strength of the Naval Service at 1 July 1997 and 1 January 2005; and if he will make a statement on the matter. [6712/05]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 106 and 119 together.

The White Paper on Defence of February 2000 sets out a figure of 10,500 personnel for the Per-

manent Defence Force, comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army. It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment into the Permanent Defence Force will continue to maintain the strength at the level set out in the White Paper as required to meet military needs. The strength of the Permanent Defence Force, comprising the Army, Air Corps and Naval Service, as of 1 July 1997, 1 July 1998 and 1 January 2005 was as follows:

	Army	Air Corps	Naval Service	Total
1 July 1997	9,849	1,073	1,014	11,936
1 July 1998	9,600	1,026	990	11,616
1 January 2005	8,592	871	1,088	10,551

In addition, there were 258 recent recruits undergoing training on 1 January 2005.

Question No. 107 answered with Question No. 82.

Question No. 108 answered with Question No. 91.

European Council Meetings.

109. **Mr. Boyle** asked the Minister for Defence the agenda for the informal meeting of Defence Ministers in Luxembourg on 18 and 19 March 2005; and if he will make a statement on the matter. [6748/05]

Minister for Defence (Mr. O'Dea): As of today, 1 March 2005, I have not received the agenda for the forthcoming informal meeting of Defence Ministers, which will take place in Luxembourg on 18 and 19 of March next. However, indications are that the main issues for discussion will be the continued development of capabilities through the headline goal 2010, development of the rapid reaction elements concept, the fight against terrorism and ongoing peace support operations.

Questions Nos. 110 and 111 answered with Question No. 83.

Defence Forces Equipment.

112. **Mr. Perry** asked the Minister for Defence if it is proposed to augment the Naval Service with any new craft over the coming 18 months; and if he will make a statement on the matter. [6736/05]

Minister for Defence (Mr. O'Dea): In the White Paper on Defence, the Government decided that the Naval Service will be developed around the provision of an eight ship flotilla. In recent years, two new ships have been delivered to the Naval Service and the service is operating with the recommended eight ships.

LE Roisin was commissioned in December 1999 and her sister ship, *LE Niamh*, which replaced *LE Deirdre*, was commissioned in September 2001. The total cost of the two ships was €50 million. Both ships have proved to be tremendous assets to the Naval Service in carrying out its various day to day roles.

The Government is committed to continuous investment in the equipment needs of the Naval Service that will maintain the eight ship flotilla.

Partnership for Peace.

113. **Mr. Costello** asked the Minister for Defence if he will report on activities undertaken by the Defence Forces to date under the auspices of Partnership for Peace; the future activities that may be undertaken; and if he will make a statement on the matter. [6694/05]

Minister for Defence (Mr. O'Dea): Ireland's participation in Partnership for Peace, PfP, to date is set out in our four individual partnership programmes, IPPs, copies of which have been lodged in the Oireachtas Library.

Ireland's fourth IPP, covering the period 2004-05, was completed in consultation with the Departments of Foreign Affairs, the Environment, Heritage and Local Government, Justice, Equality and Law Reform, Health and Children and Communications, Marine and Natural Resources. A total of 108 activities were chosen representing participation by the Department of Defence, the Defence Forces and the Department of the Environment, Heritage and Local Government. Activities consist of training courses, seminars, workshops, conferences, staff exercises and table top exercises as set out in the following schedule.

Ireland also participates in the PfP planning and review process, known as PARP. In common with the other EU neutrals, Ireland is using the PARP process in connection with planning for humanitarian and rescue tasks, peacekeeping and crisis management collectively known as the Petersberg Tasks. The scope of our involvement in PARP is focused on enhancing interoperability

[Mr. O'Dea.]
and familiarity with operating procedures in a multinational environment.

Participation in Partnership for Peace, PfP, activities is entirely voluntary and is based on the

principle of self-differentiation, that is, a state selects for itself the nature and scope of its participation.

Exercise Title	Exercise Type	Participating Nations	Host Nation
Viking (held in 2001 and 2003)	Computer based Crisis Response Exercise	PfP Nations	Sweden
Combined Endeavour (held from 2001 annually to date)	Radio Communications Exercise (required to test DF communications equipment for interoperability purposes in PSO)	PfP Nations	Germany
Cooperative Lantern 2002	Peace Support Command Post Exercise for Crisis response	PfP Nations	Netherlands
Cooperative Nugget 2002	This exercised PfP nations on their planning and process and staff procedures.	PfP Nations	Sweden
Cooperative Safeguard 2002	Maritime Command Post Exercise, based on response to a natural disaster.	PfP Nations	Iceland
Allied Action (2003 and 2004)	Exercise to deploy a Peace Support Operation joint task force HQ.	PfP Nations	Turkey
CMX (2001)	Crisis Management Exercise	PfP Nations	In capitals
CME (2004)	Crisis Management Exercise	EU Member States	
CME/CMX (2003)	Crisis Management Exercise	EU & NATO	In capitals
CME (2002)	Crisis Management Exercise	EU Member States	In capitals

Question No. 114 answered with Question No. 79.

Defence Forces Property.

115. **Ms B. Moynihan-Cronin** asked the Minister for Defence when it is proposed to carry out the refurbishment of the RDF unit at Fair Street, Mallow, County Cork; and if he will make a statement on the matter. [6700/05]

Minister for Defence (Mr. O'Dea): There are no current plans for refurbishment of the RDF premises at Fair Street, Mallow, County Cork. The matter, however, is being kept under review.

Military Neutrality.

116. **Mr. Coveney** asked the Minister for Defence the current position with regard to the development of a common defence and security arrangement across the EU; and if he will make a statement on the matter. [6740/05]

Minister for Defence (Mr. O'Dea): I have had no discussions with my counterparts at European Union level on the development of a common defence arrangement across the EU. Ireland's position with regard to the issue of common defence is as set out in our National Declaration to the European Council held in Seville in June 2002:

4. In line with its traditional policy of military neutrality, Ireland is not bound by any mutual defence commitment. Nor is Ireland party to any plans to develop a European army. Indeed, the Nice European Council recognised that the development of the Union's capacity to conduct humanitarian and crisis management tasks does not involve the establishment of a European army.

5. The Treaty on European Union specifies that any decision by the Union to move to a common defence would have to be taken by unanimous decision of the Member States and adopted in accordance with their respective constitutional requirements. The Government of Ireland have made a firm commitment to the people of Ireland, solemnized in this Declaration, that a referendum will be held in Ireland on the adoption of any such decision and on any future treaty which would involve Ireland departing from its traditional policy of military neutrality.

6. Ireland reiterates that the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European security and defence policy, requires (a) the authorisation of the operation by the Security Council or the General Assembly of the United Nations, (b) the agreement of the Irish Government and (c) the approval of Dáil Éireann, in accordance with Irish law.

The 26th amendment to the Constitution was approved by referendum and Article 29.4.9° was inserted into the Constitution:

The State shall not adopt a decision taken by the European Council to establish a common defence pursuant to Article 1.2 of the Treaty referred to in subsection 7° of this section where that common defence would include the State.

I trust this clarifies the matter for the Deputy.

117. **Mr. Gormley** asked the Minister for Defence the reason this Deputy has not received a copy of the advice from the Attorney General on the legal basis of the triple lock; if this information will be supplied; and if he will make a statement on the matter. [6746/05]

Minister for Defence (Mr. O’Dea): I have written to the Deputy in the past few days setting out the nature of the advice available to me.

Defence Forces Property.

118. **Ms Lynch** asked the Minister for Defence the details of the recently announced €33.5 million programme to upgrade military buildings around the country; when this upgrade will commence; the type of projects involved; and if he will make a statement on the matter. [6698/05]

Minister for Defence (Mr. O’Dea): A sum of €33.447 million has been provided in my Depart-

ment’s Estimates for the building and refurbishment programme for 2005. This amount is divided into capital and non-capital expenditure.

The capital expenditure allocation for 2005 is €19.479 million. This amount is made up mainly of expenditure on projects started in late 2004 and projects starting in 2005. Details of these projects are shown in tabular format on the lists herewith which I propose to circulate in the Official Report.

The non-capital expenditure allocation for 2005 is €13.968 million. It will be expended on approximately 100 smaller projects plus a myriad of local service contracts, local purchase of materials and overseas mission requirements.

Major Projects Started in Late 2004

Location	Project	Date Contract Signed	Cost €million
Cathal Brugha Bks., Dublin.	Upgrade Warrant Officers Quarters as Battalion HQ.	17/09/04	1.34
Renmore Bks., Galway.	Upgrade Storage Facility	22/10/04	2.12
Custume Bks., Athlone.	Upgrade Brigade Block	10/11/04	2.43
Custume Bks., Athlone.	Upgrade Old Hospital Block	7/10/04	.73
Casement Aerodrome, Baldonnel.	Upgrade Other Ranks Accommodation	21/09/04	1.3
Plunkett Bks., Curragh Camp.	New Workshop and Office Facility	31/08/04	1.75
Collins Bks., Cork.	Refurbishment of Private’s Mess	09/08/04	.61
Sarsfield Bks., Limerick.	Upgrade Accommodation Block	21/09/04	1.03

Major Projects to Commence in 2005

Location	Project	Proposed Start Date (all 2005)	Estimated Costs €million
Custume Bks. Athlone	Upgrade Main Accommodation Block.	November	4.1
Collins Bks. Cork	Brigade HQ & Medical Facility.	November	3.1
Sarsfield Bks. Limerick	Dining Hall and Men’s Club.	June	2.5
Cathal Brugha Bks. Dublin.	Refurbish L&M Blocks to provide accommodation and locker rooms.	July	1.7
Curragh Camp	Refurbish Connolly 7 Block, as accommodation facility.	September	1.7
Monaghan Bks	Upgrade Kitchen of Dining hall.	July	1.3
Curragh Camp	Capital contribution to Kildare County Council towards cost of new sewage treatment plant.	August	1.2
Renmore Bks. Galway	Refurbish Accommodation Blocks 1 and 2.	June	.9
Curragh Camp	DFTC HQ Building — McDermott Officer’s Mess to be refurbished and converted to Headquarters Building.	February	.8
Curragh Camp	New Sports Pavilion.	August	.6
Casement Aerodrome Baldonnel	Sewage System Upgrade, Phase II.	October	.6
Custume Bks. Athlone	Upgrade to provide office accommodation 4 LSB HQ.	February	.6
Finner Camp Donegal	Upgrade Accommodation Block Phase I.	October	.9

Question No. 119 answered with Question No. 106.

Hearing Impairment Claims.

120. **Mr. Rabbitte** asked the Minister for Defence the number of Army deafness claims that remain outstanding; when he expects these

to be dealt with; and if he will make a statement on the matter. [6705/05]

Minister for Defence (Mr. O’Dea): On 31 January 2005 there was a total of 1,290 army hearing loss claims still outstanding. It is hoped that these claims can be disposed of this year subject to the plaintiffs’ solicitors having these claims

[Mr. O'Dea.]
listed for court. It should be noted, however, that a small number of new hearing loss claims are still being received in my Department each month.

Defence Forces Equipment.

121. **Mr. Gogarty** asked the Minister for Defence if cutbacks will be expected in future defence expenditure arising from the need for economies in Government spending following the Supreme Court decision on the illegal charging of elderly medical card holders in long term residential care, in view of the fact that approximately €100 million was spent on military equipment in 2004 and that a similar level of expenditure is forecast in 2005; and if he will make a statement on the matter. [6752/05]

Minister for Defence (Mr. O'Dea): The acquisition of new equipment for the Defence Forces is a key focus for me as Minister and I intend continuing the good work done in this area in recent years. Investment in new equipment for the Army, Air Corps and the Naval Service is provided for under various subheads of the defence Vote relating to defensive equipment, mechanical transport, aircraft, ships and naval stores, engineering, communications and Information Technology equipment etc. The amount of funds available for 2005 are as per the revised estimates for the Department. The funds will allow for the continuation of the ongoing investment programme in new equipment for the Defence Forces.

122. **Mr. Gogarty** asked the Minister for Defence the progress in the tendering process for light tactical armoured vehicles for the Defence Forces; and if he will make a statement on the matter. [6753/05]

Minister for Defence (Mr. O'Dea): The acquisition of light tactical armoured vehicles (LTAVs) for the Defence Forces has been identified as a key priority by the military authorities for 2005. The LTAVs will complement the work of the 65 Mowag armoured personnel carriers delivered in the last few years at a cost of €84 million.

The procurement of the light tactical armoured vehicles is being undertaken by way of a tender competition, which is being run in two stages, a request for proposal stage and a restricted tender stage. The RFP stage, which began this week with the issuing of documentation to interested suppliers, will establish, on the basis of a broad-parameter specification, the range of suitable vehicles available in the market place as well as an indication of the costs involved. Proposals are due back in the Department in early April 2005. In the second stage, formal tenders will be sought, on the basis of a more precisely defined specification, from a restricted list of firms, those successful in the first stage.

The acquisition of the LTAVs forms an integral part of the on-going re-equipment programme for the Defence Forces. The precise number of vehicles to be acquired will be confirmed at a later date. The cost of the LTAV programme will only be evident after the tender competition is

held. I expect that a contract for the supply of the LTAVs will be in place by the end of this year.

Question No. 123 answered with Question No. 83.

Question No. 124 answered with Question No. 79.

Question No. 125 answered with Question No. 91.

Question No. 126 answered with Question No. 99.

Question No. 127 answered with Question No. 89.

Military Neutrality.

128. **Mr. Gormley** asked the Minister for Defence if he will report on the terms under which Ireland joined the European Defence Agency; the reason membership of the agency was not referred to in Dáil Éireann; and if he will clarify the budget 2005 allocation of €315,000 to the European Defence Agency. [6747/05]

379. **Mr. F. McGrath** asked the Minister for Defence if the proposed European Defence Agency will encourage Ireland and other EU member states to increase military spending; and if this proposal will damage Ireland's integrity as a neutral country. [6879/05]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 128 and 379 together.

A decision to establish an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments, known as the European Defence Agency, EDA, was formally adopted at the General Affairs and External Relations Council meeting on 12 July 2004. The overall aim of the agency is to support member states in their efforts to improve European defence capabilities in support of European security and defence policy. To achieve this, the agency has been ascribed four functions, relating to defence capabilities development; armaments co-operation; the European defence technological and industrial base and defence equipment market; and research and technology.

At its meeting on 6 July 2004, the Government agreed that Ireland would participate in the framework of the agency. Participation in individual projects of the agency will be a matter for national decision on a case-by-case basis. The agency will be an important forum by which the EU can seek to improve competitiveness and efficiency in the defence equipment sector which has been notable for fragmentation and duplication. While Ireland is not a major consumer of defence equipment, we should encourage developments which improve market efficiencies or which may yield some economies of scale for equipment procurement for the Defence Forces.

The agency is still in the early stage of development and is currently in the process of recruiting

staff. The recruitment process is open to citizens of all the EU member states. National contributions to the budget of the agency are calculated on the basis of the gross national income scale in accordance with Article 28(3) of the treaty on the European Union. Ireland has paid a contribution of €21,733.07 towards the agency's initial general budget of €2.4 million for 2004. The budget for 2005, estimated at €25 million, includes once-off capital provisions for accommodation and infrastructure items, and means that Ireland's contribution towards the running of the agency will be of the order of €315,000.

Defence Forces Equipment.

129. **Mr. McGinley** asked the Minister for Defence the number of aircraft within the service of the Air Corps; the age of the aircraft within the service; and if he will make a statement on the matter. [6735/05]

Minister for Defence (Mr. O'Dea): There are 40 aircraft in service with the Air Corps at present, comprising 14 helicopters and 26 fixed-wing aircraft. The type and age of the aircraft is set out in the following tabular statement which will be circulated in the Official Report.

Type and age of Air Corps aircraft

Aircraft Type Helicopters	Number in Service	Age
Alouette	7	31 to 42 years
Dauphin	4	19 years
Gazelle	1	24 years
Squirrel	1	8 years
EC 135	1	3 years
Aircraft Type Fixed Wing		
Cessna	5	33 years
Marchetti	7	28 years
Beechcraft	1	25 years
GIV	1	14 years
Casa	2	11 years
Defender	1	8 years
Learjet	1	2 years
Pilatus	8	1 year

Question No. 130 answered with Question No. 96.

Question No. 131 answered with Question No. 79.

Official Engagements.

132. **Mr. Wall** asked the Taoiseach his and his Ministers of State's proposed itinerary for St. Patrick's week celebrations; if he will report on the briefing given or planned to be given by his Department to the Ministers visiting other countries; the areas and countries covered in such briefings; and if he will make a statement on the matter. [6623/05]

The Taoiseach: The programme for my visit to the United States this month has yet to be

In January 2005 two contracts were signed for the provision of new helicopters for the Air Corps at a cost of over €61million. Four utility helicopters are being acquired from Bell Agusta Aerospace Company at a cost of €48.4 million inclusive of VAT. Two will be delivered in 2006 and two in 2007. Two light utility helicopters are being acquired from Eurocopter SAS at a cost of €12.8 million inclusive of VAT. Both light utility helicopters are due to be delivered later this year.

The eight recently purchased Pilatus PC-9M turbo propeller aircraft will replace the Marchetti aircraft in the pilot training role. These aircraft will allow for the continued training of young cadets to the highest standards. These aircraft will also be capable of being armed and, as such, will have a limited defensive capability.

The seven Marchetti aircraft which have been replaced by the eight recently purchased Pilatus PC-9M turbo propeller aircraft are being regarded as in service with the Air Corps even though they are no longer operational. The Marchetti aircraft will be disposed of in the near future.

The Squirrel and EC135 helicopters and the Defender fixed wing aircraft are being included also, even though they are owned by the Minister for Justice, Equality and Law Reform.

finalised. However, I expect to participate in the traditional ceremonies at the White House and on Capitol Hill and to meet the Ireland America Economic Advisory Board in the course of my visit.

Arrangements for attendance at St. Patrick's Day celebrations are not yet fully finalised. However, the Government Chief Whip and Minister of State at the Department of the Taoiseach, Deputy Kitt, is currently scheduled to travel to South Africa for St. Patrick's Day. His proposed itinerary includes an address to the South African Institute of Race Relations on the Irish economy, attending an Enterprise Ireland dinner and two Tourism Ireland breakfasts and visiting a number of community projects in Soweto, Pretoria and Cape Town.

[The Taoiseach.]

The Minister of State at my Department, Deputy Treacy, is currently scheduled to undertake a number of engagements in Hong Kong for the St. Patrick's Day celebrations there on 11 and 12 March.

In consultation with officials of other Departments and relevant agencies, as appropriate, the Department of Foreign Affairs will co-ordinate briefing for Ministers representing the Government at St. Patrick's Day events overseas. As in previous years, such briefing will cover a wide range of issues with a view to maximising the unique promotional opportunities offered by the period and to deal with issues of mutual interest.

Community Welfare Officers.

133. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will respond to the issues raised in correspondence (details supplied) and make these concerns a priority issue. [6552/05]

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 accommodation for community welfare officers. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and reply directly to the Deputy.

Water Fluoridation.

134. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the statutory basis for water authorities adding fluoride to water; the levels of fluoridation for each water authority; the limits within which water authorities must contain fluoridation; and if she will make a statement on the matter. [6652/05]

Tánaiste and Minister for Health and Children (Ms Harney): The statutory basis for the fluoridation of public piped water supplies is the Health (Fluoridation of Water Supplies) Act 1960 and various regulations made under the Act. The Act provides for the making by health authorities of arrangements for the fluoridation of water supplied to the public by sanitary authorities through pipes. The Act also provides that the amount of fluorine to be added to a water supply shall not exceed one part by weight of fluorine per million parts of water.

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 levels of fluoridation for each water

authority. Accordingly, my Department has requested the chief officers in the HSE to investigate the matter raised and to reply directly to the Deputy.

Motorised Transport Grant.

135. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if an age limit applies to applicants who seek the motorised transport grant from their local health executive; if so, the reason it operates to preclude persons who require transport in order not to remain isolated; and if she will make a statement on the matter. [7031/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The motorised transport grant was introduced in 1968 by way of Circular 7/68. It is a grant which may be made payable by the Health Service Executive towards the purchase of a car and-or adaptations to a car being purchased by a person with a severe disability who is 17 years or older up to 65 years of age where such a car is essential for him or her to obtain or retain employment. Self-employed persons who satisfy the criteria for eligibility may also be considered, subject to the above age limits.

In cases where application is made on the basis of obtaining or retaining employment, the Health Service Executive must be satisfied that the applicant is capable of holding a job, has the physical capacity to drive the vehicle and is qualified to hold a driver's licence, full or provisional. The grant may also be considered in exceptional circumstances for a person with a severe disability, subject to the above age limits, who lives in a very remote location and whose disability impedes him or her from using public transport.

Ambulance Service.

136. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children if the practice of dispatching ambulances and their crews on to frosty, dangerous roads at 3 am to collect employee time-sheets from various locations in County Louth is considered best practice; the reason for such misuse or this most valuable resource rather than using fax machines or other electronic methods of gathering this material; and if she will make a statement on the matter. [6503/05]

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 north eastern area to investigate the matter raised and to reply directly to the Deputy.

Hospital Services.

137. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Louth is not being taken on to the national treatment purchase fund; and when this person will receive the necessary urgent surgical procedure. [6504/05]

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 in question resides in County Louth, my Department has requested the chief officer of the executive's north eastern area to investigate the matter raised and to reply directly to the Deputy.

Violence Against Women.

138. **Ms McManus** asked the Tánaiste and Minister for Health and Children if funding of €7 million will be incorporated into the Finance Bill 2005, in view of the fact that for four years running the Government budget has neglected to increase funding to the violence against women sector, other than cost of living increases; and if she will make a statement on the matter. [6505/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The National Steering Committee on Violence against Women was established following the report of the task force on violence against women in 1997. Its purpose is to provide a multi-disciplinary, multi-agency and cohesive response to the problem of violence against women and it is chaired by the Minister of State at the Department of Justice, Equality and Law Reform.

My Department does not directly fund or coordinate health and personal social services to victims of abuse. Moneys are made available each year, formerly through the health boards, and now through the Health Service Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now more than €12 million is provided annually for the provision of such services. The distribution of this funding is now a matter for the Health Service Executive. I have asked my Department, together with the Health Service Executive, to undertake an analysis of the current level of service provision in this area with a view to planning future service needs.

Drugs Payment Scheme.

139. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if she will examine the case of a person (details supplied) in County Mayo; and if she will make a statement on the matter. [6523/05]

Tánaiste and Minister for Health and Children

(Ms Harney): There is a common list of reimbursable medicines for the general medical services and drug payment schemes. This list ensures equity between the schemes for the range of medicines paid for by the State. The list is reviewed and amended monthly, as new products become available and deletions are notified.

For an item to be included on the common list, it must comply with a published list of criteria. These include authorisation status where appropriate, price and, in certain cases, the intended use of the product. In addition, the product should ordinarily be supplied to the public only by medical prescription and should not be advertised or promoted to the public. The product referred to by the Deputy does not have a product authorisation from the Irish Medicines Board and cannot therefore be considered for inclusion on the common list.

However, the Deputy will be pleased to learn that a protocol sets out the circumstances and conditions under which a necessary unlicensed medicine may be reimbursed by the State, where lawfully supplied. Applications for reimbursement which meet the terms of the protocol should be made to the primary care reimbursement service, for DPS cardholders, or the local area of the Health Service Executive for GMS cardholders.

Violence Against Women.

140. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children if progress has been made regarding improvement of the forensic medical examination services; and if she will make a statement on the matter. [6524/05]

Minister of State at the Department of Health and Children (Mr. S. Power): Following a recommendation from the National Steering Committee on Violence against Women that the need for additional sexual assault units around the country should be examined by my Department, I have established a committee under the chairmanship of a senior official of my Department to consider the matter. The first meeting of this group took place on the 24 February 2005. The committee is representative of the relevant statutory, voluntary and professional interests and will report to me, and to the national steering committee as soon as possible.

141. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children if she intends to re-examine funding for the rape crisis centres; and if she will make a statement on the matter. [6525/05]

Minister of State at the Department of Health and Children

(Mr. S. Power): The National Steering Committee on Violence against Women was established following the report of the task force on violence against women in 1997. Its purpose is to provide a multi-disciplinary, multi-agency and cohesive response to the problem of violence

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against women and it is chaired by the Minister of State at the Department of Justice, Equality and Law Reform.

My Department does not directly fund or coordinate health and personal social services to victims of abuse. Moneys are made available each year, formerly through the health boards, and now through the Health Service Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now more than €12 million is provided annually for the provision of such services. The distribution of this funding is now a matter for the Health Service Executive. I have asked my Department, together with the Health Service Executive, to undertake an analysis of the current level of service provision in this area with a view to planning future service needs.

Health Service Staff.

142. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the reason the recruitment of both permanent and temporary senior management of the Health Service Executive in 2004 did not go through the Public Appointments Commission; the further reason the recruitment for the remaining two management positions, which were unfilled, will be managed by the Public Appointments Commission; and if she will make a statement on the matter. [6527/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has been advised by the Health Service Executive that owing to the urgency in filling its senior management posts the interim Health Service Executive awarded a contract to PricewaterhouseCoopers, following a tendering process, to manage the recruitment competition. The statutory instrument under which the interim HSE was established did not require it to recruit employees through the Public Appointments Service.

Under section 22 of the Health Act, 2004, the HSE is obliged to recruit its employees in accordance with the Public Service Management (Recruitment and Appointments) Act 2004, other than for the three-month period commencing 1 January 2005. My Department has been advised by the HSE that the executive will not avail of this derogation for the substantive filling of the two remaining national director posts and that recruitment to those positions will be carried out in accordance with the provisions of the Public Service Management (Recruitment and Appointments) Act 2004.

Grant Aid.

143. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she has considered an application for a once-off grant to an organisation (details supplied) in County

Kilkenny; and if she will expedite a decision in this urgent case. [6528/05]

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 HSE 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 for the executive, south eastern area to investigate the matter raised and to reply directly to the Deputy.

Nursing Home Subventions.

144. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when increased nursing home subvention will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [6529/05]

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 HSE 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 nursing home subvention in the County Kildare area. 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 Service Staff.

145. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the number of employees in the Health Service Executive in the Kildare and west Wicklow region in each of the past three years; and if she will make a statement on the matter. [6558/05]

Tánaiste and Minister for Health and Children (Ms Harney): As the detailed information requested by the Deputy for Kildare and west Wicklow is not available in my Department, my Department has forwarded the Deputy's request to the chief officer of the south western area of the Health Service Executive for attention and direct reply.

Speech Therapy Services.

146. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the number of speech therapists employed by the Health Service Executive in the Kildare and west Wicklow area; and if she will make a statement on the matter. [6559/05]

Tánaiste and Minister for Health and Children (Ms Harney): As the detailed information requested by the Deputy on the number of

speech therapists employed by the Health Service Executive in the Kildare and west Wicklow area is not available in my Department, my Department has forwarded the Deputy's request to the chief officer of the south western area of the HSE for attention and direct reply.

Health Service Staff.

147. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if she will report on the new health structure, the personnel involved and the line of command and seniority within the Health Service Executive for Kildare and west Wicklow; and if she will make a statement on the matter. [6560/05]

Tánaiste and Minister for Health and Children (Ms Harney): Statutory responsibility for organisational and staffing structures underpinning the delivery of health and personal social services rests with the Health Service Executive, which was established on 1 January 2005 under the Health Act 2004. My Department has therefore asked the interim chief executive officer of the HSE to investigate the specific matters raised by the Deputy on Kildare and West Wicklow and to reply directly to the Deputy.

Ambulance Service.

148. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the number of ambulances available in the Kildare and west Wicklow area of the Health Service Executive; the years of service of each ambulance; her plans to update the service and replace the ambulances; and if she will make a statement on the matter. [6562/05]

149. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if she has satisfied herself with the radio control efficiency of the ambulance service within the Kildare and west Wicklow area of the Health Service Executive; and if she will make a statement on the matter. [6563/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 148 and 149 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 ambulance services. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matters raised and to reply directly to the Deputy.

Health Service Staff.

150. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the number of general practitioners attached to her Department for Kildare under the auspices of the Health Service

Executive; and if she will make a statement on the matter. [6564/05]

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. General practitioners who provide services to people who are medical card holders under the general medical services scheme hold contracts for services with the Health Service Executive. Information from the Health Service Executive south western area indicates that there are 62 general practitioners with contracts to provide service under the general medical services scheme in the Kildare area.

Grant Payments.

151. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the grants available to a person (details supplied) in County Kilkenny to change his car for an automatic model for reasons of disability; and if she will make a statement on the matter. [6602/05]

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 payment of and entitlement to the motorised transport grant. 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.

Antimicrobial Resistance.

152. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the advice she has taken relative to the growing number of cases of MRSA or superbug; the number of known cases in each hospital; the number of new cases and the way in which they are recorded in each hospital; the way in which each patient is treated after the infection is discovered; the follow-up or protocol which is place to track the progress of each patient; if there is a home care team available to patients and families, recovering at home; the advice and support which is available to general practitioners throughout the country relative to this infection and their efforts to support families; if each and every hospital is monitored and if there is a protocol in place to deal with this issue; if the attention of the hospital staff in general has been drawn to the infection; if there is a national plan to control and eradicate the infection; if she will consider a national information campaign on the issue; if she will meet a representative group of families concerned regarding this

[Mr. McGuinness.]
issue; and if she will make a statement on the matter. [6603/05]

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 infection control measures in hospitals. Accordingly, my Department has requested the Director of the National Hospitals Office to reply to the Deputy directly about the detailed information requested.

The strategy for antimicrobial resistance in Ireland (SARI) contains national guidelines for the control and prevention of MRSA in hospitals and in the community. These guidelines cover a number of areas including physical cleanliness of the environment, hand hygiene, antibiotic stewardship programmes, and availability of isolation facilities, as well as screening and detection protocols. A SARI infection control sub-committee is revising the guidelines and when finalised they will be considered by my Department and the Health Service Executive.

Requests for meetings are usually arranged through my office in the Department. The persons referred to by the Deputy may wish to contact my office outlining the particular issues that they wish to discuss.

Nursing Home Charges.

153. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the role of the then Minister of State at the Department of Health and Children, Deputy Callely, at the meeting on December 2003 with the Secretary General of the Department on the nursing home issue; if the Minister of State was briefed on the legal and financial implications, which may cost the State between €500 million and €2 billion; and if she will make a statement on the matter. [6604/05]

Minister of State at the Department of Health and Children (Mr. S. Power): At the time of the meeting mentioned by the Deputy, the Minister of State at the Department of Health and Children with responsibility for services for older people was Deputy Ivor Callely and the Health and Children (Delegation of Ministerial Functions) (No. 2) Order 2002 conferred upon him powers and duties under sections 6, 7 and 10 of the Health (Nursing Homes) Act 1990. As the Deputy will be aware, the Tánaiste has appointed Mr. John Travers to carry out an investigation into the nursing home issue, and he is due to finalise his report shortly.

Official Engagements.

154. **Mr. Wall** asked the Tánaiste and Minister for Health and Children her proposed itinerary

for St. Patrick's week celebrations; the areas and countries involved and if she will make a statement on the matter. [6624/05]

Tánaiste and Minister for Health and Children (Ms Harney): I am currently scheduled to undertake a number of engagements at the St. Patrick's Day festivities in San Francis Co. from 10 to 15 March. However, my diary has yet to be finalised in this regard.

The Minister of State, Deputy Sean Power, will attend the annual St. Patrick's Day banquet at the Botanical Gardens, Birmingham, hosted by Irish Welfare and Information Centre, Deritend, Birmingham. This will take place on 17 March. The Minister of State, Deputy Brian Lenihan, will represent the Government at the Birmingham St. Patrick's Day parade on 13 March 2005. The parade commences at 12 noon. On the day, the Minister of State will also attend mass at St. Anne's church in the Irish quarter at 9.30 a.m.

Deputy Tim O'Malley, Minister of State at the Department of Health and Children, is currently scheduled to undertake a number of engagements in Dubai for the St. Patrick's Day celebrations beginning there on 22 March. His proposed itinerary includes meeting with the United Arab Emirates Minister for Health, the head of the federal hospitals administration, Mr. Dermot Mannion, CFO, Emirates Airlines and representatives from Dubai Duty Free. The Minister of State will also attend a lunch hosted by the ambassador, Enterprise Ireland and the Dubai Irish Society St. Patrick's Day ball.

Briefing material on these trips will be provided by the Department of Foreign Affairs.

Health Services.

155. **Dr. Upton** asked the Tánaiste and Minister for Health and Children if she will urgently investigate the needs of a person (details supplied) in Dublin 20; and if her Department will fund the specialised treatment this person needs. [6644/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of mental health services. Accordingly, my Department has requested the chief officer for the Health Service Executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

Health Care Funding.

156. **Dr. Upton** asked the Tánaiste and Minister for Health and Children if she will examine the funding requirements of an organisation (details supplied) in Dublin 12 to allow it to continue its work. [6645/05]

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 allocation of funding in the Dublin 12 area. 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.

Medical Cards.

157. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if it is departmental policy to allow the Health Service Executive to charge holders of medical cards who are waiting for renewal of their cards and for the issue of medication when the delay is due entirely to delays within the Health Service Executive; her views on delays within the HSE policy of not refunding the cost of medication purchased while awaiting the issue of a renewal card; and if she will make a statement on the matter. [6646/05]

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 at the time of the initial application and any renewals which may occur.

Notice of requirements in respect of renewals of medical cards are sent to existing medical card holders in advance of the renewal date. A reminder may also be sent. Failure to submit the requested documentation, by the specified date, may result in a card not being renewed.

A valid medical card entitles its holder to a variety of personal and social services free of charge, including general practitioner services and approved prescribed medication from a community pharmacist. Persons who have not been issued with medical card, for whatever reason, are not entitled to avail of these services. The Health Service Executive will not charge the patient for these services. However, the general practitioner and the pharmacist may charge. Persons who have experienced such difficulty should approach their local Health Service Executive area office to have their particular case investigated.

If the Deputy is aware of a particular case(s), I would be pleased to have the matter passed to the Health Service Executive for examination, upon receipt of the details.

Emergency Medical Supplies.

158. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children further to

Parliamentary Question No. 953 of 30 September 2003, if the study has been completed; and if she will make a statement on the matter. [6662/05]

Tánaiste and Minister for Health and Children (Ms Harney): The report of a consultancy study jointly commissioned by my Department and the Department of Health, Social Services and Public Safety, Belfast, DHSSPS, on the costs and benefits associated with the introduction of a dedicated helicopter emergency medical services, HEMS, for the island of Ireland was published last year and is available on my Department's website.

The study concluded that the introduction of a dedicated inter-hospital transfer service would be appropriate in an all-island context. The study estimated the cost at €12 million capital and €4 million revenue for a single helicopter. The number of missions to be performed was estimated at 400-600 annually.

Inter-hospital air ambulance services are provided by the Aer Corps and the Irish Coast Guard, subject to the nature of the mission, available aircraft and other operational commitments. Most patient transfers are airport to airport with onward transfer by land ambulance.

My Department and the Department of Defence are finalising a service level agreement to formalise arrangements for the future provision of an air ambulance service by the Aer Corps. A significant helicopter fleet replacement programme has recently been approved and is being put in place for the Aer Corps. Each of the new helicopters will have a specific air ambulance capability. The new fleet will also have a far greater flying capacity than is available currently.

My Department has reached agreement with the Department of Communications, Marine and Natural Resources that the Irish Coast Guard will continue to provide air ambulance services on the same basis as heretofore. My Department is advised that plans are being developed within the private sector for the introduction of a dedicated HEMS, primarily in an inter-hospital transfer role and with a view to the service becoming operational at an early date. My Department is continuing to monitor developments in this regard.

Health Services.

159. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 129 of 9 December 2004, the meaning of the statement in the reply given by the HSE that the person will be called for treatment in due course; and if a timeframe will be given in this case in view of the length of time the person is waiting. [6671/05]

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,

[Ms Harney.] health and personal social services. This includes responsibility for orthodontic services. Accordingly, my Department has requested the chief officer for the executive's south eastern area to investigate the matter raised and to reply directly to the Deputy.

Services for People with Disabilities.

160. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if adequate speech therapy teachers will be allocated to a school (details supplied) in County Kildare to facilitate the requirements of a number of persons now attending, with particular reference to the needs of persons (details supplied); and if she will make a statement on the matter. [6681/05]

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 executive's eastern regional area to investigate the matters raised and reply to the Deputy.

Food Safety Authority.

161. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if she proposes to change the legislation to allow the Food Safety Authority of Ireland to implement the name and shame policy for those whose premises it has found to be in breach of food safety legislation in the context of placing advertisements in the media informing the public of those outlets that are found to be in breach. [6818/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Food Safety Authority of Ireland, (FSAI), operates a "name and shame" policy in accordance with the provisions of the Food Safety Authority of Ireland Act 1998. Under the Act the authority is empowered to issue three different types of enforcement orders for breaches of food safety legislation: improvement notices, closure orders, and prohibition orders. Food premises served with enforcement orders are published on the FSAI website (<http://www.fsai.ie/enforcement/index.asp>), which features all details including the premises name and address and displays this information for a period of three months after an order is served.

In addition, the authority endeavours to ensure that the enforcement orders receive maximum media exposure. It issues a press statement to all national media, and local media as appropriate, on the sixth day of every month detailing the enforcement orders that were served during the previous month. This serves to act as a warning,

to those in the food industry not complying fully with food safety legislation, that breaches will not be tolerated.

Nursing Home Subventions.

162. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children when the enhanced nursing home subvention for a person (details supplied) will be decided upon. [6819/05]

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 nursing home subvention scheme in the Kildare area. 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.

Hospitals Building Programme.

163. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 195 of 26 January 2005, the date for the meeting with the Ennis Hospital action committee in County Clare in view of the importance of the issue; and if she will make a statement on the matter. [6820/05]

Tánaiste and Minister for Health and Children (Ms Harney): I have offered to meet with the committee on 18 April next.

Health Service Allowances.

164. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when the domiciliary care allowance will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [6821/05]

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 payment of and entitlement to domiciliary care allowance. 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.

Congenital Abnormalities.

165. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the number of babies born with an illness (details supplied) each year from 1997 to 2004 in each county; the additional financial supports in place for parents of such babies; if she will consider introducing

additional financial support for parents of such babies through the child benefit allowance; and if she will make a statement on the matter. [6822/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The principal source of incidence data on cleft palate and cleft lip in Ireland is the EUROCAT registry of congenital abnormalities. This is a harmonised European surveillance programme supported by the EU and covers three areas of Ireland. These are Cork-Kerry, Dublin and Galway. Data are also collected through the national perinatal reporting system. However, this source is incomplete since congenital defects identified subsequent to birth registration are not captured.

For the period 1997 to 2002, latest figures available, the total figure for the areas referred to above is 272. A special report by EUROCAT in orofacial clefts for the period 1980-1996 in 30 European regions showed Ireland to be close to the European average.

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 payment of and entitlement to domiciliary care allowance and aids and appliances to which children born with a cleft palate or a cleft lip may be eligible. Accordingly, the individual should apply for assistance under either of these schemes to the relevant Health Service Executive.

One of the strengths of child benefit is the universal nature of the scheme. Child benefit is paid in respect of children up to the age of 16 years regardless of the level or source of parental income. It continues to be paid in respect of children up to and including age 18 who are in full-time education, or who have a physical or mental disability. The proposed change to child benefit would add greatly to the complexity of the scheme.

Health Services.

166. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if the addiction counselling service in North Tipperary will be put on a par with South Tipperary and the mid-west region; the number of persons employed by her Department and the HSE in addiction counselling in each area of the mid-west; and if she will make a statement on the matter. [6823/05]

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 addiction coun-

selling services. Accordingly, my Department has requested the Health Service Executive to investigate the matter raised and to reply directly to the Deputy.

Alzheimer's Disease.

167. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the number of persons who have been diagnosed with Alzheimer's disease. [6824/05]

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 patients with Alzheimer's disease. Accordingly, my Department has requested the national director of primary, community and continuing care of the Health Service Executive to investigate the matter raised and to reply direct to the Deputy.

Orthodontic Services.

168. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that approximately 400 persons will be examined in one day in the orthodontic assessment clinic in Markievicz House, Sligo with the brief screening lasting no more than two minutes; the steps she will put in place to ensure that proper funding is put in place to alleviate this situation; when this funding will be granted; and if she will make a statement on the matter. [6857/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for orthodontic services. Accordingly, my Department has requested the chief officer for the executive's north western area to investigate the matter of orthodontic assessment and funding and to reply directly to the Deputy.

Food Safety.

169. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children further to Parliamentary Questions Nos. 174 and 175 of 30 November 2004 regarding the carcinogenic food dye, Sudan Red 1, the number of food items available here containing this dye; the number of these items now removed from shops; and when consumers will be informed that all items containing this dye have been removed from the shops and stores of food outlets. [6890/05]

170. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children if the source of the

[Mr. Gregory.]
carcinogenic food dye, Sudan Red 1, has been identified and prevented from use in food items. [6891/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 169 and 170 together.

Sudan Red 1 has been banned as a food colourant throughout the European Union since 2003 due to concerns about its potentially carcinogenic properties. On 18 February 2005 the Food Safety Authority of Ireland, FSAI, issued a public warning about food products that contained Sudan Red 1. The authority's warning followed the receipt of information from the Food Standards Agency in the UK concerning the discovery that Premier Foods (UK) had used chilli powder contaminated with Sudan Red 1 in the manufacture of Worcester sauce. The chilli powder used had been imported from India into the UK. Premier Foods supplied its Worcester sauce for use as a flavouring agent in various branded products and in other food products such as ready meals and soups.

By 25 February, 75 contaminated products, 70 retail products and five catering products, were identified by the FSAI. The authority has worked with Irish retailers and manufacturers for an immediate recall of affected products from the market. The authority is satisfied that in all cases contaminated products have been removed from shelves as soon as they were identified.

A full list of known products is available on the authority's website (www.fsai.ie) and is being updated on an ongoing basis. The authority has also conducted a major media campaign to ensure that consumers are aware of the products identified and to advise them to throw out contaminated products or return them to the shop where they were purchased. A measure of the success of this publicity campaign can be seen in the fact that almost 22,000 hits were recorded in a single day on the authority's website and that the consumer help line dealt with in excess of 1,300 phone calls over the period.

The source of Sudan Red 1 is a batch of chilli powder imported from India to the UK in 2002. This was used to make Worcester sauce which was used as a flavouring agent in about 500 different food products. Since June 2003, the European Union only allows imports of chilli products which have been tested and are certified to be free from contamination by the Sudan Red 1 dye. In addition, member states are obliged to carry out surveillance of the products on the market. In 2004 a total of 166 food products available on the Irish market were tested for Sudan Red. Four of these foods tested positive for Sudan Red 1, three curry sauces and one sample of chilli beans. These contaminated batches were withdrawn from the market.

Hospital Services.

171. **Mr. McGuinness** asked the Tánaiste and

Minister for Health and Children if appropriate hospital care will be arranged for a person (details supplied) in County Kilkenny; if the issues relative to this case will be fully investigated before a decision is made; and if consideration will be given to all the issues involved. [6892/05]

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 to reply directly to the Deputy.

Nursing Home Subventions.

172. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children if next of kin will be allowed to draw moneys owed to patients in a nursing home who are incapable of making a decision; and if she will make a statement on the matter. [6893/05]

Minister of State at the Department of Health and Children (Mr. S. Power): My Department is studying in detail the Supreme Court judgement on the repayment of charges for publicly funded long-term residential care and will take on board all the consequences for policy and law arising from the judgement. A special Cabinet sub-committee comprising the Taoiseach, the Minister for Finance, Deputy Cowen, the Attorney General, Mr. Brady, and me has been established to consider the issue of repayment in light of the judgement. Full details of a repayment scheme will be announced as soon as possible and it is the intention to make repayments as automatic as possible.

Health Board Services.

173. **Mr. Allen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Questions Nos. 84 of 8 December 2004 and 179 of 26 January 2005, the way in which the person (details supplied) in County Cork could receive an out-patient's appointment within a matter of weeks and have surgery carried out within days of the out-patient's appointment on the payment of €4,700; and if she will investigate the situation. [6895/05]

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 Cork, my Department has requested the chief

officer for the executive's southern area to investigate the matter raised and reply directly to the Deputy.

Nursing Homes Repayment Scheme.

174. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children if interest will be applied in the return of moneys illegally taken from elderly nursing home patients over many years with the same vigour as when health boards sought the return of previous superannuation benefits; if the interest will be compounded at 7% p.a. on moneys taken prior to 1 January 1987 and at 6% thereafter; and if she will make a statement on the matter. [6928/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department is currently studying the Supreme Court judgement in relation to repayment of charges for publicly-funded long term residential care in detail and will take on board all the consequences for policy and law arising from the judgement. A special Cabinet sub-committee comprising the Taoiseach Mr. Ahern, the Minister for Finance Mr. Cowen, the Attorney General Mr. Brady and myself has been established to consider the issue of repayment in light of the judgment. Full details of a repayment scheme will be announced as soon as possible and it is the intention to make repayments as automatic as possible.

Hospital Services.

175. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the waiting list for speech therapy for children in Ballyfermot in Cherry Orchard Hospital. [7003/05]

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 executive's eastern regional area to investigate the matters raised and reply to the Deputy.

Disabilities Incidence.

176. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the number of Dublin children per postal district who have been diagnosed as having either Asperger's syndrome, autism or ADHD in each of the past five years; and the additional resources the health authorities have correspondingly set aside in each community care area to address this problem. [7004/05]

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 collection of the information requested. Accordingly, my Department has requested the chief officer for the executive's eastern area to investigate the matter raised and to reply directly to the Deputy.

Hospital Waiting Lists.

177. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children when an operation to remove kidney stones will be performed on a person (details supplied) in County Monaghan. [7005/05]

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 in question resides in County Monaghan, my Department has requested the chief officer of the executive's north eastern area to investigate the matter raised and to reply directly to the Deputy.

Orthodontic Services.

178. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Mayo will receive orthodontic treatment; if the relevant authority will review this urgent case; and if she will make a statement on the matter. [7006/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for orthodontic services. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

Hospital Waiting Lists.

179. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if she will investigate a situation whereby a request was made for eye surgery by an optician (details supplied); when the request was received from the optician; and when the surgery will be carried out. [7008/05]

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,

[Ms Harney.]
health and personal social services. As the person referred to by the Deputy resides in County Cork, my Department has requested the chief officer for the executive's southern area to investigate the matter raised and reply directly to the Deputy.

Speech and Language Services.

180. **Ms Enright** asked the Tánaiste and Minister for Health and Children the reason speech and language therapy for a person (details supplied) in County Offaly has been halved; and if she will make a statement on the matter. [7009/05]

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 executive's midland area to investigate the matters raised and reply to the Deputy.

Health Services.

181. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if urgent assistance will be given to a person (details supplied) in Dublin 3 in obtaining a place in care; and if she will work closely with the family on this matter. [7010/05]

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 matter raised. Accordingly, my Department has requested the chief officer for the health service executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

Health Service Funding.

182. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the amount of funding from her Department to each voluntary organisation in the country for each of the years 2003, 2004 and 2005; and if she will make a statement on the matter. [7012/05]

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. Voluntary organisations providing health and personal social services are funded by the executive and it is a matter for it to agree the levels of service and the appropriate funding in respect of each such organisation. Prior to 2005, while the majority of these organisations were funded by the health boards or authority, certain voluntary agencies were funded directly by my Department. Details of the agencies funded and the grants paid in 2003 and 2004 are set out in the following tables.

Capital Grants Paid

Organisation	Paid in 2003	Paid in 2004
	€	€
Mercy Hospital, Cork	4,712,645	16,684,937
South Infirmary/Victoria Hospital, Cork	3,345,000	3,210,000
St John's Hospital, Limerick	307,070	1,224,525
Central Remedial Clinic, Dublin 3	2,000,000	nil
Irish Motor Neurone Disease Association, Coleraine Street, Dublin 7	nil	160,000
The Jack and Jill Foundation	nil	235,000
Caring for Carers, Ennis, Co. Clare	nil	50,000
Irish Heart Foundation, Clyde Road, Dublin 4	nil	127,476

Non-Capital Grants Paid

Organisation	Paid in 2003	Paid in 2004
	€	€
St John's Hospital	17,610,000	19,093,000
National Association of the Mentally Handicapped in Ireland	313,000	341,000
Disability Federation of Ireland	542,000	641,000

My Department also provides funding to voluntary organisations under a national lottery funded grant scheme. Details of the organisations

funded for the years 2003 and 2004 are set out in the following tables. No funding has been approved to date in 2005.

Organisation	Paid in 2003
	€
Active Living Group, Ballymun Regeneration Ltd. Dublin 9	2,000
Adult Activity Evening, c/o St Brigid's School, Mullingar, Co. Westmeath	500
AIDS/HIV Family Support Group, MacCurtain Street, Cork	8,000
Athlone West Active Age Group, Monksland, Athlone, Co. Roscommon	2,000
Aware, Lower Leeson Street, Dublin 2	20,000
Ballinasloe Social services Ltd., Ballinasloe, Co. Galway	14,223
Ballymahon & District Social Service, Ballymahon, Co. Longford	5,000
Ballyphehane Meals/Wheel Services. Hillview Estate, Cork	20,000
Bantry Active Retirement Association, Bara House, Bantry Co. Cork	10,000
Blessington Bowls Club, Burgage, Blessington, Co. Wicklow	1,800
Brainwave The Irish Epilepsy Association, Washington Street, Cork	9,000
Caheragh Community Playgroup Ltd., Glendart, Bantry Co. Cork	1,100
Caherconlish Caherline Community Council Ltd., The Square, Caherconling, Co. Limerick	3,000
Cahir Day Care Centre Ltd., Killeigh, Clonmel Road, Cahir, Co. Tipperary	50,000
Carraig na bhFear Senior Citizens Group, Knockboy, Carraig na bhFear, Co. Cork	36,994
Castlelyons Community Centre Management Committee, Kilcor, Castlelyons, Fermoy, Co. Cork	8,000
Celbridge Mental Health Association, Crodaun Forest Park, Celbridge, Co. Kildare	27,000
Children in Hospital Ireland, Carmichael Centre, Coleraine House, Coleraine Street, Dublin 7	110,000
Cloughjordan Active Retirement Association, Roselawn, Cloughjordan, Co. Tipperary	6,000
Club 91, Cloncallow, Ballymahon, Co. Longford	5,000
Community of Lough Arrow Social Project, Gleann Community Centre, Drumnacool, Co. Sligo	8,000
County Wexford Community Workshop (Enniscorthy) Ltd., Bellefield, Enniscorthy, Co. Wexford	175,000
Crossmolina Active Retirement Association, Ballina Road, Crossmolina, Co. Mayo	1,300
Dalkey Parish Indoor Bowling Club, Dalkey, Co. Dublin	2,598
Daughters of Charity Service for Persons with Intellectual Disability, St Vincent's Centre, Navan Road, Dublin 7	90,000
Diabetes Federation of Ireland, Southern Regional Office Grand Parade, Cork	12,400
Dollardstown Cottage Project, c/o Dominican Day Care Centre, Upper Dominick Street, Dublin 7	10,000
Dolmen Clubhouse Ltd., Caulgara, Teeling Street, Ballina, Co. Mayo	10,000
Drombanna Senior Citizens Centre Ltd., Bohercoyle, Ballysimon, Co. Limerick	20,000
Drumkeerin Care of the Elderly Ltd., St Bridget's Hostel, Drumkeerin, Co. Leitrim	15,746
Dun Laoghaire Lions Club, c/o Blackrock, Co. Dublin	9,416
Dyspraxia, DCD Association Ltd., Cloghroe, Co. Cork	2,500
Eurochild International Project (CWPC Ltd.), Tigh Filí, MacCurtain Street, Cork	30,000
Fermoy Geriatrics Association Ltd., Fermoy, Co. Cork	46,585
Festina Lente Foundation, Bray, Co. Wicklow	20,000
Friends of Macroom Community Hospital, Macroom, Co. Cork	40,000
Graffiti theatre Company, Shandon, Cork	8,620
ERHA for Crumlin Hospital for Helene Hugel, Dublin	1,000
Home Start Lucan, Lucan, Co. Dublin	5,200
Huntington's Disease Association of Ireland, Carmichael House, North Brunswick Street, Dublin 7	10,000
Inishowen Disability Action Group, c/o Action Inishowen, Carndonagh, Inishowen, Co. Donegal	50,000
International Police Association Garda Motorcycle Club, Portlaoise, Co. Laois	8,000
Irish Association of Suicidology, c/o St Mary's Hospital, Castlebar, Co. Mayo	10,000
Irish Encephalitis Support Group, Passage West, Cork	5,000
Irish Heart and Lung Transplant Association, Dublin 16	127,000
Irish Kidney Association, Dublin 12	170,000
Irish Progressive Association for Autism (IPAA), Whitegate, Co. Cork	5,000
Irish Raynaud's & Scleroderma Society, Foxrock, Dublin 18	5,000
Irish Red Cross Society, Portumna, Co. Galway	60,000
Irish Senior Citizens Parliament, Fairview Strand, Dublin 3	90,000
Irish Vaccine Injury Campaign, Drumconrath, Navan, Co. Meath	20,000

Organisation	Paid in 2003
	€
Irish Wheelchair Association, Colehill, Co. Longford	25,000
Kilmeedy Development Group, Kilmeedy, Co. Limerick	60,000
Kiltegan Group Indoor Bowls Club, Hacketstown, Co. Limerick	1,000
La Leche League of Ireland, Dunboyne, Co. Meath	2,500
Lacken Sports and Recreation Association, Ballina, Co. Mayo	10,000
Lifestart Lifford/Clonleigh, Lifford, Co. Donegal	100,000
Lifestart National Office, Sligo	23,800
Lifestart Newtowncunningham, Newtowncunningham, Co. Donegal	100,000
Limerick Cancer Support Group, Henry Street, Limerick	3,000
Limerick Senior Citizens Club, Ballinacurra, Limerick	12,000
Mallow Day Care Centre Ltd., Mallow, Co. Cork	43,618
Marfan Syndrome Support Group Ireland Ltd., Blanchardstown, Dublin 15	7,500
Marian House Nursing Unit, Holy Ghost Community, Kimmage Manor, Dublin 12	56,188
Marino and District Community Centre Ltd., Fairview, Dublin 3	8,603
Mayfield Integrated Community Development Project Ltd., Mayfield, Cork	30,000
Mental Health Ireland, Dun Laoghaire, Co. Dublin	30,000
Midleton & District Day Care Centre Company Ltd., Midleton, Co. Cork	54,420
Millstreet & District Housing Association Ltd., Millstreet, Co. Cork	15,000
Muckross Community Playschool, Tullaha, Glenflesk, Killarney, Co. Kerry	5,000
Music Network Ltd., Dublin Castle, Dublin 2	20,000
National Association for Parent Support Ltd., Portlaoise, Co. Laois	5,000
National Parents and Sibling Alliance, Santry Dublin 9	50,000
North Eastern Health Board-ERHA-Aspire-IAA-Social Communications Disorders Group, Drogheda, Co. Louth	70,000
Newcastle Walkways Development Group, Ballymahon, Co. Longford	20,000
Newtown Shandrum Community Association Ltd., Charleville, Co. Cork	2,652
Oak House Resource Centre, Portarlinton, Co. Laois	33,280
Older Women's Network, All Hallows, Gracepark Road, Dublin 9	6,000
One in Four, Holles Street, Dublin 2	100,000
Open Heart House, St Mary's Place, Dublin 7	15,500
Order of Malta Ambulance Corps, St John's House, Clyde Road, Dublin 4	90,000
Our Lady of Mercy Resource Centre, Brookwood Crescent, Dublin 5	5,200
Palmerstown Active Retirement Association, Palmerstown, Dublin 20	1,200
Parteen Meelick Coonash Senior Citizens, Meelick, Co. Clare	8,000
Post Natal Distress Support Group, Glanmire, Cork	10,000
Psychiatry of Old Age Day Hospital, James Connolly Memorial Hospital, Blanchardstown, Dublin 15	20,000
Raheen Mother and Toddlers Group, Raheen, Limerick	700
Right of Place, Lower Glanmire Road, Cork	50,000
Salesion Youth Programmes, Cratlow Road, Limerick	3,000
Schizophrenia Ireland, Blessington Street Dublin 7	40,000
Shandon North Cathedral Community Association Ltd., Cork	10,000
Sisters of Charity of Jesus and Mary, Southhill, Delvin, Co. Westmeath	10,000
Sisters of Charity of Jesus and Mary, Tullamore, Co. Offaly	11,390
Slí Eile Housing Association, Dromina, Charleville, Co. Cork	25,000
Soroptomist International Club, Rochestown, Co. Cork	7,000
Spinal Injuries Action Association, National Rehabilitation Hospital, Dun Laoghaire, Co. Dublin	50,000
St Andrew's Centre, Dublin 12	10,000
St Anne's Dinner Club, Good Shepherd Convent, Roxboro, Limerick	2,000
St Anthony's House, St Laurence's Road, Clontarf, Dublin 3	120,000
St Brendan's Parish Centre, Coolock Village, Dublin 5	1,500
St Brigid's Resource and Recreation Centre, Howth Road, Dublin 5	31,902
St Brigid's Services for Older Persons Group, Howth Road, Dublin 5	7,000
St Christopher's Services Ltd., Longford, Co. Longford	67,840
St Laurence Cheshire Home, Glanmire Co. Cork	26,000
St Loman's Patients Welfare Fund, St Loman's Hospital, Palmerstown, Dublin 20	3,000
St Mary's on the Hill National School, Knocknaheeny, Cork	19,593

Organisation	Paid in 2003
	€
St Mary's Youth Centre Ltd., Tullamore, Co. Offaly	1,000
St Mary's Senior Citizens Club, Corbally, Limerick	5,000
St Oliver's Management Committee, Glenconnor, Clonmel Co. Tipperary	11,656
St Paul's Indoor Bowling club, Raheen, Limerick	2,000
St Paul's Special National School, Beaumont Woods, Beaumont, Dublin 9	42,000
St Vincent de Paul, Residential Unit, Ozanam House, Bundoran Co. Donegal	10,000
Summerhill Active Retirement Group, Third Age Centre, Summerhill, Co. Meath	15,000
Sunday's Well Life Centre, Sunday's Well road, Cork	25,000
Tallaght Rehabilitation Project, Jobstown, Dublin 24	3,950
The Alzheimer Society of Ireland, Dún Laoghaire, Co. Dublin	90,000
The Alzheimer Society of Ireland (Clare Branch), Ennis, Co. Clare	19,000
The Arthritis Foundation of Ireland, Grand Canal Quay, Dublin 2	8,000
The Association for Severely and Profoundly Mentally Handicapped (Cork), The Lough, Cork	43,016
The Carers Association, Harold's Cross, Dublin 6W	30,000
The Coeliac Society of Ireland North Brunswick Street, Dublin 7	31,210
The Collins Ladies Club/St Canice's Active Age Group, Finglas East, Dublin 11	4,000
The Counselling Centre, Fr Matthew Street, Cork	80,000
The Endometriosis Association of Ireland, Baldoyle, Dublin 13	1,500
The Frontline of Learning Disability, Mount Merrion, Co. Dublin	7,500
The LARRC Retreat Centre, Ballinalack, Mullingar, Co. Westmeath	100,000
Turlough Parent and Toddler Group, Turlough, Castlebar, Co. Mayo	1,000
Two Rivers Kindergarten, Ballydehob, West Cork	10,800
Volunteer Stroke Scheme, Glasnevin, Dublin 9	1,000
Whitehall Council of Social Service, Whitehall, Dublin 9	25,000
Williams Syndrome Association of Ireland, Ballinasloe, Co. Galway	17,000
Total Paid in 2003	3,533,000

Organisation	Paid in 2004
	€
Age Action Ireland Ltd., Lower Camden Street, Dublin 2	43,971
Aisling Group/ Bradan Day Programme, Navan, Co. Meath	50,000
Alpha One Foundation, RSCI Building, Beaumont Hospital, Dublin 9	20,000
Alzheimer Day and Home Care, Adare, Co. Limerick	20,000
Askea Day Care Centre, Askea, Carlow	150,000
Asthma Society of Ireland, Eden Quay, Dublin 1	9,306
AWARE, Lower Leeson Street, Dublin 2	30,000
Ballincollig Senior Citizens Club Ltd., t/a Westgate Foundation, Ballincollig, Co. Cork	50,000
Ballinlough Community Association, Cork	30,000
Ballybane Active Retirement Association, Galway	5,000
Brothers of Charity Services, Roscommon, Co. Roscommon	40,000
Cahir Day Care Centre Ltd., Cahir, Co. Tipperary	50,000
Cappoquin & District Community Day Care Association, Cappoquin, Co. Waterford	8,248
Caring for Carers Ireland, Ennis, Co. Clare	30,000
Carnew Community Centre, Carnew, Co. Wicklow	100,000
Carrigoran House, Newmarket on Fergus, Co. Clare	60,000
Cashel na Cor Learning Disability Association, Buncrana, Co. Donegal	60,000
Castlelyons Community Centre Management Committee, Fermoy, Co. Cork	6,000
Centre for Disability Studies, UCD, Belfield, Dublin 4	5,000
Charleville Sheltered Housing Services, Charleville, Co. Cork	63,000
Clarecare, Ennis, Co. Clare	35,000
Clifton Convalescent Home, Montenotte, Cork	140,000
Club 91, Cloncallow, Ballymahon, Co. Longford	4,000
Conna Community Council Housing for the Elderly Association Ltd., Conna, Co. Cork	54,024
Cystinosis Foundation Ireland (CFI), Blackrock, Co. Dublin	30,000

Organisation	Paid in 2004
	€
Department of Medical Gerontology, Tallaght Hospital, Dublin 24	15,000
Diabetes Federation of Ireland, Tralee, Co. Kerry	13,000
Donoughmore, Knockea, Roxboro Senior Citizens Club, Ballysheedy, Co. Limerick	4,000
Dromcollogher & District Despite Care Centre, Dromcollogher, Co. Limerick	50,000
Drumcor and Community Active Age Group, Cavan, Co. Cavan	50,000
Dublin Aids Alliance, Parnell Square, Dublin 1	6,500
Dún Laoghaire Active Retirement Association, Dún Laoghaire, Co. Dublin	1,880
Dún Laoghaire Lions Club, c/o Blackrock. Co. Dublin	5,500
Elphin Social Services Ltd., Elphin, Co. Roscommon	20,000
Enniscorthy Branch of the Irish Red Cross, Enniscorthy, Co. Wexford	20,000
Eurochild International Project (CWPC Ltd.), MacCurtain Street, Cork	50,000
Family Life Centre, St Brigid's, Cabinteely, Dublin 18	20,000
Finglas Old Folks Group, Cappagh Avenue, Finglas West, Dublin 11	2,000
Friends of Ennistymon Hospital, Lahinch, Co. Clare	50,000
Friends of St Anthony's Hospital, c/o Dunmanway Community Hospital, Co. Cork	68,500
Friends of St Ita's Community Hospital, Newcastle West, Co. Limerick	100,000
Friends of St Patrick's Hospital, St Patrick's Hospital, John's Hill, Waterford	100,000
Irish Anaesthetic and Recovery Nurses Association, Togher, Cork, Co. Cork	10,000
Irish Association of Suicidology, Castlebar, Co. Mayo	30,000
Irish Cancer Society, Northumberland Road, Ballsbridge, Dublin 4	150,000
Irish Guide Dogs for the Blind, Model Farm Road, Cork	50,000
Irish Kidney Association, Park West, Dublin 12	175,000
Irish Senior Citizens Parliament, Fairview Strand, Dublin 3	125,000
Kilteely-Dromkeen Housing Association, Pallasgreen, Co. Limerick	9,500
Kolbe Pre-School, Portarlinton, Co. Laois	27,913
League of Friends of St Cammillus Hospital, Ennis Road, Limerick	30,000
Limerick Senior Citizens Club, Ballinacurra, Limerick	22,000
Longford Active Retirement Association, Longford, Co. Longford	2,000
Lusk Community Unit for Older People, Station Road, Lusk, Co. Dublin	10,000
Marino and District Community Centre Ltd., Marino, Dublin 3	20,000
Mayo Cancer Support Association, Castlebar, Co. Mayo	50,000
Mental Health Ireland, Dún Laoghaire, Co. Dublin	80,000
Missionary Sisters of the Holy Rosary, Artane, Dublin 5	50,000
Mitchelstown Senior Citizens Project Ltd., Mitchelstown, Co. Cork	46,000
Moore Community Council Ltd., Ballydangan, Athlone, Co. Westmeath	10,000
Mother McAuley Centre, Drimnagh, Dublin 12	120,000
National Leisure Council of the Pioneer Total Abstinence Association, Ballinasloe, Co. Galway	20,000
North Eastern Health Board- ERHA-Aspire-IAA-Social Communication Research Programme, Drogheda, Co. Louth	80,000
Networking Dublin 15 Ltd., Buzzardstown, Mulhuddart, Dublin 15	2,000
Open Heart House, St Mary's Place, Dublin 7	10,000
Our Lady of Good Counsel School, Ballincollig, Co. Cork	21,000
Parke Community Centre Committee, Castlebar, Co. Mayo	19,000
Portumna Social Services, Portumna, Co. Galway	48,000
Raheen Hospital Support Group, Raheen, Tuamgraney, Co. Clare	30,000
Raphoe Friday Club, Raphoe, Co. Donegal	5,000
Resource Centre of St Vincent de Paul, Marino, Dublin 3	10,000
Roscrea Active Retirement Association, Ballystanley, Roscrea, Co. Tipperary	2,000
Serenity Active Retirement Association, Merville, Co. Donegal	6,000
Soroptimist International Club, Rochestown, Cork	6,750
South Meath Alcohol and Substance Misuse Response, Trim, Co. Meath	1,000
South Westmeath Rural Transport Association, Glasson, Athlone, Co. Westmeath	15,600
Special Olympics Ireland, North Circular Road, Dublin 7	80,000
St Christopher's Services Ltd., Battery Road, Longford	34,500
St Gabriel's Parish resource Centre, Dollymount, Dublin 3	25,000
St John Ambulance Brigade, Southern Command, Richmond Hill, Cork	50,000
St Joseph's Association for the Mentally Handicapped, c/o Blackrock, Co. Dublin	10,663

Organisation	Paid in 2004
	€
St Vincent de Paul, St Carthage's Conference, Lismore, Co. Waterford	5,000
Summerhill Active Retirement Group, Third Age Centre, Summerhill, Co. Meath	40,000
Tang Golden Years Club, Tang, Ballymahon, Co. Westmeath	3,000
Templemore Active Retirement Association, Templemore, Co. Tipperary	4,000
Templemore Community Social Service, Templemore, Co. Tipperary	50,843
The Alzheimer Society of Ireland, Day Care Centre, Garryowen, Co. Limerick	40,000
The Association for Severely and Profoundly Mentally Handicapped, COPE Foundation, Montenotte, Cork	62,002
The Bereaved by Suicide Foundation, Celbridge, Co. Kildare	50,000
The Cleft Lip and Palate Association of Ireland, Malahide, Co. Dublin	4,500
The Counselling Centre, Fr Matthew Street, Cork	50,000
The Rosses Neighbourhood Youth Project (Donegal), Dungloe, Co. Donegal	4,800
Tolka River Project, Buzzardstown, Buzzardstown, Mulhuddart, Dublin 15	3,000
West of Ireland Alzheimer Foundation, Ballindine, Co. Mayo	120,000
Williams Syndrome Association of Ireland, Ballinasloe, Co. Galway	30,000
Total paid in 2004	3,631,000

Nursing Homes Repayment Scheme.

183. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if and when a refund will be made in respect of pension paid to a nursing home by a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7013/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department is studying the Supreme Court judgment on repayment of charges for publicly-funded long-term residential care in detail and will take on board all the consequences for policy and law arising from the judgment. A special Cabinet sub-committee comprising the Taoiseach, the Minister for Finance, Deputy Cowen, the Attorney General, Mr. Brady, and me has been established to consider the issue of repayment in light of the judgment. Full details of a repayment scheme will be announced as soon as possible and it is the intention to make repayments as automatic as possible.

Cancer Screening Programme.

184. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if she will take steps to save the lives of at least 200 women from dying of breast cancer, by making the national treatment purchase fund available to provide a temporary breast screening service to women living in the south and west, pending the full national roll-out of BreastCheck, which is estimated to be 2007 or later; and if she will make a statement on the matter. [7014/05]

Tánaiste and Minister for Health and Children (Ms Harney): Any woman irrespective of her age or residence who has concerns about breast cancer should contact her GP who, where appropriate, will refer her to the symptomatic services in her area. More than €60 million has been invested in the development of symptomatic breast disease services since 2000. This investment

has enabled the appointment of additional surgeons with an interest in breast disease, histopathologists and radiologists to enhance the delivery of breast cancer services nationally.

Data supplied by the national cancer registry shows that the overall survival rate from cancer has increased between the periods 1995-1997 and 1998-2000 with the five year survival rate from breast cancer increasing from 73% to 79% over the period.

The full implementation of BreastCheck requires significant capital and human resources including two static clinical units, mobile screening units, multi-disciplinary consultant teams and radiographers together with technical and administrative support. A capital investment of €21 million has been approved to construct and equip the two clinical units and to provide for mobile units. The investment will ensure that breast screening and follow up treatment, where appropriate, is available to all women in the target group throughout the country. I am confident the target date of 2007 for the expansion of BreastCheck nationally will be met. Pending the provision of the necessary facilities and staff, I do not believe that the national treatment purchase fund would be in a position to source providers who could provide a temporary service along the lines suggested by the Deputy.

Food Safety.

185. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number and type of food ingredients which have recently been banned on health grounds; if other food ingredients are being considered in this context; and if she will make a statement on the matter. [7044/05]

Minister of State at the Department of Health and Children (Mr. S. Power): A number of food ingredients have been prohibited from sale across the European Union in recent years.

[Mr. S. Power.]

In May 2003 the problem of Sudan Red 1 in a dried hot chilli product was identified by the French authorities and notified to the European Commission. As a result of concerns about the potentially carcinogenic properties of the contaminant, the European Commission set controls on three country imports of hot chilli products into all EU countries. In April 2004 the European Commission suspended the marketing in the European Union of jelly mini-cups containing certain food additives derived from seaweed and/or certain gums. Jelly mini-cups are a single portion, pre-packaged sweet or confectionery, mainly intended for children. They are considered a life-threatening choking risk because of their consistency, shape and form. The authorisation for use of a similar food additive, Konjac, E 425, in jelly confectionery, including jelly mini-cups, was previously withdrawn.

Currently there is a proposal under discussion at the Council of the European Union to amend Directive 95/2/EC which deals with food additives other than colours and sweeteners. Among other provisions, the proposal will withdraw the authorisation for use of the food additive propyl paraben, E 216 and E 217. Parabens, E 214 to 219, are antimicrobial agents used by food manufacturers as a preservative in meat products and potato snacks. An opinion from the European Food Safety Authority suggests that propyl paraben could have an effect on reproductive health in exposed individuals.

My Department keeps the situation under constant review and is advised by the Food Safety Authority of Ireland which bases its risk assessments on scientific opinions published by the European Food Safety Authority.

Asylum Support Services.

186. **Mr. Costello** asked the Minister for Finance the reason Broc House, Donnybrook, Dublin 4, was purchased in 2001 for nearly €10 million, as a reception centre for asylum seekers without the OPW having first examined the premises to ensure that it fulfilled current regulatory standards; the amount it will cost to achieve those standards; if the Department of Health and Children, to which he proposes to dispose of the property, will also have to meet equally stringent regulatory standards; and if he will make a statement on the matter. [6586/05]

Minister for Finance (Mr. Cowen): Due to the level of demand for asylum seeker accommodation at the time, Broc House was required at very short notice on the instructions of the reception and integration agency which operates under the aegis of the Department of Justice, Equality and Law Reform. It was inspected prior to purchase by an architect and engineer who confirmed that the building was of sound structure and was capable of being made compliant with the then current building regulations. It must be borne in mind that to meet the requirement of

asylum seekers certain works would have to be undertaken anyhow, as happened in all other properties purchased for this purpose.

If the property is to be transferred to the Department of Health and Children or to the appropriate health authority, any works required will depend on the use for which the property is required.

Disabled Drivers.

187. **Mr. Morgan** asked the Minister for Finance when he will act on the interdepartmental report which was completed in 2003 into the review of the disabled drivers and disabled passengers (tax concessions) scheme. [6507/05]

Minister for Finance (Mr. Cowen): The interdepartmental review group examined all aspects of the scheme including the qualifying medical criteria, the 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.

The amendments provided for changes as follows: expanding the panel of medical practitioners serving on the medical board of appeal from three to five, and; amending the appeals process by introducing a six month waiting period between an appeal and subsequent application, and introducing 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 very 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.

Tax Code.

188. **Mr. P. McGrath** asked the Minister for Finance if the Revenue Commissioners will communicate with a person (details supplied) in County Galway concerning outstanding stamp duty matters. [6518/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that they will assist the person in question in any matter concerning outstanding stamp duty. They have endeavoured to contact the person concerned at the mobile number they have on record but have been unable to do so to date nor have they been able to locate a landline number for him. The per-

son may contact Mr. John Gallagher, Galway County District, Custom House, Flood Street, Galway. His contact number is 091-536333.

189. **Mr. Ring** asked the Minister for Finance the number of persons and companies which have availed of the hidden patent tax break in the past five years; and if he will provide a breakdown of the cost of same to the Exchequer on a yearly basis. [6580/05]

Minister for Finance (Mr. Cowen): There is no hidden patent tax break. There is relief in the legislation which provides that certain income derived from patent royalties is exempt from tax. This is a long-standing relief and was introduced to encourage research and development in Ireland and to stimulate inventions.

In regard to the cost of this relief I am informed by the Revenue Commissioners that returns of income from patents are not captured in such a way as to provide a basis for compiling the information sought by the Deputy. Patent income is aggregated in the Revenue Commissioners' records with other forms of income and could not be distinguished without conducting an extensive investigation of those records.

With regard to this issue my Department and the Revenue Commissioners have been working closely recently to investigate data capture issues with a view to improving data quality and transparency without overburdening compliant taxpayers. Arising from this work, provisions were included in Finance Act 2004 introducing a number of changes to the tax return forms which will yield additional information regarding the cost of various tax reliefs including this relief. The preliminary data should become available from early 2006 after the returns for 2004 are filed in October 2005.

Liquor Licences.

190. **Mr. Hayes** asked the Minister for Finance if he will provide a comprehensive and up-to-date list of all licensed premises in the Tipperary South constituency. [6581/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that they do not keep their information on liquor licence holders on the basis of constituency boundaries. Consequently, I have arranged for the Deputy to be provided with a list of all liquor licences in County Tipperary according to Revenue's records.

Housing Aid for the Elderly.

191. **Mr. Haughey** asked the Minister for Finance if he will introduce financial incentives to encourage the construction of private housing schemes exclusively for the elderly; and if he will make a statement on the matter. [6621/05]

Minister for Finance (Mr. Cowen): I take it the Deputy is referring to the introduction of specific

tax incentives for the construction of private housing schemes for the elderly. Capital allowances are available for expenditure incurred on the construction or refurbishment of housing units associated with a registered nursing home. These capital allowances are granted at a rate of 15% per annum for six years, and 10% in year seven in respect of the qualifying expenditure incurred on these housing units.

Qualifying residential units under this scheme are intended for older people who wish to maintain their independent living status within a sheltered caring environment. The residential units have to be operated or managed by a registered nursing home and the nursing home will provide back-up medical facilities, including nursing, to the occupants of the units when required, and an on site caretaker must also be available. There must be a minimum of ten housing units within the site of the nursing home. The units and any building in which they are comprised must be designed and constructed to meet the needs of persons with disabilities, including in particular the needs of persons confined to wheelchairs.

Ministerial Travel.

192. **Mr. Wall** asked the Minister for Finance his proposed itinerary for St. Patrick's week celebrations; the areas and countries involved and if he will make a statement on the matter. [6625/05]

Minister for Finance (Mr. Cowen): As has been the case with successive Irish Governments, I will avail of the period around St. Patrick's Day to capitalise on the good will and unparalleled opportunities generated by the celebrations to promote Ireland abroad.

I will visit Atlanta and Savannah, the latter city having probably the largest St. Patrick's Day parade in the US. During my official visit to these two cities, I will attend events organised by the IDA, Enterprise Ireland, Tourism Ireland and the Irish Chamber of Commerce of the United States of America in addition to the traditional functions and parades organised by branches of the local Emerald Society and Hibernian Society.

Tree Planting.

193. **Mr. Lowry** asked the Minister for Finance if he will introduce additional incentives for farmers or foresters growing native ash trees, in view of the number of thefts of ash trees and the ever increasing demand for the timber for hurley making; and if he will make a statement on the matter. [6860/05]

Minister for Finance (Mr. Cowen): The payments of grants or premia for growing native ash trees is a matter for the Minister for Agriculture and Food in the first instance. I have been informed by that Minister that grant payments of €4951.98 per hectare are available in respect of non-oak or non-beech broadleaves. In addition, farmers can qualify for annual premia for 20 years

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of €441.87 per hectare for plantations of less than six hectares, €454.57 per hectare for plantations of between six hectares and 12 hectares and €467.26 per hectare for plantations of 12 hectares or more.

From a tax perspective, while there are no tax incentives directed specifically towards “farmers or foresters growing native ash trees” there are income tax and capital gains tax incentives which can apply in these situations.

Section 232 of the Taxes Consolidation Act 1997 provides that the profits or gains arising from the occupation of woodlands managed on a commercial basis and with a view to the realisation of profits shall be exempt for income tax and corporation tax.

The exemption applies where the profits from the sale of the trees, whether as standing timber or as felled and cut up, are made by a landowner who has planted the trees and managed the woodlands estate. It applies also where the sales are made by a landowner who has acquired by purchase, inheritance or otherwise woodlands previously planted, assuming he continues to occupy and manage them on a commercial basis.

For capital gains tax purposes, where an individual makes a disposal of woodland, the consideration for the disposal of the trees growing on the land and saleable underwood are not taken into account for capital gains tax purposes. Thus, where land held by an individual is sold with standing timber on it, the consideration for the disposal is to be apportioned and the part of the consideration attributable to the trees or saleable underwood excluded. Insurance proceeds received by an individual in respect of the destruction of or damage to standing timber or saleable underwood are also excluded for capital gains tax purposes.

As the consideration for standing timber and saleable underwood are excluded from the sales proceeds of woodland, in computing any gain or loss on the disposal of the woodland that part of the cost of the woodland attributable to standing timber and saleable underwood is also to be excluded.

I have no plans at present to widen the scope of the current tax treatment of income and capital gains from woodlands. However, this tax exemption is one of the tax exemptions being reviewed this year, as announced in the 2005 budget.

Tax Code.

194. **Mr. Haughey** asked the Minister for Finance if the Revenue Commissioners will process an application by a person (details supplied) in Dublin 5 for a tax clearance certificate without further delay; and if he will make a statement on the matter. [6907/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the person in question applied for a tax clearance certificate on 18 February 2005. The application has

now been approved and the certificate will issue within the next few days.

195. **Dr. Upton** asked the Minister for Finance if he will review the tax liabilities of a person (details supplied) in Dublin 8. [6908/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that in August 2001 a review of the taxpayer’s liability was carried out for the year 2000-2001 and resulted in an underpayment. It was agreed to collect the arrears by the reduction of his tax credits over a four-year period, 2002-2005. The taxpayer’s liability has now been reviewed for the years 2001-2003 and balancing statements will issue shortly.

196. **Mr. P. McGrath** asked the Minister for Finance if a formal application has been submitted to the EU for approval for a scheme to enable excise tax relief to be applied for the production of biofuels; the date of this application; and when he expects a response. [6915/05]

Minister for Finance (Mr. Cowen): Section 50 of the Finance Act 2004 provides for the introduction of a scheme for excise tax relief for biofuels. The purpose of the scheme is to allow qualified and conditional relief from excise of biofuel used in approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel.

A scheme, which includes pure plant oil, biodiesel and bioethanol, has been drawn up in conjunction with the Department of Communication, Marine and Natural Resources. The European Commission has confirmed that the scheme would represent a State aid and consequently its approval is required.

Following meetings between the Department of Finance, the Department of Communications, Marine and Natural Resources and the European Commission, and subsequent clarifications requested by the Commission, a formal application to the Commission was submitted in January. I understand that a decision from the Commission is now imminent. Assuming approval is granted, the necessary commencement order will be signed and the Department of Communications, Marine and Natural Resources will set in train the formal process of inviting proposals for the approved scheme.

Disabled Drivers.

197. **Mr. Murphy** asked the Minister for Finance if consideration will be given to an application by a person (details supplied) in County Cork for redemption of VAT on diesel. [7030/05]

Minister for Finance (Mr. Cowen): Under the disabled drivers and disabled passengers — tax concessions — scheme, an individual in receipt of a primary medical certificate can apply to the Revenue Commissioners for relief from vehicle

registration tax, VAT, and repayment of excise duty on motor fuel. With respect to the details supplied, I am informed by the Revenue Commissioners that the individual has not submitted an application which is necessary to benefit from this scheme. A completed application together with the primary medical certificate should be sent to the Office of the Revenue Commissioners, central repayments office, Freepost, Coolshanagh, County Monaghan. Further information in respect of submitting an application can be accessed by telephoning the office at 047-82800.

Tax Code.

198. **Mr. Durkan** asked the Minister for Finance when a P21 form will issue to a person (details supplied) in County Kildare for the year ending 2004; and if he will make a statement on the matter. [7033/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that this person's tax affairs are being dealt with in the Kildare Meath Wicklow customer services district in Grattan House, Lower Mount Street, Dublin 2, telephone number 01-6474000, and her tax details are held there.

A form P21 balancing statement is issued to a taxpayer who is subject to tax under the PAYE system. The records of the Revenue Commissioners show that this taxpayer commenced self-employment in September 2002 and that no returns of income have been submitted to date. On receipt of a completed return of income form for 2004, a notice of assessment will be issued for that year. Returns of income should also be submitted for the years 2002 and 2003.

Communications Masts.

199. **Mr. J. Breen** asked the Minister for Communications, Marine and Natural Resources if the Health and Safety Authority will carry out a safety audit on the installation of a telephone mast on top of a water tower at Whitegate, County Clare, in order that the residents of the area can be assured that there is no health risk involved; and if he will make a statement on the matter. [6616/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My responsibility regarding safety issues at mobile phone masts relates solely to emissions of non-ionising radiation from these sites. There is no scientific or medical evidence that emissions below the level of internationally recognised guidelines from mobile telephone masts are injurious to health.

Over recent years, more than 25,000 peer reviewed studies into possible health effects of non-ionising radiation, the class of electromagnetic emissions associated with mobile phone technology, have been published. No definite causal link has been proven between the emissions and any adverse health effect. By consensus

among many countries, guidelines are established for safe levels of exposure to various kinds of electromagnetic emissions. These guidelines are set at levels which are many times less than the experimental levels at which no adverse effects have been established. Ireland has adopted the guidelines established by the International Commission on Non-Ionising Radiation Protection, ICNIRP, and participates in the work of the International Committee on Electromagnetic Safety, which sets standards in this area. All licensed telecommunications operators in Ireland are required by the terms of their licences to observe the ICNIRP guidelines for limiting exposure of the public to electromagnetic emissions from their facilities.

The Commission for Communications Regulation, ComReg, has in the past audited emissions of non-ionising radiation from communications sites including masts. I will ask my officials to liaise with ComReg to arrange an audit of the site in question over the next month or so.

Fisheries Protection.

200. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources the situation regarding holders of salmon angling licences; if there is a restriction on the number of fish they can catch in one season; if so, the reason for this; and if he will make a statement on the matter. [6522/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The conservation of salmon and sea trout by-law, No. 797 of 2004, provides for a bag limit of one fish, a salmon or sea trout, per angler per day from 1 January to 31 May, and three fish per angler per day from 1 June to the end of the fishing season, subject to a total allowable catch of 20 fish per year. The measure to restrict the number of fish that can be caught in one season was first introduced as a conservation measure in 2002 on the recommendations of the national salmon commission.

201. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources his proposals to contact directly the stakeholders that would benefit from increased numbers of salmon entering rivers here to establish the contribution they would be prepared to make towards a commercial drift net salmon fishing licence buy-out; and if he will make a statement on the matter. [6568/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I have no plans to introduce proposals to purchase commercial drift net salmon fishing licences. The Government has consistently ruled out buy-out as an effective means of achieving the restoration of salmon stocks and has instead, since 2002, promoted the application of quotas on commercial fishing and bag limits on

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angling to achieve catch reductions as the best instrument available to achieve this objective. Moreover, no convincing case has been advanced as to the public good that would be acquired by the State in the context of a publicly funded buy-out.

As I have previously indicated to the House, I am prepared to keep the matter under review. I would be open to any relevant proposals presented to me whereby stakeholders benefiting from any reduction in commercial catch would identify themselves and indicate a willingness to fund any compensation that might arise.

Foreshore Licences.

202. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources when he will issue a formal decision in relation to the application by the Dublin Port Company for a consent and a lease under the Foreshore Act 1933; if his attention has been drawn to the fact that his decision under this Act is required in order that the Dublin Port Company can make an application to the planning authorities for planning permission; the reason he has not made a decision; when a decision will be made; and if he will make a statement on the matter. [6597/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I assume that the Deputy's question relates to the application by Dublin Port Company for reclamation of 21 hectares of foreshore at Dublin Port. I do not accept that a decision under the Foreshore Acts 1933 to 2003 is required in order for Dublin Port Company to make application for planning permission for this development to Dublin City Council. Section 225 of the Planning and Development Act 2000 specifies that where such a development would adjoin the functional area of a planning authority or adjoin any reclaimed land adjoining such functional area, planning permission is required. This provision is in addition and not in substitution for the requirements of the Foreshore Acts.

For practical reasons it has been the general policy of the Department that, where planning permission is required for developments on the foreshore, the planning process should be completed in the first instance. Notwithstanding this, initial processing of a foreshore application is carried out while the planning process is in train.

There is a second major issue to be resolved regarding the foreshore application which was made under sections 10 and 13 of the Foreshore Act 1933 on the basis that the company claims ownership of the foreshore in question. At this point in time the State has not accepted this claim and the matter is the subject of ongoing consultation between legal representatives of the port company and the State. The matter will require to be resolved as it is a material issue in terms of the form of consent that would be required and

the factors that I am required to consider in the context of making a decision on the application. My officials have explained this position on a number of occasions to the Dublin Port Company.

Port Development.

203. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will quantify the significant capacity shortfall that he has identified previously in ports capacity; the capacity shortfall in reference to each of the commercial ports operating in the State; his measures for dealing with this shortfall over the medium term; and if he will make a statement on the matter. [6598/05]

204. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his views on whether the ports are an aspect of critical infrastructure in the context of the country's infrastructure development; his further views on whether improvements in port capacity can be achieved as elements of critical infrastructure; and if he will make a statement on the matter. [6599/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 203 and 204 together.

In terms of the country's infrastructure development, our ports are vital gateways for commercial freight and sea passengers. This is highlighted by the fact that nine of the ten commercial State port companies are located in areas identified as gateways in the national spatial strategy. Almost all Ireland's overseas trade goes by sea, underlining the commercial significance of ports and their strategic importance. Measured by volume, 99% of the island's foreign trade uses the maritime supply chain. It is estimated that the value of these imports and exports through seaports in the Republic was €130 billion for 2003, compared with a figure of €7 billion to €10 billion through airports.

Most of the ports are State-owned companies with statutory commercial mandates and operational criteria. The port companies are required to take all proper measures for the management, control, operation and development of their harbours and are required to conduct their business at all times in a cost effective and efficient manner. This has led to strong independence of action and a focused commercial mindset. The Government expects that the port companies, as commercial entities, should be capable of funding their operations and infrastructure requirements without relying on Exchequer support. The port companies are, therefore, encouraged to seek financial assistance from other avenues such as private sector investment within ports.

The Government's ports policy statement was launched on 6 January 2005. It is available to view on the Department's website. One of the key

areas addressed in the policy statement is the timely provision of “in-time” port capacity. In the context of the ports policy statement, I have recommended to the Government that a policy framework be put in place to ensure that capacity needs are identified, planned and furthered in a co-ordinated manner.

The Department commissioned independent consultants, Baxter Eadie Limited, to prepare a series of reports on seaport capacity and future projected capacity needs. Last year, Baxter Eadie Limited prepared a desk study update to identify the effect Ireland’s changing economic circumstances has had on projected capacity needs at the seaports. The study takes into account current economic growth projections and looks at capacity up to 2014. Looking to 2014, the study has found that traffic is expected to grow by 16.2 million tonnes, some 35% over tonnage handled in 2003, while growth in capacity over the same period is projected at a very low level, about 1% over the period. These projections are based on known changes which have full approval for implementation and do not include any other plans for infrastructure improvements. A capacity requirement of 12.2 million tonnes is projected by 2014. The consultants state that the situation warrants decisions and further action to avoid increasing delays and congestion in some ports, particularly for unit load cargos. The Department recognises that the study by Baxter Eadie Limited is necessarily an inexact exercise, the implications of which will need to be checked against actual experience in each of the ports.

The Deputy has asked for details of the projected capacity requirement by reference to each of the commercial ports. However, I do not intend to release details relating to individual ports as the work by Baxter Eadie Limited is based, in part, on commercially sensitive information provided in confidence by the ports.

The Department is initially consulting the commercial ports concerned to determine their view of port capacity and how they intend to deal with the projected capacity requirement. The Department is interested in key projects identified by the commercial ports as essential to deal with anticipated capacity deficiencies to 2014 and beyond, and whether the ports see these being funded from their own resources or in partnership with the private sector. The policy framework encourages all port sector stakeholders to address capacity provision. The State will support capacity provision, as residual financier, but only if proven essential to further identified high quality self-sustaining projects.

Natural Gas Grid.

205. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the status of the feasibility study being examined by Government with a view to providing natural gas from the Corrib field to Sligo; the stage of

this evaluation; and if he will make a statement on the matter. [6615/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Any intending supplier of gas to Sligo is free to apply to the Commission for Energy Regulation, CER, for the necessary consent. A preliminary evaluation in 2001 by Bord Gáis Éireann, BGE, having examined all possible routes for this project, found that none was commercially viable and even the least expensive option would cost more than might be recovered over the lifetime of the pipeline. The CER must be satisfied that a proposal to extend the natural gas network is an economic proposition as otherwise uneconomic projects will increase costs for all gas consumers. BGE is also required by the 1976 Gas Act to demonstrate that any pipeline investment by it will be an economic business operation.

That said, there is a long-standing Government commitment to examine the feasibility of bringing natural gas from Corrib to Sligo. The decision to grant planning permission for the Corrib onshore gas refinery and pipeline is the subject of two proceedings before the High Court and a decision will be made in April whether or not to grant leave for judicial review.

Work on preparing the specification for a feasibility study and cost-benefit analysis of possible routes to Sligo is under way. However, considering the costly nature of this study, it will not be proceeded with until there is a measure of certainty on the Corrib appeals process. Taking this into account, it is hoped that the study will proceed later this year.

Official Engagements.

206. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources his proposed itinerary for the St. Patrick’s week celebrations; the areas and countries involved and if he will make a statement on the matter. [6626/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): At this stage I have no arrangements made for the St. Patrick’s week celebrations. At present, I do not plan to travel abroad during the week in question.

Fishing Vessel Licences.

207. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the reason licences for small commercial boatmen are now restricted to pots; and if he will make a statement on the matter. [6678/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Irish sea fishing fleet is divided into a number of segments mainly on the basis of fishing entitlements. Approximately 85% of the fleet is licensed and registered within the polyvalent or multi-purpose segment which

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entitles the licensed and registered owner, subject to certain conditions and restrictions, to fish for a wide range of species and with a range of fishing gear. Those licensed and registered with a standard polyvalent licence are not restricted to fishing with pots.

However, having regard to EU requirements on fleet registration, a scheme for the licensing and registration of unlicensed and unregistered pot fishing boats in the Irish inshore fleet was introduced in 2003. One of the conditions of the scheme, which required the approval of the European Commission, is that boats licensed and registered under this scheme must be ring-fenced. The licences granted under this scheme will allow the licensees to fish only for non-quota species and solely by means of pots. The provision of replacement capacity is not a requirement, unlike the normal requirement for sea fishing boat licensing, and the capacity of boats licensed and registered under the scheme will not be eligible as replacement capacity. The current position regarding this scheme is that the licensing authority for sea fishing boats has issued letters of licence offer to successful applicants under the scheme, setting out the requirements to be met before the boats concerned can be licensed and registered and will shortly be completing the process for those who have met the requirements.

The scheme for the licensing of pot fishing boats is now closed but it is open to any person to apply to the licensing authority at any time for a standard fishing boat licence in accordance with standard fishing boat licensing policy, which includes the requirement for the provision for replacement capacity. Such a licence granted for the polyvalent segment would not be restricted to fishing with pots.

Marine Safety.

208. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if his Department will supplement mandatory courses on VHF radio, sea survival and first aid; and if he will make a statement on the matter. [6679/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Bord Iascaigh Mhara, BIM, has been allocated national development plan funding of €12.7 million under the employment and human resource development operational programme 2000-2006 for ongoing sectoral training in the Irish seafood industry. The training referred to by the Deputy, mandatory basic safety training and GMDSS radio training, is available in BIM's national fisheries college, Greencastle, County Donegal, the regional fisheries centre, Castletownbere, County Cork and on BIM's two mobile coastal training units which visit about 30 rural coastal locations per annum. The costs of these courses are subvented for fishermen and do not reflect the full economic cost of delivery.

Mandatory basic safety training introduced by the Department of Communications, Marine and Natural Resources under the Fishing Vessel (Basic Safety Training Regulations) 2001, SI 587 of 2001, consists of three individual one day modules: personal survival techniques, elementary first aid and fire prevention and safety awareness. The cost of each module is €75 if taken individually and €150 if taken in a three-day session. This represents a very modest cost for these important safety training courses which are of a very high quality and are helping to save lives in the fishing industry.

Broadcasting Legislation.

209. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources if a review has taken place or will take place into the impact of amending Section 19 of the Broadcasting Act 2001 as recommended by Section 52 of the Disability Bill 2004; if such a review will take into account the impact of such regulations on the competitiveness of industry here as laid out in the Government's White Paper on Better Regulation; and if he will make a statement on the matter. [6825/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Department of Justice, Equality and Law Reform, which has responsibility for the Disability Bill 2004, has consulted my Department regarding the preparation of its legislative proposals. My Department will continue to engage with the Department of Justice, Equality and Law Reform as necessary regarding the development and implementation of the legislation in so far as it relates to the broadcasting sector.

210. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of pirate or unlicensed radio stations now operating; if he has proposals to deal with the issue; and if he will make a statement on the matter. [6826/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in these matters. This is a matter for the Commission for Communications Regulation, ComReg, in accordance with the provisions of the Wireless Telegraphy Acts 1926 to 1972, the Broadcasting and Wireless Telegraphy Act 1988 and the Communications Regulation Act 2002.

Postal Services.

211. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources if he will investigate the possibility of adopting a scheme, similar to that of the UK postal service, whereby rural post offices were guaranteed an income similar to the national minimum wage of €15,106 by bringing these smaller post offices under a public service obligation; and if he will make a statement on the matter. [6827/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government and An Post share the objective of maintaining a nationwide post office network through a strategy of maximising the volume of viable business handled by the network. While it is my understanding that the UK Government has provided some funds for urban post offices under an urban reinvention programme, substantial funding for the UK network comes from historical Royal Mail surpluses which were not transferred to Government but were invested in Government gilts.

The Government here has already provided significant funding by way of a €12.7 million equity investment in 2003 to support the modernisation of the post office network and it is not envisaged that further public funding will be provided to An Post. The best way to sustain the post office network is to gear the network to provide a range of products and services which meet consumer needs. In this regard the company has had some success in winning new banking and bill paying contracts and these services are now available at the post office counter. The network also benefits from substantial existing contracts with the Department of Social and Family Affairs for social welfare payments and the National Treasury Management Agency for Government savings products.

With regard to the income levels of rural post offices, I understand that An Post is planning a review of the system of remuneration for post office agencies nationwide. This is essentially a matter involving commercial contracts between An Post and postmasters and one in which I have no function.

Departmental Regulations.

212. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources if he will consider introducing regulations in conjunction with other Departments regarding an issue (details supplied); and if he will make a statement on the matter. [6828/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no statutory power that would enable me to introduce regulations of the nature envisaged in the question.

Offshore Exploration.

213. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources his views on whether a quantified risk assessment on the Corrib gas field, north Mayo, commissioned by the developer, referenced by the developer, in the copyright of the developer and paid for by the developer as part of the design process of the pipeline is, or can be a sufficient objective appraisal of the safety of the pipeline. [6899/05]

214. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if, in regard to the Corrib gas field, north Mayo the quantified risk assessment referred to by him in replies to previous parliamentary questions as having been done by a company (details supplied) is the same as the assessment carried out by in 2002 as part of the design for the pipeline leading inshore from the gas field. [6900/05]

216. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources if he will make available for public examination the quantified risk assessment report commissioned by Enterprise Energy Ireland Limited in 2001 on the Corrib gas pipeline; his views on whether this quantified risk assessment is acceptable as an independent quantified risk assessment given that it was commissioned by the industry promoters of the project; if he will consider commissioning a new and independent quantified risk assessment in view of the health and safety fears expressed by the Rosspport residents; and if he will make a statement on the matter. [6902/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 213, 214 and 216 together.

For the information of the Deputy I wish to offer the following data in clarification of the questions raised by him. The quantified risk assessment, QRA, for the Corrib pipeline, which commenced in June 2001, followed by a number of revision details, was undertaken by a firm of consultants, JP Kenny on behalf of the developer. It addresses the risks present during the operational phase of the onshore pipeline only, that is, the section of the pipeline between the mean low water mark and the first isolation valve upstream of the pig trap in the onshore terminal. The purpose of the assessment was to identify and assess all risks associated with the operation of the onshore section of the pipeline. The QRA report made recommendations for risk reduction where appropriate and sought to demonstrate that the residual risk associated with the operation of the onshore pipeline would be reduced to tolerable levels.

Following receipt of the QRA as part of the developers' application for consent to construct a pipeline, my Department commissioned an independent evaluation of the pipeline design code. The report, Corrib Gas Pipeline Project: Report on Evaluation of Onshore Pipeline Design Code, undertaken by Mr. Andrew Johnston, an experienced petroleum pipeline consultant, was submitted to my Department in March 2002. Mr. Johnston used as a basis for his report the design documentation prepared by JP Kenny in conjunction with the developers and contractors.

Mr Johnston's conclusions were as follows. The pipeline design code has been selected in accordance with best public safety considerations and is appropriate for the pipeline operating conditions. The design of the onshore pipeline is generally in accordance with code selection and best national

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and international industry practice, provided that the actions recommended in section 2.2 are followed. The pipeline is considered to be adequately protected from third party interference by burial to 1.2 m and provision of marker tape above the pipeline. The pipeline is considered to meet public safety requirements as outlined in the selected design code, provided that the actions recommended in section 2.2 are followed.

The recommendations of section 2.2 have been incorporated in the statutory approvals issued for the Corrib pipeline development. I have the option of requesting Mr. Johnston to undertake additional work if deemed necessary as the pipeline development work progresses. Since the QRA report forms part of the deliberate process under which Shell has sought consent to install and commission the pipeline, it would not be appropriate to release the report at this stage.

Telecommunications Services.

215. **Mr. J. Higgins** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that residents of Clonsilla, Dublin 15, still cannot gain access to broadband on their Eircom telephone lines; and the immediate steps his Department will take to improve the provision of broadband in all parts of the country. [6901/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I understand that the telephone exchanges serving the Clonsilla area have been enabled for the provision of DSL broadband, and a number of service providers are marketing DSL in the area, subject to line survey. While the principle broadband technology in use in Ireland is digital subscriber line, DSL, which is also the situation in most European countries, there are technical limitations to the service such as line quality and distance from the exchange. If a telephone line cannot carry DSL, other technologies must be considered, such as wireless, cable modem or satellite.

My Department's website, www.broadband.gov.ie lists a number of service providers who offer broadband in the Clonsilla area, including six DSL, one wireless and eight satellite service providers. The website also gives comparative details of prices and service levels.

The provision of telecommunications services, including broadband, is a matter for the private sector companies operating in a fully liberalised market. Recent press announcements by some of the major service providers indicate a growing level of competition in the broadband market and a considerable increase in availability. I expect these trends to continue.

Question No. 216 answered with Question No. 213.

Passport Applications.

217. **Mr. Costello** asked the Minister for Foreign Affairs the procedure for the renewal of Irish passports issued to the former Kosovar programme refugee children who were born in the State during their parents' stay here between 1999 and 2000 and whose passports have now expired; and if he will make a statement on the matter. [6887/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Irish Embassy in Hungary has responsibility for Irish interests in Kosovo. Where families who have returned to Kosovo wish to renew passports for their children who were born in Ireland, they should contact the Irish Embassy in Budapest which will be happy to assist them. The embassy can provide them with the necessary application forms and any other advice they may seek. The contact details for the embassy are: Embassy of Ireland, Bank Centre, Granite Tower, H-1944 Budapest; telephone number: +36-1-302-9600; fax number: +36-1-302-9599; e-mail address: iremb@hu.inter.net. If families are still living in Ireland, they should apply in the normal way to the passport office. Application forms are available for this purpose at all Garda stations. Further information on passport matters is available at www.passport.ie.

Overseas Development Aid.

218. **Mr. P. McGrath** asked the Minister for Foreign Affairs the total amount spent in relation to moneys paid in overseas development aid in 2004; the percentage of this which was paid directly to each Government in these developing countries; the amount paid to each charity involved in overseas aid to help them to continue their work in these developing countries; the amount paid to other charities for development work; the amount funnelled through Irish missionaries and lay workers in developing countries; and the amount allocated for other projects in developing countries. [6509/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The Government's national programme of assistance to developing countries comprises two elements. The major component is my Department's Vote for International Co-operation, Vote 29, while other elements of overseas development aid, ODA, are administered by other Departments.

Provisional figures for expenditure on ODA under Vote 29 in 2004 indicate that it amounted to €397 million. The 2004 outturn figures for other Departments are not yet available. However, based on previous years' returns, the total is expected to be approximately €75 million.

Of the expenditure under Vote 29, €341 million was spent on bilateral assistance and €56 million on multilateral assistance. Under the bilateral programme, €149 million was spent by our programme countries in Africa — Lesotho, Tanzania, Zambia, Uganda, Mozambique and Ethiopia —

and Timor Leste, of which €24 million was paid directly to Governments through various forms of assistance at budget level.

Approximately €60 million was paid to Irish non-governmental organisations, €3.5 million to missionaries and €15 million to others through personnel funding and the volunteer 21 scheme, a scheme designed to support voluntary work in developing countries. An estimated €50 million was spent on HIV and AIDS, of which €31 million was from the dedicated HIV and AIDS budget line and the remainder through our country programmes in Africa and funding to UN agencies under our multilateral programme. Other areas of expenditure on bilateral assistance included assistance to eastern Europe, emergency and recovery assistance and fellowships for students from developing countries.

Multilateral assistance comprised €40 million in voluntary contributions to UN development agencies and €16 million to the European Union, the bulk of which was our mandatory contribution to the European Development Fund. Precise figures for expenditure on ODA last year are in the process of being collated. They will be available later in the year, in the annual report. I will forward a copy to the Deputy as soon as it is published.

Official Engagements.

219. **Mr. Wall** asked the Minister for Foreign Affairs his proposed itinerary for St. Patrick's week celebrations; the areas and countries involved and if he will make a statement on the matter. [6627/05]

Minister for Foreign Affairs (Mr. D. Ahern): Arrangements for attendance at St. Patrick's Day celebrations are not yet fully finalised. However, I am scheduled to represent the Government at events promoting Ireland in Boston before travelling to Washington with the Taoiseach for a number of high level meetings on St. Patrick's Day, including with President Bush. The Minister of State at the Department of Foreign Affairs, Deputy Conor Lenihan, is scheduled to undertake a number of engagements in New Zealand on behalf of the Government.

In consultation with officials of other Departments and relevant agencies as appropriate, this Department will co-ordinate briefing for Ministers representing the Government at St. Patrick's Day events overseas. As in previous years, such briefing will cover a wide range of issues with a view to maximising the unique promotional opportunities offered by the period and to dealing with issues of mutual interest

Overseas Prisoners.

220. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to the recommendation of the Irish Commission for Prisoners Overseas that the State establish a scheme to allow for a stipend to be sent to Irish

citizens held in prisons overseas, similar to that offered by other EU countries for their citizens; and if his Department has given consideration to this recommendation. [7024/05]

Minister for Foreign Affairs (Mr. D. Ahern):

The Irish Commission for Prisoners Overseas, ICPO, has not made a formal recommendation to me for the payment of a stipend to Irish citizens held in prison overseas. However, I am aware that it favours such a scheme and that some European countries make such payments to some of their prisoners overseas.

My Department provides an annual grant to ICPO to support its services to Irish prisoners abroad and their families. The work of ICPO complements the consular assistance provided to Irish prisoners abroad by my Department. My Department is preparing terms of reference for a research study into Irish prisoners abroad, which will cover the needs aspect of such prisoners.

United Nations Missions.

221. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his views on the report of the Secretary General on the United Nations Interim Administration Mission in Kosovo. [7025/05]

Minister for Foreign Affairs (Mr. D. Ahern):

Kosovo has been under UN administration since the end of the conflict in June 1999, in accordance with Security Council Resolution 1244. At the request of the Security Council, the UN Secretary General reports at regular intervals on the implementation of the mandate of the UN Interim Administration in Kosovo, UNMIK. His latest report, which was issued on 14 February 2005, covers the activities of UNMIK and developments in Kosovo from 1 November 2004 to 31 January 2005. It was discussed at a meeting of the Security Council on 24 February, with the participation of the special representative of the Secretary General in Kosovo, Mr. Soren Jessen-Petersen.

The EU fully supports the special representative in his work to implement Security Council Resolution 1244. He is working closely with the provisional institutions of self-government to encourage the implementation of a wide-ranging reform process, based on European standards in advance of any consideration of the constitutional status of Kosovo. I welcome the Secretary General's assessment that the new Government, which was appointed by the Kosovo assembly on 3 December 2004, is making some encouraging and tangible progress in their commitment to the implementation of the standards. The EU supports the priority which UNMIK has established for early progress on those reforms which most directly affect the security and rights of minority communities and the creation of a truly democratic and multiethnic society in Kosovo.

The year 2005 will be a crucial one for Kosovo. During the summer, the UN will preside over a comprehensive review of the implementation of

[Mr. D. Ahern.]

standards. If the review is positive, it will be followed by the opening of a process to agree the status of Kosovo, which will be facilitated by the international community. The EU will play an important role in this process. The negotiations will inevitably be complex and difficult. They will require the resumption of dialogue between Belgrade and Pristina and will have implications for the region as a whole. The outcome will be subject to approval by the UN Security Council. In these circumstances, it is essential that the Kosovo Serb community now has the confidence to re-engage in the political process as soon as possible and take its place in the provisional institutions of self government.

At the meeting of the EU External Relations Council which I attended in Brussels on 21 February, Ministers had a detailed discussion of the situation in Kosovo on the basis of a presentation by the special representative of the UN Secretary General. The council emphasised the importance of the upcoming review of the implementation of standards. It reaffirmed that the EU will have an important role to play when the status of Kosovo is being considered to ensure that the agreed outcome is fully compatible with the process of European integration. The EU has given a clear commitment that the long-term future of the western Balkans, including Kosovo, rests within the European Union.

It would not be helpful at this stage to prejudge the outcome of any negotiations on the constitutional status of Kosovo. However, the External Relations Council last week issued a clear statement that Kosovo will not return to the situation which existed before 1999. The EU is committed to a multi-ethnic and democratic Kosovo which contributes to the stability of the western Balkans and adheres to the values and standards of the EU. In the period ahead, the EU will continue to work in co-operation with the United Nations, the US and other international partners towards the achievement of this objective.

Sports Capital Programme.

222. **Mr. P. McGrath** asked the Minister for Arts, Sport and Tourism if he will review an application from a club (details supplied) in County Westmeath for lottery funds for a community hall; and if he will allocate the maximum possible support for this venture. [6486/05]

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 press on 5 and 6 December 2004. The closing date for receipt of applications was 4 February 2005. All applications, including one from the

club in question, 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.

223. **Mr. F. McGrath** asked the Minister for Arts, Sport and Tourism if the maximum support will be given to the Irish Wheelchair Association in its application for the capital sports grant to assist with refurbishing its sports hall; and if urgent support will be given to this important service for IWA members and the local community in Clontarf, Killester and Raheny. [6579/05]

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 press on 5 and 6 December 2004. The closing date for receipt of applications was 4 February 2005. All applications, including one from the club in question, 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.

224. **Ms B. Moynihan-Cronin** asked the Minister for Arts, Sport and Tourism the number of applications, on a county basis, for the sports capital programme 2005. [6617/05]

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 press on 5 and 6 December 2004. The closing date for receipt of applications was 4 February 2005. Subject to confirmation, a total of 1,355 applications were received under the programme and the following are the details on a county basis:

County	Applications
Carlow	22
Cavan	20
Clare	33
Cork	151
Donegal	59
Dublin	266
Galway	95

County	Applications
Kerry	81
Kildare	44
Kilkenny	26
Laois	22
Leitrim	23
Limerick	59
Longford	18
Louth	42
Mayo	53
Meath	28
Monaghan	39
Offaly	35
Roscommon	32
Sligo	21
Tipperary	56
Waterford	40
Westmeath	25
Wexford	38
Wicklow	27
Total	1,355

All these applications 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.

Swimming Pool Projects.

225. **Mr. Neville** asked the Minister for Arts, Sport and Tourism when grant aid will become available to construct a new swimming pool at Askeaton, County Limerick; and if he will make a statement on the matter. [6618/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The proposal to replace the existing outdoor swimming pool in Askeaton is one of a number of swimming pool projects within the local authority swimming pool programme under consideration in my Department. There are four stages in the swimming pool approval process namely, preliminary report, contract document, tender approval and construction. The Askeaton project is at contract document stage. The question of this project moving on to the next stage of the process is being considered in the Department in the context of the available funding in the Department's multi-annual capital envelope for the local authority swimming pool programme.

Sports Capital Programme.

226. **Mr. Ring** asked the Minister for Arts, Sport and Tourism the portion of a sports capital grant in 2002 allocated to a club (details supplied) in County Mayo which has been awarded. [6861/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): A grant of €25,000 was provision-

ally allocated to the club in question under the 2002 national lottery funded sports capital programme operated by my Department. The grant was subject to the terms and conditions of the programme and all of the documentation required should have been submitted to my Department and the grant drawn down by 27 June 2003. The club was advised of these conditions by way of letters from my Department dated 9 May 2002 and 25 June 2003. As the relevant documentation was not received from the club, the provisional grant offer was withdrawn in December 2004.

227. **Mr. Connaughton** asked the Minister for Arts, Sport and Tourism the position regarding an application under the sports capital programme by the Galway camogie board for a camogie stadium in Galway; and if he will make a statement on the matter. [7034/05]

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 press on 5 and 6 December last. The closing date for receipt of applications was 4 February 2005. All applications, including one from the organisation in question, 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.

Industrial Development.

228. **Mr. Hayes** asked the Minister for Enterprise, Trade and Employment if he will report on progress in the construction of the advance factory in Tipperary town and on actions taken by the IDA and Enterprise Ireland to secure a suitable tenant-employer for the factory; and if he will make a statement on the matter. [6578/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland is the agency with statutory responsibility for attracting foreign direct investment, FDI, to Ireland, including its regions and areas. I am informed by the agency that an advance technology building of 16,000 sq. ft. with 100% expansion capability is under construction on the business park at Knockenrawley. Construction is expected to be completed in the next few months. This building is being financed and developed by a local development group under the business expansion scheme to an agreed IDA Ireland design.

[Mr. Martin.]

IDA Ireland also informs me that it is already actively marketing both the park and the advance technology building through its network of overseas offices and will be in a stronger position to market the park when the construction work is completed.

South Tipperary has a good base of foreign direct investment in the region and employment in these companies rose from 1,652 people in 2000 to 2,028 people in 2003. IDA Ireland continues to work with existing clients in the county to encourage further expansion and a move to higher-value activities.

I understand that the South Tipperary County Development Board's ten year economic plan, 2002-2012, identifies Clonmel as the growth centre for south Tipperary due to its potential in providing the critical mass needed to attract new investment. Although IDA Ireland, as a member of that board, has endorsed this strategy, it will also continue to market actively the new advance technology building in Tipperary town.

I am confident that the strategies and policies being pursued by IDA Ireland, together with the ongoing commitment of Government to regional development, will bear fruit in terms of additional sustainable investment and jobs for the people of Tipperary town.

Official Engagements.

229. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment his proposed itinerary for St. Patrick's week celebrations; the areas and countries involved and if he will make a statement on the matter. [6628/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I plan to travel to Australia for the St. Patrick's celebrations. My itinerary for this visit has not yet been finalised so it is not possible to make a more detailed statement on the areas to be visited.

Work Permits.

230. **Mr. Fleming** asked the Minister for Enterprise, Trade and Employment when a work permit will be granted to a person (details supplied). [6688/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The work permit section of my Department wrote to the above named employer on 21 February 2005 seeking additional information to process this application further. To date, the work permit section has not received a reply to this correspondence.

Job Losses.

231. **Mr. Neville** asked the Minister for Enterprise, Trade and Employment when he will meet a County Limerick group (details supplied) to discuss the serious situation which has

developed following serious job losses in west Limerick. [6848/05]

232. **Mr. Neville** asked the Minister for Enterprise, Trade and Employment his views on the loss of jobs (details supplied) in County Limerick and his plans to replace these jobs. [6849/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 231 and 232 together.

I am aware of the jobs situation in County Limerick. My immediate concern is for the workers who are losing their jobs. The full services of FÁS, particularly in relation to re-training and upskilling, are made available to such workers if the workers wish to avail of those services.

Most of the job losses are in the poultry sector. I understand that there is excess capacity in the poultry slaughter sector and this is hampering the competitiveness of the poultry industry. Both Enterprise Ireland and Shannon Development have been working closely with the poultry companies and are intensifying their efforts to minimise the impact of the situation.

Replacing jobs is a tough challenge, particularly in regional locations. However, a central goal is the achievement of balanced regional development. The industrial development agencies will work closely with the local authority and other local interests to deliver the best solution in this regard. The emphasis is on attracting new knowledge-intensive projects in information communications and technology, international services, medical technologies and life sciences.

I am aware that Shannon Development and the local county enterprise board are already working with the Killeedy committee in Limerick and I see this as the best way forward for the present. I am satisfied that with the good will and efforts of all involved in the area, the job needs of the county will continue to be addressed.

Job Creation.

233. **Ms O'Sullivan** asked the Minister for Enterprise, Trade and Employment if he will meet a group (details supplied) in County Clare to discuss a proposal to re-open a factory; and if he will make a statement on the matter. [6850/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Shannon Development is the agency responsible for regional economic development in the mid-west region and plans for the factory site in question are an operational issue for the company and not one in which I have any direct function. I understand that the group concerned has met the chairman of Shannon Development recently to discuss the issue. In the circumstances, I have no plans to meet the group at this point in time.

Job Initiative.

234. **Mr. Penrose** asked the Minister for Enterprise, Trade and Employment the reason he effectively abolished the jobs initiative scheme in the course of introducing a number of changes to the active labour market programmes in November 2004; if he has plans to put an alternative programme in place for this cohort of unemployed persons; and if he will make a statement on the matter. [7045/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Following the recent review of FÁS employment schemes which comprise community employment, social economy and job initiative, JI, I announced that with effect from 10 November 2004, there would be no compulsory lay-offs on JI and; participants on JI would have their contracts renewed for a further term. People who leave JI voluntarily may be replaced by community employment participants. These arrangements are intended to ensure the maintenance of the provision of a network of valuable community services throughout the country.

Job Creation.

235. **Mr. McGinley** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the high level of unemployment in Glenties town and the surrounding area of County Donegal; and if there are plans to establish an industry in the Glenties to provide employment in the area. [7048/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): In recent years, Irish manufacturing firms, particularly in the more traditional sectors, have operated against a backdrop of significantly declining external demand, downward price pressure and an increasingly competitive international environment from China and central and eastern Europe, together with upward pressure on costs and the strengthening of the euro against our key trading partner currencies. In an increasingly globalised economy, lower skilled manufacturing type operations are migrating to lower wage economies. The replacement of the inevitable job losses is a tough challenge. My Department is working closely with the development agencies to address this issue.

Donegal County Enterprise Board, CEB, was established in October 1993 to provide a source of support in the Donegal area for small businesses with ten employees or fewer. The board's function is to develop indigenous enterprise potential and to stimulate economic activity throughout the county. Donegal CEB has also assisted financially in the construction of the community enterprise centre in the Glenties area. For 2005, one of the main priorities of Donegal CEB will be on continuing to meet with existing and potential entrepreneurs who are starting or grow-

ing their business in the Glenties area. The board is organising an enterprise afternoon in Killybegs in conjunction with the South West Donegal Chamber of Commerce which extends to Glenties in its catchment area. Donegal CEB will make every effort to ensure that available funds are targeted to maximise entrepreneurial development throughout the Glenties region in 2005, thereby continuing to deliver on its record of employment development in the area.

Enterprise Ireland, which is the agency charged with supporting indigenous industry, has partnered with the local community in Glenties to develop new, high quality enterprise space. Enterprise Ireland is providing over €120,000 in support of this new centre which will become available for new enterprises in the next number of months and it is hoped that new enterprises will emerge in the Glenties area as a result of this development. Both Údarás na Gaeltachta and Enterprise Ireland are available to provide a range of supports to such start ups. Including the wider area south of Glenties — Killybegs and Ardara — Enterprise Ireland has 27 client companies which in total employ more than 600 people.

IDA Ireland, which is the agency charged with attracting foreign direct investment, FDI, to Ireland, has indicated that 2,778 jobs were created by IDA client companies in the north-west region in the last five years. IDA is working closely with its existing base of companies in the north west. However, one of the challenges facing companies in the north west is in the area of competitiveness and this has resulted in job losses in sectors such as textiles and clothing and low-end manufacturing. Where a company has plans to introduce new functions or new technologies or products, IDA Ireland will assist the company where possible to make new investments that lead to new jobs.

Social Welfare Benefits.

236. **Mr. Allen** asked the Minister for Social and Family Affairs the reason the Southern Health Board has refused a funeral grant to a person (details supplied) in County Cork. [7007/05]

Minister for Social and Family Affairs (Mr. Brennan): As I stated in my reply to a previous parliamentary question from the Deputy on 17 November 2004, the Southern Health Board advised that an application by the person concerned in September 2004 for an exceptional needs payment was refused on the grounds that he had been in a position to meet the funeral expenses from his own resources. He was unsuccessful in appealing this decision to the board's appeals officer.

In making its decision on this case, the board took account of the fact that the family of the

[Mr. Brennan.]
 person concerned had contributed towards the funeral costs and that he had received a bereavement grant of €635 from my Department in August 2004 as well as the standard six weeks additional payment of his late wife's invalidity pension.

The determination of entitlement to exceptional needs payments under the supplementary welfare allowance scheme is a matter for the Health Service Executive — formerly the health boards — and I do not have any function in deciding entitlement in individual cases.

Social Welfare Appeals.

237. **Mr. Ring** asked the Minister for Social and Family Affairs if he will provide the details of an appeal of unemployment benefit for a person (details supplied) in County Mayo; and the efforts which the social and family affairs local office made to assist this person in securing employment. [6501/05]

Minister for Social and Family Affairs (Mr. Brennan): A person applying for unemployment benefit is required to make reasonable efforts to find employment.

The person concerned applied for unemployment benefit from 29 July 2004. Her claim was disallowed as the deciding officer decided that she had not made sufficient efforts to find alternative employment. She appealed this decision. Following an oral hearing, an appeals officer upheld the decision of the deciding officer disallowing her claim on the grounds that she was not genuinely seeking work. An appeals officer's decision is final in the absence of new facts or fresh evidence. It is open to the person concerned to re-apply for an unemployment payment, if her circumstances have changed.

My Department's policy is to support people who wish to take up employment. This can include providing copies of jobs advertised in the newspaper and referring people to FÁS. However, local office staff are not in a position to refer customers to specific employers. Claimants are required to inform themselves of the vacancies in the areas they live in and to make appropriate efforts themselves to access those employments.

Under social welfare legislation, decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Benefits.

238. **Mr. Howlin** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that when persons in receipt of social welfare payments opt to change from book to direct bank payments, they lose a week's pay-

ment; the reason bank payments are made in arrears while book payments are made in advance; if his attention has been drawn to the fact that the loss of a week's payment is a cause of hardship to persons dependent on social welfare payments; if he will take steps to redress the situation; and if he will make a statement on the matter. [6534/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department provides people receiving social welfare payments with a range of payment options. People who choose payment of pensions by electronic fund transfer, EFT, to personal bank accounts do so on a voluntary basis. The majority of those who opt for the facility do so at the start of their claim and are paid on a regular weekly basis once their claim is put into payment.

Customers who opt to change from payable order book to EFT move to a different payment cycle as a result. The difference in payment cycles has applied to EFT and book payments for some years. Payments for pension customers paid by EFT were changed from two weeks to one week in arrears in November 2004. Any further change in this regard would have short-term financial implications and would have to be considered in a budgetary context. All pensioners, however, receive a payment each week and, regardless of payment method, each person receives the same quantum of payments over the lifetime of his or her claim.

239. **Dr. Upton** asked the Minister for Social and Family Affairs if he will review the entitlement of persons (details supplied) in Dublin 12 to the supplementary allowance. [6607/05]

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 assistance to eligible people whose means are insufficient to meet their basic needs.

The Dublin and mid-Leinster region of the executive has advised that the people concerned had been in receipt of supplementary welfare allowance while they were certified as absent from work due to illness. This payment was made to them as they had insufficient social insurance contributions to qualify for receipt of disability benefit from my Department. In the course of a review of their continued entitlement to supplementary welfare allowance, the executive requested a medical report from their doctor. Based on this report, the executive considered that the people concerned were fit to resume work and decided that they were no longer entitled to supplementary welfare allowance. Their payments were terminated accordingly and they were advised by the executive that they

would be expected to return to employment or to apply to my Department for unemployment assistance.

240. **Mr. Haughey** asked the Minister for Social and Family Affairs if he will report on the guidelines given to the Health Service Executive in relation to the awarding of the supplementary welfare rent supplement to applicants from community care areas 7 and 8 in Dublin; the amount which an eligible applicant can obtain in normal circumstances and all things considered; the maximum rent for a property allowed; and if he will make a statement on the matter. [6620/05]

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 the payment of rent or mortgage interest supplements to assist eligible people who are unable to meet their

housing costs from their own resources and do not have accommodation available to them from another source.

Supplements are payable subject to a means test. They are calculated to ensure that, after payment of rent or mortgage interest, an eligible person has income equal to the rate of basic supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution. The minimum contribution is €13 per week, which each recipient is required to pay from his or her own resources. There is a statutory upper limit on the level of rent an applicant may incur and still qualify for a rent supplement. The limits take the household size and the area into account.

Details of these statutory maximum rent levels appropriate to the different family sizes in Dublin and adjacent county areas are set out in the following tabular statement. There have been no special rent supplement guidelines issued by my Department to community welfare staff in the specific Dublin districts identified by the Deputy.

Rent limits applicable in Dublin 1 January 2004 to 30 June 2005

Class of person	(Former) Eastern Regional Health Authority Areas*
Single person in shared accommodation	€93.00 per week
Couple in shared accommodation	€93.00 per week
Single person	€115.00 per week
Couple with no children	€178.00 per week
Couple with 1 child or one-parent family with 1 child	€953.00 per month
Couple with 2 children or one-parent family with 2 children	€1,200 per month
Couple with 3 children or one-parent family with 3 children	€1,200 per month

*Now subsumed into Health Service Executive.

Official Engagements.

241. **Mr. Wall** asked the Minister for Social and Family Affairs his proposed itinerary for St. Patrick's week celebrations; the areas and countries involved and if he will make a statement on the matter. [6629/05]

Minister for Social and Family Affairs (Mr. Brennan): I will be representing the Government at various ceremonies organised in Estonia as a celebration of St. Patrick's Day. During the visit, I will also have a bilateral meeting with the Estonian social affairs minister as well as meeting the chairman and vice-chairman of the Estonian Parliament social affairs committee. I will be based in Tallinn and will depart Ireland on Wednesday, 16 March and return on Friday, 18 March 2005.

Estonia often looks to the Irish economy as a model of economic development within the European Union. Ireland's trade with Estonia has been steady over the past number of years. Official figures for the year end 2004 are not yet available. However, overall trade increased from 2002 to 2003 by approximately 5% to 6%.

Social Welfare Benefits.

242. **Mr. Morgan** asked the Minister for Social and Family Affairs the amount paid by his Department to landlords in the private rented sector in respect of supplementary welfare rent allowance in each of the past five years. [6676/05]

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 the payment of a rent supplement to assist with reasonable accommodation costs of eligible people who are unable to provide for their accommodation costs from their own resources and who do not have accommodation available to them from any other source.

Entitlement to rent supplement rests with the tenant, not the landlord. Payment is normally made to the tenant, although a person who is awarded rent supplement may nominate his or her landlord as being the person to whom the payment should issue.

[Mr. Brennan.]

Details of expenditure on rent supplements in each of the last five years are set out in the following table.

Expenditure on rent supplement for the years 2000 to 2004

Year	Expenditure
	€
2000	150.59m
2001	179.40m
2002	252.34m
2003	331.47m
2004*	353.77m

*Provisional

243. **Mr. Bruton** asked the Minister for Social and Family Affairs the circumstances in which his Department will not pursue an overpayment of social welfare when his Department failed to act within a reasonable period on information supplied to it; and if these provisions apply in the case of a person (details supplied) in Dublin 5. [6853/05]

Minister for Social and Family Affairs (Mr. Brennan): An overpayment amounting to €1,619 occurred in the case of the person concerned because old age contributory pension and widower's contributory pension were paid concurrently for a period of ten weeks due to departmental error. It was decided, having regard to all of the circumstances of the case, to seek recovery.

The code of practice for recovery of overpayments, SI 227 of 1996, requires that every effort is made to recover overpayments in full irrespective of how they arise. The code sets out the procedures to be followed by the Department after it assesses an overpayment against a person. Under the code, repayment of an overpayment may be reduced or cancelled in circumstances where it arose because of an error by the Department and the person concerned could not have been reasonably aware of the error.

On 8 July 2004, my Department wrote to the person concerned informing him of the overpayment and of the Department's intention to recover the moneys due by way of deductions of €10 per week from his widower's contributory pension. This letter afforded him the right to comment on the overpayment recovery. As no response was received, deductions of €10 per week commenced with effect from 18 February 2005. The person concerned should contact my Department if he wishes to raise issues regarding the recovery of the overpayment.

Social Welfare Appeals.

244. **Mr. Ring** asked the Minister for Social and Family Affairs when an appeal will be heard for

a person (details supplied) in County Mayo in regard to the blind pension. [6876/05]

Minister for Social and Family Affairs (Mr. Brennan): This person was in receipt of a reduced blind person's pension from August 1998. She was assessed with means of €63.59 per week derived from her husband's earnings.

Following a review of her circumstances by the Department, the person's current means were assessed at €222.81 per week. These are derived from her spouse's earnings and a pension from the Western Health Board. As this amount exceeds the statutory income limit of €170.10 per week, the pension was revoked with effect from 7 January 2005. The person appealed the decision to the social welfare appeals office and the appeals officer, having considered all the evidence, determined that the assessment of €222.81 is correct. The person is being informed of the decision.

Under social welfare legislation, decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Benefits.

245. **Mr. Deasy** asked the Minister for Social and Family Affairs if the increase in social welfare payments granted in the budget for 2005 was intended for payment from 1 January 2005 and not the first payment date, as was the case; and if he will make a statement on the matter. [7002/05]

Minister for Social and Family Affairs (Mr. Brennan): The effective dates for increases in social welfare weekly rates of payment are determined by reference to the payment weeks for each scheme, which may commence on different days of the week and by the fact that some schemes are paid in advance and some in arrears. Accordingly, the effective dates vary for different schemes and do not necessarily coincide with the first day of January. The approach adopted in relation to the substantial increases announced in the budget for 2005 was consistent with that adopted in previous years and there are no proposals to depart from this approach.

Over the period from 1997 to 2002, this Government brought forward from June the effective dates of increases in weekly rates by 23 weeks and all increases in these rates are now due with effect from the first week in January.

Disabled Drivers.

246. **Mr. Bruton** asked the Minister for Transport if he will make a statement on the granting of disabled stickers for car use by persons who use the specially designated disabled parking bays throughout the country; his views on whether the

current body responsible for distributing such stickers takes full account of a variety of disabilities that persons have given the frustration that many disabled persons have in respect of their inability to obtain such stickers from the Irish Wheelchair Association; and if he will consider reviewing the scheme. [6499/05]

Minister for Transport (Mr. Cullen): As I indicated in my replies to Questions No. 319 on 17 November and No. 563 on 26 January last, the Road Traffic (Traffic and Parking) Regulations 1997 empower local authorities, the Irish Wheelchair Association and the Disabled Drivers Association to grant a disabled person's parking permit where they are satisfied that the applicant is suffering from a disability that prevents him or her from walking or causes undue hardship to the person in walking.

The qualifying criterion is therefore a question of personal mobility and no specific medical condition is stipulated in the regulations. It is a matter for each of the issuing organisations to determine whether a disabled person's parking permit should be granted based on each application submitted to it. I have no involvement in respect of the determination of individual applications made to any of those bodies and I am of the view that the current broad basis of this scheme represents the optimum approach.

Road Safety.

247. **Aengus Ó Snodaigh** asked the Minister for Transport the reason a car can pass the national car test but be refused as unroadworthy for use during a driving test on the basis of a faulty airbag light. [6926/05]

Minister for Transport (Mr. Cullen): A check on airbags is not part of the NCT. Neither EU Directive 96/96/EC relating to the roadworthiness testing of motor vehicles nor the Road Traffic (National Car Testing) Regulations 2003, which govern the NCT, provide for the inspection of airbags. As an employer, my Department has a responsibility to take reasonable measures to ensure the safety of staff. Where a system warning light flashes in a motor car, this is indicative of a potential problem. In such a case, the driver tester is advised not to conduct the driving test. Test candidates are informed in the leaflet, Final Checks for your Driving Test, which issues with the letter of appointment for the driving test, that

where a system warning light is flashing in the vehicle, the test will not be conducted.

248. **Aengus Ó Snodaigh** asked the Minister for Transport the reason the car of a person (details supplied) in Dublin 10 passed the NCT one year but failed the next year for an incorrect number plate which was on it all along. [6927/05]

Minister of State at the Department of Transport (Mr. Callely): An NCT certificate was refused for this vehicle on 16 October 2004 because the registration plates did not comply with the relevant legal requirements. It is understood from National Car Testing Service Limited that the registration plates did not show the placename of the licensing authority, namely Cill Mhantáin. Following a visual retest of the vehicle on 19 October 2004, an NCT certificate was issued for the vehicle. No fee was charged by the company as the retest did not require the use of a test lane.

Until 14 September 2003, registration plates were classified as a "fail advisory" item and failure to comply with the legal requirements for them was not a reason for refusal of a NCT certificate. For that reason, it was possible to issue a test certificate in 2002 for the vehicle in question but the owner should have been advised at the time of the need to rectify the defect.

Regional Airports.

249. **Mr. P. Breen** asked the Minister for Transport the amount of aid, including PSO grant aid, which has been allocated to Ireland's regional airports over the past five years; if he will provide figures for each year for each airport; and if he will make a statement on the matter. [6485/05]

Minister for Transport (Mr. Cullen): Exchequer support for the six regional airports in Donegal, Sligo, Knock, Galway, Kerry and Waterford falls under two categories. First, support for essential safety-related capital investment is available under the Border midlands and west and southern and eastern regional operational programmes of the national development plan. Grants are also available towards operational expenditure incurred by the airports on marketing, safety and security.

Financial compensation for air services operated under PSO contracts is paid directly by the Department to the contracted air operators. The airports do not receive grant aid under the PSO programme. Details of the PSO contracted subvention levels are as follows:

PSO contracted subvention

Route	2000	2001	2002	2003	2004
	'000	'000	'000	'000	'000
Kerry	956	3,441	4,479	4,497	4,916
Galway	1,364	3,999	4,600	5,105	5,634
Sligo	874	2,725	2,681	4,800	4,800

Route	2000	2001	2002	2003	2004
Donegal	960	1,802	2,083	*	*
Knock	—	1,960	2,388	3,191	3,403
Derry	—	2,306	2,306	2,306	2,583
Total	4,153	16,233	18,537	19,898	21,336

*Sligo and Donegal routes are operated under a combined contract for which the total contracted subvention is 4.8m

The total amount paid to each regional airport under capital and marketing, safety and security schemes, in each of the last five years is as follows:

NDP capital grant scheme

Airport	2000	2001	2002	2003	2004
Donegal	0	0	252,779	717,595	0
Galway	258,646	287,807	728,065	944,712	1,276,421
Knock	0	302,610	0	2,030,996	0
Kerry	0	0	838,809	854,876	0
Sligo	0	181,759	470,060	238,694	9,441
Waterford	0	55,138	0	586,753	998,085
Total	258,656	827,314	2,289,714	5,373,626	2,283,947

Marketing, safety and security grant scheme

Airport	2000	2001	2002	2003	2004
Donegal	126,973	253,947	230,000	280,000	255,000
Galway	158,717	253,947	230,000	230,000	280,000
Knock	723,750	444,408	400,000	400,000	400,000
Kerry	571,382	444,408	400,000	400,000	400,000
Sligo	126,973	253,947	230,000	280,000	255,000
Waterford	196,809	253,947	410,000	650,000	650,000
Total	1,904,604	1,904,607	1,900,000	2,240,000	2,240,000

Road Network.

250. **Mr. F. McGrath** asked the Minister for Transport if he has satisfied himself regarding safety at the Dublin Port tunnel, particularly in view of the recent collapse of the Barcelona tunnel which caused 1,000 homes to be damaged and the accident at the Jack Lynch tunnel, Cork; and if he will make a statement on the matter. [6592/05]

Minister for Transport (Mr. Cullen): Safety issues at the Dublin Port tunnel are matters for the contractor, Dublin City Council, and the National Roads Authority, NRA. I understand from the NRA that a safety audit of the project confirms that the Dublin Port tunnel complies in all respects with the requirements of the proposed EU directive on safety in road tunnels. In supervising the design and construction of both the Dublin Port and Jack Lynch Tunnels, the NRA has been fully cognisant of the need to ensure the highest standard of safety provision and has taken account of the most up-to-date standards and guidance in each tunnel project.

The recent incident at the Jack Lynch tunnel resulted from an oversized vehicle entering the tunnel and breaching the tunnel's height safety guidelines.

Rail Services.

251. **Ms O. Mitchell** asked the Minister for Transport when he expects to receive the Iarnród Éireann feasibility study on the Shannon rail link. [6593/05]

252. **Ms O. Mitchell** asked the Minister for Transport when the promised meeting with the Shannon rail link group is scheduled to take place. [6594/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 251 and 252 together.

Last year my predecessor as Minister for Transport, Deputy Brennan, requested Iarnród Éireann to undertake a feasibility study on the viability of a Shannon rail link in consultation with various local interests. However, all issues in relation to the study, including its likely completion date, are operational matters for Iarnród

Éireann. The Shannon rail partnership has requested a meeting with me to discuss the proposal further, and this meeting has now been arranged for 22 March.

Driving Tests.

253. **Ms B. Moynihan-Cronin** asked the Minister for Transport the number of persons awaiting a driving test at each of the country's test centres at 1 February 2000, 2001, 2002, 2003, 2004 and 2005; the national average waiting time on each of these dates; and the number of testers based

at each of the centres on each of these dates. [6614/05]

Minister for Transport (Mr. Cullen): The following table sets out the data available for the information requested. The data in relation to waiting times for the years 2000 and 2001 is an average of longest waiting times while the data for 2002 onwards is an average of the average waiting times at all test centres. Driver testers are assigned to headquarter centres within each region. Driver testers are in turn assigned from headquarter centres to meet the demand in other test centres.

Table 1 Numbers awaiting a Driving Tests

Centre	31/1/00	29/1/01	28/1/02	3/2/03	2/2/04	7/2/05
<i>North Leinster</i>						
Finglas/Raheny*	13,544	10,120	3,981	7,416	8,208	9,037
Dundalk	1,913	1,452	1,300	2,401	2,940	3,000
Mullingar	945	868	673	1,457	1,648	1,626
Navan	2,341	1,678	1,582	3,518	4,505	4,456
Raheny	*	*	2,036	5,690	7,162	7,601
<i>South Leinster</i>						
Churchtown/Rathgar/Tallaght	12,930	9,679	4,404	9,037	11,426	11,600
Gorey	1,161	692	451	1,652	1,943	2,047
Naas	3,709	2,345	1,990	5,074	6,544	5,540
Tullamore	963	742	529	1,411	1,514	1,965
Wicklow	1,516	1,035	918	2,122	2,442	2,313
Tallaght*	*	*	3,017	7,249	8,718	8,511
<i>West</i>						
Athlone	759	775	33	953	759	1,295
Birr	697	709	466	926	943	1,145
Castlebar	1,859	1,745	1,290	1,814	2,319	2,059
Clifden	240	256	193	312	321	348
Ennis	948	852	468	740	762	1,123
Galway	2,585	2,346	1,692	2,085	2,716	2,811
Loughrea	866	898	557	917	805	867
Roscommon	956	900	607	974	938	892
Tuam	827	757	600	1,004	1,116	1,016
<i>North West</i>						
Ballina	816	682	653	1,058	1,102	1,029
Buncrana	374	383	408	407	504	665
Carrick-on-Shannon	873	937	582	924	1,183	1,045
Cavan	1,257	1,108	1,016	1,583	1,956	1,660
Donegal	785	853	753	775	1,012	1,026
Letterkenny	1,628	1,459	681	1,061	1,824	2,109
Longford	871	739	692	888	1,004	940
Monaghan	914	807	555	982	1,328	1,364
Sligo	1,226	1,334	977	1,014	1,323	1,275
<i>South East</i>						
Carlow	1,339	1,167	800	1,941	2,588	2,489
Clonmel	1,131	956	485	1,587	2,012	1,936
Dungarvan	947	807	582	1,266	1,744	1,567
Kilkenny	1,599	1,189	1,032	2,046	2,552	2,187
Nenagh	441	431	308	608	721	810
Portlaoise	983	782	664	1,406	1,537	1,629

Centre	31/1/00	29/1/01	28/1/02	3/2/03	2/2/04	7/2/05
Thurles	647	559	399	925	1,299	1,188
Tipperary	616	489	370	957	1,133	1,032
Waterford	1,824	1,500	1,392	2,823	3,533	2,835
Wexford	1,889	1,374	1,076	2,054	2,417	2,419
<i>South West</i>						
Cork	7,720	6,452	2,830	6,248	6,848	6,245
Killarney	1,659	1,268	731	1,649	1,924	2,105
Kilrush	420	372	280	433	483	448
Limerick	3,285	2,610	1,570	2,822	3,786	3,797
Mallow	1,756	1,471	730	1,820	1,907	2,011
Newcastle West	1,500	1,188	548	1,500	1,608	1,700
Shannon	726	671	521	781	1,027	893
Skibbereen	1,698	1,451	698	1,471	1,854	1,923
Tralee	1,755	1,236	832	1,653	1,998	1,712
<i>Average Weeks-Nationally</i>	27.8	21.8	15.3	10.9	34	29.9

*Combined count centre until 2002.

Table 2. Testers Headquartered at Test Centres

Driving Test Centres	31/1/00	29/1/01	28/1/02	3/2/03	2/2/04	7/2/05
<i>North Leinster Region</i>						
Finglas	17	18	17	17	16	17
Raheny	6	10	10	10	10	9
Dundalk						—
Mullingar						—
Navan	1	1	1	1	1	1
<i>South Leinster Region</i>						
Churchtown/Rathgar	17	16	11	15	16	15
Tallaght	5	7	9	10	10	11
Gorey						—
Naas	2	2	1	2	2	2
Tullamore						—
Wicklow	1					—
<i>West Region</i>						
Athlone	2	2	2	2	3	2
Birr						—
Castlebar	1.5	2.5	2.5	2.5	3.5	3.5
Clifden						—
Ennis	2	2	2	2	3	3
Galway	3	4	5	6	6	6
Loughrea	1	1	2	2	2	2
Roscommon						—
Tuam						—
<i>North West Region</i>						
Ballina	1					—
Buncrana						—
Carrick-on-Shannon	2	0	1	1	1	1
Cavan	1	1	2	2	2	2
Donegal						—
Letterkenny	2	3	3	3	3	3
Longford						—
Monaghan	2	2	1	1	1	1
Sligo	2	3	4	3	3	3
<i>South East Region</i>						
Carlow	1	1	1	1	1	1

Driving Test Centres	31/1/00	29/1/01	28/1/02	3/2/03	2/2/04	7/2/05
Clonmel	1	2	2	2	2	2
Dungarvan						—
Kilkenny	3	3	3	3	3	2
Nenagh						—
Portlaoise	1	1	1	1	1	1
Thurles						—
Tipperary						—
Waterford	2	3	3	3	4	3
Wexford	4	4	4	4	4	4
<i>South West Region</i>						
Cork	7.5	11.5	13.5	13.5	13.5	13.5
Killarney	2	2	1	1	1	1
Kilrush						—
Limerick	6	6	7	5	5	4
Mallow						—
Newcastle West						—
Shannon						—
Skibbereen						—
Tralee	2	2	2	2	2	3

Official Engagements.

254. **Mr. Wall** asked the Minister for Transport his proposed itinerary for St. Patrick's week celebrations; the areas and countries involved and if he will make a statement on the matter. [6630/05]

Minister for Transport (Mr. Cullen): Detailed arrangements for attendance at St. Patrick's Day celebrations are being finalised. I will celebrate St. Patrick's Day in Waterford where I will attend parades in Waterford City, Tramore and Dungarvan.

The Minister of State, Deputy Callely, is scheduled to travel to Norway, Sweden and Denmark where he will represent the Government at a number of St. Patrick's Day celebrations. Norway, Sweden and Denmark are countries with which Ireland has developed relatively strong trading ties in recent years. Denmark is within Ireland's top 20 trading partners. Norway and Sweden are both well represented in the Irish technology market.

Light Rail Project.

255. **Mr. Cuffe** asked the Minister for Transport if he will consider ensuring that the passenger tickets on the Luas lines are made of recycled paper and are recyclable. [6661/05]

Minister for Transport (Mr. Cullen): The issue raised is a matter which is the day-to-day responsibility of the Railway Procurement Agency. However I have brought the Deputy's concerns to its attention.

Road Network.

256. **Mr. Durkan** asked the Minister for Transport if any developments have taken place which

might encourage an increase in the height of the port tunnel; and if he will make a statement on the matter. [6685/05]

Minister for Transport (Mr. Cullen): In accordance with my decision of October 2004, the height of the Dublin Port tunnel will not be changed. The tunnel is being completed as planned and will have an operational height of 4.65 m.

Light Rail Project.

257. **Mr. O'Connor** asked the Minister for Transport if he has had any contacts regarding the strong demand that the Tallaght Luas line be extended through the Tallaght west estates to Citywest; if his attention has been drawn to the great boost this would give to the community; and if he will make a statement on the matter. [7022/05]

Minister for Transport (Mr. Cullen): Responsibility for the development of specific proposals for the expansion of Luas services lies with the Railway Procurement Agency. To date, I have had no discussions with the RPA about extending Luas through the Tallaght west estates to Citywest.

I understand from the RPA that it has received preliminary proposals from the private sector for the extension of the Luas red line from the existing Belgard stop, through Fettercairn and Fortunestown Lane, to Citywest. However, those discussions are at a very early stage. At present the RPA awaits firm proposals from the parties who have expressed an interest in supporting this extension.

Rail Services.

258. **Mr. Sargent** asked the Minister for Transport if his attention has been drawn to the proposals for alterations to the DART service to

[Mr. Sargent.]
Howth; and if he will make a statement on the matter. [7039/05]

Minister for Transport (Mr. Cullen): This is a day-to-day operational matter for Iarnród Éireann.

Public Transport.

259. **Mr. Sargent** asked the Minister for Transport if his attention has been drawn to proposals for alterations to the 31 and 31B bus services to Howth; and if he will make a statement on the matter. [7040/05]

Minister for Transport (Mr. Cullen): Since 10 January 2001, Dublin Bus is required to notify my Department of proposed new services or proposed changes to existing services at least four weeks prior to their introduction. My Department received a notification on 7 February 2005 from Dublin Bus detailing proposed service changes on routes 31 and 31B. This notification is under consideration and in accordance with standard procedures for processing notifications of service changes by bus operators, details of any application received remain confidential until a decision is made.

Dublin Transportation Office.

260. **Mr. Sargent** asked the Minister for Transport when the DTO advisory committee last met; when it is next expected to meet; and if he will make a statement on the matter. [7041/05]

261. **Mr. Sargent** asked the Minister for Transport if the DTO advisory committee is waiting for him to appoint members to the committee; if so, when he intends to make such appointments; and if he will make a statement on the matter. [7042/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 260 and 261 together.

I understand that the advisory committee last met in May 2003 and the term of office for the committee expired in December 2003. I am reviewing the membership of the committee with a view to reconstituting the advisory committee at an early date.

Funding paid in 2004 under the scheme of community support for older people in County Mayo. Groups marked* were paid in 2005 under applications received in 2004

Group Name	Address	Amount Approved
		€
Midfield Community Alert	Midfield, Swinford	1,860.00
Ballyhaunis Neighbourhood Watch	Forthill, Ballyhaunis	22,237.26
Saula Community Alert	Saula, Achill	1,680.00
Ballindine Community Alert	Ballindine	589.00
Bohola Community Alert	Bohola	600.00
Kiltimagh Community Alert	Main Street, Kiltimagh	2,310.00

Official Engagements.

262. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs his proposed itinerary for St. Patrick's week celebrations; the areas and countries involved and if he will make a statement on the matter. [6631/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The programme for my visit to Canada has yet to be finalised. However, I expect to attend the Toronto St. Patrick's Day parade and to meet with Tourism Ireland and with the Toronto Irish chamber of commerce in the course of my visit.

The Department of Foreign Affairs, in consultation with officials of other Departments and relevant agencies as appropriate, will co-ordinate briefing material. Such briefing will cover all issues with a view to maximising the unique promotional opportunities of this trip and will deal with issues of mutual interest. The Minister of State will not be travelling abroad for St. Patrick's Day in his capacity as an office holder at my Department.

Community Development.

263. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on the level of support under the scheme of community support for older persons provided to County Mayo in the years 2002, 2003 and 2004; the name and location of each community voluntary group; the use for which this money was intended; and if he will make a statement on the matter. [6657/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The purpose of the scheme of community support for older people is to encourage and assist the community's support for older people by means of a community-based grant scheme to improve the security of its older members. Funding under the scheme can be provided for small scale security equipment designed to strengthen points of entry to the dwelling; for security lighting and for the once-off cost of installing socially monitored personal alarm systems. In 2004 the scheme was extended to include smoke alarms.

The names, addresses and amounts paid to groups in County Mayo under this scheme for the years 2002, 2003 and 2004 are listed below.

Group Name	Address	Amount Approved
		€
Keel Community Alert	Pollagh, Achill	2,700.00
Carne Shamrohee Community Alert	Corrloch West, Belmullet	1,370.00
Shrule Glencorrib Community Alert	Woodpark, Shrule	2,485.00
Knock Community Alert	Knock West	1,200.00
Church Manor Neighbourhood Watch	Manor, Church Road	30,000.00
Taugheen Community Alert Group	Taugheen, Claremorris	1,839.72
Killasser Community Alert	Kilasser, Swinford	1,950.00
Roundfort Active Retirement Association	Roundfort, Hollymount	2,161.00
Derrywash Road Residents Committee	Mount Daisey, Castlebar	1,980.00
Pullathomas Inver Community Alert	Pullathomas, Ballina	3,660.00
Killala Community Alert	Cortoon, Killala	3,800.00
Kilcommon Activity for the Elderly	Glenamoy, Ballina	2,107.90
Belmullet Neighbourhood Watch	Attycunnane, Belmullet	1,168.00
Islandeady Community Alert	Islandeady, Castlebar	5,820.00
Ballycroy Community Alert	Ballycroy, Westport	4,140.00
Fahy Community Alert Group	Cultrean, Westport	803.20
Binghamstown Community Alert	Binghamstown, Ballina	1,980.00
Castleconnor Community Alert	Bunanilra, Ballina	2,178.00
Community Alert Achill Sound*	St. Fionnan's Road, Achill Sound	1,530.00
Pobal ar Aire Oiligh Fód Dubh*	Cochar, Béal an Átha	1,270.00
Louisburg Lecawvey Comm. Alert*	Murrisk, Westport	4,136.17
Seirbhísí Cúram Cill Choman Teo.*	Ros Dumhach, Béal an Átha	27,315.00

Funding awarded under the scheme of community support for older people in 2003 in County Mayo

Group Name	Address	Amount Approved
		€
Aughagower Community Alert	Aughagower, Westport	1,140.00
Ballyhaunis Active Retirement	Emmaus, Hazelhill, Ballyhaunis	441.00
Bangor/Erris Community Alert	Bangor/Erris, Ballina	1,980.00
Shrule/Glencorrib Community Alert	Woodpark, Shrule	2,520.00
Castleconnor Community Alert	Bunanilra, Ballina	2,100.00
Barnacarroll Community alert	Upper Mace, Ballyfarna	4,300.00
Belmullet Neighbourhood Watch	Atty Cunnare, Belmullet	1,743.00
Bohola Community Alert	Bohola, Swinford	1,455.00
Carramore/Cloonlee Knock Community Alert	Knock	1,923.00
Fahy Community Alert	Cultalan, Westport	2,512.00
Inver/Pullathomas Community Alert	Pullathomas PO, Ballina	2,133.00
Keel Community Alert (Mayo)	Keel, Westport	3,442.00
Kilcommon Activity Group for the elderly	Glenamoy, Ballina	7,900.00
Kilkelly/Glann Community Alert	Knockbrack, Kilkelly	7,280.00
Kilmaine Community Alert	Kilmaine	1,550.00
Kilmurry Community Alert	Kilmurry, Castlehill, Ballina	3,770.00
Louisburg and Lecanvey Community Alert	Lecanvey, Westport	2,430.00
Maigh Eo Teic Community Training Centre	C/o Carey Walsh Buildings, Newport	10,500.00
Parke Community Alert	Parke, Castlebar	1,150.00
Society of St. Vincent de Paul (St. Colman's Conference)	Curam, Dalton St., Claremorris	2,910.00
Swinford Neighbourhood Watch	Market Street, Swinford	6,900.00
Taugheen Community Alert Group	Taugheen, Claremorris	2,340.00
Turlough Community Alert	Ballynew, Castlebar	29,513.00

Funding awarded under the scheme of community support for older people in 2002 in County Mayo

Group Name	Address	Amount Approved
		€
Aughagower Community Alert	Aughagower, Westport, Co. Mayo	739
Ballintubber Community Alert	Cuffertaun House, Ballintubber, Claremorris	3,524
Barnacarroil Community Alert	Upper Mace, Claremorris, Co. Mayo	5,220
Bellacorrick Community Alert	Bellacorrick, Ballina, Co. Mayo	2,743
Belmullet Neighbourhood Watch	Attycunnane, Belmullet, Co. Mayo	1,852
Carra Ladies Club	Annies, Hollymount, Co. Mayo	1,715
Carramore Clooneee Knock Community Alert	Co. Mayo	1,993
Castlebar Active Retirement Association	Westport Road, Castlebar, Co. Mayo	12,132
Coogue Community Alert	Shanaghmoyle, Knock, Claremorris	1,178
Fahy Community Alert Group	Cultrean, Westport, Co. Mayo	411
Glenhest Community Alert	Glenhest, Newport, Co. Mayo	504
Keel Community Alert	Keel, Achill, Co. Mayo	1,489
Kilcommon Activity for the Elderly	Lenarevagh, Glenamoy, Ballina	582
Killala Community Alert	Cortoon, Killala, Co. Mayo	3,562
Kilasser Community Alert	Brookville Ave., Swinford, Co. Mayo	1,912
Kilmurray Community Alert	Carrowcloughy, Crossmolina, Co. Mayo	2,268
Louisburgh & Lecanvey Community Alert	Glencally, Kilsallagh, Westport	1,052
Robeen Community Alert	Hollymount, Co. Mayo	4,886
St. Coleman's Conference of SVDP	Brookhill, Claremorris, Co. Mayo	2,052
Swinford Neighbourhood Watch	Davitt Place, Swinford, Co. Mayo	5,136
Williamstown Active Retirement	Fortyacres, Williamstown, Co. Mayo	6,075

Dormant Accounts.

264. **Mr. Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs if he will take steps to ensure that all dormant accounts applicants will have equal access to a consistent, fair and equitable appeals process and that, in line with natural justice, the Dormant Accounts Fund Disbursements Board will not adjudicate on appeals of their own decisions; and if he will make a statement on the matter. [6658/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy will be aware, decisions on the disbursement of dormant accounts funds are a matter for the Dormant Accounts Fund Disbursements Board which was established under the Dormant Accounts Acts. In November 2003 the board engaged Area Development Management Limited, ADM, to administer the initial round of funding on its behalf which involves the disbursement of €60 million from the fund.

At this juncture, €42 million has been committed by the board and it is anticipated that the balance of €18 million will be allocated shortly. Against this background and in the context of the Dormant Accounts (Amendment) Bill 2004 before the Oireachtas, it is not proposed to intervene at this juncture in existing arrangements of the dormant accounts board relating to disbursement decisions.

Grant Payments.

265. **Mr. Penrose** asked the Minister for Com-

munity, Rural and Gaeltacht Affairs if all details, including the necessary documentation sought by his Department, have been supplied by persons (details supplied) in County Westmeath; if a decision will be made to award the grant to the applicants; if a resolution will be finally achieved; and if he will make a statement on the matter. [6659/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to Question 381 of 8 February 2005. The necessary documentation to progress this issue is still awaited by Westmeath Community Development Limited.

Community Development.

266. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that two reputable bodies (details supplied) do not offer security locks under the scheme of community support for older people due to a lack of funding; if he will immediately address this problem; if he will advise of the bodies in Dublin 9 and Dublin 11 which offer security locks under this scheme; if none exists, the bodies to which pensioners from these areas may apply; and if he will make a statement on the matter. [6896/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The purpose of the scheme of community support for older people is to encourage and assist the community's support for older

people by means of a community-based grant scheme to improve the security of its older members. The scheme is administered throughout the country by local voluntary and community groups. Any local voluntary or community-based organisation, especially those working with or providing support for older people, can apply to the Department for funding under the scheme. A list of the Dublin-based groups approved for funding under the scheme in 2004, including those in Dublin 9 and Dublin 11, follows. The list is also available on the Department's website *www.pobail.ie*.

Funding under the scheme can be provided for small-scale security equipment designed to strengthen points of entry to dwellings, security

lighting and the once-off cost of installing socially monitored personal alarm systems. In 2004, the scheme was extended to include smoke alarms.

A grant of €12,996.68 was awarded to Energy Action for security equipment, including window locks, door locks, door chains, bolts and spy viewers. The amount awarded was in respect of individual applicants where the necessary details were supplied in accordance with the scheme guidelines. The Department did not receive an application for funding from ER Community Services, Clondalkin.

I expect to announce the 2005 scheme in the next month or so and it is open to the organisations in question to apply for funding at that time.

	Organisation	Name	Address	Telephone Number
Dublin	Donabate Portrane Senior Citizens	Frank Fleming	Annolville, The Burrow, Portrane	01 8436707
Dublin	Neighbourhood Watch & Edenmore Tenants		137 Edenmore Avenue, Raheny, Dublin 5	01 8484566
Dublin	Corbawn & Area Neighbourhood Watch		10 Corbawn Court, Shankill, Dublin 18	01 2821817
Dublin	Passionist Mount Argus		St. Paul's Retreat, Mount Argus, Dublin 6W	01 4992000
Dublin	Inchicore Home Help Service Ltd.		Unit 4, Iceland Buildings, Ballyfermot	01 6239457
Dublin	Naul Senior Citizens		Hazardstown, Naul, Co. Dublin	01 8413699
Dublin	Clondalkin Senior Citizens Social Club		45 Cappaghmore, Clondalkin, Dublin 22	01 4573334
Dublin	Carers Association Rathgar		26 Wesley Road, Rathgar, Dublin 6	01 4904554
Dublin	National Assoc. of Widows in Ireland		29 Gardiner Place, Dublin 1	01 8728814
Dublin	Carers Association Clondalkin		Unit 3, Dolcan Mall, Tower Road, Clondalkin	01 4670797
Dublin	Alone		1 Willie Bermingham Place, Kilmainham Lane, Dublin 8	01 6791032
Dublin	Finglas Cabra Council for Older People	Finglas Cabra Partnership	38 Tolka Estate, Finglas, Dublin 11	087 7532661
Dublin	Fold Housing Assoc. Ireland Ltd.		27 Upper Fitzwilliam Street, Dublin 2	01 6328603
Dublin	Coolock Darndale Home Help Service		Cromcastle Rd., Coolock, Dublin 5	01 8478410
Dublin	Age Action Ireland Ltd.		30/31 Lower Camden St., Dublin 2	01 4756989
Dublin	Rush Senior Citizens		Kenure Demesne, Rush, Co. Dublin	01 8439064
Dublin	Beaumont Residents Association		101 Coolgreena Road, Beaumont, Dublin 9	01 6390393
Dublin	Lorcan O'Toole Day Care Centre		Lorcan O Toole Court, Kimmage Road West, Kimmage	01 4554532
Dublin	Ringsend Active Retirement Association		CYMS, St. Patrick's Terrace, Ringsend	01 6686516
Dublin	Ballyroan Community Care Group	Anne Thornhill	c/o 203 Ballyroan Road, Rathfarnham, Dublin 16	01 4946675
Dublin	SVDP, Church of The Three Patrons		48 Rathgar Road, Rathgar, Dublin 6	087 2976178
Dublin	Templeogue District Active Retirement	Donal Hogan	75 Cypress Grove Road, Templeogue, Dublin 6W	01 4907298
Dublin	Ballyfermot Home Help Service		Unit 4 Iceland Building, Le Fanu Rd., Ballyfermot	01 62345555
Dublin	St. Anne's Afternoon Club		The Parish Centre, St. Anne's, Strand Road	01 8462685
Dublin	Royal Hospital Donnybrook Vol. House Ass.		28 Cullenswood, Off Cullenswood Park, Ranelagh	01 4979600
Dublin	Blanchardstown Inncity Home Care Assoc.		Roselawn Health Centre, Blanchardstown, Dublin 15	01 8116070

	Organisation	Name	Address	Telephone Number
Dublin	Parish Drumcondra Nth. Strand St. Barnabas		The Rectory, 74 Gracepark Road, Dublin 9	01 8372505
Dublin	Blanchardstown Carers Resource Centre		Marian House, The Rise, Main Street, Blanchardstown	01 8119555
Dublin	Moorefield Environment Group		27 Moorefield Lawns, Clondalkin, Dublin 22	01 4576762
Dublin	SVDP St. Joseph's Conference Dublin		Berkeley Road Church, Berkeley Road, Dublin 7	01 8384164
Dublin	Energy Action Ltd.		Unit 14, Newmarket, Dublin 8	01 4545464
Dublin	IWA Lucan		Broadmeadows, Newcastle Road, Lucan	01 6302415
Dublin	Malahide Active Retirement Assoc.	Miss Rosemary O'Neill	Avondale, Seamount Road, Malahide	01 8460007

Anti-Poverty Networks.

267. **Mr. J. Higgins** asked the Minister for Community, Rural and Gaeltacht Affairs if he will re-instate funding to the community workers co-operative. [6897/05]

268. **Mr. J. Higgins** asked the Minister for Community, Rural and Gaeltacht Affairs the reason he stated in reply to Question No. 224 of 1 February 2005 that the community workers co-operative does not meet the Government funding criterion of concentrating available resources on support for communities experiencing disadvantage, exclusion and isolation when this network represents the views of both paid and unpaid community workers and hundreds of local organisations with an anti-poverty and equality focus throughout the country. [6898/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Question Nos. 267 and 268 together.

As is implied by the Deputy's question, I believe that the community workers co-operative is the voice of community workers rather than of disadvantaged communities. As there is in existence a well developed structure providing supports to the sector, I do not believe that continued funding for the community workers co-operative under the national anti-poverty networks scheme could be justified. I have dealt with this issue comprehensively already in the House. I refer the Deputy in particular to my reply to Question 4 and related questions on 22 February 2005.

EU Directives.

269. **Mr. Connolly** asked the Minister for Agriculture and Food the rationale behind the European Commission's proposal for a Council regulation on support for rural development 2007-2013 (details supplied); if, in view of the importance of afforestation in rural development here, he will restore grant aid and support to their current levels; and if she will make a statement on the matter. [6577/05]

Minister for Agriculture and Food (Mary Coughlan): The Commission proposal sets the framework for rural development support for the period 2007 to 2013. It reflects the strategic orientations of the conclusions of the Lisbon and Göteborg European Councils. These emphasise the economic, environmental and social elements of sustainability. In line with those elements, the proposed regulation sets the three main objectives of competitiveness, land management and environment, and wider rural diversification.

The proposed regulation is under discussion in the Council of Ministers. While the negotiations will not conclude for some time, I have already made known my serious concerns about certain aspects, including those relating to the forestry sector. I will continue to seek an outcome that will allow the sector to develop in a profitable and sustainable manner.

Grant Payments.

270. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive their entitlements under the single payment scheme. [6487/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted applications for consideration in respect of both the new entrant and inheritance measures of the single payment scheme. Following processing of these applications the person named was notified that the new entrant application was unsuccessful as she was involved in farming in all three reference years 2000, 2001 and 2002 and had received direct payments under the premia schemes in each of those years.

The application for consideration under the inheritance measure was deemed successful and the inherited entitlements combined with those earned by the person named in her own right will be utilised to calculate her single payment entitlement. Arrangements have been made to issue a statement of provisional entitlements to the person named shortly.

271. **Mr. Sargent** asked the Minister for Agriculture and Food the date on which her Depart-

ment received the registered folio and folio maps, title deeds and registered lease documents as required for the processing of the award of the forestry planting grant to a person (details supplied). [6488/05]

272. **Mr. Sargent** asked the Minister for Agriculture and Food the date and amount of the forestry planting grant awarded to a person (details supplied). [6489/05]

273. **Mr. Sargent** asked the Minister for Agriculture and Food if the registered folio and folio maps, title deeds and registered lease documents showed that a person (details supplied) was the registered owner of the lands prior to the award of the forestry planting grant. [6490/05]

274. **Mr. Sargent** asked the Minister for Agriculture and Food if, when processing the planting grant application of a person (details supplied), her Department used records created in the processing of a pre-planting grant application of another person and their spouse or any other person or party acting on their behalf; and if she will make a statement on the matter. [6491/05]

275. **Mr. Sargent** asked the Minister for Agriculture and Food when, the way in which and the person by whom her Department was advised that a person (details supplied) and their spouse had withdrawn their pre-planting grant application. [6492/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 271 to 275, inclusive, together.

The original owner of the lands in question — the second person referred to in these questions — lodged an application for a forestry grant in February 1997 and received approval to plant in March 1998. In the meantime the land was purchased by another party — the first person referred to in these questions — in December 1997. There was no formal withdrawal of the previous application for forestry grant, but the land was planted by the new owner based on the original letter of approval in accordance with standard Department practice. The first instalment of the afforestation grant, amounting to €65,378, was paid in November 1998 and payment of the second instalment, amounting to €21,793, was made in January 2003.

At the time in question, an applicant was not required to submit title documentation before grant payment. Instead, this information was collected prior to payment of premium. In this case, the title documentation was received in the forest service in March 2000 and shows clearly that the person in question was the registered owner of the land prior to the award of the forestry planting grant.

The same forestry company which had prepared the first application was also responsible for planting under the second application and, accordingly, the same plantation prescription, prepared by that company, was used in respect of

both applications. This was the only instance where other records were used in connection with the second application.

276. **Mr. Sargent** asked the Minister for Agriculture and Food the amount deducted by the European Commission on the closure of a programme in respect of which there were alleged irregularities in implementing forestry measures in the programming period 1994 to 1999; if she will provide details of the allegations and the cases to which they refer; if the Commission imposed penalties; the amount deducted from the final payment partly as a result of allegations of irregularities brought to the attention of the Commission by a private citizen; and the reason for other deductions. [6493/05]

EU Funding.

277. **Mr. Sargent** asked the Minister for Agriculture and Food if any member of staff was reprimanded or is likely to be reprimanded in any way due to the deductions made by the European Commission on the closure of a programme in respect of which there were alleged irregularities in implementing forestry measures in the programming period 1994 to 1999. [6494/05]

278. **Mr. Sargent** asked the Minister for Agriculture and Food if any grantee has been or is likely to be requested to refund forestry grants or premium payments arising out of the investigations which led to the deductions by the European Commission on the closure of a programme in respect of which there were alleged irregularities in implementing forestry measures in the programming period 1994 to 1999. [6495/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 276 to 278, inclusive, together.

In the context of the closure of the 1994-99 operational programme for agricultural and rural development funding, the European Commission decided that certain expenditure under the forestry sub-programme amounting to €1,061,402 was ineligible for co-funding. The expenditure in question related to staff costs for research and development. No penalties were imposed by the Commission nor were any other deductions made in respect of forestry measures.

It was the view of the Irish authorities at the time that the expenditure in question was eligible, especially since similar expenditure had been deemed eligible under the earlier STRIDE programme. The question of reprimanding any member of staff does not arise. The expenditure deemed ineligible by the Commission was not in respect of the payment of forestry grants or premiums. Consequently, no grantee has been requested to refund grant or premium payments arising out of the Commission's decision in this matter.

Grant Payments.

279. **Mr. P. Breen** asked the Minister for Agriculture and Food when a person (details supplied) in County Clare will receive a provisional entitlement statement; and if she will make a statement on the matter. [6508/05]

Minister for Agriculture and Food (Mary Coughlan): The person named has submitted an application for consideration under the inheritance measure of the single payment scheme. Following processing of this application, I am pleased to advise that the person named has been successful under this measure of the scheme. The inherited entitlements combined with those earned by the person named in their own right will be utilised in the calculation of his single payment entitlements. Arrangements have been made to issue a statement of provisional entitlements to the person named shortly.

280. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will be approved for the single payment scheme. [6549/05]

Minister for Agriculture and Food (Mary Coughlan): The person named has submitted an application for consideration in respect of both the inheritance and new entrant measures of the single payment scheme. However, as the person named failed to include any supporting documentation with the applications, my Department requested on 26 January 2005 that they submit a copy of the will and grant of probate or deed of transfer. On receipt of the necessary documentation the matter will receive immediate attention and the person named will be notified of the decision in respect of both applications as early as possible.

Registration of Title.

281. **Mr. Penrose** asked the Minister for Agriculture and Food if she will take steps to ensure that the Office of the Irish Land Commission furnishes the relevant land certificate or certificate of title to trustees of lands (details supplied) in County Westmeath which is held for community purposes; and if she will make a statement on the matter. [6550/05]

Minister for Agriculture and Food (Mary Coughlan): My Department has been dealing with the solicitor for the trustees on this matter. It is intended to draw up replacement agreements to register the plots in the current serving trustees. The details of the trustees were requested from the solicitor. As soon as they are made available to my staff and the replacement purchase agreements have been signed my Department will proceed with the vesting of the plots in the trustees.

Live Exports.

282. **Mr. Naughten** asked the Minister for Agri-

culture and Food the number of ferries servicing Ireland which have licences for transporting livestock; the ferries and routes involved; if there is a restriction of the licence to certain animals; and if she will make a statement on the matter. [6572/05]

Minister for Agriculture and Food (Mary Coughlan): Two roll on-roll off vessels are approved for the carriage of livestock and both operate from Rosslare to Cherbourg. The first vessel is approved to carry 18 livestock units and the second is authorised to carry four livestock units. Both vessels are approved for the carriage of cattle, sheep and pigs and may also carry horses under certain conditions when livestock is on board. In addition to this, eight roll on-roll off ferries have been approved by my Department for the carriage of horses from the State. Five of the vessels operate out of Dublin Port, three of which service Holyhead and two ferries service Liverpool. One roll on-roll off ferry is approved to carry horses from Dún Laoghaire. The remaining two roll on-roll off ferries are approved to carry horses on the Rosslare to Pembroke route and the Rosslare to Fishguard route.

The movement of livestock between member states of the European Union is governed, *inter alia*, by Council Directive 91/628/EEC. This directive obliges member states to ensure that livestock are not transported in a manner that would compromise their health or welfare. My Department has, over a period, introduced comprehensive national legislation to ensure that this requirement is respected.

283. **Mr. Naughten** asked the Minister for Agriculture and Food if ferry companies are obliged to carry livestock under certain conditions to facilitate the common market; and if she will make a statement on the matter. [6574/05]

Minister for Agriculture and Food (Mary Coughlan): There is no legal obligation on ferry operators to carry livestock and the question of whether a ferry company carries livestock is a matter for the ferry company concerned. However, any ferry which is proposed to be used to transport livestock from the State to another member state or to a third country must be inspected and approved by my Department. The question of whether a ferry company from another member state is approved to transport animals into this country is a matter for the competent authority in the member state of origin to address.

Live Imports.

284. **Mr. Naughten** asked the Minister for Agriculture and Food if she will report on the mechanisms available to a breeder to import pedigree dairy goats from the UK when the ferry companies servicing the Irish Sea refuse to transport the animals; if this breaches EU Common Market

regulations; and if she will make a statement on the matter. [6575/05]

Minister for Agriculture and Food (Mary Coughlan): The movement of livestock between member states of the European Union is governed, *inter alia*, by Council Directive 91/628/EEC. This directive obliges member states to ensure that livestock are not transported in a manner that would compromise their health or welfare. My Department, over a period, has introduced comprehensive national legislation to ensure that this requirement is respected in relation to transport of animals from Ireland. The question of whether a ferry company is approved to transport animals from another member state into this country is a matter for the competent authority in the member state of origin to address. There is no legal obligation on ferry operators to carry livestock.

Official Engagements.

285. **Mr. Wall** asked the Minister for Agriculture and Food her proposed itinerary for St. Patrick's week celebrations; the areas and countries involved and if she will make a statement on the matter. [6632/05]

Minister for Agriculture and Food (Mary Coughlan): I will be visiting Paris to attend St. Patrick's Day celebrations there from 14-19 March. Full details of my programme have yet to be finalised but I have a range of engagements with Irish community, cultural and business leaders and a planned meeting with the French Minister for Agriculture, Food, Fisheries and Rural Affairs.

The Minister of State, Deputy Browne, will be attending St. Patrick's Day celebrations in Enniscorthy. The Minister of State, Deputy Brendan Smith, will be attending celebrations in Edinburgh and Glasgow from 17-19 March and, while there, will have a number of engagements with Irish community and business leaders. He will meet also with the Scottish Minister for the Environment and Rural Affairs.

In consultation with other Departments and relevant State agencies, the Department of Foreign Affairs will co-ordinate briefing for Ministers representing the Government at St. Patrick's Day celebrations overseas. As in previous years, such briefing will cover a wide range of issues with a view to maximizing the unique promotional opportunities offered by these events and to dealing with issues of mutual interest to Ireland and the State being visited.

Grant Payments.

286. **Mr. P. Breen** asked the Minister for Agriculture and Food further to Parliamentary Question No. 192 of 10 February 2005, if the file for a person (details supplied) in County Clare will be reviewed regarding moneys from the slaughter premium that was offset against an overpayment that occurred on the area based compensatory

allowance scheme; and if she will make a statement on the matter. [6647/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an area aid application form in 2004, which was fully processed with an area determined for payment purposes of 25.60 hectares. In November 2004 the area aid unit received a revised area aid application form and a map for the purpose of cross compliance with REPS from the person named. On the basis of the revised information received two parcels of land were re-digitised as small areas of the original parcels had been either sold or transferred. The area aid unit issued an overclaim letter to the person named on 9 December 2004 and the letter explained the changes made. The revised area determined for payment purposes is 23.30 hectares.

He was paid €2275.33 under the 2004 area based compensatory allowance scheme on 17 September 2004 based on an area of 25.60 hectares. As stated above the revised area eligible for payment is 23.30 hectares resulting in an overpayment of €213.31 on 2.40 hectares. To date €144.00 has been recouped from his slaughter premium on animals slaughtered in December 2004 leaving a balance of €69.31 to be recovered.

287. **Mr. Ring** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Mayo is being refused inclusion in the REP scheme. [6648/05]

Minister for Agriculture and Food (Mary Coughlan): My Department has no record of receiving a REPS application from the person named.

Fox Hunting.

288. **Mr. Gregory** asked the Minister for Agriculture and Food the arrangements her Department has made to regulate the practice of fox hunting; her views on the practice of cubbing or cub hunting; and if she will make a statement on the matter. [6649/05]

Minister for Agriculture and Food (Mary Coughlan): In August 1998, the Hunting Association of Ireland, HAI, which encompasses bodies that represent organised fox hunting in Ireland, announced rules and procedures which apply in particular to the practices of digging out, bolting and earthstopping. This initiative was taken after my Department had conveyed to the bodies in question its concern about such practices.

The bodies concerned also gave specific written assurances that they are committed to ensuring compliance with and enforcement of these measures, and to imposing severe sanctions on anyone found not to have complied with them. I believe that these assurances were given in good faith and we have made clear the importance which we attach to ensuring that there is indeed full compliance by all concerned.

[Mary Coughlan.]

Any person making an allegation or complaint of a breach of the rules and procedures should provide to the HAI supporting evidence of the alleged breach in order to facilitate proper investigation in accordance with fair procedures. It is open to a complainant to provide such information to my Department, which will pass it to HAI with a request that the matter be investigated.

As indicated, the rules and procedures in question were introduced in August 1998 and my Department has not to date been given grounds for believing that they are not being observed by member hunts of the HAI.

My Department meets with the HAI from time to time and the matters raised by the Deputy will be discussed with that organisation in the near future.

Disadvantaged Areas Scheme.

289. **Mr. McGuinness** asked the Minister for Agriculture and Food if she will insist that all areas currently designated as disadvantaged within the EU scheme will hold their status in the context of the new proposals emerging from Europe; if the areas left out the last time in north Kilkenny and which have fought since them to be included will now be considered; if she will explain her policy in this regard; and if she will make a statement on the matter. [6672/05]

Minister for Agriculture and Food (Mary Coughlan): As part of the suggested 2007-13 rural development framework, the European Commission has proposed new criteria for less favoured areas. These lay emphasis on soil and climatic conditions. In line with other member states, Ireland has highlighted the sensitivity of this issue. Ireland has also sought clarification as to the Commission's intentions.

While some clarification on the proposed methodology for redefining disadvantaged areas has just been received from the EU Commission, that proposed methodology needs detailed assessment and further clarification before we can respond fully to it in the course of ongoing negotiations. I shall continue to stress the sensitivity of this issue for Ireland in the course of those negotiations.

Pending receipt of the further clarification referred to above, I regret that I cannot answer the Deputy's inquiry about north Kilkenny.

Sugar Beet Industry.

290. **Mr. Fleming** asked the Minister for Agriculture and Food if the announcement by a company (details supplied) of its intention to close the sugar beet processing facility in Carlow and to carry out all processing at its plant in Mallow has weakened her position in negotiations at EU level regarding the future of the sugar beet industry in the EU. [6682/05]

Minister for Agriculture and Food (Mary Coughlan): In the forthcoming negotiations on the reform of the EU sugar sector, my overall objective is to ensure the continuance of an efficient sugar beet growing and processing sector in Ireland. The company has stated that its planned rationalization and investment programme based on concentrating processing of the full Irish quota at its Mallow site is geared towards improving long-term competitiveness and that it reflects the company's commitment to maintaining an efficient sugar processing industry in Ireland into the future. Therefore, while not underestimating the scale of the challenges ahead in relation to the forthcoming Commission proposal for reform of the sector, I do not consider that my negotiating position has been weakened.

291. **Mr. Fleming** asked the Minister for Agriculture and Food if any national or EU grants can be awarded to a company (details supplied) in respect of the rationalisation programme of its sugar beet processing facilities here involving its stated plans to close its Carlow plant and upgrade its Mallow plant. [6683/05]

Minister for Agriculture and Food (Mary Coughlan): Aids for investments in processing and marketing activities in the sugar sector are implicitly prohibited under the common organisation of the EU sugar market. State aid for the sugar sector is therefore excluded under the Community Guidelines For State Aid In The Agriculture Sector (2000/C 28/02). This prohibition extends also to aid to small or medium sized enterprises engaged in the sugar sector.

Accordingly no national or EU grants have or can be awarded to the company in question in respect of its rationalisation programme.

Veterinary Medicines.

292. **Mr. Naughten** asked the Minister for Agriculture and Food further to Parliamentary Question No. 162 of 16 December 2004, the reason for her stated intention not to extend prescribing rights for veterinary medicines to pharmacists and other suitably qualified personnel; and if she will make a statement on the matter. [6829/05]

Minister for Agriculture and Food (Mary Coughlan): As I indicated in my response to a similar parliamentary question on 16 February 2005, the existing distribution regime for veterinary medicines set down in Regulation 13 of the Animal Remedies Regulations 1996 provides for a hierarchy of designated routes of supply ranging from those which may only be supplied and administered by a veterinary practitioner to those which may be supplied, without prescription, by the 'licensed merchant' category.

I also stated that, under the package of changes I propose to make to the legislation, this hierarchy will remain broadly in place with the result that medicines, categorized by the Irish Medicines Board as not requiring a veterinary pre-

scription, can continue to be sold, as appropriate, by pharmacists and licensed merchants without the need to involve a veterinary practitioner. However, medicines which are designated prescription only by the IMB on the basis that veterinary intervention is necessary before a decision is reached on their use, will continue to require a prescription from a veterinary practitioner. In this context, I believe that, having regard to the overall balance of the package, it would be inconsistent with the current concept of prescription only to permit non-veterinarians to prescribe medicines. The Deputy will be aware from my reply of 16 December 2004 that I propose to make the prescription regime itself more effective and workable by removing some of the inflexibility in the existing regime, particularly in relation to the requirement on veterinarians to clinically examine an animal at the time of each prescription and by extending the range of outlets which may supply on foot of a veterinary prescription.

Transport of Animals.

293. **Mr. Naughten** asked the Minister for Agriculture and Food if she will report on the provisions agreed at the December 2004 Council of Ministers meeting covering the transport of animals for distances between 50 km and 65 km; the provisions for over 65 km but under eight hours; and if she will make a statement on the matter. [6830/05]

Minister for Agriculture and Food (Mary Coughlan): The regulation to which the Deputy refers is Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations. Most of the requirements in this regulation will not come into effect until 5 January 2007, with a small number of provisions only having effect from 1 January 2008 and 1 January 2009. The regulation will apply to the transport of live animals, except where the transport of animals does not take place in connection with an economic activity or to the transport of animals directly to or from veterinary practices or clinics, under the advice of a veterinarian.

The regulation contains a comprehensive set of requirements designed to encompass transport of varying durations. In particular, certain minimum requirements apply to transport regardless of duration. Other provisions apply to transport in excess of 50 km or 65 km.

However, persons transporting animals up to a distance of 65 km will not be required to be authorised whereas, any person transporting animals over distances of 65 km will be required to be authorised. Still further provisions will apply to journeys in excess of eight hours duration.

As indicated previously, my Department is currently considering the arrangements and requirements in relation to the application of the new regime for the transport of animals here at home and to our European markets from 2007 onwards. It is my intention to consult all relevant parties

on the most effective way to implement the regulation.

Fur Farming.

294. **Mr. Lowry** asked the Minister for Agriculture and Food the number of fur farmers in operation in the State; the value of this type of farming to the economy; the number of fur farmers in each county, and in North Tipperary; and if she will make a statement on the matter. [6831/05]

Minister for Agriculture and Food (Mary Coughlan): Under the Musk Rats Act 1933 (Application to Mink) Order 1965 the keeping of mink is prohibited except under licence from my Department. Licences are issued under this legislation only if the applicant, following an inspection carried out by officials from my Department, is found to be compliant with a number of key conditions. There are currently six enterprises licensed by my Department to keep mink, three are situated in County Donegal, one in County Laois, one in County Kerry and one in County Sligo. My Department has not issued any licences for the keeping of mink in North Tipperary.

My Department does not have information regarding the contribution of fur farming to the economy however data provided by the CSO would indicate that the value of exports of raw fur skins of mink to be €1.6 million in 2003.

Grant Payments.

295. **Dr. Cowley** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Mayo, not only had an animal rejected from the special beef premium application, but also had a reduction penalty applied to the total number of eligible animals applied for on all of the schemes during the year; her views on whether this is arbitrary and unfair; and if she will make a statement on the matter. [6832/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted two applications under the 2004 EU special beef premium scheme, one dated 17 August 2004, in respect of four animals and one dated 20 December 2004, in respect of seven animals.

Following computer validation it was found that one of the four animals applied for on 17 August 2004 was slaughtered on 13 October 2004, inside the regulatory two-month retention period. Under the terms and conditions of the 2004 EU special beef premium scheme, applicants were required to “own, possess, hold and maintain” the animals applied on, for the entire two months retention period, starting on the day after the application is received by the Department.

By letter dated 24 August 2004 the person named was advised that this application had been received on 17 August 2004, the retention period would expire on 18 October 2004 and the first date on which any of the animals included on the application could be sold was 18 October 2004.

[Mary Coughlan.]

By letter dated 22 November 2004 the person named was advised that as the animal in question was slaughtered during the regulatory two-month retention period, no payment would be made on the animal and a penalty would be applied, in accordance with the terms and conditions.

The person named subsequently appealed this decision and, by letter dated 31 January, following consideration of the appeal, advised that the original penalty was being upheld.

The person named was advised of the right of appeal to the agricultural appeals office; to date, no such appeal has been lodged with that office.

296. **Mr. Lowry** asked the Minister for Agriculture and Food if she will introduce additional incentives for farmers or foresters growing native ash trees, in view of the number of thefts of ash trees and the ever increasing demand for the timber for hurley making; and if she will make a statement on the matter. [6859/05]

Minister for Agriculture and Food (Mary Coughlan): The current afforestation scheme provides generous grants and premiums for the growing of ash trees. All planting costs are met by way of generous grants from my Department, of up to €4,951.98 per hectare. A premium of up to €467.26 per hectare is paid every year thereafter, for 20 years in the case of farmers and 15 years for others. This package of assistance, in addition to the increasing demand of ash for hurley making, provides an excellent incentive for the growing of ash on a commercial basis.

In relation to the demand for ash for hurley making my colleague Deputy John Browne, Minister of State at the Department of Agriculture and Food, with special responsibility for forestry, recently met with representatives of the GAA, Coillte and hurley makers to discuss this matter and is arranging for the commissioning of a report on the supply of, and demand for ash for hurley making.

297. **Mr. Perry** asked the Minister for Agriculture and Food if a person (details supplied) in County Sligo can avail of the new terms for the buy-out scheme for Land Commission lands; and if she will make a statement on the matter. [6880/05]

Minister for Agriculture and Food (Mary Coughlan): The person in question will be given an opportunity to avail of the special buy-out offer proposed in the Land Bill 2004.

All annuitants will be notified of the details of the scheme when the legislation is enacted.

298. **Mr. Deenihan** asked the Minister for Agriculture and Food the entitlements due to a person (details supplied) in County Kerry under the single payments scheme; and if she will make a statement on the matter. [6881/05]

Minister for Agriculture and Food (Mary Coughlan): My Department's records indicate that the person named has 44.35 entitlements with a total net value of €3532.92. However, as the person named is now deceased, the circumstances of the case appear relevant to the inheritance measure of the single payment scheme. Therefore the executor or other representative of the person named should submit a completed inheritance application form to facilitate the transfer of the entitlements.

Application forms are available from the Departments website or by contacting the single payment unit, Inheritance Section, Portlaoise.

Veterinary Laboratory.

299. **Mr. P. Breen** asked the Minister for Agriculture and Food the future plans for the veterinary centre at Knocklasiheen, Meelick, County Clare; the amount of land which is owned by her Department; and if she will make a statement on the matter. [6882/05]

Minister for Agriculture and Food (Mary Coughlan): Under the decentralisation programme a single laboratory complex will be located in Macroom to cater for the Munster region. My Department is liaising with the OPW on the acquisition of a suitable site for the new laboratory complex in Macroom.

The regional veterinary laboratory at Knocklasiheen is located on land owned by the Office of Public Works.

Grant Payments.

300. **Mr. Connaughton** asked the Minister for Agriculture and Food the entitlements under the single farm payments which are credited to a person (details supplied) in County Galway; and if she will make a statement on the matter. [7028/05]

Minister for Agriculture and Food (Mary Coughlan): The persons named have submitted an application for consideration under the new entrant measure of the single payment scheme.

However, following an initial examination of this application, it was deemed that the circumstances were more relevant to the inheritance measure, as the lands were transferred by way of gift in 2002. The persons named have subsequently been requested to forward a copy of the deed of transfer to support the application.

An official of my Department contacted the persons named by telephone and the documentation requested is to be furnished early next week. Upon receipt of the outstanding documentation the matter will receive immediate attention and the persons named will be issued with a decision in respect of this application.

Sugar Beet Industry.

301. **Mr. Fleming** asked the Minister for Agriculture and Food if the Government's special

share in a company (details supplied) means that her prior written consent is required to enable the sugar company to dispose of its beet processing assets in Carlow; and if she will make a statement on the matter. [7029/05]

Minister for Agriculture and Food (Mary Coughlan): As Minister I hold a special share in Greencore plc. That share has the same monetary value as any other share in the company but special conditions are attached which prevent the company from engaging in a number of activities without the prior written consent of the Minister. One of the activities for which prior written consent is required is the disposal of more than 20% of specified sugar assets in Carlow and Mallow.

Road Traffic Offences.

302. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the situation regarding illegal motoring fines levied and paid; the position in so far as penalty points allocated with the said fines are concerned; if these fines and points stand; and if he will make a statement on the matter in view of the requirement to repay legal charges as determined by the Supreme Court. [6484/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that the Garda Síochána has sought the advice of the law officers on the implications of the recent decision of the High Court on section 21 of the Road Traffic Act 2002.

Citizenship Applications.

303. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform if the naturalisation application for a person (details supplied) will be processed soon; the action this person should take if they wish to travel; if they will experience difficulties in the naturalisation process or returning to Ireland; if their status were changed to that of a student, this person would be able to work here without requiring a work permit from their employer; and if he will make a statement on the matter. [6521/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 25 July 2003.

The average processing time for such applications is currently 24 months. On the basis of the current average processing time, therefore it is likely that the application of the individual concerned will be finalised in or around July 2005, as long as all the necessary supporting documentation has been provided.

The fact that a person has made an application for naturalisation does not preclude such a person from travelling outside the State. However, one of the conditions for naturalisation is that an applicant must have a period of continuous resi-

dency for one year immediately prior to the date of application and have been resident in the State for four out of the eight previous years.

Non-EEA nationals who are admitted to the State as students are entitled to work without an employment permit for limited periods.

Finally an applicant for naturalisation is not an Irish citizen — consequently such person will require permission from an immigration officer to re-enter the State.

304. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency by a person (details supplied) in County Galway based on marriage to an Irish citizen. [6546/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State in September 2000 and applied for asylum. This application was refused in January 2002. He then made an application for permission to remain based on parentage of a child born in the State in November 2001. Following the decision of the Supreme Court in the cases of L & O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases which were outstanding on that date, including that made by the person in question.

The person in question subsequently made an alternative application for permission to remain in the State based on marriage to an Irish national, the mother of his child, in July 2003. The case is currently under consideration. A decision will be made when all the circumstances peculiar to this case have been fully considered.

It is also open to the person in question to make an application under the recently announced scheme set up to regularise the status of non national parents of children born in Ireland before 1 January 2005. Applications under this scheme must be made before 31 March 2005.

Employment Equality Legislation.

305. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to concerns expressed by members of the legal profession regarding new Circuit Court rules on employment equality, in particular the fact that the rules do not appear to take account of the Equality Act 2004; if he approved the rules, prior to publication; if he has satisfied himself with the rules; and if he will make a statement on the matter. [6584/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Circuit Court Rules (Employment Equality Act 1998) 2004 were drafted by the Circuit Court Rules Committee before the enactment of the Equality Act 2004.

[Mr. McDowell.]

The Committee has been asked to consider the making of further rules in light of the 2004 Act.

Registration of Title.

306. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing will be completed in the Land Registry Office for a person (details supplied) in County Mayo. [6585/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application under section 49 of the Registration of Title Act 1964 — acquisition of title by virtue of long possession — which was lodged on 24 September 2004. Dealing No. D2004SM008211Q refers to this application.

I understand that due to their complicated nature applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly, it is not possible to estimate a completion date at this stage.

However, I can assure the Deputy that this application is receiving attention in the Land Registry.

Closed Circuit Television Systems.

307. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform when the long promised closed circuit television will be installed in an area (details supplied); the number of gardaí who are employed full time in dealing with the problem of prostitution in the area; the number of women who have been arrested for soliciting in the area for each of the past five years; the average age of the women involved; the number of men who have been arrested for soliciting the services of prostitutes in the area for each of the past five years; the average age of the men involved; the number of pimps living off immoral earnings who have been arrested in each of the past five years; the number of prosecutions

and the number of convictions in all these cases. [6587/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the CCTV advisory committee has received a report from the chief superintendent DMR north central, outlining the CCTV needs for his divisions. The committee is still considering this report and is not in a position to make recommendations to the Commissioner at present. I understand that two gardaí employed full time in the area concerned are specifically tasked with addressing the problem of street prostitution.

I have been further informed that there have been no arrests in respect of people living off immoral earnings in the area in any of the past five years. The remaining information requested by the Deputy is contained in the following tables.

Number of Women Arrested for Soliciting from 2000 to 2004.

Year	Number
2000	44
2001	44
2002	97
2003	89
2004	155

Average Age = 26 years

Number of Men Arrested for Soliciting the Services of Prostitutes from 2000 to 2004.

Year	Number
2000	22
2001	44
2002	63
2003	58
2004	81

Average Age = 46 years

The Number of Prosecutions and Convictions in the preceding cases.

Year	Women		Men	
	Prosecutions	Convictions	Prosecutions	Convictions
2000	44	21	22	9
2001	44	20	44	16
2002	97	66	63	25
2003	89	44	58	42
2004	155	30	81	81

Dublin-Monaghan Bombings.

308. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if the new cooperation between the Garda Síochána and the PSNI will include assistance in the inquiry into

the Dublin bombings of 1972 and 1973; if he will urge action on issues (details supplied); and if he will make a statement on these double standards. [6589/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 21 February 2005, the

Garda Commissioner and the Chief Constable of the Police Service of Northern Ireland signed protocols setting out the operational arrangements for secondments and personnel exchanges between the two police services, in accordance with Article 3 of the Intergovernmental Agreement on Police Co-operation of 29 April 2002.

In relation to the Joint Oireachtas Committee on Justice, Equality, Defence and Womens Rights' final report on the Report of the Independent Commission of Inquiry into the Dublin Bombings of 1972 and 1973, the Government will give full consideration to its findings and recommendations in due course.

I do not accept that any double standards apply in relation to the foregoing separate developments.

Decentralisation Programme.

309. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform if he will report on progress regarding the proposed decentralisation of 200 posts from the immigration section of his Department; and if he will make a statement on the matter. [6590/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An implementation plan in respect of the decentralisation of the immigration and asylum sections of my Department was prepared last year and submitted to decentralisation implementation group. It is available on my Department's website.

Progress has been made with regard to property solutions to fulfil the accommodation brief for the staff decentralising to Tipperary. A number of sites have been short listed and the process of evaluation of these sites by the Office of Public Works is at an advanced stage.

Prison Building Programme.

310. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform if he will name the two committee members who visited the site at Thorntown in advance of the committee meeting to discuss the site for the proposed new prison; and if he will make a statement on the matter. [6591/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been the practice to identify officials by name. However, I can tell the Deputy that the two members of the committee were both officials of the Irish Prison Service with responsibilities relating to capital projects in the prisons area.

Ministerial Travel.

311. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform his proposed itinerary for the St. Patrick's week celebrations; the areas and countries involved and if he will make a statement on the matter. [6633/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am scheduled to visit Argentina on behalf of the Government for the St. Patrick's week celebrations. A full itinerary of events is being finalised for my visit. My proposed itinerary includes meeting members of the Argentinian Government and legal figures, such as the Minister for Justice of Argentina, the Lord Mayor and the Justice Minister of Buenos Aires.

I am attending the St. Patrick's Day Commemoration hosted by the Federation of Irish Societies where I look forward to meeting members of the Irish community as well as members of the Argentinian business community. I will also be addressing the Centro Argentino de Relaciones Internacionales. Finally, I am scheduled to meet Irish NGOs operating in Argentina.

Let me assure the Deputy that I intend to take full advantage of my visit to Argentina to promote Ireland as a vibrant modern democracy, an attractive tourist destination, and a country with a vibrant economy that offers attractive business opportunities.

The Minister of State, Deputy Frank Fahey, is scheduled to visit Slovenia, Croatia and Bosnia for the St. Patrick's week celebrations. His itinerary, which is being finalised, includes meetings with representatives of the ministries of Slovenia and Croatia, and a visit to Irish soldiers based at Camp Tuzla.

Refugee Status.

312. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform if he will review the decision of the Refugee Appeals Tribunal in respect of a person (details supplied); and if he will make a statement on the matter. [6650/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 20 April 2003 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 a letter dated 12 August 2004 that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why 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, subsection 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.

Visa Applications.

313. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform if a joint spouse visa will issue to a person (details supplied); and if he will make a statement on the matter. [6651/05]

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 employment permit scheme to reside with him in the State. A worker employed under the employment 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.

In this case, the application was refused on 28 January 2005 as the visa officer was unable to establish, based on the documentation supplied, that the worker in question was in a position to fully support his wife while in the State. Additionally, the level of supporting documentation available did not allow the visa officer to establish beyond a reasonable doubt that the applicant would necessarily adhere to the conditions of the visa applied for. The absence of an original marriage certificate was also noted.

A letter was issued to the applicant on 3 February informing her of the decision to refuse her application. On 10 February the applicant was informed of the reasons for refusal as outlined above. It is now open to the applicant to appeal this decision in writing. Any such appeal should be accompanied by additional supporting documentation that is felt will address the reasons for refusal given by my Department.

Garda Deployment.

314. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 420 of 15 February 2005, the details of the Garda response to the issues raised in the correspondence from an association (details supplied) to the Garda Commissioner; and if he will make a statement on the matter. [6663/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will appreciate that correspondence received by the Garda Commissioner is a matter for the Commissioner's office and not my Department. I am however aware that the content of this correspondence refers to the policing arrangements in place for Dalymount Park and as I informed the House in Question No. 420 of 15 February 2005 policing arrangements for public events and in locations generally, along with the allocation of Garda resources, are solely a matter for the Garda Commissioner.

Registration of Title.

315. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the position in relation to an application (details supplied) lodged with the Land Registry Office; when this application will be completed; and if he will make a statement on the matter. [6665/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that there is no record of an application pending on these folios at present. If the Deputy can provide me with the date of lodgement of the application and a Land Registry reference number I will make further enquiries on his behalf.

I am further informed that an application concerning, inter alia, the two folios referred to by the Deputy was lodged on 7 September 2004 and was completed on 2 February, 2005. Dealing No. D2004CR008527V refers to that application.

Child Care Services.

316. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the reason capital grant funding under the Equal Opportunities Childcare programme 2000-2006 for a community group (details supplied) in County Carlow was refused; the length of time the appeal procedure will take; if he will review the situation; and if he will make a statement on the matter. [6666/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that an application for capital grant assistance under the Equal Opportunities Childcare Programme 2000-06 was submitted by the group in question to my Department some time ago. The programme is a seven year development programme which aims to increase the availability and quality of childcare to support parents in employment, education and training.

As the Deputy may be aware, each application for funding undergoes a thorough assessment by Area Development Management Limited, which has been engaged by my Department to carry out the day to day administration of the programme. All assessed applications are then considered by the programme appraisal committee, which is chaired by my Department, before I make a final decision on the matter.

I understand that in this case the programme appraisal committee was unable to recommend the project to me for funding because the proposal raised certain issues around the displacement of other local services. In particular the project in question would have been in close proximity and therefore would probably be in competition with another childcare facility which had already received funding under the equal opportunities childcare programme.

I understand that an appeal has been lodged by the group in question and that this appeal is currently under consideration by ADM Limited. Following receipt of an appeal ADM Limited

again examines the application in the light of any additional information which might be supplied in support of the original application. Subsequent to this process the proposal will be presented again to the programme appraisal committee who will be given an opportunity to consider any of the additional information which might be relevant before recommending to me the appropriateness or otherwise of the project for funding purposes.

In the interim it would be inappropriate for me to comment any further on this matter.

Citizenship Applications.

317. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform if there is a provision whereby the widow of an Irish citizen can apply for citizenship. [6813/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The applicant in question can apply for a certificate of naturalisation. On the basis of the information supplied I am not in a position to advise further on this matter.

Further information and the necessary application forms may be obtained from my Department's website *www.justice.ie*, or by telephoning the citizenship section helpline on Lo-call telephone No. 1890 551500 on Tuesdays or Thursdays between 10 a.m. and 12.30 p.m.

Garda Equipment.

318. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the damage caused to speed cameras located in the State; the number of speed cameras in the State which are currently inoperable; the location of same; the length of time they have been out of order; if the Garda is investigating the causes of this damage; and if he will make a statement on the matter. [6814/05]

330. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if his Department is seeking tenders to operate, maintain and administer speed cameras nationally; and if he will make a statement on the matter. [7018/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 318 and 330 together.

A working group on speed cameras chaired by my Department and consisting of representatives of the Garda Síochána, the Department of Transport and the National Roads Authority is currently examining how the provision, operation and processing of the output of speed cameras would operate, including how camera sites will be chosen. Work is currently well advanced on preparing proposals on how the management of these arrangements will be structured and I expect to formulate proposals shortly.

The Government's road safety strategy 2004-06, published some months ago by the Minister for Transport, notes that successful jurisdictions,

such as Victoria in Australia, have benefited from the engagement of private sector interests for the operation of camera and other detection equipment. It is also noticeable in relation to the experience in Victoria that the arrangements in place there greatly facilitate the determination of annual levels of checks for the entire fleet of vehicles.

The strategy therefore proposes that the Garda Síochána will enter into arrangements for the engagement of a private sector concern for the purposes of the provision and operation of a nationwide programme for the detection of speeding offences. Outsourcing of the operation of camera equipment will also free up Garda resources for enforcement purposes. These arrangements may see the project being rolled out on a phased basis and in addition to speeding offences it may extend to other appropriate traffic offences.

Provision of an outsource provider will be made by way of an open and competitive tendering process and a request for tender, RFT, document will issue in due course. In accordance with EU and national procurement guidelines this RFT will be published in the EU Journal and on the Government's procurement website *etenders.gov.ie*. All tender proposals subsequently received will be evaluated on an individual basis in accordance with the reward criteria that will be set down in the RFT.

The Garda authorities have informed me that there are twenty fixed camera installation posts at various locations in the Dublin area and the Meath-Louth division with three cameras rotated between these locations.

At present nine fixed camera installations are inoperable. This is due to a number of factors including criminal damage, broken glass on the fixed installation posts and road repairs obscuring road markings. The periods of inoperability are between two and eight months. In the latter instance the post was set on fire. The incidents of damage are the subject of an ongoing criminal investigation.

Quotations were sought and financial sanction obtained to carry out necessary repairs in all cases, with the exception of the most recent ones for which quotations have been requested but not yet received. Repairs will be carried out over the coming weeks.

Arrangements are being made with the relevant local authorities to replace the road markings at two of the non-operational fixed camera positions.

Situations such as this are not satisfactory to me and in that regard I might also mention that recently an assistant commissioner was appointed to oversee the various initiatives being taken by the force in relation to the effective management of road traffic issues.

Coroners Service.

319. **Ms O. Mitchell** asked the Minister for

[Ms O. Mitchell.]

Justice, Equality and Law Reform his views on recent calls for legislation allowing for the modernisation of the Coroners Service to allow the service to provide a more detailed analysis of fatal road crash data, including a national database of coroners files to aid research into the causes of road deaths; and if he will make a statement on the matter. [6815/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Data from inquiries and inquests regarding fatal road traffic accidents is already available under current systems of work of coroners. I am conscious, however, that there is scope for better collation and dissemination of information by coroners so that it is available for researchers, among others. I can confirm that the organisation and structure of the Coroners Service is being considered in the context of the preparation of a coroners Bill in line with the commitment in the Government's legislation programme as announced by the Chief Whip on 28 January 2005.

Registration of Title.

320. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform when a registration application made by Cork County Council for a property (details supplied) was finalised and returned to the council, it having been lodged on 29 April 2003. [6816/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that these are two applications for first registration which were lodged on 8 May 2003. Dealing Nos. D2003CK009404Q and D2003CK009411P refer to these applications.

I am further informed that these applications were completed on 10 January 2005.

Residency Permits.

321. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kildare will be given permission to remain in the State on the basis that he or she is part of a family unit in which the adults have been granted residency; and if the Minister will make a statement on the matter. [6817/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made an application for permission to remain in the State on the basis of being part of a family unit where the parents of that unit have been granted residency. The application was received in October 2004. Applications of this type are dealt with in chronological order and those received in July 2004 are currently being processed.

Visa Applications.

322. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if his attention has

been drawn to the circumstances outlined in correspondence in relation to a visa application (details supplied); and if he will make a statement on the matter. [6858/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the visa section of my Department that this application was refused on 5 February 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 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. Each application may be appealed once. This appeal should be accompanied by any additional documentation that the applicant feels will address the reasons for refusal given by my Department.

Divorce Legislation.

323. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform if he intends to bring forward amendments to the 1997 divorce legislation in view of EU regulations which take effect from 1 March 2005; and if he will make a statement on the matter. [6885/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Council Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, which applies as from today 1 March 2005 does not provide any new measures in relation to divorce. The regulation restates the provisions on divorce which were contained in Regulation 1347/2000 which has applied in the State since 1 March 2001.

I made a statutory instrument yesterday under the European Communities Act 1972 which sets out the effect on domestic legislation of Council Regulation (EC) No. 2201/03 and makes necessary provision for the good administration of the regulation. That statutory instrument restates provisions in statutory instrument No. 472 of 2001 in relation to divorce and revokes the latter statutory instrument.

Residency Permits.

324. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the procedure for applying for permission to return and reside here with their Irish born children for the former Kosovar programme refugee parents who gave birth to children during their stay here between 1999 and 2000; the documents required; the closing date for the applications; if the application

forms are issued by his Department; and if he will make a statement on the matter. [6886/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The revised arrangements which I have introduced for the making of applications for permission to remain on the basis of the parentage of an child born in Ireland prior to 1 January 2005 apply only in cases where the parents are and have been resident in the State since the birth of the child. The arrangements do not apply in respect of parents who are not resident in the State.

A separate application form IBC 05, which is available on the Department of Justice, Equality and Law Reform website at *www.justice.ie*, must be completed by each applicant parent and be accompanied by the following original documents: original passport or national identity cards for each applicant parent; original birth certificate for the Irish born child; two passport size photographs signed on back; evidence of continuous residence in the State since the birth of the child, which could include utility bills, lease or rental agreements, etc.; a letter from a community welfare officer stating the period of receipt of welfare payments in the State; if either applicant was ever employed in the State, details of that employment, such as tax certificate, letter from employer, etc..

Completed applications, completed statutory declarations and supporting documents must be returned by post to the Irish Born Child Unit, Department of Justice, Equality and Law Reform, P.O. Box 10003, Dublin 2 before 31 March 2005.

In relation to the former Kosovar programme refugee parents who gave birth to children during their stay here between 1999 and 2000, I am prepared to examine applications for residency in the State on a case by case basis outside of the terms of the general scheme above, subject to the requirements of the common good. I should emphasise that this separate consideration applies only to this cohort of persons in view of the unique nature of their presence in the State at the time of birth of their children here and the specific circumstances of their departure.

Child Care Services.

325. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform if the criteria used to assess childcare groups for staffing have been or are to be changed; the meaning of references in recent correspondence to such groups that certain centres will be expected to be financially viable after 31 August 2005; if reductions are to be made in staffing grants to such groups; and if he will make a statement on the matter. [6888/05]

331. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the reason groups currently receiving funding towards the staffing costs of childcare facilities under the equal oppor-

tunities childcare programme are having their grant assistance terminated on 31 August 2005; and if he will reconsider the decision in view of the impact that this cut in grant aid will have on many communities, especially those in disadvantaged areas. [7020/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 325 and 331 together.

As the Deputies may be aware the equal opportunities childcare programme, EOCP, provides grant assistance towards the staffing costs of community based not-for-profit childcare services which have a clear focus on disadvantage.

Funding under the staffing measure of the EOCP is only made available to help support the staffing costs of those projects which can demonstrate that they are providing childcare in areas of significant disadvantage and that they are supporting disadvantaged parents to access employment, education or training. It was not intended that the EOCP will meet the full costs of running a service. The programme makes staffing grant assistance available for a period of usually three years to enable them to move towards self sustainability, which would normally be achieved when the service is operating at capacity and with an appropriate fee structure.

In a number of services the levels of disadvantage among parents are such that the families would be unable to pay economic fees and therefore those services are likely to require ongoing State support towards their staffing costs. My Department is currently reviewing the arrangements for the ongoing support of such services in very disadvantaged areas and plans to introduce new arrangements to support those services in cases where they will have received staffing grant assistance for three or more years at any date prior to 31 August 2005. Information regarding the introduction of these new arrangements will be forwarded to the groups in question as soon as it is available.

The relevant groups have been informed that their existing level of staffing grant assistance funding will be continued up to 31 August 2005, subject to the groups maintaining their forecast levels of service and meeting the targets they had previously agreed. The amounts awarded are deemed sufficient to enable the Groups to maintain their approved level of service and to give them an opportunity to review their services and their fee structures.

In the interim, it would be premature of me to comment further on future staffing grant assistance.

Visa Requirements.

326. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that non-EU nationals may require British visas, at a cost of €56 to travel by bus to or from Donegal, due to the fact that the route passes through the Six

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Counties, effectively preventing these non-nationals, including not only tourists but taxpaying migrant workers, from travelling throughout the State; his views on whether it is acceptable that British immigration policy can dictate the places a person can travel in this State; and if he will make a statement on the matter. [6889/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is well established in the case law of our Supreme Court that the right of a State to control the entry of non-nationals is a fundamental expression of national sovereignty which has been universally recognised from the earliest times. These are fundamental rights of the State itself as well as fundamental rights of the individual citizen. Notwithstanding the foregoing there is, as there must be given our geographical proximity, close cooperation between Ireland and the United Kingdom on immigration matters generally. Both Ireland and the United Kingdom maintain a common travel area arrangement which operates to the mutual benefit of Irish and British citizens, reflecting ties of cultural identity and heritage as well as labour market and business needs. An effect of that arrangement of course is passport-free travel within the common travel area for such citizens. It is not an effect of this arrangement that either jurisdiction has ceded its independent right to determine its policy in relation to non-nationals generally, although of course nationals of European Union states as well as Iceland, Liechtenstein, Norway and Switzerland enjoy extensive free movement rights as a matter of EU law. Thus it is not the case that a non-national who is granted leave to enter in Heathrow Airport is, *ipso facto*, entitled to enter the State without further ado.

As a further manifestation of that independent capacity for immigration policy making, neither an Irish visa nor a British visa empowers a non-national to enter the territory of the other jurisdiction in cases where the non-national in question is visa required in both jurisdictions. For example the holder of a British visa, if visa required in this jurisdiction, is guilty of an offence under section 4(9) of the Immigration Act 2004 if he or she crosses the border without an Irish visa. I hope that the foregoing illustrates that the situation to which the Deputy refers is one of many such situations which can arise in respect of travel by non-nationals within the common travel area. The effect of the policy to which the Deputy refers is not to prevent non-nationals travelling throughout this State — it is to prevent non-nationals from travelling from one part of this jurisdiction to another via Northern Ireland without the permission of the appropriate authorities in that jurisdiction.

The Deputy should be aware that recent joint studies between the Garda National Immigration Bureau and the British Immigration and Nationality Directorate have identified a significant amount of illegal immigration between

Great Britain and the State through Northern Ireland — in both directions.

Crime Prevention.

327. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on the initiatives against hate crime in his Department; if he will further report on the initiatives against hate crime undertaken by the Gardaí; and if his attention has been drawn to the anti-hate crime campaign undertaken by the PSNI. [7015/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that, in combating crimes with a racial motive, the Garda Commissioner approved the appointment of 145 ethnic liaison officers nationwide. The Garda racial and intercultural office provides training to the ethnic liaison officers. I understand that this is done in conjunction with leaders of ethnic minority groups and provides a good base for the ethnic liaison officers to learn about the techniques and sensitivities to be observed when investigating racially motivated incidents.

Garda authorities have assured me that ongoing liaising in the various communities instills confidence in those communities that the Garda Síochána will protect their rights where a racially motivated incident occurs. This process greatly assists in tackling such cases and also increases the probability that such incidents will be reported in the first instance.

I can inform the Deputy that a review of the incitement to hatred legislation has been ongoing in my Department in order to ascertain whether problems with the Prohibition of Incitement to Hatred Act 1989 had contributed to the lack of prosecutions under the Act at the time the review was announced. It is hoped to finalise the review as soon as negotiations on a European framework decision on combating racism and xenophobia have been finalised and its text has been fully assessed for its implications in the context of the review.

As I previously outlined to the Deputy in the Dáil, the Government recently published the national action plan against racism 2005-08 with a core budget of €1 million. This funding will be used to further the goals of the plan and in particular to make strategic interventions in the implementation of the plan, pursue specific research or consultancy projects in particular sectors, undertake public awareness-information initiatives and grant schemes.

A strategic monitoring group is in the process of being established to oversee the implementation of the plan and will consider the needs for the type of campaigns referred to by the Deputy.

Finally, I can inform the Deputy that the campaign undertaken by the PSNI is an initiative funded by the European Union. I understand from the Garda authorities that the PSNI have invited the Garda Síochána to participate in

developing this initiative whereby best policing practices can be developed in respect of an increasingly diverse society in both jurisdictions.

Garda Operations.

328. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that eight members of the Garda special branch who raided the home of a Cork Sinn Féin Councillor on 21 February 2005 did not question the councillor on any crime or criminal activity and took with them only the councillor's notes on their council meetings and business; and if he will make a statement on the matter. [7016/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that, as part of an ongoing criminal investigation into suspected money laundering activity, a number of properties in the southern Garda region were searched in recent weeks in accordance with law.

I am further informed that the home of the person in question was searched by the Garda Síochána but that no property of the kind described by the Deputy was removed and taken by gardaí.

Child Care Services.

329. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if the Government remains committed to child care provision, which is now a serious issue for many families; and if he will make a statement on the matter. [7017/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The programme for Government and the progress of my Department's equal opportunities childcare programme are confirmation of the Government's commitment to developing and reviewing childcare services and to keeping childcare at the front of its social agenda.

The Government is making considerable progress in increasing the supply of centre-based child care places and in enhancing the awareness of quality issues among childminders while affording financial support towards the costs of child rearing through child benefit which has increased very significantly over the past seven years. To date the Government has favoured the use of child benefit for this purpose as it is income-neutral and affords parents choices with regard to the arrangements they choose to make in relation to the care of their children.

The Deputy will be aware that there have been significant improvements in the provision of supports for the development of child care over recent years. Child care was identified as an investment priority under the National Development Plan 2000-06. This was a direct response to the recommendations of the expert working group on child care established under Partnership 2000 to develop a strategy for the development

and delivery of child care to support parents in employment, education and training.

The current equal opportunities childcare programme, EOCP, a seven-year programme, has an equal opportunities and social inclusion perspective and facilitates the further development and expansion of child care facilities to address the needs of parents, in reconciling their child care needs with their participation in employment, education and training. It aims to increase the supply of centre based-child care places by 55% by programme end.

The programme also has a focus on many of the quality issues which were identified in the child care strategy and aims to ensure that there is a co-ordinated approach to the delivery of child care services throughout the country. Since it was launched in 2000, the funding for the programme for the 2000-06 period has increased from €317 million to €499.3 million or by 57%, the most recent increase being €50 million in budget 2005. The multi-annual capital envelopes announced that day also include the injection of a further €40 million in additional capital funding into child care between the programme end and 2009.

The programme provides capital grant assistance to create and enhance new and existing child care facilities, staffing grant assistance to community-based not-for-profit organisations whose child care services have a strong focus on the support of the child care needs of disadvantaged families, and offers supports to the city-county child care committees, to the national voluntary child care organisations, such as Barnardos, Childminding Ireland, the IPPA and the National Childrens Nursery Association, and to others who are working to improve the quality of child care in Ireland.

Total funding committed under the EOCP to date will create 33,946 new child care places, and will support 29,556 existing places. Of these, 20,500 new child care places were already in place by June 2004, an increase of 36% in the supply of child care places in four short years. These new places offer parents greater access to child care throughout Ireland as they meet their work and family needs. The EOCP also contributes towards the staffing costs of child care services which support parents who are disadvantaged to enable those services to offer differential fee scales.

The above measures relate to the supply of quality child care. I would also like to draw the Deputy's attention to the recommendations of the expert working group in relation to the demand side of child care. Government policy in the area of child support aims to provide assistance which will offer real choice to parents and which will benefit all children whatever care options their parents choose for them. As I mentioned previously, child benefit is the main fiscal instrument through which support is provided to parents with dependent children, and it provides support to all parents irrespective of income and employment status. In his Budget Statement

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2005, the Minister for Finance announced further increases of €10 per month to €141.60 per month for the first two children and €12 per month to €177.30 per month for third and subsequent child from April 2005. This means that over the period since 1997, monthly child benefit has almost quadrupled. This level of increase is unprecedented and delivers on the Government's objective of providing support for children generally while offering real choice to all parents in relation to the care of their children.

Further measures on child care are being provided by the Government in a range of different ways and I have outlined a number of examples for the Deputy's information: In 2001, the Department of Finance allocated €12.7 million capital expenditure for the provision of up to 15 Civil Service crèches for the children of Government employees. Five crèches are in operation and a further crèche opened in January 2005. Proposals for additional crèches are being considered; in March 2001, the IDA launched a scheme to provide for the creation of high quality, workplace child care facilities in IDA Ireland business parks around the country. Four of these have opened, with another under construction and a sixth at contract stage; since the start of 2002, the city and county enterprise boards have approved funding of over €1.6 million to 153 child care centres across the country. This funding comprises mainly staffing grants, with a small number of capital grants available; capital allowances for capital expenditure on the construction, extension and refurbishment of a building, which is used for the purpose of providing a pre-school service or similar service; and there is also an exemption on the usual benefit-in-kind provisions for employees who enjoy free or subsidised child care facilities provided by their employers. In such circumstances, the employer must be wholly or partly responsible for both financing and managing the child care facility. The outcomes of the present programme will be monitored closely to inform the forward planning process in order to support the twin needs of quality child care provision and labour market supports. This Government's record in providing enhanced child care services is without parallel and I am confident that we are moving rapidly to ensure that there are quality services available to parents throughout the country.

Question No. 330 answered with Question No. 318.

Question No. 331 answered with Question No. 325.

Citizenship Applications.

332. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if and when a review of the application for naturalisation will be undertaken in the case of a person (details supplied) in

County Galway; and if he will make a statement on the matter. [7021/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation was received from the person referred to by the Deputy in March 2003. The application was submitted to me for a decision in January 2005 and I decided not to grant a certificate of naturalisation in that instance.

Section 15 of the Irish Nationality and Citizenship Act 1956, as amended, provides that an applicant for naturalisation must have one year's period of residence in the State before the date of the application and a total of four years residence in the State in the eight preceding that period.

Section 16(g) of that Act provides that I may, in my absolute discretion, waive the statutory conditions in certain circumstances, including where the applicant is a person who is a refugee within the meaning of the United Nations convention relating to the status of refugees. In considering applications under this provision, I am generally disposed to waiving two years of the normal residency requirement, thereby requiring such applicants to be resident in the State for three years at the time of the application. The three year period commences from the date the applicant arrived in the State to seek refugee status.

The reason for my refusal was disclosed to the applicant in the letter informing him of my decision. The applicant arrived in the State on 30 June 2001 and made his application for a certificate of naturalisation on 4 February 2003. As there were no circumstances apparent in the application which would lead me to depart from the general policy outlined above, I decided to refuse the application based on the fact that the applicant was not in the State three years at the time of the application. Assuming that the person concerned has been resident in the State continually since his arrival here in June 2001, he would now appear to have the appropriate residency and it is open to him to submit a new application at any time. Any such application will be considered against the statutory and administrative provisions in operation at the time the application is submitted.

School Closures.

333. **Mr. Ring** asked the Minister for Education and Science her plans for the future of a primary school (details supplied) in County Mayo; if her Department has made contact and had discussions with the board of management of this school; if this school will be taking pupils and will be operational for the next school year in September 2005; and if she will make a statement on the matter. [6541/05]

Minister for Education and Science (Ms Hanafin): The planning section of my Department is in consultation with the school authorities

and the local schools' inspectors in the matter and no final decision has been made.

Retirement Provisions.

334. **Mr. Perry** asked the Minister for Education and Science if a person who is due to retire as a lecturer in an institute of technology can have their contract extended if the college is willing to renew the contract to allow the person continue with their chosen profession; and if she will make a statement on the matter. [6542/05]

Minister for Education and Science (Ms Hanafin): I take it that the Deputy is referring to a lecturer who has attained, or is about to attain, age 65. Retirement by age 65 is a standard feature of public service pension schemes and usually, as in the case of established civil servants, involves retirement on the public servant's 65th birthday. Special provisions applicable to lecturers in institutes of technology and teachers in the public service generally allow service to continue until the end of the academic year in which age 65 is attained.

The standard retirement age of 65 was recently addressed in the Public Service Superannuation (Miscellaneous Provisions) Act 2004. The Act, which is in effect since 1 April 2004, abolishes the compulsory retirement age of 65 in the case of most new entrants to the public service, including lecturers-teachers. The Act defines a new entrant as a person commencing employment in the public service on or after 1 April 2004 or a person resuming employment in the public service, after a break exceeding 26 weeks, on or after 1 April 2004. It would appear that the lecturer referred to by the Deputy is not a new entrant to the public service. I confirm that, in the circumstances, the lecturer will be required to retire at the end of the academic year in which he or she attains age 65.

Higher Education Grants.

335. **Mr. Perry** asked the Minister for Education and Science if her attention has been drawn to the circumstances of a person (details supplied) in relation to the third level maintenance grant; if she will make a decision on their case; and if she will make a statement on the matter. [6544/05]

Minister for Education and Science (Ms Hanafin): The decision on eligibility for third level grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired. It appears that no such advice or instruction has, to date, been sought in the case of the student referred to by the Deputy.

If an individual applicant considers that he or she has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the

correct one, he or she may appeal to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his-her case, a letter outlining the position may be sent to my Department. Alternatively, as already indicated, the local authority or VEC may, itself, in exceptional circumstances, seek clarification on issues from my Department. However, it is not open to me, or my Department, to depart from the terms of the maintenance grants schemes in individual cases.

Departmental Staff.

336. **Mr. Penrose** asked the Minister for Education and Science if a P45 will issue to a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [6565/05]

Minister for Education and Science (Ms Hanafin): An employer issues a P45 upon the resignation or termination of a person's employment with an organisation. The person in question was removed from the Department's payroll in July 2003, following an unexplained absence from work for a number of weeks. As the person in question has not submitted formal notice of her resignation from the Department, a P45 has not issued.

School Accommodation.

337. **Mr. Penrose** asked the Minister for Education and Science if a decision will be made in relation to her Department's discussions with Athlone Town Council with regard to the relocation of a school (details supplied) in County Westmeath; and if she will make a statement on the matter. [6566/05]

Minister for Education and Science (Ms Hanafin): My Department understands that Athlone Town Council has proposed to construct an inner relief road to reduce traffic congestion in Athlone. However, the proposed road will necessitate the acquisition of the Athlone mixed national school site. The town council has proposed a new site for the school. Any decision in this matter, in the first instance, must be taken by the board of management and the trustees. My Department can only progress matters after the issue of the school site is resolved.

Special Educational Needs.

338. **Mr. Wall** asked the Minister for Education and Science if she will report on the pension rights of special needs assistants employed in post-primary education; and if she will make a statement on the matter. [6567/05]

Minister for Education and Science (Ms Hanafin): I can confirm that, arising from the provisions of the Protection of Employees (Part-time

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Work) Act 2001, special needs assistants in second level schools are eligible for admission to pensionability in accordance with standard public service arrangements. A circular letter which will set out the detailed arrangements for such admission is being prepared and it is expected that it will be issued to schools in the next few weeks.

339. **Mr. Wall** asked the Minister for Education and Science the number of special needs assistants employed in post-primary or secondary schools in County Kildare; the rates of pay for special needs assistants; the hours they are entitled to work; the regulations that are determined by her Department in regard to the employment of special needs assistants; and if she will make a statement on the matter. [6570/05]

Minister for Education and Science (Ms Hanafin): To date, my Department has allocated a total of 17.39 whole-time equivalent special needs assistants at post-primary level in County Kildare, with 9.51 at VEC schools, 4.95 at secondary schools and 2.93 at community and comprehensive schools.

While approval for the post of special needs assistant is granted by my Department, the appointment of individual special needs assistants in second level schools is a matter for each school authority. With effect from 1 January 2005, special needs assistants employed in voluntary secondary, community and comprehensive schools are now paid directly through my Department's centralised payroll system. They are paid on an incremental salary scale with part-time special needs assistants paid a salary based on the hours that they actually work. A copy of the circular outlining these arrangements is attached for the Deputy's information. This circular also includes details of the salary scale applicable to special needs assistants from 1 December 2004.

I will provide for the Deputy's information, a further circular issued in January advising vocational education committees of revised pay arrangements for special needs assistants.

340. **Mr. F. McGrath** asked the Minister for Education and Science the name of the second level school on the north side of Dublin that is providing a service for students with Asperger's syndrome; and if she will make a statement on the matter. [6605/05]

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. A letter outlining proposals regarding the establishment of a unit for pupils with Asperger's syndrome has recently issued to St. Joseph's Secondary School, Fairview, Dublin 3.

341. **Mr. P. Breen** asked the Minister for Education and Science the evidence of care needs

which is required by her Department in relation to a person (details supplied) in County Clare; and if she will make a statement on the matter. [6611/05]

Minister for Education and Science (Ms Hanafin): I wish to advise the Deputy that special needs assistants, SNAs, may be approved to support pupils who have a significant medical need for assistance, a significant impairment of physical or sensory function or where their behaviour is such that they are a danger to themselves or other pupils. The criteria used for the assessment of the need for SNA support is outlined in my Department's circular 07/02. I am making arrangements to have a copy of the circular furnished to the Deputy.

Ministerial Travel.

342. **Mr. Wall** asked the Minister for Education and Science her proposed itinerary for St. Patrick's week celebrations; the areas and countries involved; and if she will make a statement on the matter. [6634/05]

Minister for Education and Science (Ms Hanafin): It is my intention to visit New York and Philadelphia. My itinerary has not been finalised yet but it includes the following engagements: Parades in New York and Philadelphia; ICCUSA business breakfast; Tourism Ireland event in Philadelphia; Irish Chamber Orchestra debut performance, Carnegie Hall; Ireland — US Council lunch; Top 100 event in New York; Mayor's breakfast, New York; Governor's breakfast, New York; lunch, Knights of St. Patrick, New York; interview with the Irish Radio Network, New York; and the Jerry McCabe breakfast, John Jay College, New York.

The Minister of State at the Department of Education and Science, Deputy de Valera, is accompanying President McAleese to Japan and Korea. The schedule for this visit can be obtained from the President's office. The Minister of State at the Department of Education and Science, Deputy Brian Lenihan, has agreed to represent the Government at the St. Patrick's Day Parade in Birmingham on 13 March 2005. The parade commences at 12 noon. The Minister of State, Deputy Lenihan, will also attend mass at St. Anne's Church in the Irish quarter at 9.30 a.m. The Department of Foreign Affairs is coordinating briefing for all Ministers representing Ireland abroad during St. Patrick's week. Deputies de Valera, Lenihan and I are conscious of the excellent opportunity that St. Patrick's week events provides for Ministers to showcase Irish culture, to meet with representatives of the Irish community and to promote Ireland's economic interests abroad.

School Placement.

343. **Mr. Noonan** asked the Minister for Education and Science if her attention has been

drawn to the fact that over 80 children who applied for secondary school places in Limerick in accordance with the scheme negotiated with her predecessor have been allocated no place, despite listing five schools in order of preference; the action she will take to ensure that they are offered appropriate places in secondary school; her views on the manner in which the scheme in question has operated this year; and if she will make a statement on the matter. [6654/05]

Minister for Education and Science (Ms Hanafin): I am aware of the situation which arose in Limerick recently where 87 children did not receive an offer of a place in any of their preferred schools in the first round of offers from the city schools. However, it is important to point out that the process did not conclude with the first round offers. The school authorities continued to meet in an effort to place all applicants. I am happy to inform the Deputy that following a further meeting on Friday, 25 February 2005, all 87 children have now been offered places in a school of their preference on the basis of their original application.

However, the Deputy is incorrect in stating that the central applications scheme was negotiated with my predecessor. Following difficulties that arose in Limerick city around the placement of pupils in second level schools in 2004, the then Minister convened a meeting of all the schools involved and received a commitment that the schools would seek to resolve the issues by co-operating with one another for the 2005-06 school year.

The centralised application system was agreed between the principals of the post-primary schools in the area. Limerick Education Centre agreed to administer the centralised application system on behalf of the post-primary schools. My Department was not involved in the design or operation of the system.

If, at the conclusion of the process, parents are unhappy with the place which has been offered they have a right of appeal under Section 29 of the Education Act against each school for which they expressed a preference and in which they were not offered a place. Parents have been advised to contact the schools which may have refused them a place in order to determine if there are grounds on which they feel an appeal could be pursued.

Early School Leavers.

344. **Mr. Carey** asked the Minister for Education and Science when, or if, all or part of the school completion programme is under way in various parts of the country; and if she will make a statement on the matter. [6655/05]

Minister for Education and Science (Ms Hanafin): The school completion programme, which was launched in 2002, incorporates the learning, experience and best practice derived from previous early school leaving initiatives,

namely the eight to fifteen early school leaver initiative, ESLI, and the stay in school retention initiative, SSRI.

The school completion programme 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 has been allocated €24 million in 2005 and is based on an integrated cross-community approach to tackling educational disadvantage, involving 82 projects in 21 counties, 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 educational access, participation and outcomes.

A review of educational disadvantage programmes is currently being finalised by my Department and any decision to include additional schools in the school completion programme is being considered in the context of this review.

Overseas Students.

345. **Mr. Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 316 of 5 October 2004, the progress to date by the working group; and if she will make a statement on the matter. [6656/05]

Minister for Education and Science (Ms Hanafin): The working group referred to by the Deputy has completed its work. Its report, entitled *Internationalisation of Irish Education Services* was published in November 2004. The report, which is available on the Department's website at www.education.ie, recommends, *inter alia*, the establishment of a new statutory body called Education Ireland to attract overseas students to Ireland.

My Department is currently engaged in a consultation process with the main stakeholders in the sector with a view to informing the implementation process and the preparation of the necessary legislation to establish Education Ireland. My Department will also consider the scope for implementing recommendations in the report on an administrative basis in advance of legislation.

School Placement.

346. **Mr. Durkan** asked the Minister for Education and Science when a person (details supplied) will be accepted into Sallins national school, Sallins, County Kildare; and if she will make a statement on the matter. [6680/05]

Minister for Education and Science (Ms Hanafin): The compulsory school starting age in a national school is six. Enrolment in individual schools is the responsibility of the managerial authority of those schools and my Department does not seek to intervene in decisions made by schools in such matters. My Department's main

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responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools that are not in a position to admit all pupils seeking entry to implement an enrolment policy in accordance with the Education Act. In this regard a board of management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. In formulating an admissions policy a school must, however, ensure it is lawful. In particular, it must act in accordance with section 7 of the Equal Status Act 2000.

Where a board of management refuses to enrol a student in a school, the parent of the student or, where the student has reached 18 years of age, the student himself or herself, following the conclusion of any appeal procedures at school level, has a statutory entitlement under section 29 of the Education Act to appeal that decision to the Secretary General of the Department of Education and Science. A committee is established to hear the appeal, with hearings conducted with a minimum of formality. In most cases appeals must be dealt with within 30 days. Where appropriate, the Secretary General may give whatever directions to the board of management that are considered necessary to remedy the matter complained of.

Special Educational Needs.

347. **Dr. Cowley** asked the Minister for Education and Science if her Department will implement the proposed changes in the provision of special needs education in mainstream primary schools in September 2005; the reason children who have been identified as having mild general learning difficulties will no longer be entitled to access resource teaching; the reason children who have been identified as having severe specific learning difficulties that is, dyslexia will no longer be entitled to access resource teaching and children with Down's Syndrome functioning at the mild general learning difficulty level will no longer be entitled to access resource teaching; if she will report on the advantages of these proposed changes; the alternative tuition which will be made available by her Department; and if she will make a statement on the matter. [6838/05]

Minister for Education and Science (Ms Hanafin): In the light of the reality that pupils in the high incidence disability categories of mild and borderline mild general learning disability and dyslexia are distributed throughout the education system, my Department, in consultation with educational interests, developed a general model of resource teacher allocation to schools to support students in these disability categories. This model, which was announced by my prede-

cessor in 2004 to come into effect from September 2005, was designed to put in place a permanent resource in primary schools to cater for pupils in these categories.

The model was constructed so that allocations would be based on pupil numbers, taking into account the differing needs of the most disadvantaged schools and the evidence that boys have greater difficulties than girls in this regard. The logic behind having a general allocation model is to reduce the need for individual applications and supporting psychological assessments, and put resources in place on a more systematic basis, thereby giving schools more certainty about their resource levels. This will allow for better planning in schools, greater flexibility in identifying and intervening earlier with regard to pupils' special needs, as well as making the posts more attractive to qualified teachers.

However, as I have stated in the Dáil on a number of occasions, I am conscious of difficulties that could arise relating to the model announced last year, particularly for children in small and rural schools, if it were implemented as proposed. Accordingly, I am having the proposed model reviewed to ensure it provides an automatic response for pupils with common mild learning disabilities, without the need for cumbersome individual applications, while, at the same time, ensuring pupils in receipt of service continue to receive the level of service appropriate to their needs. My Department is consulting with representative interests, including the National Council for Special Education, in carrying out the review.

I have made it clear that I am in favour of using a general allocation model to ensure a permanent resource in our primary schools to cater for pupils with high incidence mild disabilities and learning difficulties is in place. However, it will not be as announced last year. The revised procedure for providing a general allocation of resource hours to schools will be announced in the coming weeks, in time to be implemented for the next school year. In the lower incidence disability categories resources will continue to be allocated on the basis of individual applications.

It is important that where there is a particular and special need in the low incidence category these children are considered individually. These pupils are not evenly distributed among schools and a general allocation model would not be appropriate. However, the involvement of the National Council for Special Education and the organisers will greatly enhance the speed of response to such applications.

Schools Building Projects.

348. **Ms Enright** asked the Minister for Education and Science when a school (details supplied) in County Longford will be advanced to stage four; and if she will make a statement on the matter. [6839/05]

Minister for Education and Science (Ms Hanafin): An application for refurbishment has been received from the school to which the Deputy refers. This application has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners. Progress on this project is being considered in the context of the school building programme.

In this regard, the Deputy will be aware that on 10 January this year, I announced the first phase of the 2005 school building programme, which provided details of 122 major school building projects that will prepare tenders and move to construction during 2005. The Deputy will also be aware that last week I announced details of an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding.

These announcements form part of a series of announcements I plan to make in the coming period relating to the schools building and modernisation programme, which will include 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; and details of schools identified as suitable for construction under public private partnerships.

349. **Ms Cooper-Flynn** asked the Minister for Education and Science if she is in a position to allocate funding for the building of a new entrance to a college (details supplied) in County Mayo. [6840/05]

Minister for Education and Science (Ms Hanafin): I announced the end of the freeze on third level capital funding when I gave immediate approval for key projects in the third level sector in November 2004. The projects selected have been identified as being of a high national priority and include a number of new facilities to support the provision of additional health skills places and the expansion of teacher training places. I also announced the re-introduction of a devolved grant scheme for minor capital works in the institutes of technology sector. I am pleased to advise the Deputy that the institute referred to received funding under the scheme.

These announcements are the first steps in the process of addressing the infrastructural deficit in the third level sector. Many further higher education projects recommended for funding in the Kelly report, including projects at the institute in question. I will consider how best to advance a number of these projects in the context of the capital envelope of funding available.

The institute included the project referred to by the Deputy in its submission to the capital review group. The project was not recommended as a major capital project for funding in the Kelly report. However, the institute has received funding under the devolved grant scheme for minor

capital works. If the Institute is satisfied that the project commands a sufficiently high priority, commensurate with the level of funding available to it under the devolved scheme, it is open to the Institute to proceed with this project using funding from this source.

School Staffing.

350. **Mr. Lowry** asked the Minister for Education and Science if she will review issues outlined in correspondence (details supplied) for all primary schools; and if she will make a statement on the matter. [6841/05]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous year. The number of mainstream posts is determined by reference to a staffing schedule which is finalised for a particular school year following discussions with the education partners. The staffing schedule is set out in a circular which issues from the Department of Education and Science to all primary school boards of management. Accordingly, all boards are aware of the staffing position for their school in any school year.

The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes.

The Deputy should note that significant improvements have been made in this area in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996/97. The pupil-teacher ratio, which includes all the teachers in the school including resource teachers, has fallen from 22.2:1 in the 1996-97 school year to 17.44:1 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 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.

Schools Building Projects.

351. **Mr. Lowry** asked the Minister for Education and Science further to Parliamentary Question No. 169 of 24 February 2005, the organisations which submitted applications under the schemes; the stage each application is at; and if

[Mr. Lowry.]
she will make a statement on the matter.
[6842/05]

Minister for Education and Science (Ms Hanafin): All Department of Education and Science recognised primary and post-primary schools are eligible to apply for capital grant aid under the various schemes operated by my Department. In this regard, the Deputy will be aware that I recently announced the first two phases of the 2005 school building programme which provided details of 22 major school building projects country wide which will prepare tenders and move to construction during 2005 along with the list of 191 schools which will be invited to deliver their building projects on the basis of devolved funding.

These announcements are part of 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 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; and details of schools identified as suitable for construction under public private partnerships.

352. **Mr. Lowry** asked the Minister for Education and Science if her attention has been drawn to correspondence (details supplied); if she will meet the group as quickly as possible; her views on the contents of the correspondence; and if she will make a statement on the matter.
[6843/05]

360. **Ms O'Sullivan** asked the Minister for Education and Science the reason none of the north Tipperary VEC building programme projects (details supplied) has progressed since 2000; and if she will make a statement on the matter.
[6918/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 352 and 360 together.

The building projects for the schools in question are at an early stage of architectural planning. I recently announced details of 122 major school building projects that will progress to the tender and construction phase over the next 12 to 15 months under the €3.4 billion multi-annual funding secured for the years 2005 to 2009.

I have also announced the next phase of the programme, under which 192 schools will be allocated funding to undertake projects such as extensions and refurbishments. Those projects will proceed immediately on a devolved basis, which means that the school authorities will control the planning and construction phases of the improvement works at their school.

I am anxious to ensure that a consistent flow of projects to tender and construction can be sustained into the future. I plan to make several

announcements in the near future regarding the schools building and modernisation programme, including details of those school projects which will further progress through the design process.

All projects in architectural planning, including the schools in question, will be considered as part of that process.

School Staffing.

353. **Mr. Lowry** asked the Minister for Education and Science if her attention has been drawn to the concerns of the INTO in regard to staffing at primary schools; her views on whether a reduction in class size is long overdue; and if she will make a statement on the matter. [6844/05]

362. **Ms O'Sullivan** asked the Minister for Education and Science if she will address the problem of large classes in primary schools by sanctioning extra teachers to schools in which classes are unacceptably large, in view of the increasing number of graduating teachers each year; and if she will make a statement on the matter.
[6920/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 353 and 362 together.

The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes greater than 29, it is generally because a decision has been taken at local level to use teaching resources to have smaller numbers in other classes.

The Deputy should note that significant improvements have been made in this area in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996-97. The pupil-teacher ratio, covering all the teachers in the school, including resource teachers, fell from 22.2:1 in the 1996-97 school year to 17.44:1 in 2003-04. Over 4,000 additional teachers have been employed in our primary schools since 1997. Those 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 be reduced still further, with priority given to those in disadvantaged schools.

Broadcasting Regulations.

354. **Mr. Lowry** asked the Minister for Education and Science if she will consider introducing regulations in conjunction with other Departments regarding an issue (details supplied); and if

she will make a statement on the matter.
[6845/05]

Minister for Education and Science (Ms Hanafin): The radio blackout to which the Deputy refers is that which RTE, with the other radio stations licensed by the Broadcasting Commission of Ireland, implements immediately before general elections and referenda. This moratorium is a consequence of a voluntary agreement, and it is used as a mechanism to ensure that fairness and balance are achieved by the broadcast media during the final 24 hours before polling commences and while polling is under way. It allows voters a period for reflection in the final stages of the campaign.

Written examinations in the leaving certificate cover a period of 13 days and span almost three weeks. It would be difficult to enforce a moratorium for that period.

I believe that there is an ongoing responsibility on radio stations and other media such as newspapers to ensure that analyses presented are well researched, advice given sound, commentaries balanced and helplines very carefully managed.

School Accommodation.

355. **Ms O'Sullivan** asked the Minister for Education and Science if she will meet a County Wexford group (details supplied) to address the urgent problem of access to second level schools in its area; and if she will make a statement on the matter. [6846/05]

Minister for Education and Science (Ms Hanafin): Owing to diary commitments, I regret that I am currently unable to meet the group to which the Deputy refers. However, I will arrange for officials of my Department to meet the group again shortly to discuss its concerns.

The primary school in question is in the Kilmuckridge catchment area. An examination of enrolment trends in the catchment's post-primary school has been carried out by the school planning section for the purposes of ensuring that there is sufficient accommodation to cater for demand for pupil places. That examination revealed that enrolments have dropped by 12.8% in the past ten years. In the circumstances, the school planning section is satisfied that there is ample post-primary accommodation for the pupils in question in their own catchment area. A major refurbishment and extension project for the school, which has been approved to proceed to tender and construction in 2005, will provide it with state-of-the-art facilities for the foreseeable future.

Educational Disadvantage.

356. **Mr. O'Connor** asked the Minister for Education and Science if she intends to tackle educational disadvantage in the Tallaght area; and if she will make a statement on the matter.
[6847/05]

Minister for Education and Science (Ms Hanafin): Some €540 million was provided by my Department in 2004 for programmes specifically designed to tackle educational disadvantage in accordance with the strategies outlined in the National Action Plan against Poverty and Social Exclusion 2003-2005, and the latest partnership agreement, Sustaining Progress, which contains a special initiative on educational disadvantage. Very significant additional funding is being provided to alleviate disadvantage in 2005. That additional funding will allow for the targeting of measures from pre-school through the school system to third level, second-chance education and adult literacy.

My Department has targeted resources at those most at risk of educational disadvantage in Tallaght. This includes provision in the following areas. Under the Giving Children an Even Break programme, 13 primary schools in Tallaght have received additional teaching posts to implement reduced class sizes of 20:1 for junior classes and 27:1 for senior classes. There are six school completion programme clusters in Tallaght, encompassing six post-primary and 19 primary schools. A school completion programme co-ordinator has been appointed to work with each of those clusters. In 2004, the six clusters received a combined allocation in excess of €1.2 million. There are 18 primary and seven post-primary schools in Tallaght participating in the disadvantaged areas scheme, which benefits schools by providing over-quota teaching posts, additional funding to launch book rental schemes, additional capitation grants of €38 per pupil and a home-school liaison grant to develop links with parents.

There are 17 primary and seven post-primary schools in Tallaght participating in the home-school community liaison scheme. This scheme is concerned with establishing partnership and collaboration between parents and teachers in the interests of the child's learning.

As part of the roll-out of services of the National Educational Welfare Board, which is the national body with responsibility for school attendance, four educational welfare officers have been assigned to the Tallaght area. The Tallaght youth service has been allocated funding of €700,000 to help targeted groups, including early school-leavers, young mothers and Travellers, with self-development. My Department has also provided support for second-chance education in west Tallaght through the Youthreach programme, the back to education initiative, and the local Senior Traveller Training Centre.

As part of a wider system of structural reform, my Department has recently established a regional office in Tallaght. That office will help identify education issues arising at a local level, particularly gaps and overlaps in social inclusion provision, and provide regular reports to my Department. The local presence will help my Department to continue to target resources at

[Ms Hanafin.]
those most at risk of educational disadvantage in Tallaght.

Third Level Grants.

357. **Mr. Rabbitte** asked the Minister for Education and Science if she will consider the establishment of a centralised streamlined system of administration in respect of third level grants in view of the hardship that many students have to endure as a result of the delays in securing grants to which they are entitled, delays which are caused in the main by poor administration at local level; and if she will make a statement on the matter. [6910/05]

361. **Ms O'Sullivan** asked the Minister for Education and Science if there are any applications for third level grants for 2004-05 which have not yet been decided; if any qualifying students have not yet received an initial payment for 2004-05; if so, the granting authority or authorities concerned; and if she will make a statement on the matter. [6919/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 357 and 361 together.

My Department funds four maintenance grant schemes for third level and further education students. Those are the higher education grants scheme, the vocational education committees' scholarships scheme, the third level maintenance grants scheme for trainees, and the maintenance grants scheme for students attending post-leaving certificate courses. The higher education grants scheme is administered by the local authorities. The other three schemes are administered by the vocational education committees. The process of assessing eligibility for third level or further education grants is a matter for the relevant local authority or VEC.

My Department carried out a survey of the 66 local authorities and VECs early in 2005 in respect of the status of applications for student grants for the current academic year as at mid-January. The survey indicated that decisions had been taken on at least 82% of applications at that time. Of the remaining 18% of applications received close on 15% were ones regarding which additional documentation was awaited or where the application form itself was incomplete. The remaining 3% were either part-processed by the awarding authority, or processing had yet to commence. Those will include late applications accepted by the awarding authorities and applications received in respect of courses which commence in the first quarter of the 2005 calendar year.

My Department, in recognition of the importance of the timely provision of payment to eligible students, is engaged in ongoing consultations with the Irish Vocational Education Association and the County and City Managers Association with a view to improving the existing

arrangements and ensuring the earlier processing of applications and the making of payments to eligible students.

My Department is also in discussions with the existing stakeholders regarding the future administration of the schemes. My intention is that whatever future administration of the schemes we put in place will be one which delivers a quality and timely service to students and which ensures consistency of application and client accessibility.

Special Educational Needs.

358. **Mr. J. Breen** asked the Minister for Education and Science when a decision will be made in relation to autism facilities of a school (details supplied) in County Clare; and if she will make a statement on the matter. [6911/05]

Minister for Education and Science (Ms Hanafin): My Department received an application to establish an autistic class from the school in question. My officials are liaising with the national educational psychological service, NEPS, regarding the application. A decision will be conveyed to the school as soon as this process has been completed.

School Accommodation.

359. **Mr. O'Shea** asked the Minister for Education and Science her proposals to provide additional accommodation for a school (details supplied) in County Waterford; and if she will make a statement on the matter. [6912/05]

Minister for Education and Science (Ms Hanafin): My Department is moving towards a model of devolving the responsibility of building projects to school management authorities where appropriate. The devolving of funding to local level will accommodate school authorities to have responsibility and ownership of their building projects and assist in moving projects in a specific timeframe through the design process, to tender action and construction.

I am pleased to inform the Deputy that the school in question has been included for additional accommodation under the Devolved Initiative 2005, which I announced last week.

Question No. 360 answered with Question No. 352.

Question No. 361 answered with Question No. 357.

Question No. 362 answered with Question No. 353.

Special Educational Needs.

363. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of Dublin children per school with Asperger's syndrome, autism or ADHD who have been supported through their education in each of the past five years. [6921/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy regarding pupils in an integrated mainstream setting is not available. However, my Department has sanctioned the following provision for pupils with autism for the area in question at primary level: 18 special classes for pupils with autism attached to mainstream schools; 17 special classes for pupils with autism in special schools; four special pre-school classes for pupils with autism; and four special classes for pupils with Asperger's syndrome.

All such classes operate at a pupil-teacher ratio of 6:1 with the support of a minimum of two special needs assistants.

My Department also provides funding for 24 pupils attending an autism facility on the north side of Dublin that provides an applied behavioural analysis model, ABA, of response to children with autism. My Department may also sanction a home tuition grant for children with autism for whom a home-based ABA programme is considered appropriate or in cases where such children are awaiting an appropriate school placement.

In addition to the above, there are 12 special schools for pupils with emotional disturbance that also cater for pupils with ADHD. There are also two special classes attached to mainstream schools that cater for this pupil cohort. All such classes operate at a maximum pupil teacher ratio of 8:1.

The special educational needs of the pupils in question can be addressed in special dedicated schools, special dedicated classes attached to ordinary schools or on an integrated basis in ordinary schools. Decisions regarding the most appropriate model of response in each particular case are based on the professionally assessed needs of the individual pupil. Many pupils with the conditions in question are capable of attending ordinary schools on an integrated basis with the support, where necessary, of the resource teacher and-or special needs assistant services. Where the level of the disorder is of a more serious nature, provision is made by way of special schools or special classes attached to ordinary schools.

364. **Aengus Ó Snodaigh** asked the Minister for Education and Science the options available to the parents of a child who has been assessed as needing a special needs assistant to help with their education and who is not receiving same. [6922/05]

366. **Aengus Ó Snodaigh** asked the Minister for Education and Science the reason a special needs assistant has not been assigned to a person (details supplied) in Dublin 10 as recommended by the assessment carried out on them in September 2004. [6924/05]

367. **Aengus Ó Snodaigh** asked the Minister for Education and Science the steps being taken to ensure that a person (details supplied) in Dublin

10 can be educated from 8.50 a.m. to 1.30 p.m. daily. [6925/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 364, 366 and 367 together.

An application for special needs assistant, SNA, support for the person in question was received by the special education needs organiser for the school in January 2005. A review of the existing level of SNA support in the school referred to by the Deputy has recently been completed. A decision on the application for the pupil concerned will be conveyed to the school shortly in the context of the results of the review.

365. **Aengus Ó Snodaigh** asked the Minister for Education and Science the commitments which have been given this year over and above the previous year to each of the primary and secondary schools in Ballyfermot, Crumlin, Drimnagh and the south-west inner city to help children with special needs. [6923/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy in respect of the specific areas in question is not available in my Department. However, I assure him that every effort is made to ensure that children with special educational needs receive an education appropriate to their needs. Decisions regarding the most appropriate model of response in each particular case are based on the professionally assessed needs of the individual child.

The Deputy will be aware that, with effect from 1 January 2005, the National Council for Special Education, NCSE, assumed responsibility for processing resource applications for children with disabilities who have special educational needs. It is particularly responsible for: deciding on applications for resource teaching hours in respect of children with low incidence disabilities with special educational needs at primary level; and deciding on applications for additional teaching support in respect of children with disabilities with special educational needs at second level; deciding on applications for special needs assistant, SNA, hours.

Under the new arrangements, the council, through the local special educational needs organiser, SENO, will process the relevant application for resources at primary and post-primary level 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. I am confident that the advent of the NCSE will prove of major benefit in ensuring that all children with special educational needs, including those in the areas referred to by the Deputy, receive the support they require, when and where they require it.

[Ms Hanafin.]

My Department recently issued a circular and letter advising the authorities of primary and post-primary schools respectively, of the arrangements put in place as a result of the transfer of these functions to the NCSE. My Department is continuing to prioritise the development of the network of special educational provision for children with special needs and I believe that the steps taken in recent years and those currently in hand represent significant progress in the development of those services.

There are now nearly 6,000 special needs assistants in our schools, compared to just 299 in 1998, and 2,600 resource teachers, compared to just 104 in 1998. The enactment of the Education for Persons with Special Education Needs Act and the establishment of the National Council for Special Education have provided the key building to underpin service delivery in the future.

Questions Nos. 366 and 367 answered with Question No. 364.

Schools Building Projects.

368. **Mr. Durkan** asked the Minister for Education and Science the full schedule of proposed works required at a school (details supplied) in County Kildare; if provision is being made in respect of a science room and toilets; if she expects this project to be advanced in the near future; and if she will make a statement on the matter. [6949/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that an extension project at the school to which he refers is on the list of projects to proceed to tender and construction in the next 12 to 15 months. The following accommodation will be provided as part of the extension: six general classrooms; a demonstration room; a computer room; a special tuition room; two lecture rooms; administration-office accommodation; storage; toilets; a circulation-social area; and a PE hall and ancillary facilities.

There are four existing science laboratories in this school and one of these is to be refurbished as part of this project. While toilets are being provided in the extension, it is also proposed to refurbish some of the toilets in the existing building also.

School Staffing.

369. **Ms Enright** asked the Minister for Education and Science the reason resource hours have not been granted to a person (details supplied) in County Offaly despite the fact that a report from NEPS recommending support from a resource teacher has been submitted; and if she will make a statement on the matter. [6986/05]

Minister for Education and Science (Ms Hanafin): My Department has received an application for resource teaching support for the pupil

in question. The Department is of the view that resource teacher support can be provided by the school for this student using its existing allocation of resource hours.

370. **Ms Enright** asked the Minister for Education and Science the reason resource hours have not been granted to a person (details supplied) in County Offaly following a recommendation from NEPS that services of a resource teacher is required; and if she will make a statement on the matter. [6987/05]

Minister for Education and Science (Ms Hanafin): My Department has received an application for resource teaching support for the pupil in question. The Department is of the view that resource teacher support can be provided by the school for this student using its existing allocation of resource hours.

371. **Ms Enright** asked the Minister for Education and Science the reason resource hours have not been granted to a person (details supplied) in County Offaly despite the fact that a report from NEPS recommending support from a resource teacher has been submitted; and if she will make a statement on the matter. [6988/05]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that my Department is proposing a new system for the allocation of resource teaching supports to pupils with special educational needs, SEN. This system will involve a general teaching allocation for all primary schools to cater for pupils with higher incidence SEN, that is, those with borderline mild and mild general learning disability, specific learning disability, and also those with learning support needs.

This pupil's SEN appear to be within the high incidence category. Therefore, it would be expected that these needs can be met from within the current resource learning support teaching allocation available to the school.

372. **Ms Enright** asked the Minister for Education and Science the reason a person (details supplied) in County Offaly has been refused resource hours even though they have a visual impairment and a learning difficulty; and if she will make a statement on the matter. [6989/05]

Minister for Education and Science (Ms Hanafin): An application for resource teaching support for the pupil in question was considered by my Department. Resource teaching support was not granted as the supporting documentation submitted with the application was inadequate.

The school subsequently submitted further documentation and this is currently being considered. A decision on the application will be conveyed to the school as soon as this process has been completed.

School Accommodation.

373. **Mr. Durkan** asked the Minister for Education and Science if her attention has been drawn to the extensive waiting list for a school (details supplied) in County Kildare; her proposals to deal with same; and if she will make a statement on the matter. [6990/05]

Minister for Education and Science (Ms Hanafin): My Department has recently approved an extension project for the school referred to by the Deputy. This extension project is currently in progress and when completed will result in the school being able to cater for up to 900 pupils as agreed with the school authorities. It is expected that this new accommodation will meet the demand for school places in the medium term.

374. **Mr. Durkan** asked the Minister for Education and Science the full schedule of facilities and accommodation being provided and proposed at a school (details supplied) in County Kildare; if this is sufficient to meet the requirements of the growing population; if parents seeking enrolment for their children are likely to be accommodated in the near future; and if she will make a statement on the matter. [6991/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that construction is well under way on a seven-classroom extension at the school in question. It is envisaged that the extension will be completed in the latter half of 2005. Once the extension is completed the school will have 16 classrooms, a general purpose room, library, staff room, general office, administration office, a multi-purpose room and learning support room. The need for further accommodation in the area referred to by the Deputy is under consideration in the planning unit of my Department.

375. **Mr. Deasy** asked the Minister for Education and Science the position with regard to the request by a school (details supplied) in County Waterford concerning its urgent need for additional accommodation to provide suitable space for learning support and resource teachers who are at present using a cloakroom; and if she will make a statement on the matter. [6992/05]

Minister for Education and Science (Ms Hanafin): My Department is moving towards a model of devolving the responsibility of building projects to school management authorities where appropriate. The devolving of funding to local level will accommodate school authorities to have responsibility and ownership of their building projects and assist in moving projects in a specific timeframe through the design process, to tender action and construction.

I am pleased to inform the Deputy that the school in question has been included for additional accommodation under the devolved initiative 2005 which I announced last week.

Student Accommodation.

376. **Ms Shortall** asked the Minister for Education and Science if, in respect of the operation of section 50 tax relief for student accommodation, she believes any conflict of interest exists in respect of third level institutions where they are the regulator of the scheme but in many cases are providers also; and if she has any plans to review this aspect of the scheme. [7294/05]

Minister for Education and Science (Ms Hanafin): Third level institutions must work to promote the best interest and welfare of students. The role bestowed on them under the section 50 tax scheme, and the rationale for that role, is consistent with that objective. Their participatory role in providing accommodation is not incongruous with their function of safeguarding and promoting the best interest of students.

School Management.

377. **Ms Shortall** asked the Minister for Education and Science, further to Parliamentary Question No. 333 of 2 February 2005, if she will confirm that the new board of management for the Ballymun comprehensive school will comprise representatives of both parents and teachers; and if she will ensure that there is no further delay in appointing the board. [7295/05]

Minister for Education and Science (Ms Hanafin): To expedite the appointment of a principal to oversee the commencement of the new Ballymun comprehensive school, it is essential that a board of management is appointed immediately. This board must be constituted in accordance with the existing model which does not, at this point in time, allow for parent or teacher representation. This board, however, will be replaced by a board that will include such representation following the finalisation of revised arrangements for the composition of boards of management across the comprehensive sector. Agreement on these arrangements is nearing conclusion with the relevant education partners. The parties involved in the Ballymun comprehensive school have been informed of the position.

Question No. 378 answered with Question No. 91.

Question No. 379 answered with Question No. 128.

Courts Martial.

380. **Ms Enright** asked the Minister for Defence if he has satisfied himself with the outcome of the court of inquiry regarding an incident (details supplied); and if he will make a statement on the matter. [6496/05]

381. **Ms Enright** asked the Minister for Defence if he has satisfied himself that every soldier involved in an incident (details supplied) was treated fairly in subsequent disciplinary pro-

[Ms Enright.]
cedures, particularly in relation to the use of warnings and reprimands, including severe reprimands; and if he will make a statement on the matter. [6497/05]

387. **Ms Enright** asked the Minister for Defence, further to Parliamentary Questions Nos. 264, 265 and 266 of 27 January 2004, if the officer in charge is responsible for complying with paragraph 4 of training circular 03/77; if he has satisfied himself that on the night in question this paragraph was complied with; if he has not satisfied himself that his paragraph was complied with, if any charges were preferred against those responsible for not complying with this paragraph; the reason an exercise direction was not appointed in this instance; and if he will make a statement on the matter. [6835/05]

388. **Ms Enright** asked the Minister for Defence if he has established the identity of the person who was responsible for the failure to carry out proper procedures that led to an incident (details supplied); and if he will make a statement on the matter. [6836/05]

389. **Ms Enright** asked the Minister for Defence if he has satisfied himself that the current system regarding the application of military law provides for fair procedures and due process and that such procedures pertain regarding an incident (details supplied); and if he will make a statement on the matter. [6837/05]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 380, 381 and 387 to 389, inclusive, together.

As my predecessor outlined in a reply to a previous question on this matter on 8 July 2004, when an incident involves injury to a member of the Defence Forces, a formal court of inquiry is convened to take evidence and to make recommendations on the matter. In this case, the court of inquiry has not been convened as the incident is currently the subject of a civil action in the courts. I am advised that, once the matter has been disposed of by the courts, a court of inquiry will be convened. As the matter is the subject of legal action and still before the courts, it would not be appropriate for me to comment further on the matter at this time. I can assure the Deputy that, following the conclusion of the civil case, a court of inquiry will be held which will undertake a comprehensive examination of all aspects of this case.

Arising out of this incident, disciplinary action was taken against one officer, two NCOs and one private. All were fairly dealt with in accordance with legal procedures as set down under the Defence Act 1954, as amended, and the Rules of Procedure (Defence Forces) 1954 SI 243 of 1954. The officer was awarded a fine, the highest punishment on the scale of punishments awardable by an authorised officer, and did not exercise his legal right to refuse the punishment and elect for trial by court-martial. The NCOs and the private

were awarded severe reprimands and a warning respectively which are the second lowest and lowest punishments on the scale of punishments awardable by a commanding officer. The scale of these punishments did not confer a legal right to elect for trial by court-martial. The officer was charged with two offences under section 168 of the Defence Act, one of which was for failure to comply with paragraph 4 of Training Circular 3 of 1977. The charge was found proven and he was awarded a fine accordingly.

The military justice system in the Defence Forces is constantly under review and recently a military law review board reported to the military authorities recommending certain amendments to Part V — Discipline — of the Defence Act. The recommendations, which reflect modern developments of civil law within the State and in military law abroad, have been approved in principle by the Office of the Attorney General. A memorandum for Government is currently being prepared in the matter.

Medical Discharge.

382. **Dr. Upton** asked the Minister for Defence if he will investigate the reason a person (details supplied) was discharged from the Defence Forces. [6588/05]

Minister for Defence (Mr. O’Dea): The military authorities advise that the person in question enlisted in the Permanent Defence Force on 13 April 1973 and was discharged on 23 January 1977. His reason for discharge is recorded as “below army physical standards”. Due to medical confidentiality, I cannot give full details of the reason the military medical authorities determined that the person concerned was below the medical standard for continued service in the Permanent Defence Force. However, if the individual in question wishes to nominate a medical practitioner, the military medical authorities will furnish any necessary details to such a nominee.

Official Engagements.

383. **Mr. Wall** asked the Minister for Defence his proposed itinerary for St. Patrick’s week celebrations; the areas and countries involved and if he will make a statement on the matter. [6635/05]

Minister for Defence (Mr. O’Dea): From Monday to Thursday of St. Patrick’s week, I will attend to my ministerial duties and to constituency matters in Limerick. On Friday and Saturday, I will be in attendance at an informal defence ministerial meeting in Luxembourg. It is not envisaged that briefing material will be required from my Department for Ministers who will be visiting other countries.

Defence Forces Reserve.

384. **Mr. Carey** asked the Minister for Defence

the arrangements which exist for recruitment to the RDF; if the Army authorities are proactive in encouraging recruitment to this part of the Defence Forces; his plans to augment the numbers in the RDF; and if he will make a statement on the matter. [6660/05]

Minister for Defence (Mr. O’Dea): The Defence Forces reserve, comprising An Fórsa Cosanta Áitiúil, FCA, and An Slua Muirí, recruits approximately 1,300 reservists annually. This level of recruitment reflects the success of the various campaigns and recruiting methods currently undertaken by the reserve. The Defence Forces have a proactive approach to recruiting which is particularly reflected in the reserve component of the Defence Forces stands at careers exhibitions such as those in Croke Park and the RDS. The exhibitions attract attendances in excess of 25,000 members of the public which include very large numbers of young people and satisfy the target recruit profile of the reserve. Such exhibitions are considered an important positive public relations opportunity for the Permanent Defence Force and the reserve.

In addition to the national campaign, recruiting is also ongoing at local unit level. This is done through open days, attendance at schools and reserve stands at shopping centres.

Army Barracks.

385. **Mr. Murphy** asked the Minister for Defence the reason a commitment made by his predecessor to hand over part of the Army land in Ballincollig, County Cork, to various community groups has not taken place; if he will honour this promise; if so, when the transfer will take place. [6833/05]

Minister for Defence (Mr. O’Dea): An area comprising more than 27 acres of the property in question is being handed over to Cork County Council for community use, including the provision of playing pitches. At meetings held at County Hall, Cork, in January 2002 between my predecessor and representatives of the local GAA and soccer clubs, it was agreed that the soccer club should be allocated one pitch on the northern side of a mill race which traverses the barrack lands and a second pitch to the south of that mill race, while the GAA Club would be given an area adjacent to the soccer pitch on the northern side. The formal allocation of the land to the clubs is a matter for Cork County Council. My Department is in the process of transferring title to the property to the Council.

386. **Mr. Gormley** asked the Minister for Defence if there are any microwave antennae or transmitters in Cathal Brugha Barracks in Rathmines; and if he will make a statement on the matter. [6834/05]

Minister for Defence (Mr. O’Dea): There is one microwave transmitter utilised for Defence Forces purposes operating from the communi-

cations mast in Cathal Brugha Barracks, Rathmines. Defence Forces communications systems comprising VHF and HF radio systems are also in operation at the barracks. There are no non-military communications systems operating from the mast at Cathal Brugha Barracks.

Questions Nos. 387 to 389, inclusive, answered with Question No. 380.

Question No. 390 answered with Question No. 73.

Question No. 391 answered with Question No. 97.

National Emergency Plan.

392. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself regarding the adequacy and alert warning mechanisms in the event of a terrorist attack; and if he will make a statement on the matter. [6934/05]

Minister for Defence (Mr. O’Dea): The Garda Síochána has primary responsibility for law and order, including the protection of the internal security of the State. The potential threats to the State arising from international terrorism are continuously monitored by them in co-operation with the Defence Forces. The advice available to me is that, while the Garda authorities recognise that while the terrorist threat to Europe may currently be high, in relation to Ireland it is low. Notwithstanding this, it is important that all prudent precautions are taken and that matters are kept under continuous review. The objective of the Government is to ensure that all State bodies can react quickly and efficiently to any large-scale emergency. The key issue in relation to responding to any terrorist attack is to have in place appropriate and effective plans to respond to the impact of that attack and to protect the civilian population.

The Government task force on emergency planning has worked, since it was set up in 2001, to co-ordinate emergency planning and response arrangements across those Government Departments that lead and support the State’s response in an emergency. The focus for this work continues to be on making the necessary arrangements to, at best, prevent or, at least, minimise the risks from terrorist activities, ensuring that the protection available to the Irish people is maximised, putting mechanisms in place to support the response agencies and providing coordination for maximum efficiency and effectiveness.

International linkages have also been important as a means of sharing expertise and resources. The European Union continues to develop programmes to improve co-operation within the Union, to prevent and limit any consequences of chemical, biological, radiological or nuclear terrorists threats. This was given further impetus by the EU Declaration on Combating

[Mr. O'Dea.]

Terrorism, agreed under the Irish Presidency last year, which, among other things, emphasises the benefits of cooperation and coordination.

A critical issue in an emergency situation is the question of issuing adequate and timely warnings and providing the necessary information to the general public on threatened or developing emergency situations. The EU civil protection mechanism and other international mechanisms provide Ireland with certain warning and alert systems. Television and radio broadcasting will be the key means of contact with the public in such circumstances but all other means of communication will be utilised.

The Defence Forces make contingency plans for a range of scenarios where the security of the State may be at risk. In addition, the Defence Forces have contingency plans in place relating to the provision of aid to the civil power — meaning in practice to assist, when requested, the Garda Síochána — and the provision of assistance to the civil authorities for a range of emergency situations.

The objective of the Government is to ensure that all State bodies can react quickly and efficiently to any large-scale emergency.

As chairperson of the Government task force, my approach continues to be that such responses should be characterised by effective management of all aspects of emergency planning and by a high level of public confidence in all the response arrangements. I will continue this work and I will report regularly to Government and to this House on these matters.

Question No. 393 answered with Question No. 89.

Defence Forces Equipment.

394. **Mr. Durkan** asked the Minister for Defence if all military equipment, including vehicles, is not up to date; if there are any areas in need of modernisation; and if he will make a statement on the matter. [6936/05]

Minister for Defence (Mr. O'Dea): The acquisition of new equipment for the Defence Forces has been a key focus in recent years. Significant investment has taken place and I am satisfied that the Defence Forces are now well equipped with

modern equipment for their day to day roles at home and overseas.

However, while much has been done and a great deal has been achieved I am aware that more needs to be done. In this connection investment in new equipment for the Defence Forces is provided for under various subheads of my Department's Estimates this year relating to defensive equipment, mechanical transport, aircraft, ships and naval stores, engineering, communications and information technology etc.

This will enable me to maintain a substantial re-equipment programme to further enhance the efficiency and effectiveness of the Defence Forces.

Defence Forces Strength.

395. **Mr. Durkan** asked the Minister for Defence the current strength by rank of the Air Corps; the way in which this figure compares with that of ten years ago; and if he will make a statement on the matter. [6937/05]

396. **Mr. Durkan** asked the Minister for Defence the current strength by rank of the Naval Service; the way in which this figure compares with that of ten years ago; and if he will make a statement on the matter. [6938/05]

397. **Mr. Durkan** asked the Minister for Defence the current strength by rank of the Army; the way in which this figure compares with that of ten years ago; and if he will make a statement on the matter. [6941/05]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 395 to 397, inclusive, together.

The White Paper on Defence of February 2000 sets out a figure of 10,500 personnel for the Permanent Defence Force, comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army. It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment into the Permanent Defence Force will continue to maintain the strength at the level set out in the White Paper as required to meet military needs. There were 258 recent recruits undergoing training on 1 January 2005.

The strength of the Permanent Defence Force, comprising the Army, Air Corps and Naval Service, as of 1 January 1995 and 1 January 2005, was as follows:

Strength of the Army, Air Corps and Naval Service as at 1/1/1995 and 1/1/2005

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTs	CPLs	Total NCOs	PTEs	Cadets	Total
Army 1/1/1995	0	2	6	36	133	410	490	200	1277	37	47	164	358	1365	2159	4130	5350	45	10802
Army 1/1/2005	1	2	6	38	124	349	274	245	1039	32	41	132	248	1036	1583	3072	4378	103	8592
Air Corps 1/1/1995	0	0	1	1	11	34	55	45	147	5	4	58	14	127	199	407	526	9	1089
Air Corps 1/1/2005	0	0	1	2	14	33	40	50	140	8	4	48	15	133	190	398	321	12	871
Naval Service 1/1/1995	0	0	1	2	11	34	62	24	134	6	5	64	15	189	181	460	439	11	1044
Naval Service 1/1/2005	0	0	1	2	13	46	22	72	156	7	7	76	16	195	189	490	421	21	1,088

Lt Gen — Lieutenant General

Maj Gen — Major General

Brig Gen — Brigadier General

Col — Colonel

Lt Col — Lieutenant Colonel

Comdt — Commandant

Capt — Captain

Lt — Lieutenant

SM — Sergeant Major

BQMS — Battalion Quartermaster Sergeant

CS — Company Sergeant

COMS — Company Quartermaster Sergeant

SGTs — Sergeants

CPLs — Corporals

NCOs — Non Commissioned Officers

PTEs — Privates

Search and Rescue Service.

398. **Mr. Durkan** asked the Minister for Defence the total number of Naval Service and Air Corps personnel currently involved in air and sea rescue; the degree to which adequate equipment and training is available; and if he will make a statement on the matter. [6942/05]

Minister for Defence (Mr. O’Dea): The Irish Coast Guard has overall responsibility for the provision of maritime search and rescue services within the Irish search and rescue region. The Air Corps had been providing search and rescue services, SARs, in the north west but withdrew in October 2004, following a handover of this role to CHCI, a private operator, which also provides the service at the country’s other SAR bases at Dublin, Shannon and Waterford.

The Defence Forces are already committed to providing support to the civil authorities specifically in relation to search and rescue. In this regard, the Naval Service and the Air Corps will continue to provide support to the coast guard as the need arises and within their available capacity. Air Corps pilots will continue to train in search and rescue techniques and to provide a limited non-maritime search and rescue response. The specification for the new helicopters being acquired for the Air Corps includes a search and rescue capability.

Search and rescue capability requires a wide range of available skills, piloting, winching, medical, vessel crewing, radar etc. I am advised by the military authorities that the availability of these skills within the Defence Forces is sufficient to meet their continuing commitments in this area.

Defence Forces Accommodation.

399. **Mr. Durkan** asked the Minister for Defence the current total number of Army overholders; his proposals to address the issue; and if he will make a statement on the matter. [6944/05]

Minister for Defence (Mr. O’Dea): As I indicated in my reply to the Deputy’s Parliamentary Question No. 67 on 12 October 2004, personnel on being discharged from the Permanent Defence Force are obliged to vacate married quarters within a short period of the dates of their discharge. The provision of housing is primarily a matter for the local authorities and married military personnel have an equal claim on such housing as other members of the community in the same income category.

The individuals overholding 54 married quarters — 51 at the Curragh, two at McKee Park, Dublin 7, and one at Arbour Hill, Dublin 7 — were written to in August 2002 and requested to vacate the properties. In the Curragh, eight of the quarters have been vacated to date and three others have been purchased by the occupants. A further eight of the properties have been offered for sale and a number of those sales are likely to be finalised in the near future. The three properties in Dublin have also been offered for sale to the occupants.

My Department is continuing to examine all options, including affordable housing and voluntary and co-operative housing schemes, in relation to the rehousing of those overholders who would in the normal way be eligible for local authority housing. The Department remains in contact with the overholders pending resolution of the issue.

Housing Aid for the Elderly.

400. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he will amend the rules of the special housing aid for the elderly scheme. [6526/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under the special housing aid for the elderly scheme, which is operated by the Health Service Executive, HSE, formerly the health boards, in line with various guidelines issued from time to time by the task force which administers the scheme under the aegis of my Department, aid is provided to improve the housing conditions of elderly persons living alone in unfit or insanitary conditions. Only very exceptionally is grant assistance permitted to elderly persons who are not living alone: this may include cases where a dependent child resides with an elderly person. There are no proposals to alter the scheme guidelines in this respect.

It has not been possible to identify a case in County Mayo corresponding to the details supplied with the question. In a case corresponding to some, but not all of the details, the HSE has not seen fit to provide grant assistance in the circumstances involved.

Turbary Rights.

401. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government when a person (details supplied) in County Mayo will receive payment for compensation for turbary rights in an SAC area; the amount which will issue; and if he will make a statement on the matter. [6856/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In July 2004 my Department concluded an agreement with the farming pillar under Sustaining Progress which involved increased rates of compensation for the cessation of turfcutting in bogs that have been proposed as designated conservation areas. This agreement incorporates retrospective provisions benefiting landowners who participated in the original 1999 scheme for disposal of raised bogs and turbary rights to my Department.

Arrangements are being made to contact the person concerned with a view to determining his eligibility and the amount that may be due to him.

Animal Welfare.

402. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the progress which has been made on plans to regulate the puppy farm industry; if legislation is

pending on this issue; and if he will make a statement on the matter. [6498/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): On 24 September 2004, my predecessor announced the setting up of a working group to examine the current position regarding management of dog breeding establishments and to make recommendations for such improvements, including better regulation, as it considers necessary in this area.

I understand that the group has undertaken public consultation, has held three meetings to date, and that its report is currently being prepared. I expect to receive the report by the end of March. At that stage, I will consider the group's recommendations and decide the action to be taken.

Local Authority Housing.

403. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the number of vacant houses which are in the possession of each of the local authorities in County Mayo; the locations of these houses; and the reason the houses are not being allocated. [6506/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The draft action plan on social and affordable housing for 2004-08 for County Mayo details the numbers, but not the location, of vacant local authority houses in the four authorities in the county. It is the responsibility of the local authorities concerned to ensure that these houses are relet to households on their waiting lists as quickly as possible after they are vacated. Some houses may require refurbishment before they are relet and this is a matter for individual authorities.

My Department, provides capital funding, subject to conditions, to local authorities for the refurbishment of houses that have remained vacant for periods longer than six months and require major refurbishment. Local authorities are required to meet from their own resources the first €10,000 of the cost of such refurbishment in respect of each dwelling. Ballina Town Council has recently applied for funding under this initiative.

Water and Sewerage Schemes.

404. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if an area (details supplied) in County Mayo will be included in the extension to a sewerage scheme in the area. [6539/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has received no proposals for an extension of the Ballycastle sewerage scheme to which improvements have been completed under the serviced land initiative measure of my Department's water services investment programme. Neither was such a proposal included in the list of water and sewerage schemes submitted by Mayo County Council

in response to my Department's request to local authorities in 2003 to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The assessments were taken into account in the framing of the Water Services Investment Programme 2004-2006, published last year. In the absence of a prioritised proposal in this case, no provision has been made for it in the programme.

Local Authority Housing.

405. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if the 2004 targets for social housing output were reached; and if he will provide details in regard to shortfalls. [6547/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Information on the numbers of social housing units completed in 2004 is being finalised and will be published in due course in the annual housing statistics bulletin.

Planning Issues.

406. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the cost to each local authority of implementing Part V of the Planning and Development Act 2000; and if funds intended for construction of social housing units are being used for this purpose. [6548/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Information on the administrative costs to local authorities of implementing Part V of the Planning and Development Acts 2000 to 2004 is not available in the Department. As regards the operation of Part V more generally, I refer to the reply to Question No. 247 of 23 February 2005.

Water and Sewerage Schemes.

407. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position regarding a new sewerage scheme (details supplied); and if he will make a statement on the matter. [6569/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand that Kildare County Council's proposals to provide sewerage facilities in Ballymore Eustace under the serviced land initiative are in abeyance because the proposed residential development to be served by the scheme is not proceeding.

No other proposals in respect of Ballymore Eustace were included in the wastewater infrastructure requirements identified by Kildare County Council in November 2003 in response to my Department's request to all local authorities to undertake fresh assessments of the needs for capital water services works in their areas and to prioritise their proposals on the basis of the assessments. The priority lists were taken into account in the framing of the Water Services

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Investment Programme 2004-2006 published in May 2004. In the absence of a prioritised proposal for Ballymore Eustace, no provision has been made for it in the programme.

Archaeological Sites.

408. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the procedures or steps which a community or voluntary organisation can take to secure a preservation order or listed status for a historical site or archaeological structure; the way in which such sites are preserved or listed if they are not in public ownership; the way in which such issues are pursued if such sites are in private ownership; and if he will make a statement on the matter. [6582/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The National Monuments Acts 1930 to 2004 allow for the making by the Minister for the Environment, Heritage and Local Government of a preservation order in respect of a national monument, which is defined as a monument the preservation of which is a matter of national importance. Such an order may be made where it appears to the Minister that a monument, which in his opinion is a national monument, is in danger of being or is actually being damaged. Under the National Monuments Acts, it is an offence to interfere with a national monument.

There are however many monuments in the State outside of public ownership which would not be regarded as national monuments but would be of considerable local interest and significance. Under the National Monuments Acts, monuments and places of archaeological or historical significance are listed in the record of monuments and places, RMP, compiled by my Department and there are in excess of 120,000 so listed. A copy of the RMP for their area is to be available at the offices of the local planning authority. Before works of any kind may be undertaken which may affect an RMP listed site, two months' advance notice must be given to my Department by the person concerned and failure to comply is an offence. In case of proposed development works, the obligation to notify is met through the requirement under the planning code for planning authorities to refer relevant planning applications to the Department for comment as to heritage implications.

A local planning authority may also in appropriate cases include in the record of protected structures which it is required to maintain, structures of special historical or archaeological interest and these are then subject to protection under the planning code. The making of an addition to or a deletion from the record is a reserved function of the elected council involving a public consultation process. It is of course open to a local group to make representations to a local authority at any time as to the exercise of its functions. Local authorities enjoy broad statutory powers under local government and planning legislation to promote the community interest, to

enter into arrangements with and provide assistance to local groups or other persons and to protect and enhance local heritage sites and features.

Waste Management.

409. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government the number of criminal prosecutions taken by the Environmental Protection Agency and local authorities under the provisions of the Waste Management Act 1996, as amended, in respect of each of the past four years; and if he will make a statement on the matter. [6583/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Information on prosecutions taken by the Environmental Protection Agency is available on its website at www.epa.ie.

My Department has no data on summary convictions taken by local authorities under the Waste Management Act 1996 for the years in question. However, data are being sought for 2004 and when this is collated it will be sent to the Deputy. Data on prosecutions taken on indictment are a matter for the Director of Public Prosecutions.

Infrastructural Projects.

410. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if he proposes to include aspects of transport infrastructure in the context of a new framework for the development of critical infrastructure projects of national importance; the general types of projects that will be considered as part of this new legislation; the timescale for the introduction of the legislation; and if he will make a statement on the matter. [6600/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I believe that there is wide consensus that we should have a regulatory system for major infrastructure projects that delivers projects in the right place at the earliest possible time and in a cost effective way. In addition, the system must of course be capable of mitigating the impact of any major project on the environment and on people, and complying with all relevant national and international legal requirements.

Having examined the problems that have arisen in the area, the Government considers that legislation is desirable to address some issues arising in the approval process. Due to the complexity of the issues involved and the need to consult widely among my colleagues the preparation of draft legislative proposals has taken some time. I am working on the proposals for a strategic infrastructure Bill and I intend to bring them before Cabinet shortly with a view to publishing the Bill as soon as possible.

In advance of the Government making a decision on these proposals, it would be inappropriate to elaborate on their detail, including details of the types of national infrastructure that might be included in the proposed legislation. In general terms, however, it is intended to reduce

the time required for obtaining development consent for necessary major public projects and to co-ordinate and streamline the different procedures now involved, while respecting the requirements of environment and heritage protection and the need for adequate public consultation.

Local Authority Retirement Scheme.

411. **Mr. J. Breen** asked the Minister for the Environment, Heritage and Local Government if he will consider paying gratuity to long-serving members of local authorities who retired before the scheme was introduced; and if he will make a statement on the matter. [6610/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Local Authority Members (Gratuity) Regulations 2002 introduced a retirement service related gratuity for councillors. This involves the payment of a lump sum calculated as 3/20 of representational payment rate on retirement for each year of service since May 2000, up to a maximum of 20 years' service with a minimum three year service requirement. Subject to certain conditions, the gratuity is payable on a councillor's retirement whether on the basis of voluntary retirement, failure to be elected, death or ill health. An earlier scheme was introduced in 1998 and subject to certain criteria was available to elected members retiring at the local elections in June of 1999. In the circumstances, there are no proposals to amend the current gratuity scheme for members of local authorities.

Official Engagements.

412. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government his proposed itinerary for St. Patrick's week celebrations; the areas and countries involved and if he will make a statement on the matter. [6636/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): It is intended that I will visit China during St. Patrick's week where, supported by the Irish Embassy and Enterprise Ireland, I will seek to build on the recent successful visit by the Taoiseach and his delegation to that country.

The programme for my visit to Shanghai and Beijing has yet to be finalised. However, I expect to meet with the Vice-Mayor of Shanghai and to present the George Bernard Shaw essay prize at Fudan University, Shanghai. I also expect to meet in Beijing with the Minister responsible for the state environmental protection administration, to attend a St. Patrick's Day reception hosted by the ambassador in Beijing and to meet with representatives of the Irish community in both cities.

It is proposed that the Ministers of State at my Department will visit the Czech Republic-Hungary and Russia respectively over the St. Patrick's Day period; programmes for these visits are not yet fully finalised. Ireland's economic ties with all of these countries have been growing and the

ministerial visits will show recognition of the importance we attach to this development.

Following his attendance at the EU housing Ministers' conference in Prague on 14 and 15 March, the Minister of State, Deputy Noel Ahern, will meet the Czech Irish business association. He will then travel to Budapest for St. Patrick's Day celebrations organised by the Irish Embassy. The Minister of State, Deputy Batt O'Keeffe, as well as attending the St. Patrick's Day parade in Moscow, will meet officials at city and state government level to discuss topics of mutual interest, including protection of biodiversity. He is also scheduled to attend business and social events involving the Irish community.

Local Authority Housing.

413. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he has received from Dublin City Council a revised scheme of letting priorities; when he received the revised scheme; and when he intends to approve the scheme. [6653/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The revised scheme of letting priorities submitted by Dublin City Council has been the subject of ongoing discussions between my Department and the city council. A recent meeting was held at official level to progress matters further. A decision will be made on the matter as soon as possible.

414. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he will provide a copy of the differential rents scheme for each local authority in the State as lodged with his Department by requirement. [6667/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Since August 1986, local authorities have had full discretion in drawing up and reviewing their rent schemes for local authority dwellings. Circular HRT 6/86 specified that rent schemes drawn up in accordance with the circular would be regarded as approved for the purposes of the housing regulations 1980, as amended. Accordingly, my Department does not approve individual rent schemes or maintain a comprehensive list of all such schemes. I intend, however, that my Department will request local authorities to ensure that their rent schemes are readily accessible and available for viewing on their websites.

Planning Issues.

415. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the number of acres of undeveloped land currently zoned for housing in the State in total and in each local authority area; and the number of acres of this land which is in the ownership of the State and of local authorities in each case. [6669/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department does not have details of the extent of all lands owned by the State or local authorities. However, data on the total acreage of zoned land held by local authorities have been sought from them as part of the survey of the national inventory of zoned residential land. While the overall results of this survey have been published, the remaining data have not yet been fully collated or verified. These data will be provided to the Deputy when available but they will only represent a picture at one point in time.

Broader data on total land holding by local authorities will be reflected in the local authority accounting system under the accruals accounting basis. Details are not yet available as returns containing the value of both zoned and unzoned lands held by the local authorities at 31 December 2004 are currently being submitted to the Department.

Details about the amount of undeveloped land currently zoned for housing in the State and in each local authority is published annually and is available in my Department's housing statistics bulletin, copies of which are available in the Oireachtas Library and on the Department's website at www.enviro.ni.

Local Government.

416. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government the steps needed to be taken by a town to achieve the status of town council under the Local Government Acts. [6673/05]

417. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government the stage the application by Ballincollig, County Cork, for the status of town council under the Local Government Acts is at; and when the process will be completed. [6674/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 416 and 417 together.

Section 185 of Part 17 of the Local Government Act 2001 sets out the steps involved in setting up a new town council. In summary, section 185 provides that qualified electors of a town having a population of at least 7,500 as ascertained at the last preceding census and not having a town council may make a proposal for the establishment of such a council. Thereafter, a decision on such a proposal is a reserved function of the relevant county council, following a public consultation process.

The proposal must then be submitted to the Local Government Commission for preparation of a report and recommendations to the Minister. Where the Local Government Commission recommends the establishment of a town council the Minister may, by order, provide for the establishment of the town council. The establishment of a Local Government Commission to enable the commencement of Part 17 is currently under consideration.

Local government services in the Ballincollig area are provided by Cork County Council and my Department has not been contacted regarding any current plans by the local community to develop a proposal for the establishment of a town council.

Local Authority Housing.

418. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if the development of a graduated rents discount scheme is being investigated by his Department as a viable alternative or addition to the right-to-buy policy which exists in respect of local authority housing. [6675/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The existing tenant purchase scheme includes a graduated rent discount of 3% per annum of the value of the house for each year of tenancy up to a maximum of 30%. While there are no immediate proposals to amend the scheme, the terms of the scheme will be kept under continuing review.

Sport and Recreational Development.

419. **Mr. Haughey** asked the Minister for the Environment, Heritage and Local Government his plans to provide skateboarding parks; and if he will make a statement on the matter. [6690/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Last week I announced a new initiative to provide facilities, such as skateboard parks, for teenagers. I intend as an immediate measure to provide assistance for a number of facilities as a pilot project, the results of which can feed into the further improvement and targeting of this initiative. As the National Children's Office is developing policies in this area, I will ask my Department to work with that office in developing the initiative.

Natural Heritage Areas.

420. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the appeals process in relation to special areas of conservation; the average length of time taken; and the longest period of time taken to decide an appeal. [6862/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Any landowner or person with a legal interest in land proposed for designation as part of a special area of conservation, SAC, may lodge an objection to my Department, on scientific grounds, to have the proposed designation reviewed. Three months are allowed for lodging such appeals.

The first stage of the appeals process is an internal review within the national parks and wildlife service, NPWS, of my Department. To initiate this process an appellant must contact an official of NPWS either locally, usually the local conservation ranger, or at headquarters. An

appeal must be accompanied by a map indicating a clear outline of the area under appeal. Local staff then visit the site as a basis for re-examining the scientific grounds for including the specific area under appeal in the SAC, and submitting a recommendation for decision at a more senior level. The decision may be to grant the appeal, in full or for part of the land, or to reject it. The appellant is then informed of the outcome.

The second stage of the appeals process is only invoked when an appellant is dissatisfied with the outcome of the first stage, and is given the option to have the appeal referred for consideration by the nature conservation designation appeals advisory board. This is a non-statutory board, independently chaired and with equal representation of landowners-users and conservationists, which has the role of providing independent advice to the Minister on appeals.

A sample analysis of appeals dealt with in 2004 indicates that the first stage took on average 14 weeks from the date of the appellant's letter to the issue of the letter advising the appellant of the outcome. My officials are taking steps to eliminate causes of delay, so that the first stage of the appeal process in the vast majority of cases can be completed within six weeks of receipt from the appellant of a clear indication of the area under appeal.

Appeals which are referred to the nature conservation designation appeals advisory board necessarily take longer to complete. The process includes the preparation by each side of a scientific case in relation to the specific lands under appeal, an opportunity for each side to comment in writing on the opposing scientific case, the scheduling of an appeals board hearing which always includes a visit to the site, and the provision of a recommendation for decision by me.

There are cases where the process from lodging of an appeal to a final decision has taken up to three years, but these are exceptional and due to a variety of causes. Seasonal factors applying to the assessment of particular habitats and species can be a significant cause of delays. In some cases appellants themselves have chosen not to proceed with presentation of their cases, sometimes for considerable periods of time. In other cases there have been ongoing discussions between the Department and appellants with a view to resolving issues underlying the appeal. Substantial progress was made by the appeals board in 2004 in clearing outstanding appeals awaiting consideration by the board.

Departmental Staff.

421. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government when the position of secretary to the SAC appeals advisory committee will be filled; and if he will make a statement on the matter. [6863/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An officer will be permanently assigned to this duty in the very near future. The position of secretary to the SAC appeals advisory board has been normally filled,

on a part-time basis, by an appropriately qualified member of staff from my Department's national parks and wildlife service. Given the need for the person acting as secretary to report directly to the chairperson of the board, my Department seeks to avoid temporary assignment on sharing of the duties of secretary. The filling of the present vacancy is being approached on this basis

Water and Sewerage Schemes.

422. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the position with regard to upgrading the Patrickswell sewerage scheme. [6864/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 1310 of 26 January 2005.

Road Network.

423. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if, when works are carried out on a bridge (details supplied) in County Mayo, the road thereon will be widened also. [6904/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The report on the landslides at Dooncarton, Glengad, Barnachuille and Pollathomais, County Mayo, on 19 September 2003, prepared by Consulting Engineers on behalf of Mayo County Council, recommended that works on the Cornhill road and bridge be carried out. Works on the road and bridge have been completed since last autumn, funded by grant aid from my Department. Any proposal for widening the road at this location would be a matter for funding by Mayo County Council from its own resources as supplemented by the discretionary improvement grant provided by my Department. The discretionary improvement grant to Mayo County Council in 2005 is €1.497 million.

Local Authority Funding.

424. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the funding which was allocated to Mayo County Council under the planned maintenance programme. [6905/05]

425. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the parts of County Mayo which will benefit from the allocation of funding from his Department under the planned maintenance programme. [6906/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 424 and 425 together.

In September 2001 my Department approved a request from Mayo County Council to raise a loan of £2 million from the Housing Finance Agency to be repaid out of internal capital receipts over a 15 year period for the purpose of upgrading the council's rented housing stock. I

[Mr. N. Ahern.]
understand that the council has fully drawn down this loan.

The management, maintenance and improvements of their rented dwellings, including the implementation of a planned maintenance programme, is the responsibility of local authorities to be financed from their own resources. My Department does not therefore have detailed information about the works carried out by Mayo County Council on foot of the above arrangement.

Local Authority Housing.

426. **Mr. Fleming** asked the Minister for the Environment, Heritage and Local Government if he will consider issuing a directive to Laois County Council to include its housing strategy in its new draft development plan (details supplied). [7036/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under Part V of the Planning and Development Act 2000, a planning authority is required to include in its development plan a housing strategy which relates to the period of the development plan. Under the 2000 Act, each planning authority is required to review its development plan and to prepare a new development plan not later than four years after the making of its existing development plan. The planning authority is required to send notice and a copy of its draft development plan to the Minister. Last week my Department received a copy of the draft Laois county development plan. The draft plan, including the issue of its compliance with the provisions of Part V of the Act, is being examined by my Department. When that examination is complete, I will consider the appropriate course of action to be taken regarding the plan.

Water and Sewerage Schemes.

427. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has received any submission from Kildare County Council requiring funding for group or small schemes to provide sewerage facilities for houses at Ballinafagh Road, Prosperous, County

Kildare; and if he will make a statement on the matter. [7037/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I published details of the block grant allocations to county councils under the 2005 rural water programme on 16 February. I have allocated €1 million to Kildare County Council for the construction of new group water and sewerage schemes and the upgrading or extension of existing schemes. I have also allocated €650,000 to the council under the 2005 programme for small public water and sewerage schemes. In accordance with the devolution of functions to local authorities under the rural water programme, it is a matter for Kildare County Council to determine the schemes to be funded from its 2005 block grant allocations.

Sustainable Development Strategy.

428. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government when he intends to appoint a chairperson for Comhar, the National Sustainable Development Partnership; and the procedure he intends to use for selection of the chairperson. [7038/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am considering at present the appointment of a chairperson of Comhar, the National Sustainable Development Partnership, taking account of the brief of the organisation and the skills and competencies likely to be required of any appointee. In the meantime, Comhar continues to fulfil its remit to advance the national agenda for sustainable development.

Water and Sewerage Schemes.

429. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government the position regarding the proposed sewerage scheme for Glenties, County Donegal. [7047/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Glenties sewerage scheme has been included in my Department's Water Services Investment Programme 2004-2006 as a scheme to commence construction in 2006, at an estimated cost of €4.2 million. My Department is awaiting the submission of a preliminary report for the scheme by Donegal County Council.