Tuesday, 8 March 2005.

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DÁIL ÉIREANN

Dé Máirt, 8 Márta 2005.
Tuesday, 8 March 2005.

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

Paidir.
Prayer.

Ceisteanna — Questions.

National Security Committee.

1. Mr. J. Higgins asked the Taoiseach when the high level group established by his Department in the aftermath of the 11 September 2001 terrorist attacks last met; and if he will make a statement on the matter. [1474/05]

2. Mr. Kenny asked the Taoiseach if he will report on the recent work of the high level group established by his Department in the aftermath of the 11 September 2001 terrorist attack in the United States; and if he will make a statement on the matter. [2604/05]

3. Mr. Rabbitte asked the Taoiseach if the high level group established by his Department in the aftermath of the 11 September terrorist attacks is still functioning; the current membership of same; when it last met; if he will report on its recent work; and if he will make a statement on the matter. [3502/05]

4. Caoimhghín Ó Caoláin asked the Taoiseach if the high level group established within his Department in the wake of the 11 September 2001 atrocities in the United States has completed its work; and if he will make a statement on the matter. [3696/05]

5. Mr. Sargent asked the Taoiseach when the last meeting of the high level group on terrorism under his Department last met; and if he will make a statement on the matter. [4488/05]

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

The National Security Committee, which is chaired by the Secretary General to the Government, comprises representatives at the highest level of the Departments of Justice, Equality and Law Reform, Defence and Foreign Affairs and of the Garda and Defence Forces.

The committee meets as required and will continue to do so. Given the security nature of its work, it is not appropriate to disclose information about the dates of individual meetings. However, I confirm that it met on five occasions in 2004. In addition, its members liaise on an ongoing basis to monitor developments that might have national security implications, in particular in the international arena.

The committee is concerned with ensuring that the Government and I are advised of high level security issues and the responses to them, but not involving operational security issues.

Mr. J. Higgins: I have information from the relevant Minister that the Government forced the taxpayer to pay almost €2.5 million in subsidies to the Irish Aviation Authority to direct US military flights over Irish airspace in the course of the last year. Is this of concern to the high level group? Would any possible consequences of these flights be within the group’s remit? Is the continued use of Shannon Airport at a high level by the United States military to facilitate the ongoing occupation of Iraq of concern? Does co-ordination take place between the high level group and the office of emergency planning and if so what is the nature of that co-operation? While I appreciate the office of emergency planning has a wider remit, we need to know whether the criticisms made about the readiness of the State for any kind of emergency have been addressed or whether we must depend on a few iodine tablets to more or less take care of any eventuality we might confront.

Is the Taoiseach aware that early in the new year west County Dublin experienced a mini-tornado, which fortunately was limited but still created frightful damage at the points where it touched down? The damage could have been much more serious and this is a serious point because of the potential nature of the damage and whether the emergency services are sufficiently resourced and capable of response.

An Ceann Comhairle: Detailed questions including the Deputy’s question about Shannon should be directed to the line Minister responsible. The Taoiseach may answer the other questions.

The Taoiseach: The office of emergency planning deals with the detailed day-to-day issues. Obviously if a policy issue or some vital information arises from the high level group, it would inform the Minister for Defence, who is on the committee, and he would inform his colleagues in the office of emergency planning which deals with the broader remit. There is that crossover of personnel involved in the security area. This committee would not be involved in the financing of the aviation authority. Policy decisions have been made on Shannon. It is not a matter for the day-to-day committee. We have made these facilities
[The Taoiseach.] available for more than half a century in all kinds of circumstances. That is the policy we follow and it is not a day-to-day issue.

The committee looks at the ongoing information of an international security nature from Interpol or Europol concerning individuals involved in subversion or fund-raising for subversives internationally as well as information coming from the Garda or the Defence Forces on international or local matters. It is involved in the high level area of looking at new threats and new issues. On the Deputy’s last question, there is always ongoing concern at all levels that our emergency response units in many ways are available for emergency and contingency arrangements. They can range from weather or climatic conditions, as mentioned by the Deputy, or the foot and mouth issue of a few years ago, which was a major issue that needed to be addressed with security co-operation, to international terrorism. An enormous range of issues concern the committee.

Mr. Kenny: Revelations in February that 30 kg of plutonium had gone missing and was unaccounted for was a cause of great concern to those living in Britain and Ireland. Putting this down to an accounting discrepancy in a statement from BNFL is of no comfort to those affected, many of whom live in Ireland. In this regard, what contact has the emergency planning unit had with BNFL given that the Radiological Protection Institute of Ireland expressed concern at this situation and that discrepancies in the extent of plutonium accounted for at Sellafield seem to be getting higher? Will the Taoiseach raise this——

An Ceann Comhairle: Detailed questions should be addressed to the Minister responsible.

Mr. Kenny: This is about emergency planning.

An Ceann Comhairle: The Deputy is raising specific incidents which are the responsibility of the Minister. The Deputy should address a general question to the Taoiseach.

Mr. Kenny: God forbid that anything should happen in this regard. I am sure the Ceann Comhairle is anxious that these questions are asked and that he recognises the public concern in this regard.

An Ceann Comhairle: I agree. That is why the issue should be addressed in a structured manner to the line Minister.

Mr. Kenny: I am not sure whether the Ceann Comhairle has “by-electionitis” but for several days he has been more than tetchy in this regard.

An Ceann Comhairle: The Standing Orders are quite specific.

Mr. Kenny: My question relates to emergency planning.

An Ceann Comhairle: Detailed questions are a matter for the line Minister. That has always been the official position of this House.

Mr. Kenny: Emergency planning always deals with details. It is not a matter of reassurances that we will be all right if something happens. I am talking to the Head of Government——

An Ceann Comhairle: The Chair has no choice but to implement Standing Orders.

Mr. Kenny: May I ask another question? The Taoiseach is aware that reports in February indicated that 30 kg of plutonium were missing from facilities——

An Ceann Comhairle: That matter was raised in the House with the appropriate Minister. The Deputy has more ways than other Members of asking that question.

Mr. Kenny: Will the Taoiseach raise this matter with the British Prime Minister?

An Ceann Comhairle: That does not arise out of these questions.

Mr. Kenny: It is a general question about emergency planning. If the Ceann Comhairle will permit, I have a second question. The air fleet is of considerable age, with half of the Air Corps fixed-wing aircraft more than 20 years old and some as old as 32 years, and more than half of the Air Corps helicopters 20 years old, with some in service for as many as 41 years. If an aircraft left some other country and was presumed to be on a terrorist mission to Ireland, have we capacity in the air to defend ourselves?

An Ceann Comhairle: Again, the Deputy’s question is more appropriate to the Minister for Defence.

The Taoiseach: The office of emergency planning which co-ordinates the work relevant to Deputy Kenny’s question and uses the various emergency services in preparing contingency plans is under the aegis of the Minister for Defence. All the issues raised by the Deputy, including those relating to aviation, are the responsibility of that Minister. The high level group was set up after the events of September 2001 to examine anti-terrorist legislation and international co-operation in this area. It works on that basis and is not involved in the issues raised by the Deputy.

Whenever incidents take place at Sellafield and even in the absence of such, the Government and I continue to engage directly with the British Prime Minister on this matter. I do not want to comment on the detail of the security issues
because there is an ongoing legal action under UNCLOS where these cases are being made. The Government continually raises these issues in support of that legal action.

Mr. Rabbitte: What is the current assessment of the high level group concerning any international terrorist threat to this country? In particular, is information available on a threat from Islamic terrorists in this country? Has the high level group considered the position whereby a Boeing 737 is used by the CIA to traffic terrorists, whom it abducts in other states, through Shannon Airport? Will the Taoiseach, as Head of the Government, express a view on that matter?

The Taoiseach: While this committee discusses information on one or other group of terrorists there is no particular or specific threat to this country. There is always information about the movement of certain individuals associated with different organisations who at times move through this country. They are small in number compared to their numbers in most other European countries. There is ongoing monitoring of some individuals but there is no group or body working as is the case in a number of European countries where there is considerable concern regarding these issues, as I know from European Council meetings and as Deputy Rabbitte will be aware from his colleagues involved in various groups. We do not have those difficulties.

On issues concerning Shannon and security, the high level group does not have particular concerns. It monitors what happens in Shannon and other airports and in respect of other issues. It is an advisory group and it would relay concerns to me if it has any in this regard, but it has not done so.

Caoimhghín Ó Caoláin: Has the high level group addressed or discussed the range of measures introduced by the British Government under the guise of anti-terrorist legislation but which attack basic human rights? I am speaking specifically in regard to condemning people to detention within their own homes and the abolition of jury trial in many more cases. Is the Taoiseach concerned that the legislation the British Government introduced will apply to citizens in the north of Ireland? Has he raised with the British Prime Minister the grave concerns of people here about the prospects of the introduction of compulsory identity cards for citizens under the jurisdiction of Westminster?

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

Caoimhghín Ó Caoláin: This legislation is being introduced as a direct result of the events of 11 September.

An Ceann Comhairle: It does not arise under these questions.

Caoimhghín Ó Caoláin: It arises because this is what the British Government is doing allegedly in response to the events of 11 September and it will have a direct effect on Irish citizens on the island of Ireland. Has the Taoiseach addressed the matter of the introduction of compulsory ID cards? Irish citizens on this island should——

An Ceann Comhairle: The Deputy should leave it at that. This question is outside the realm of the five questions before us which deal specifically with the high level group.

Caoimhghín Ó Caoláin: Yes, and I have asked if this issue has been addressed by the high level group and if the Taoiseach has followed through by raising it because unquestionably Irish citizens will strongly object to compulsorily bearing British identity cards. Will the Taoiseach be good enough to take on board this issue?

Will he also advise the House of his position on this issue following the commentary of the Minister for Justice, Equality and Law Reform that in the event of this legislation being introduced these measures would also have to be considered — because of the Border — and more than likely introduced on this side of the Border in terms of compulsory ID, to which I believe the overwhelming majority of Irish people would strongly object? If the Taoiseach has not done so, will he indicate if he would be prepared to address these matters with the British Prime Minister at the earliest opportunity?

The Taoiseach: I repeat that the national security committee meets periodically and its members stay in touch on an ongoing basis. The committee’s role relates primarily to classic security issues, particularly international terrorism. That is the purpose for which its members come together, namely, to examine information from Europol and Interpol in a broad sense, which would not be dealt with in the office of emergency planning in the Department of Defence. That committee has a formal role in emergency planning. Co-ordination of emergency planning is a function of the Department of Defence, particularly of that unit we set up some years ago. The national security committee raises questions when it becomes aware of gaps or inadequacies in this country’s emergency response preparations. Such preparations tend to relate to potential emergencies which could be caused by threats or acts of terrorism, biological or chemical attacks or nuclear discharges. The committee is concerned with issues which are not ordinary day-to-day issues. It does not have a role in operational matters.

The issues referred to by Deputys Ó Caoláin have been raised in other forums by the Minister for Foreign Affairs on foot of complaints received...
[The Taoiseach.] from the public. Such complaints regularly originate in Northern Ireland but sometimes originate in the Republic of Ireland. We raise the operation of new legislation and procedures on an ongoing basis. I am aware of how the procedures have been operated against Irish citizens over the past year or so. We have raised that issue on a number of occasions. The key point in this regard, in effect, is the identification and classification of particular citizens who are pulled out of the normal mill and discriminated against. We have raised that issue many times and made a number of specific complaints in that regard.

Mr. Sargent: Has the Government received similar advice to that given to the UK Government by its senior scientific adviser who said that climate change is more of a threat than international terrorism and needs to be considered as such? Deputy Joe Higgins raised that issue in his initial contribution. Will the Taoiseach indicate whether he believes that the high level group on terrorism is sufficiently well informed to do its job? The media has reported that Israeli secret service agents were caught at the weekend in the act of planning to assassinate a Palestinian member of the al-Aqsa Martyrs Brigade in Dublin. Is such information known to the high level group or does it learn about it in the Evening Herald like the rest of us?

Will the Taoiseach revise the Government’s view to help the high level group to do its job? When ships like the HMS Illustrious, which carried nuclear weapons in the 1990s, are docked in Dublin Port, does the Government ensure that the group is allowed to instruct that searches of the ship can take place? I do not mean that it should be simply given a passing assurance that no nuclear weapons are on board. What is the policy of the Government in this regard? How well informed is the high level group, which needs to be taken seriously if it is to do its job properly? Similar questions can be asked about the Gulfstream jet and the Boeing 737 at Shannon Airport which were referred to earlier. Can such airplanes be searched? Does the Government accept the assurances of the American authorities——

An Ceann Comhairle: The Deputy’s questions would be more appropriate to a line Minister.

Mr. Sargent: —— that prisoners are not being illegally trafficked through this country to Guantanamo Bay, for example? Is the high level group in possession of the actual facts in this regard? Are we just depending on assurances?

The Taoiseach: I state for the third time that the high-level group is not involved in day-to-day issues. The relevant procedures involve the Department of Transport for civilian aircraft and the Department of Foreign Affairs for military aircraft. The authorities’ procedures, which have been laid down for 50 years, are followed in such cases and are updated along the way.

International security intelligence has improved significantly in recent years as a consequence of the investment of resources in Europol and Interpol. Intelligence information about the many terrorist groups and bodies, most of which are quite small, is given to the high level group. If such information is new or significantly different to that accruing from the day-to-day activities of the Garda — the Defence Forces have a different remit — it is discussed by the Garda. If, in respect of any of the organisations or Departments, it believed there was a gap regarding what was happening, it would make a judgment and advise on it. It would say it believed the procedure is in place because of a threat or implied threat, or because of the implications or what it picked up internationally. It would say the procedure should be reframed if necessary. Obviously, the Government would give that advice to the relevant Minister, Department or the office of emergency planning. That is how the procedure would work. The group would, as the Deputy suggested, get most of its information from international sources of information on terrorism. The Garda is actively involved in the various committees. If it is not actively involved in them, it is given the security intelligence on these international issues.

Mr. M. Higgins: Arising from the Taoiseach’s reply, does he not agree that the usual procedures associated with the landing of a civilian aircraft at Shannon Airport are not being fulfilled? The aircraft in question, which has been described in the international and local press——

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

Mr. M. Higgins: Is the Taoiseach concerned that the Minister for Justice, Equality and Law Reform has said he would be appalled if Irish facilities were used to service an aircraft that was used for facilitating breaches against the international convention on torture? The Minister for Defence has said he cannot give an answer one way or the other. Will the Taoiseach undertake to investigate the report that Shannon Airport has been used to service an aircraft that has been used to ferry individuals to places of detention in Syria and Egypt where they may have been tortured?

An Ceann Comhairle: That is a matter for the Minister for Transport.

Mr. M. Higgins: It is not solely a matter of concern to the Irish press. Is the Taoiseach concerned about the reputation of the country internationally?
An Ceann Comhairle: That does not arise out of these questions. I will take Deputy Costello’s question.

Mr. Rabbitte: A Cheann Comhairle——

An Ceann Comhairle: I am taking the questions of Deputies Michael Higgins and Costello and the Taoiseach can answer both of them in a final reply.

Mr. Rabbitte: The pertinent points raised by Deputy Michael Higgins deserve a reply in the normal way.

Mr. Kenny: Absolutely.

Mr. Rabbitte: The Taoiseach is the Head of Government and he has been asked if he will investigate these matters. The Ceann Comhairle ought to permit him to reply to——

An Ceann Comhairle: The question was a lot longer than that.

Mr. Rabbitte: If the Ceann Comhairle applied that approach there would be no question permitted other than what time the Taoiseach comes to work in the morning.

Mr. Kenny: Or how he feels.

An Ceann Comhairle: No, if the Deputies submit questions, within the terms of which there are——

Mr. Rabbitte: Deputy Michael Higgins raised a number of matters——

An Ceann Comhairle: The Taoiseach answers the questions directed to him but line Ministers’ questions should be directed to a line Minister.

Mr. Rabbitte: ——and he asked if the Taoiseach, as Head of Government, would have these matters investigated.

Mr. Kenny: Guantanamo Bay——

An Ceann Comhairle: That is not new, and Deputy Rabbitte knows that.

Mr. Rabbitte: Deputy Michael Higgins asked whether the Taoiseach, as Head of Government, will have a number of specified matters investigated.

An Ceann Comhairle: That does not arise from these five questions. It can be addressed in another way.

Mr. Rabbitte: What other way?

An Ceann Comhairle: The Chair has a difficulty in that, at the rate at which we are proceed-

ing, it will take at least ten weeks to get through the Taoiseach’s questions.

Mr. Rabbitte: With due respect to the Chair——

An Ceann Comhairle: If the Taoiseach——

Mr. Rabbitte: ——they are our questions.

An Ceann Comhairle: Deputy, the Chair is speaking. If the Chair were to allow questions on every single topic outside the questions submitted by Members, we would not even get through the questions in ten weeks.

Mr. Rabbitte: With respect, a Cheann Comhairle, we are the Members.

An Ceann Comhairle: I call on the Taoiseach.

Mr. Rabbitte: We complain about several matters regarding which the Chair cannot provide redress and therefore the Chair should permit the Taoiseach to reply on the matters regarding which we do not complain.

An Ceann Comhairle: Nobody is preventing the Taoiseach from replying to anything.

The Taoiseach: Perhaps it would be helpful if I gave a short reply. There are procedures laid down on prisoners and munitions, for example, as I have already stated. If these procedures are breached, of course we would be concerned about it. I do not have any particular issue with the point raised by the Deputy. He has asked a question and I will pass it on to be examined.

Mr. J. Higgins: I thank the Taoiseach.

Mr. Costello: Last week we finalised Report Stage of the Criminal Justice (Terrorist Offences) Bill, which came about as a result of the attacks of 11 September 2001. Did the final two amendments made by the Minister come from the expert group? One was to set up a second Special Criminal Court and the other was to oblige service providers of fixed lines and mobile phones to retain data for three years.

The Taoiseach: I very much doubt that although I could not be certain they did not. I doubt the group went into that much detail.

Dublin-Monaghan Bombings.

6. Caoimhghín Ó Caolán asked the Taoiseach the further inquiries being undertaken by Mr. Justice Barron; the further action to be taken by his Department on foot of reports already issued; and if he will make a statement on the matter. [2403/05]

7. Mr. Rabbitte asked the Taoiseach when he expects to receive reports from Mr. Justice
Barron on the outstanding areas within his remit; the action he has taken arising from the reports already submitted by Mr. Justice Barron; and if he will make a statement on the matter. [3503/05]

8. Mr. Sargent asked the Taoiseach if he has raised the issue of the British Government’s failure to co-operate with the Barron inquiry into the Dublin and Monaghan bombings in his recent meetings with the British Prime Minister; and if he will make a statement on the matter. [3561/05]

9. Mr. Kenny asked the Taoiseach if he will report on the work of the commission of inquiry headed by Mr. Justice Barron; and if he will make a statement on the matter. [4637/05]

10. Mr. J. Higgins asked the Taoiseach the action he has taken on reports received from Mr. Justice Barron; and if he will make a statement on the matter. [6514/05]

11. Mr. Gregory asked the Taoiseach his views on the failure of the British Government to co-operate in any meaningful way with the Barron inquiry; and if he will make a statement on the matter. [7826/05]

The Taoiseach: I propose to take questions Nos. 6 to 11, inclusive, together.

I thank the members of the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights for their work in preparing the final report on Mr. Justice Barron’s report into the Dublin bombings of 1972 and 1973, which has been published. I am grateful to the sub-committee for the timely way in which it prepared its report and for providing the bereaved families with an opportunity to make submissions to the sub-committee and to appear before it.

The Government will consider the recommendations of the joint committee in due course. I received a letter from the Prime Minister Mr. Blair regarding the Dublin and Monaghan bombings of 1974 and the Dublin bombings of 1972 and 1973, which I passed to the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights, in view of the committee’s deliberations on Mr. Justice Barron’s report.

In that letter dated 10 January 2005, the Prime Minister said:

The Government welcomed the establishment of the Barron inquiry and cooperated with it as fully as possible, conducting a thorough search of all government records and, consistent with its responsibilities for protecting national security and the lives of individuals, ensuring that all potentially relevant information that was uncovered, including intelligence information, was shared with the investigation.

The Government notes Mr Justice Barron’s conclusions that, while allegations of collusion between British security forces and the perpetrators of the bombing were not fanciful, he had not seen any evidence to corroborate it and it could not be inferred, even as a probability.

In the circumstances, the Government concludes that no further benefit to the public interest would accrue from the establishment of an inquiry, within the United Kingdom, to re-examine these allegations.

On the matter of British cooperation with Justice Barron’s extended inquiry into the Dublin bombings of 1972 and 1973, it was our judgement at the time of Justice Barron’s approach that, given our experience of the scale of the task in identifying relevant material in the Dublin-Monaghan and Dundalk bombings, it would not be possible to conduct another major search through our records for material relating to the 1972/73 bombings within the timescale of the inquiry.

Notwithstanding this response, I would like to see a mechanism that would allow for independent scrutiny and assessment of material and files held by the British authorities. I reiterated this view in London at my meeting with the Prime Minister Mr. Blair on 1 February and I raised the matter again at my meeting with the Prime Minister on Thursday last.

The Minister for Foreign Affairs, Deputy Dermot Ahern, also raised the issue of British co-operation with inquiries in this jurisdiction with the Secretary of State Mr. Murphy at last week’s meeting of the British-Irish Intergovernmental Conference and the Secretary of State said that a response would be forthcoming to the letter he received from the Chairman of the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights.

I have received Mr. Justice Barron’s report on the murder of Seamus Ludlow and I expect that, following necessary consideration, the report will be forwarded to the Oireachtas in the coming weeks. My Department is making the necessary arrangements for the establishment of the commission of investigation into matters relating to the Dublin and Monaghan bombings of 1974 and I expect these to be finalised and the commission established in the coming weeks.

I understand that Mr. Justice Barron expects to complete his report on the Dundalk bombing of December 1975 and the Castleblaney bombing of 1976 and other incidents in April.

Caoimhghín Ó Caoláin: Does the Taoiseach recall that the final report of the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights, on Mr. Justice Barron’s inquiry into the Dublin-Monaghan bombings of 1974, recommended that a public tribunal of inquiry be established in Northern Ireland and-or Britain? This report states that this represents the best opportunity for success.
The Taoiseach quoted a response from the Prime Minister. Is that the response sent on 10 January?

The Taoiseach: Yes.

Caoimhghín Ó Caoláin: I thank the Taoiseach for that. Does the Taoiseach agree that response represents a point blank refusal on the part of the British Prime Minister and government to cooperate with the calls of the joint committee? When the Taoiseach said he raised these matters with the British Prime Minister since 10 January, did he reply in writing to Prime Minister Blair’s letter of 10 January and in what terms? Has he reflected either in writing or orally on the fact that the joint Oireachtas committee deplores the fact that there has been no co-operation from the British side with Justice Barron’s inquiry and with the deliberations of the committee? On the commission of investigation into the Garda handling of the Dublin and Monaghan bombings in 1974, will the Taoiseach widen the terms of reference of same to cover the Garda handling of bombings in 1972 and 1973, including the Crinnion, Wyman and Littlejohn cases, as recommended by the committee? Has the Taoiseach considered the recommendation of the committee that if there is continual British refusal to establish an inquiry, the Irish Government should take a case to the European Court of Human Rights? I ask him to do that.

The Taoiseach: The Deputy asked a number of questions. On the 1974 bombings, we again took up that issue directly with the British Prime Minister, restating our previous position. That was done in my original letter of 17 November, to which the Prime Minister replied on 10 January, and again we put our position and made a statement to him on 1 February. I raised the matter last week.

Caoimhghín Ó Caoláin: Was that in writing?

The Taoiseach: Yes, we provided a report by hand——

Caoimhghín Ó Caoláin: Is the Taoiseach sure of the terms?

An Ceann Comhairle: Deputy Ó Caoláin should allow the Taoiseach to answer his question. Six Members have submitted questions on the matter.

The Taoiseach: The Minister, Deputy Ahern, made those points again last week at the British-Irish Intergovernmental Conference. The terms have not changed since 17 November. We are still making the same points.

On the second question, everyone felt that the best way to deal with the issue was to get a Cory-type investigation, an investigation that emanated from the Weston Park talks. It was felt that kind of investigation, based in Northern Ireland, would be the best way to deal with the issue from the point of view of being able to get witnesses, papers and so on. As the Deputy said, the British do not feel the same on that matter. We said that we would set up a committee of investigation to deal with the issues within our domain. As I said in my reply, that matter must come before the House formally. Work on the membership and chairmanship of the committee is well advanced and the matter will come before the House in due course.

If we do not make progress with the British Government and if it does not move on these issues, which appears likely — we have not given up yet — we must decide on whether to go to the European Court of Justice. We have not considered that option, but we will do so if we cannot get the type of investigation we want.

The Deputy’s last question referred to extending the terms of the commission of inquiry to cover the Littlejohn and other cases. That issue is being examined. The original joint Oireachtas committee which examined the Barron report on the 1974 bombings recommended the establishment of a commission of inquiry, to which we agreed. It asked us to examine the issues in this jurisdiction, including the specific aspects of the Garda investigation at the time, the reason the investigation wound up so quickly and the Garda did not follow up on specific leads, and information relating to the movements of the white van, a man who stayed in the Four Courts Hotel and the alleged sighting in Dublin of a British army corporal. These will all be investigated by the commission. The issue of the missing documentation, which has been raised by Deputy Costello, will also form part of the investigation. Documentation that is unaccounted for, explanations for the missing documentation, where the missing documentation has been located and if the systems currently in place are adequate to prevent a recurrence will all be investigated. We have agreed with this recommendation and arrangements are being made.

We are also looking at including in that, although we have not finally decided, the issue of the missing Clones files, the details of the Crinnion, Wyman and Littlejohn brothers case and the question of whether forensic evidence was properly followed up. It seems sensible to me but we have not formally made a decision that they should all be in the one committee of investigation because they are all outstanding issues from the report. That is the updated position.

Mr. Rabbitte: When will Mr. Justice Barron complete his remit and finalise his reports? The Garda Commissioner gave a commitment to the Oireachtas committee when it dealt with this matter that he would assist the families in terms of taking them through the investigation files of the victims in this State. Has a Garda officer been appointed for that purpose?
[Mr. Rabbitte.] Is the Taoiseach aware that a multi-million pound fund has been announced today in Northern Ireland with a view to investigating unsolved murders in that jurisdiction and that it is envisaged it will involve bringing in policemen from outside the state? Does the Taoiseach see any merit in establishing a similar fund in this jurisdiction to investigate these and other unsolved murders by paramilitary organisations from whatever side they come?

The Taoiseach: Mr. Justice Barron has two outstanding issues to complete in his work — the bombings in Castleblayney and Dundalk — and he will complete them in April. That will be the end of his work.

The answer to the question on the Garda Commissioner is “Yes” and I welcome the statement he made when he addressed this issue. The Garda has now established liaison arrangements with victims and those have improved a great deal from what they were, as we know from what we heard in the committee. A member of the force is available at Garda Headquarters to talk to families and this is a significant movement from the previous situation.

The proposal in Northern Ireland to appoint a victims commissioner is an interesting development and we are examining the consultation paper provided. It details the proposed role and responsibility of the commissioner. When Ken Bloomfield and John Wilson were working on this, we had set up a fund and argued that a similar position would be helpful in Northern Ireland. At that time we argued that any new initiative should be centred on victims and their families. At the time, John Wilson was very strong that it was what it should be about and that it should be directed to help the victims in a humane way when dealing with some of the welfare issues. We have made progress in recent years in addressing the needs of victims North and South. The memorial fund in Northern Ireland and the remembrance fund commission in this jurisdiction are up and running and I pay tribute to the work of those involved, including Ken Bloomfield and John Wilson, in setting it up. The Secretary of State announced plans last week, to which Deputy Rabbitte referred, for a broadly based consultation and involvement with individuals, victims groups and communities. I welcome these consultations to recognise the importance of cross-community support and the involvement for any future process.

We had a debate in 1997 and 1998, before and after the Good Friday Agreement, on whether we should have a truth commission. At that stage all sides had agreed that it was not the way to go. Deputy Sargent has continually raised this issue in recent years and I have given those views.

It is well worth looking at these proposals because, as Deputy Rabbitte is aware, an endless number of groups have been formed which are concerned with various atrocities. As time passes, instead of the healing process setting in, bitterness arises. I can understand that having met numerous groups of families. The more they see one case getting prominence, the more they feel they have not served their families’ interest. I understand that and say it in the most respectful way because every death and atrocity from whatever side or quarter is enormous. If we were to find a way to deal with all these, cases we would still be here talking about them in 100 years’ time. I do not think anybody wants that, not least the families.

It is useful to see if there is some way that people can lodge their submissions in these cases. I am certainly open to that; otherwise we will never get closure on issues. I do not know what is the best way to do it. The South African way proved to be an effective short means, but I do not know if it solved the problems for people. It certainly seems to have done so, but perhaps somebody will correct me some years from now and say that has not been the experience.

Something must happen. I have made the point to the Secretary of State, Paul Murphy, on a number of occasions and to the Northern Ireland Office that we must find some process. It is not a financial issue but one in which the fact that people know in their heart that something was never investigated means that it goes on to create an irritant. Like all these issues, when one looks at them in hindsight it is easy to ask how investigations could have closed so quickly or, in many cases, how investigations never started due to the sheer pressure of cases at the time. That is an issue we must examine and we are engaged in looking at the consultation paper.

Mr. Sargent: This is injury time.

An Ceann Comhairle: It is now 3.20 p.m. The Chair has no——

Mr. Sargent: The Ceann Comhairle should have given the Taoiseach a nod.

An Ceann Comhairle: The Chair has no control over replies.

EU Constitution.

58. Mr. Allen asked the Minister for Foreign Affairs if the referendum on the EU constitution will be held in 2005; and if he will make a statement on the matter. [8063/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Government has not yet taken a decision on the timing of the referendum on the European constitution. However, preparatory work on the wording of the necessary amendment to the Irish
Constitution is well advanced. The intention is that the referendum Bill will be published after Easter. As previously stated, the Government will try to ensure the maximum possible cross-party consensus.

The Government firmly believes that the European constitution is good for Ireland and Europe. It clearly expresses the Union’s core values, objectives and principles and will help it to function in a more effective, transparent and democratic way. In so doing, it will not essentially change the nature of the Union, which has been and remains fundamental to our national development. There is every reason for Ireland to support the European constitution. The more people know about the constitution, the more likely it is that they will support it. A full and informed debate is necessary, and the Government will ensure there will be sufficient time for such debate.

The Forum on Europe continues to carry out excellent work under the chairmanship of Senator Maurice Hayes, whom I thank again for his contribution. It has an extensive programme over the coming months and only yesterday evening I was in Carlow for the first of a series of regional meetings. It has published very useful explanatory material.

My Department also published a leaflet and an explanatory guide to the constitution in the autumn. However, it is clear more needs to be done. Past evidence suggests that vigorous political debate, as reported on television and radio, is most important in stimulating public interest. The Government also has a duty to ensure that factual information is available to help the public engage with the issues. Publication of the referendum Bill will allow for the establishment of the Referendum Commission. As was the case in advance of the second Nice treaty referendum, it will again on this occasion be properly resourced and given adequate time to fulfil its functions. Furthermore, the Government, building on the initial material produced in the autumn, will in the coming months publish a detailed White Paper and in due course send summary information material to all households. Together with the European Commission, we will ensure that copies of the full text of the constitution will be freely available. In addition, my Department will shortly launch a European constitution website.

The Oireachtas also has an important role to play. The Joint Committee on European Affairs, which followed both the Convention and the Intergovernmental Conference carefully, has already held some useful meetings. All Deputies and Senators will have the opportunity to take part in the debate on the referendum Bill.

Mr. Allen: I am disappointed the Minister could not give the House an idea of when he plans to hold the referendum. My question was drafted in such a way as to find out whether it would be held in 2005 or 2006. Will the Minister agree the recent Eurobarometer findings are extremely worrying? In view of the fact that France plans to hold a referendum in May and Denmark in September, will he agree it would be very wise of us to hold the referendum before the UK turns its attention to a referendum after its general election? There is a danger that people in this country will be influenced by the British tabloid press and by one of the major news channels, and that people’s views will be moulded and influenced by what will happen in the UK rather than here. The Minister is being extremely foolish in not focusing minds by deciding on a date for this year.

Mr. D. Ahern: I do not accept I am foolish. I suggest the Deputy’s party engage with us as regards consultation on the wording, which we would like to have——

Mr. Allen: We would do so if we were invited.

Mr. D. Ahern: ——in advance. The Deputy’s party has been invited. The Government fully accepts the need for complete information on this matter. I guarantee the House that full information will be given. We hope to publish the referendum Bill after Easter, allowing the Referendum Commission to be up and running and giving it sufficient time to disseminate information. On the Deputy’s point about keeping an eye on events in the UK, we must make our own decisions.

Mr. Allen: I am aware of that.

Mr. D. Ahern: This is a sovereign decision by the Irish people. In the context of the EU-wide ratification of this process, we must take into account what other countries are doing. However, this is a decision for the Irish people and they will make the decision based on the information they are given in Ireland and based on the circumstances in this country. I have full confidence in the Irish people that once they have full information, they will make an affirmative decision on ratification.

Mr. Allen: I remind the Minister that there was a cock-up on a previous occasion and it must not happen again. The Minister should not think that people will be influenced by tomes of paper coming through their letter boxes. They will be influenced by leading political figures in this country debating the issue——

An Ceann Comhairle: A question, please.

Mr. Allen: ——in the open but also by the misguided views of some of the British tabloid press which has a total bias against Europe and all it stands for.

An Ceann Comhairle: The time for this question is concluded.
Mr. Allen: I suggest the Minister is extremely foolish if he does not think that a fair percentage of the electorate will be influenced by some of the bias that emanates from the British media.

Mr. D. Ahern: I happened to look at the Fine Gael website in which Fine Gael Members extol the virtues of the European constitution. I suggest to the Deputy that he put a few more statements on the website.

Mr. Allen: I have a fair few there.

Mr. D. Ahern: I will not accept criticism from the Deputy in respect of this matter. It is important that the Irish people are given full information. All the European member states, including Ireland, have until well into 2006 to make a decision on ratification. Much preparatory work is being carried out on the wording for the referendum to ensure it is right and on delivering full information to the Irish people in as simple a format as possible. This is a constitution to determine the future of Europe now that it is enlarged to 25 member states and so that it can be run more smoothly. When any club or association decides to form, the first item on the agenda is the constitution, and that is exactly what is happening in the EU, given that membership has risen from 15 to 25. I believe that the Irish people accept that the work carried out by the Government during the Irish Presidency to bring this to fruition will stand it in good stead. Full information will be delivered to all households by both the Referendum Commission and the Government.

Middle East Peace Process.

59. Mr. M. Higgins asked the Minister for Foreign Affairs his views on whether the proposed withdrawal from Gaza announced by Israeli Prime Minister Sharon is the first step in a comprehensive set of initiatives within the context of the road map for peace or, as some have suggested, is an attempt to develop an alternative to the road map for peace; his further views on whether the recent ceasefires announced by the Israeli Prime Minister and the President of the Palestinian Authority have the potential to secure a just and lasting peace in the Middle East if they are allowed to stand on their own; his further views on whether significant progress on the issues of settlement in the West Bank, east Jerusalem, and the release of prisoners are matters which must be quickly addressed; if he has represented such views to his colleague Ministers in the EU; and if he will make a statement on the matter. [7795/05]

Mr. D. Ahern: The Government, together with Ireland’s partners in the EU, has repeatedly reaffirmed its position that the proposed Israeli withdrawal from the Gaza Strip is to be welcomed so long as it takes place in conformity with the conditions endorsed by the European Council in March 2004. The Council noted five elements which are essential to make a Gaza withdrawal acceptable to the international community: it must take place in the context of the road map; it must be a step towards a two-State solution; it must not involve a transfer of settlement activity to the West Bank; there must be an organised and negotiated hand over of responsibility to the Palestinian Authority; and Israel must facilitate the rehabilitation and reconstruction of Gaza. There appears to be an increased likelihood that these criteria can be met.

In common with our EU partners and the wider international community, I welcomed the agreement which was reached at the Sharm-El-Sheikh summit for the cessation of violence and military activity by both sides. Such an end to the cycle of violence is indispensable to the prospects of a return by both sides to negotiations for an end to the conflict leading to two states, Israel and Palestine, living at peace within secure and recognised borders. There is no substitute for political negotiations between the parties to the conflict leading to a lasting political settlement.

Among the favourable outcomes of the Sharm-El-Sheikh summit were the further commitments from the Israeli side to a series of confidence-building measures, including the release of Palestinian prisoners. This was an important step and I welcome the fact that effect has been given to this commitment and that discussions are continuing between Israel and the Palestinian Authority over further releases.

As regards the need to resolve the issue of settlements, the Government has consistently taken the view that the transfer of its own population into occupied territory by an occupying power is a breach of the Fourth Geneva Convention. The settlements established in the occupied Palestinian territories of the West Bank and Gaza Strip by the Israeli authorities are illegal and should be dismantled. Land seizures by the occupation forces for the purposes of settlement are not recognised under international law. Both Ireland and the EU have made these views known to the Israeli Government on numerous occasions.

I welcome the fact that the withdrawal announced by the Israeli Government includes withdrawal from a number of settlements in the West Bank. I hope that this will mark the beginning of a wider pull-back to the pre-1967 frontiers.

Mr. M. Higgins: I thank the Minister for his comprehensive reply. May I ask him specifically if there is evidence that the issue of east Jerusalem is on the table for negotiation and resolution on the part of Israel? With reference to his remarks about the reduction in settlement in the West Bank, is he aware that the withdrawal from Gaza, if it included all settlers, would be 7,500 settlers, whereas in the West Bank the number of
settlers is 240,000 and the number of Palestinians in east Jerusalem is 120,000? Has the Minister noted any sign that the Gaza withdrawal is not as has been described by a senior adviser to the Sharon Government, one that is an alternative to the peace plan?

Is there any evidence that progress is being made in the areas with the worst kind of settlement, namely, the West Bank and East Jerusalem where, until a recent decision of the Israeli Attorney General, there was a threat that Palestinian property would be taken over on the basis of absenteeism?

I welcome the statement on the release of prisoners. What initiative can be taken by Ireland and its partners to drive on the process, past the Gaza withdrawal, to include the issues of the West Bank and East Jerusalem?

**Mr. D. Ahern:** On a general point, I intend to travel to the Middle East in the not too distant future and will meet with the representatives of the Israeli Government and the Palestinian Authority. It is also anticipated that I will visit Jordan and Egypt and I will raise all these concerns. This will be a slow process but the indications are fairly favourable and hopeful. The Israelis will move out of Tulkarem next week. We regard this withdrawal, if it takes place, as a good template for further disengagement.

The Law on Absentee Property and the issue of confiscation have been raised by the EU External Relations Council which has called on the parties to refrain from taking action. My understanding is that following legal advice the Israeli authorities are reviewing the decision taken in this matter. This issue is raised at every meeting of the External Relations Council to keep pressure on the Israelis.

**Mr. M. Higgins:** Regarding the decision of the International Court of Justice on the routing of the wall on Palestinian territory and the later decision by the Israeli Supreme Court that the incursion into Palestinian territory is excessive, is there any indication from the Israeli authorities that they will withdraw to the green line?

I visited Palestine a few weeks ago. Is the Minister satisfied the withdrawal from Gaza will leave the Palestinian Authority without a right of access to the sea and will place a barrier between it and Egypt? Even after the withdrawal, Gaza will not be in contact with any other sovereign country.

**Mr. D. Ahern:** Again, I make the general point that any withdrawal must take place in co-ordination with the Palestinian authorities. The withdrawal from Tulkarem due next week will take place in consultation with the Palestinian authorities and with their co-operation.

Some sections of the wall have been rerouted closer to the 1967 line. While this reduces the negative impact on the Palestinian population in the areas in question, it does not overcome the fact that the building of the barrier on Palestinian territory is illegal. This is the view of the European Union and the International Court of Justice and remains our position. While we accept the Israeli Government has a duty to protect its people, Ireland and the European Union have forcefully stated that the siting of the wall is wrong and it should be moved to the pre-1967 line.

**Passport Applications.**

60. **Mr. Connolly** asked the Minister for Foreign Affairs if provision will be made for on-line passport applications; and if he will make a statement on the matter. [7764/05]

**Mr. D. Ahern:** My Department is implementing a new passport issuing system. This involves the introduction of a new passport booklet and a complete upgrade of the systems and work processes for handling passport applications. When fully implemented, Ireland will have one of the most advanced and secure passport systems in the world.

As part of the development of the new system, it is intended to make provision for citizens to make on-line passport applications in the sense of transmitting their personal information across the Internet. However, they will still have to submit their photograph and signature and supporting documentation to establish their identity to the Passport Office by post or by hand. It is also proposed to enable citizens to check on-line the status of passport applications already submitted. These facilities should be available later this year.

In the longer term, my Department will discuss with the Reach agency the arrangements for providing a complete on-line passport application service, whereby passport applications could be submitted in full through the public services broker which would provide the level of authentication of identity necessary for the Passport Office. The timetable for the provision of this service will depend on the further development of the public services broker which is a matter for my colleague, the Minister for Social and Family Affairs.

**Mr. Connolly:** I thank the Minister for his reply. This initiative will be a welcome change for those applicants who must take a day off work to travel to Dublin and queue outside the Passport Office in the winter months. With regard to passport smart cards, are there any plans to introduce digitally captured biometrics, for example, iris scans or finger prints?

Will the system be improved for people in Northern Ireland who regularly encounter difficulties when they present at Garda stations? Gardaí at Pearse Street station in Dublin, for example, will not know a person from County Down who presents to them and will tell him or her to go to Dundalk Garda station. Are there
Mr. D. Ahern: The Government has already made a decision to introduce passports containing biometric information. The reason is to comply with EU regulations and US legislation and ensure that Irish citizens are able to transfer with ease in and out of the United States. Funding has been provided in the Estimate for the introduction of biometrics and we hope to produce biometric passports with fingerprinting on a pilot basis by October. The inclusion of iris identification at a future date is under consideration.

We must be extremely careful regarding proof of identity. Examples such as that described by the Deputy occur from time to time. However, I assure him that the purpose of the considerable investment of €27.5 million to date in the new system and centralising passport production in Balbriggan and Molesworth Street is to ensure uniformity and co-ordination across the island and for those who apply to our embassies for passports. All efforts are made to make the process of applying for passports as easy as possible while also guaranteeing proper identification of those applying for passports. The difficulties which arise from time to time for applicants travelling from the North are dealt with on a case by case basis.

Diplomatic Representation.

61. Mr. Allen asked the Minister for Foreign Affairs the position with regard to diplomatic relations between Ireland and Burma; and if he will make a statement on the matter. [8064/05]

Mr. D. Ahern: As I have stated in previous replies, Ireland announced the establishment of diplomatic relations on a non-resident basis with Burma on 13 February 2004. However, the progress anticipated in 2004, most notably the meeting of an open and unhindered national convention and the release of Daw Aung San Suu Kyi, did not materialise. In the circumstances, the Government decided to put on hold the exchange of non-residential ambassadors. I have made it clear that any decision to proceed with such an exchange will now have to await significant and positive moves by the Burmese authorities.

The Government has consistently pursued a strong line in support of democracy in Burma. With our EU partners, we remain strongly critical of the continued detention under house arrest of Aung San Suu Kyi, other activists and a number of MPs elected in 1990. We also condemn the absence of political progress, continuing serious human rights abuses and overall lack of fundamental freedoms in Burma.

On 2 December 2004, I issued a statement condemning, in the strongest possible terms, the decision of the Burmese Government the previous day to extend the detention under house arrest of Aung San Suu Kyi for another year. I also called on the Burmese authorities to allow the UN Secretary General's special envoy, Mr. Razali Ismail, to travel to Burma at the earliest opportunity and, while there, to visit Aung San Suu Kyi. The EU Presidency also issued a declaration on 10 December 2004 condemning her continued detention.

Reports suggest approximately 15,000 prisoners have been freed over recent months by the Burmese authorities. While I welcome these releases, I regret they only include a limited number of political prisoners. Last week, I met Mr. Yawngwae, director of the European office for the development of democracy in Burma, a joint project of the European Commission and the Olaf Palme International Centre in Sweden to promote democracy in Burma. He was accompanied by members of Burma Action Ireland. The meeting was part of a regular dialogue between my Department and the key non-governmental organisations concerned with the situation in Burma. Among other issues, I discussed the matter of diplomatic relations with Burma, making it clear there was no question of an exchange of ambassadors until such time as the situation there substantially changed for the better.

Mr. Allen: Does the Minister agree that the decision in early 2004 to open diplomatic relations with both Burma and North Korea was the most bizarre and ill-judged? It gave an air of respectability to those two areas of repression, that have been described as outposts of tyranny. In the case of Burma, does the Minister agree that this decision, based on assumption that the opposition leader was to be released, was a serious error of judgment? Will he give a clear signal to these two regimes that their lack of action towards implementing democracy cannot be tolerated? Will he tell them Ireland has no further interest in establishing diplomatic relations until such time as democracy is put into force in their respective countries?

An Leas-Cheann Comhairle: The question only concerns Burma.

Mr. D. Ahern: I do not accept these were ill-judged decisions. In Burma’s case, it was decided on the basis that it was indicated that Aung San Suu Kyi would be released and her party would be allowed to participate in the Burmese national convention. However, this did not happen. This decision was made in the context of Ireland’s EU Presidency term. We could not look at it in bilateral context. We had to be able to deal directly as holders of the EU Presidency with the Burmese authorities. This was the same with North Korea. I do not agree, therefore, with Deputy Allen’s claims.

Given that the situation has gone the wrong way, our absolute commitment is that we will not
exchange non-residential ambassadors until such time as the situation has changed for the better. While there are no indications in this respect, it is better to engage with people and have some influence with them rather than turning one’s back and issuing statements from afar.

Mr. Allen: If it is better to engage, what engagements has the Minister had with these two countries since the end of Ireland’s term in the EU Presidency?

Mr. D. Ahern: Last week, some of my officials spoke with Chinese authorities about the influence they may be able to bring to this.

Mr. Allen: I am talking about Burma.

Mr. D. Ahern: Constant efforts at engagement have been made through the EU and whatever influence we have with neighbouring states in the region. Burma is in a pivotal situation and must be dealt with in a delicate way. Every other fora, such as the ASEAN conference, is used to get our point across. It is accepted that the Burmese authorities have refused all overtures, not only those of Ireland but of many other states. In the aftermath of the tsunami disaster, I pushed strongly for the EU to engage with the Burmese authorities in providing assistance for the ordinary Burmese people. I also pushed for NGOs, particularly Irish ones, to be allowed into Burma. All overtures made in that respect were rejected. Burma, for whatever reason, did not suffer as badly as other states in the affected region.

Mr. M. Higgins: We do not know that.

Emigrant Support Services.

62. Mr. M. Higgins asked the Minister for Foreign Affairs if the Government has discussed or he has had discussions with his British counterparts on the possibility of providing Irish television services, free travel and other such benefits for senior citizen Irish immigrants when they return to visit Ireland and for emigrant communities living outside this country, predominantly in the United Kingdom; and if he will make a statement on the matter. [7796/05]

Mr. D. Ahern: The Government is determined to continue developing and enhancing Ireland’s relationship with our emigrant communities. Key advancements already achieved include the establishment of an Irish abroad unit within my Department and the significant increase in funding secured for emigrant services this year.

The Irish abroad unit continues to make progress in this important area of national policy. It is charged with co-ordinating overall policy towards our emigrants. It manages the financial supports my Department directs to the voluntary organisations engaged in the delivery of services to Irish emigrants, particularly the more vulnerable and marginalised. Its officials are active in the key areas and meet all partners involved.

In the budget, I obtained a substantial increase in funding for emigrant services for 2005. The figure of €8.27 million is a doubling of the 2004 Estimates figure. Even allowing for the additional funding made available to emigrant services in late 2004, the figure represents an overall increase of 63%. I have met representatives of our communities abroad on several occasions since becoming Minister for Foreign Affairs. I have been pleased to hear this progress is welcomed by those who provide critical frontline services to our vulnerable emigrants.

Along with the Ministers for Social and Family Affairs and Communications, Marine, and Natural Resources, I am aware of the specific issues raised by the Deputy. Regarding free travel, I refer the Deputy to a parliamentary reply to the House on 15 December 2004 by the Minister for Social and Family Affairs in which he said he was carefully examining the issues involved. I am aware of the interest of some Irish people living in Britain in seeing Irish television programmes. I will continue to keep the Minister for Communications, Marine and Natural Resources advised of the views of the Irish community abroad on this matter. The Government has a firm and sustained commitment to our emigrant communities. The progress already achieved in this important area will be built on progressively over the coming years.

Mr. M. Higgins: I thank the Minister for Foreign Affairs for his reply. Some months ago Deputy Stagg and representatives from the Labour Party visited Irish emigrant communities in Britain. Some weeks ago, I also visited them with the Joint Committee on Foreign Affairs. A number of issues referred to by the Minister were raised with us. Between 1955 and 1960, approximately 250,000 people left Ireland for Britain, all of whom are now elderly. When arriving back to Ireland, many are unable to rent a car for travel due to age. However, they do not have free travel on public transport. Is the Minister considering a pilot scheme to enable these Irish emigrants who will visit home during the coming summer to avail of free travel?

Is the Irish abroad unit considering the use of a commissioning structure to provide a television service for broadcasting Irish stations for Irish communities in Britain? While I welcome the 63% funding increase to €8.27 million, it still falls short of what was recommended by the task force on emigrants. Does the Minister see a special case in giving short-term assistance for capital projects as opposed to current ones? Different centres, such as Cricklewood, are kept going by fund-raising and the generosity of the Irish community. However, as a number of premises must be replaced, it is unrealistic to expect a dwindling Irish emigrant population to come up with fund-
[Mr. M. Higgins.]

Is there a lack of commercial success, which makes reinventing for capital projects. Will the Minister examine this matter?

Mr. D. Ahern: The Irish abroad unit has worked intensely with several groups considering renewing their premises. Financial assistance in this respect will be examined. Most local authorities in the UK are very receptive to assisting the Irish associations because, generally speaking, they must deal not only with Irish people but with other ethnic communities, which I think the Deputy saw. There are issues in regard to assistance for people who left in 1955. I am aware of this issue, given my ministerial history in the Departments of Social, Community and Family Affairs and Communications, Marine and Natural Resources. I made the very significant decision in regard to the pre-1953 pensions, which is now costing the Exchequer €82 million. I am not making a political point but it was one of the best decisions made even though the Comptroller and Auditor General has criticised the cost estimate in regard to it. That decision, in effect, re-warded those people who paid pre-1953 stamps but who got no pension credit for doing so. Many thousands of people, particularly elderly people, in the UK have benefited from that move made by me. The priority from this Department’s point of view is in the context of the funding we have received, with an increase of 850% since 1997 in funding for voluntary agencies. How that funding is dispensed is an issue for the Irish abroad unit.

Given my ministerial history, I am acutely aware of the free travel issue. When I was Minister for Social, Community and Family Affairs, I considered this issue. It is easy to call for free travel but there are difficult issues in regard to the reciprocity of free schemes between EU countries and whether it can be ring-fenced to include Irish people living in the UK as opposed to those living elsewhere in the EU. There are very difficult administrative and cost issues. The main issue is how it can be ring-fenced without the possibility of it being challenged by Irish people living elsewhere in the EU. That is the difficulty that is being addressed by the Minister for Social and Family Affairs.

I am aware of the television issue because it was raised with me when I visited the groups. It is an extremely complex issue, as I am aware from my experience in my last Ministry. RTE buys US programmes at a much lower rate than, for example, Channel 4. The distribution rights and cost of programmes are based on audience numbers. We cannot order RTE to increase its transmit to the UK because, obviously, it would have to make commercial decisions and it would have implications for its ongoing funding. However, if such a decision was made, it would have huge cost implications for RTE. Tara TV, for example, tried to provide a service on satellite and cable but it went into liquidation because of a lack of commercial success, which makes reinvention in that market very difficult from a commercial point of view. The Irish abroad unit is considering, from a general policy point of view, examples in other countries which perhaps we could follow.

It is accepted that we look after our old age pensioners much better than the UK, in particular, and other countries. When these people come back home and see the benefits, particularly the additional benefits our people get under the social welfare system, they say they need them. There is an element of free travel in the UK for old age pensioners but it is confined to certain geographical areas in the country — it is not universal. We are lucky the free travel scheme in the Republic is universal.

Mr. M. Higgins: In regard to the television component of my question, what I suggested was a commissioning structure rather than a rebroadcasting or relay structure. Will the Minister ask the Irish abroad unit to consider that? The difference is that if one purchases in programmes, one avoids the difficulties in regard to RTE’s purchase of programmes in competition with others. The second issue is that there might be a model for a pilot scheme based on the different voter participation and transport schemes in various parts of the European Union.

Mr. D. Ahern: In regard to commissioning or buying in programmes, one must have a platform, and obviously the platform would have to run on a commercial basis. I do not see anyone knocking on our door to provide services in the UK for Irish people. It is a very complex issue. Perhaps with changing technology and with the television without frontiers directive, it might be possible for RTE to do something major in the satellite area. However, that is an issue for another day.

Visit of Kenyan Delegation.

An Leas-Cheann Comhairle: On my behalf and on behalf of Members of Dáil Éireann, I offer a very sincere welcome to the Honourable Mr. David Musila, Deputy Speaker of the Kenyan National Assembly. I hope your visit will be enjoyable, successful and to our mutual benefit.

Ceistean na Seisean — Questions (Resumed).

Other Questions.

Nuclear Weapons Programme.

63. Mr. Rabbitte asked the Minister for Foreign Affairs the Irish and European position towards the existing situation which pertains in North Korea with regard to the threat of nuclear weapons being developed in that country; and if he will make a statement on the matter. [7734/05]
135. Mr. McGinley asked the Minister for Foreign Affairs the Government’s views on recent statements from North Korea relating to its nuclear capability and the withdrawal from talks by that country; and if he will make a statement on the matter. [7622/05]

Mr. D. Ahern: I propose to take Questions Nos. 63 and 135 together.

The issue of the nuclear programme of the Democratic People’s Republic of Korea, DPRK, is kept under close and regular scrutiny within the European Union. The International Atomic Energy Agency, IAEA, has the responsibility of carrying out inspections of nuclear and related facilities under the safeguards agreements which are mandatory for states party to the Nuclear Non-Proliferation Treaty, NPT, which the DPRK ratified in 1985. However, following the expulsion of the IAEA inspectors on 31 December 2002, the agency has been unable to draw conclusions regarding the nuclear activities in that country.

In January 2003, the DPRK went further and announced its withdrawal from the NPT. However, the IAEA board of governors, in a resolution of February 2003, confirmed that the agency’s safeguards agreement with the DPRK remained binding and in force. It called upon the DPRK to remedy its non-compliance by taking all steps deemed necessary by the agency.

At the most recent meeting of the IAEA annual general conference in September 2004, a further resolution noted with concern the repeated official DPRK statements declaring its intention to build up a nuclear deterrent force. This resolution urged the DPRK to reconsider those actions and announcements and to completely dismantle its nuclear weapons programme in a prompt, transparent, verifiable and irreversible manner.

At the same meeting, the European Union expressed its concern that the IAEA had not been able to carry out its verification activities and, therefore, was not in a position to confirm that nuclear material had not been diverted to non-peaceful uses. The EU called for the DPRK’s compliance with its safeguards agreement with the IAEA and full implementation of all the required safeguard measures, including the return of IAEA inspectors.

The issue of the DPRK’s nuclear programme is also being addressed within the framework of the six-party talks process. This involves China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States. Three rounds of talks have taken place since the process was initiated in 2003. However, on 10 February last, the DPRK announced that it has produced and now possesses nuclear weapons and that it is to suspend its participation in the six-party talks for an indefinite period. The international community has expressed serious concern at these developments and strenuous diplomatic efforts to convince the DPRK to return to the talks process are under way.

The DPRK was the subject of discussion most recently at last week’s meeting of the IAEA board of governors in Vienna. Here, the EU strongly condemned the DPRK’s announcement of 10 February last and again urged it to completely dismantle any nuclear weapons programme in a prompt manner. The EU also indicated its support for the efforts of the IAEA director general to enter into dialogue with the DPRK, with a view to restoring the verification role of the IAEA.

In a subsequent statement issued on 3 March, the IAEA board of governors expressed serious concern over the DPRK statement of 10 February and made clear that the DPRK nuclear issue was a serious challenge to the international nuclear non-proliferation regime, as well as to the peace and stability of north-east Asia. The board emphasised the importance of continued dialogue to achieve a peaceful and comprehensive solution of the DPRK issue and in this regard said it attached great importance to the crucial role played by the six-party talks. The board strongly encouraged all parties to redouble their efforts to facilitate a resumption of the six-party talks at an early date and without preconditions.

Ireland, together with its partners in the EU, supports the six-party talks process and urges the DPRK to co-operate with the international community to find a solution to the nuclear issue. While not directly involved in these talks, the EU has availed of every opportunity to confirm the Union’s willingness to contribute to the international efforts to move matters forward. The Union has also indicated its readiness to consider enhanced co-operation with the DPRK if the current difficult situation can be resolved in a satisfactory manner.

Mr. M. Higgins: Is it the Minister’s understanding that the non-proliferation agreement involves the reduction in nuclear capacity of those with existing nuclear capacity as well as the prohibition of the extension of nuclear capacity to countries such as the DPRK? I agree with the Minister that such developments could be seriously destabilising to the region. How does the six-nation approach in the case of the Democratic People’s Republic of Korea contrast with the approach on, for example, developments in Iran?

Mr. D. Ahern: It is accepted that the authorities in the DPRK have difficulties regarding the participation of the US in the six-party talks. Regarding Iran, the talks are led by three countries of the EU and the US is supporting the talks and the diplomatic efforts in that respect. That situation is moving along fruitfully. The DPRK situation is somewhat different and more worrying. Talks are taking place. China and the US are engaged in talks in Seoul as we speak. The British Ambassador, as the representative of the EU in
the DPRK has made strenuous efforts to get the DPRK authorities back into the six-party talks. Those efforts will continue.

**Mr. M. Higgins:** Does the Minister agree with my interpretation of the non-proliferation agreement that it was always the intention that there would be a reduction in existing nuclear capacity?

**Mr. D. Ahern:** Yes.

**Mr. Allen:** In view of the Minister’s statement that the North Korean Government expelled the nuclear inspectorate in 2002, is it not strange that he decided to set up diplomatic relations with that country? How can he justify the decision to set up diplomatic relations with North Korea in those circumstances? I do not understand the Minister’s defence of his decision, which was that Ireland had the Presidency of the European Union and was forced to do so. I cannot accept that as a defence. Our foreign policy should be based on our own beliefs and needs. We should not be bounced into arrangements with countries such as North Korea and Burma because of our Presidency of the European Union. How can the Minister justify a decision to set up diplomatic relations with a country that only a short time previously expelled the nuclear inspectorate?

**Mr. D. Ahern:** I disagree with the Deputy’s “head in the sand” philosophy. There are parameters with which any normal nation must concur. However, I concur with the decision to open diplomatic relations with countries such as Burma and the DPRK on our own terms.

**Mr. Allen:** It is the Minister who has his head in the sand.

**Mr. D. Ahern:** We had the Presidency of the EU and in that role we had a duty. Perhaps some day the Deputy will have that opportunity, although it will be 2030 and he may be retired by then or Fine Gael may not be in power.

**Mr. Allen:** The Minister should not hold his breath.

**Mr. D. Ahern:** When a country has the Presidency of the EU it must be able to deal on a one-to-one basis with countries outside its normal sphere of interests. It was decided that it would be better to have diplomatic relations with Burma and the DPRK. When our ambassador to North Korea, who is non-residential and operates from Seoul, met the DPRK authorities he made all the relevant points on issues such as human rights and the non-proliferation treaty on our behalf. He would not have been able to make those points if we did not have diplomatic relations with the DPRK. I do not, therefore, accept the Deputy’s “head in the sand” attitude in that regard, and God help Ireland if he is ever in charge of foreign policy.

**Mr. Allen:** I do not understand the Minister’s schizophrenic attitude to foreign policy. On the one hand he states we must have diplomatic relations in order to discuss issues on which we differ. On the other, the Minister has broken off relations by not proceeding to set up diplomatic links. The Minister cannot have it both ways. I do not understand his line of reasoning. The Government made rash decisions on which the Minister had to rapidly backtrack because of the gross records of those two countries.

**Mr. D. Ahern:** In view of the indications previously given by the Burmese authorities regarding the release of Aung San Suu Kyi and the participation of her party in the National Convention of Burma, and given that we were going to set up relations which would have been of mutual benefit to both countries, what better way is there of getting our point across on the issues in question than by not proceeding with the setting up of those relations?

When we set up diplomatic relations with the DPRK, the situation was not as drastic as it is today. Our ambassador has indicated our views very strongly to the authorities there. I do not, therefore, accept the Deputy’s “head in the sand” attitude. I believe in discussion. It is far better for us as a small neutral nation that punches far above its size and that is regarded as an honest broker and respected in most of the corners of the world to be there using our influence. It is better that we should start relations with countries where there are difficulties on human rights issues etc. so that we can at least exert influence at the table in that respect.

**Mr. Allen:** The Minister asked me a question. May I answer it?

**An Leas-Cheann Comhairle:** No. The purpose of Question Time is for Members to ask the Minister questions, not the other way around.

**Mr. Allen:** I would not concede anything to such countries until they carried out their promises. The Minister was sold a sucker. It is not the first time the Minister made a bad error.

**Northern Ireland Issues.**

64. **Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs if he raised with the British Prime Minister, at his meeting on 1 February 2005, the jailing of a person (details supplied) and the admission by MI5 that it bugged the Sinn Féin office at Connolly House, Belfast; and if he will make a statement on the matter. [3623/05]

**Mr. D. Ahern:** As the Deputy is aware, I have pursued both of these issues to the greatest extent possible and appropriate. Raising them again with the British side would not advance either in the absence of further developments of which there have been none. Accordingly, neither of the two matters referred to by the Deputy were raised at the meeting on 1 February 2005.
Caoimhghín Ó Caoláin: I am incredulous that these matters were not addressed. Does the Minister recall that the Taoiseach said he raised with the British Government the bugging of the Sinn Féin office at Connolly House and that he limply told the British that it was unhelpful, but that the British authorities did not admit to it at the time? Is the Minister aware that a representative of MI5 admitted to a British House of Commons committee that it had planted the listening devices at the Sinn Féin offices? As I stated, the Taoiseach said the bugging was unhelpful. What response has been received from the British to the issue? Will the Minister note that this took place against the backdrop of the institutions being brought down by the British Government on the back of unproven allegations of republican espionage at Stormont? Does this not, therefore, require a more serious approach by both the Taoiseach and the Minister to this very serious matter, especially taken in conjunction with the British refusal to co-operate with the inquiries of Mr. Justice Barron? I am very disappointed the Minister has not regarded this and the second matter as meritorious of readdress with the British, given that we have received no satisfactory response.

Is the Minister aware of the great hurt and concern caused within the wider Derry community and much further afield by the jailing of the Derry man, Martin Doherty, given that Martin Doherty is the only person ever jailed in connection with the events surrounding the British army killing of 14 people on Bloody Sunday in 1972? Is the Minister aware that Martin Doherty was not in Derry on that day?

An Leas-Cheann Comhairle: I remind the Deputy that supplementary questions are limited to one minute.

Caoimhghín Ó Caoláin: I will conclude with this question. The Minister will note that Martin Doherty was released on Friday, but I understand he is subject to further imprisonment. Has this matter been raised with the British and, if so, what was the response? If the Minister’s reply is definitive, will he undertake to raise both of these very important matters at the first opportunity?

Mr. D. Ahern: My officials spoke to Mr. Doherty’s solicitor following his imprisonment and were told he would prefer to serve his sentence than have someone intercede on his behalf. My officials met a number of other people in this regard. While there have been fairly serious misgivings about the matter in Derry, it is within the remit of the tribunal and is not one in which we can intervene.

The matter of the bugging device was raised with the British authorities in September and they replied that it was their Government’s policy to neither confirm nor deny the existence of these types of covert operations. However, as a general point, it would be of concern to me that surveillance of any type would take place, particularly surveillance of Deputies.

Caoimhghín Ó Caoláin: It would be of concern to me also. As a Deputy who has been under surveillance throughout my years of elected office and for all the years previously, I could not agree more with the Minister. I hope he is as sincere in that matter as I am. I ask the Minister to address the question I put to him. When he raised the matter last September we did not at the time have a British admission of involvement in the planting of listening devices in the Sinn Féin office in Connolly House in Belfast. That admission has since been made by MI5 at a British House of Commons committee meeting. Surely, in God’s name, the Minister must regard that as a very serious matter and meritorious of raising it again with the British authorities. That he has not done so since last September will be a shock to many people, given the seriousness of the matter and the issues surrounding it.

Mr. D. Ahern: I did not say we did not raise it since September. I said we first raised it in September. On 16 January The Sunday Times reported, as the Deputy said, that the head of MI5 had admitted that British intelligence agents had bugged the building in the fashion he has stated. That matter was again raised with the British authorities through the British-Irish Inter-governmental Secretariat. They again responded along similar lines and refused to comment further.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Pat Breen — to ask the Minister to explain the effective closure of St. Michael’s pre-school in Ennis to children under seven with special needs; (2) Deputy Finian McGrath — Irish primary schools that have the second highest class sizes in the European Union; (3) Deputy Allen — the situation regarding the resignation of the clinical medical oncologist, Dr. Oscar Breathnach, from his position at Cork University Hospital; (4) Deputy McHugh — the urgent need for the Minister to approve the appointment of an additional teacher to Cahergal national school, County Galway; (5) Deputy Burton — the continuing failure to make arrangements for the reopening of the National Aquatic Centre in Dublin 15; (6) Deputy Stanton — the need for a dedicated cancer ward in the Cork and Kerry area and to make provision for an additional consultant post in oncology; (7) Deputy Enright — the change of use of a power station from the combustion of peat to the combustion of meat and bonemeal in Edenderry, County Offaly; (8)
Deputy Neville — construction of a new national school at Kilfinane, County Limerick; (9) Deputy Ó Caoláin — the need for the Minister to take urgent action to address the crisis in the provision of services for children with special needs as highlighted in the Health Service Executive’s north-eastern area in recent days; and (10) Deputy Cowley — to ask the Minister for Education and Science, further to her reply to Question No. 3 of 3 February 2005, whether she is aware of the opportunity to secure a new site and permanent accommodation for Gaelscoil na Cruaiche, Westport, County Mayo.

The matters raised by Deputies Allen, Stanton, McHugh and Finian McGrath have been selected for discussion.

Leaders’ Questions.

Mr. Kenny: On 16 December the Tánaiste informed the House that the Travers report into illegal charges for elderly patients would be published on 1 March. Last week we were told the report would be delayed by a further week and published today. We now learn of a further delay in publication of the report. Why has the report been further delayed to tomorrow? Do legal charges require further advice from the Attorney General before the report can be published? Will the Opposition leaders be given a copy of the report this evening so that the Taoiseach can be questioned tomorrow morning? It appears as though some internal media manipulation has taken place——

Deputies: Hear, hear.

Mr. Kenny: ——so that the Taoiseach will not need to be present in the House again for five weeks to answer questions on the matter as when the Dáil meets on the week after next the Taoiseach will be attending a European Council meeting. I want to put the Taoiseach on notice that we will require a full Dáil debate on the meeting. I want to put the Taoiseach on notice that the Taoiseach will be attending a European Council meeting and that the Dáil will meet on the week after next the Taoiseach will have been a European Council meeting for five weeks to answer questions on the matter as when the Dáil meets on the week after next the Taoiseach will be in a position to consider it in the first instance. A full debate on the report will take place in due course. It is a lengthy and detailed report, running to more than 160 pages, which is deserving of careful consideration.

Mr. P. McGrath: The Minister for Enterprise, Trade and Employment, Deputy Martin, should keep his head down.

The Taoiseach: It would not be appropriate for me to make any further comment on the report in advance of its publication other than to express my thanks and that of the Government to Mr. Travers for undertaking the investigation.

Mr. P. McGrath: The Minister is writing his resignation.

The Taoiseach: Obviously the measures to be taken in respect of charges that were levied remain to be determined.

Mr. P. McGrath: The Minister should be ready.

The Taoiseach: The Government will proceed to take appropriate decisions on the issue, having regard to the Travers report, at the earliest possible opportunity.

Mr. P. McGrath: Does the Minister of State, Deputy Conor Lenihan, want the job?

Mr. Kenny: The Taoiseach has not answered my questions. What are the preliminary steps that need to be taken? Does the Attorney General need to deal with any legal issues or threats, based on his advice to the Cabinet this morning? Will the report deal with public and political accountability? In fairness to the Tánaiste, Deputy Harney, while she had to accept collective Cabinet responsibility for this matter, at least she acted when the matter was brought to a head following persistent questioning from this side of the House. At least the Attorney General’s advice was sought unlike the incident where a letter was never sent to the Attorney General following the famous meeting attended by three Ministers some years ago.

Mr. J. O’Keeffe: They got their pay for it.

Mr. Kenny: Does the report make recommendations in regard to political accountability? It is the Taoiseach’s duty and requirement under the Public Service Management Act 1997 to have political responsibility vested in Ministers to regularise matters in situations where some illegal
activity is clearly taking place. When this report is published, does the Taoiseach intend to take action against the Minister, Deputy Martin, and the Ministers of State, Deputies Callely and Tim O’Malley? If these persons did nothing during their time in the Department of Health and Children about the situation whereby hundreds of thousands of people had payments illegally taken from them by the Government, is the Taoiseach prepared to stand up and be decisive in terms of his requirement as Taoiseach?

Will he see to it that the leaders of the Opposition parties are given a copy of this report this evening so that we can question him tomorrow morning in the Dáil before he departs for five weeks? The Taoiseach’s communications unit, which costs €300,000 per year, either did not see this on the front pages of the newspapers or has advised the Taoiseach that it may be appropriate that he absent himself from the House for that length of time.

A Deputy: The report will be leaked tomorrow morning.

Mr. J. O’Keeffe: Are we looking at a whitewash?

An Ceann Comhairle: The Taoiseach should be allowed to respond without interruption.

The Taoiseach: Last week, Opposition Members taunted me that I would not publish this report before the by-elections. They have now changed their position.

(Interruptions).

An Ceann Comhairle: The Taoiseach should be allowed to respond without interruption.

The Taoiseach: The system whereby the Government receives a report at 10.30 a.m. on a Tuesday and must issue it within a few hours is unfeasible.

Mr. D. Ahern: It is a 160 page report.

(Interruptions).

The Taoiseach: There seem to be 20 Deputy Kennys all of a sudden.

An Ceann Comhairle: Deputy Kenny was allowed to ask his question without interruption. The Taoiseach is entitled to the same courtesy in this House in making his reply. I ask Members to desist from interrupting.

Mr. Kenny: The Taoiseach will not answer my question.

The Taoiseach: I listened very carefully to Deputy Kenny without any interruption from Members on this side of the House. The concept that a report should just appear and that I should immediately be answerable for it is not reasonable. It is sometimes a good idea to read reports and that is what I would like to do.

Mr. D. Ahern: The Government must read the report.

Mr. Connaughton: The three Ministers at that meeting should have done more reading.

The Taoiseach: The Government must study the report and there will be a debate in due course.

Mr. J. O’Keeffe: What is another year?

Mr. Connaughton: Will the Taoiseach bring the report to the House?

An Ceann Comhairle: The Taoiseach should be allowed to continue without interruption.

The Taoiseach: The report will be published within 24 hours of its receipt by the Government after little discussion and debate. That is record speed and nobody can say to the contrary. It is a nonsense that a report can be pushed through and debated in no time.

Mr. Kenny: When will the Government consider the report?

An Ceann Comhairle: Deputy Kenny has had an opportunity to put his question and should allow the Taoiseach to respond without interruption.

The Taoiseach: The Government received the report this morning and is considering it. One does not take a 164 page report as part of a Government discussion and expect everybody to read it for seven or eight hours.

Mr. Kehoe: It will make frightful bedtime reading.

The Taoiseach: The meeting was at 10.30 a.m. Opposition Members must get real about what happens in Government procedure.

Mr. D. Ahern: There is such a thing as collective responsibility.

Mr. Kenny: Government Members are slow readers.

Mr. J. O’Keeffe: Why were the media briefed about the report?

An Ceann Comhairle: The Taoiseach is answering the question from Deputy O’Keeffe’s leader and should be allowed to do so without interruption.

The Taoiseach: Members will know the contents of the report tomorrow and will need to take time to study it.
Mr. McGinley: At what time tomorrow will it be released?

The Taoiseach: I will try to answer Deputy Kenny’s question. It has been decided to circulate a copy of the Travers report to all Members of the House to enable a considered review of its findings and recommendations. Each Member will receive a copy tomorrow. This procedure is being followed for two primary reasons. First, it is in this House that issues relating to accountability and Departments are properly and correctly raised. Second, this House can adopt the report, debate its contents and authorise its public release and it will thus constitute a publication within the provisions of Article 15.12 of the Constitution. This will ensure full, open and free debate on the important public issues raised by the report without the fear of the risk of litigation.

It is in the public interest that there will be a full and frank debate in this House and Members will therefore have a copy of the Travers report tomorrow, the first practical opportunity to make it available. A date can then be fixed for a considerable debate on the issue. That has been the advice of the Attorney General.

Mr. Kenny: It seems, therefore, no advance copies will be sent to the leaders of the Opposition parties.

The Taoiseach: The printing arrangements have been authorised to ensure all Members will have a copy of the report tomorrow.

Mr. Kehoe: When will there be a Dáil debate on the issue?

Mr. Rabbitte: The Tánaiste first told us we would have the report on 1 March. Subsequently, she announced she would take the report last Friday and it would be brought to Government and published today. Will the Taoiseach name one other Parliament in the European Union where on a matter in which the taxpayer is exposed for somewhere between €500 million and €2 billion, depending on which account one believes, a Minister would organise a press conference outside the Houses of Parliament to announce the details of the relevant report?

However, the Taoiseach is trying to make a virtue out of the fact that accountability should take place in this House. He is fully aware that if the Tánaiste were to go ahead and publish this report today as she committed to doing by way of press conference, at least the leaders of the Opposition would have the opportunity to question him in this House tomorrow morning. The Taoiseach is evading scrutiny by managing to defer the publication so that we cannot discuss the report until he goes missing for five weeks.

Are the rumours in the press about the sacking of officials justified? I do not know whether they are warranted because I have not read the report, unlike the Taoiseach who has had it since Friday. He spoke of reading the report in seven or eight hours. One would read War and Peace in that time. Does no culpability attach to serving Ministers who attended the meeting of the management advisory committee, MAC, on 16 December 2003 where legal advice was presented to them by the South Eastern Health Board to the effect that these charges were illegal? The Supreme Court stated clearly that the introduction of the universal health card in 2001 had the effect “of placing beyond doubt any question of the legality of charging for the relevant services”. The court’s ruling further stated there was “no possible room for doubt” and that any charge imposed on such a person was “indisputably imposed in direct contravention of the law”.

How could there have been any doubt in the minds of Ministers who were given legal advice and convened a meeting of MAC to discuss that advice? The Minister who claimed to be absent would have received the minutes of that meeting. The Taoiseach is obliged to tell the House whether the rumoured sackings relate to officials only or whether serving Ministers attract the culpability associated with their neglect of the supervision that is reasonably expected of a Minister.

The Taoiseach: This report covers the period from the summer of 1976 and deals with all the issues. I am studying the report, as are my colleagues who only received it today. We have received advice as to how the report should be handled. It will be put out to a committee of the House and will be available within 24 hours despite the claims that we would not make it. I could say many things about the aspects of the report which I have read but it would be inappropriate to do so. All Members will have the report and there will be a full debate in this House in due course.

The serious issues dealt with in the report cannot be articulated in two minutes. We know the sum to be paid by taxpayers will be substantial and it is not an issue which can be answered by me in two minutes. We will deal with the report in the House in due course. I am sure we will have to deal with it a number of times in the House because we will have to provide the necessary resources — it is not simply a matter of having a debate on the report.

As for the other matters, Deputies should not give in to speculation about what has been said.

Mr. J. O’Keeffe: It is already covered in the press.

The Taoiseach: The report will be published within 24 hours. No press conference organised for today, tomorrow or any other time. The Attorney General’s advice was sought because of possible litigation that can arise from reports of this nature. The advice was that the way to publish it was through the Oireachtas and I have made provisions in that regard. People would not
be advised to try to deal with it any other way. I will say no more about that, other than the report will be published. The Tánaiste and I said a week ago that we would deal with this issue and in spite of the scepticism of the House that I would hold this back until after the by-elections, the report will be published tomorrow.

**Mr. McCormack:** What about the press conference?

**Mr. Rabbitte:** If the Taoiseach is saying the report is being published in this manner to attract the privilege that attaches to a report being laid before the Houses, he has the same privilege now. He has an army of advisers who write notes for him on every conceivable thing. Why does he not have a note indicating the political fallout of exposing the taxpayer to a fine of what we are told will be of the order of between €500 million and €2 billion? Why does he not have a note to say in the House the effect of that? How could he possibly have a Minister with responsibility for older people attending a meeting of MAC, being presented with legal advice on this who says he knows nothing about it, a Minister with responsibility for people who are incapacitated, the Minister of State, Deputy Tim O’Malley, who has the same level of responsibility who knows nothing about it, and Steve Silvermint himself who knows nothing about anything? He never knew anything about it.

**Mr. J. O’Keeffe:** He sets up committees.

**Mr. Rabbitte:** The same Minister, Deputy Martin, must know that as early as January 2001 the Ombudsman, when raising alarm bells about an aspect of this matter, said “accountability should apply to those actions of which the Minister was aware or of which the Minister as head of the Department could reasonably be expected to have been aware or to have made himself or herself aware”. The Minister, Deputy Martin, got the minutes. He should not shake his head. He got the minutes. He is now trying to deny he got them.

**Mr. Martin:** The Deputy is reading the wrong quote.

**An Ceann Comhairle:** Deputy Rabbitte’s time is concluded.

**Mr. Rabbitte:** Is the Taoiseach committing to a debate tomorrow or on Thursday before he escapes from this House for five weeks? I ask the Ceann Comhairle to exercise his authority to require the Taoiseach to say clearly whether we will have that debate tomorrow——

**An Ceann Comhairle:** The Chair has no such authority.

**Mr. Rabbitte:** If the Chair has no responsibility in this matter, will the Taoiseach indicate whether he will commit to a debate either tomorrow or the next day before he goes missing for five weeks?

**Mr. Allen:** The Chair has authority under Standing Order 31 in this regard.

**The Taoiseach:** I caution the House on this matter. The report is over 160 pages.

**Mr. Rabbitte:** So what?

**The Taoiseach:** Please listen.

**Mr. Allen:** Are you a slow reader?

**An Ceann Comhairle:** This is Deputy Rabbitte’s question.

**Mr. Allen:** The Chair has authority under Standing Order 31 in this regard.

**The Taoiseach:** Deputy Rabbitte in his questions has come to a conclusion on what the report should or should not state. Perhaps he will be surprised when he reads it. I hope will read it. People want a report, they get it and almost hope it will not be published——

**Ms McManus:** We have not got the report.

**The Taoiseach:** ——so they can have a row about it. The Tánaiste and I said we would publish it. We will lay it before the House and Members can study and read it. We are ready to have a debate on it——

**Mr. Kenny:** When?

**The Taoiseach:** When people have read the report and not a few minutes after it is available.

**Mr. Kenny:** The Taoiseach will be away for five weeks.

**An Ceann Comhairle:** Allow the Taoiseach to continue without interruption.

**The Taoiseach:** If one has a serious report——

**Mr. McCormack:** How does the Taoiseach know what he will leak from it?

**The Taoiseach:** It is not required for me to have a report or a debate on everything.

**An Ceann Comhairle:** I draw attention to the fact that we are dealing with Deputy’s Rabbitte’s question and the only Member who should be responded to is Deputy Rabbitte. The Chair will take appropriate action and ask somebody to leave if Deputies continue to ask——
Mr. Kenny: Is the Chair referring to me?

An Ceann Comhairle: Deputy Kenny had his opportunity to ask a question on behalf of the Fine Gael Party. This is Deputy Rabbitte’s question. The Taoiseach to continue without interruption.

The Taoiseach: This is an important report which we will publish tomorrow, and we will have a proper debate on it in the House.

Mr. Rabbitte: Will we have a debate on it before the Taoiseach escapes on Thursday?

An Ceann Comhairle: Deputy Rabbitte had an opportunity to ask his question and I ask him to resume his seat.

Mr. Rabbitte: Will we have the debate on Thursday?

An Ceann Comhairle: The Deputy is being disorderly.

Mr. Rabbitte: Yes, Sir, I am being orderly——

An Ceann Comhairle: Disorderly. The Deputy is being disorderly and he knows it.

Mr. Rabbitte: I am entitled to an answer. Will we have a debate on Thursday?

An Ceann Comhairle: I ask the Deputy to resume his seat and allow the Taoiseach without interruption.

The Taoiseach: I have stated clearly that the Government will have a debate on this issue at a time to be decided.

Mr. J. O’Keeffe: That is not the question the Taoiseach was asked.

An Ceann Comhairle: Allow the Taoiseach reply without interruption.

The Taoiseach: I say to Deputy Rabbitte that there is no Parliament in Europe where the leader of the day spends so much time answering questions.

Ms McManus: The Taoiseach should answer the question.

Mr. Kehoe: We have only got promises.

The Taoiseach: I am not escaping anywhere from this or any other issue.

Mr. Connaughton: That is an outrageous statement and the Taoiseach knows it.

An Ceann Comhairle: Allow the Taoiseach reply without interruption. Deputy Connaughton is not a member of the Labour Party.

The Taoiseach: Deputy Rabbitte does not really want a debate.

Mr. Rabbitte: I do want a debate.

An Ceann Comhairle: Deputy Rabbitte, I ask you to resume your seat.

The Taoiseach: He has come to a conclusion about this issue for several reasons——

Mr. Rabbitte: Are we going to have a debate?

The Taoiseach: ——and he wants to stand up and make one-liners about Ministers of State.

Mr. Rabbitte: The Taoiseach is evading the question.

The Taoiseach: He does not want to read the report.

Mr. Rabbitte: Will we have a debate on Thursday?

The Taoiseach: I hope he will read it before he makes his contribution.

Mr. Rabbitte: I will read it if the Taoiseach gives it to me.

The Taoiseach: Yes. There will be a debate. Last week Deputy Rabbitte did not want a report into this matter, now we are giving the Deputy the report.

Mr. Rabbitte: When will the Taoiseach give it to me?

The Taoiseach: Tomorrow he will get the report.

An Ceann Comhairle: I call Deputy Sargent.

Mr. Rabbitte: I hope we will have a debate before the Taoiseach escapes from this House.

An Ceann Comhairle: Deputy, I called Deputy Sargent.

The Taoiseach: I am not escaping anywhere.

Mr. Rabbitte: The Taoiseach is escaping but he will not escape responsibility.

The Taoiseach: The Deputy is codding himself.

Ms McManus: The Taoiseach is running away from a debate.

An Ceann Comhairle: Deputy, allow Deputy Sargent to speak without interruption.

Mr. J. O’Keeffe: It is the same old story — just like the beef tribunal.
Ceann Comhairle: I ask Deputies to show some respect for their colleague, Deputy Sargent, to enable him to submit his question to the Taoiseach.

Mr. Connaughton: We are not being shown too much respect.

Mr. Sargent: I take it that Thursday is the day, and we look forward to that.

On another matter, is the Taoiseach aware that an oral hearing has commenced in the Boyne Valley Hotel in Drogheda over the licensing of the first municipal waste incinerator in Ireland? Government policy has often been characterised as a burn it and bury it approach, although Ministers, Deputy Roche and Deputy McDowell, do not want the burning part of it in their areas. Our policy is different as it is a zero waste strategy which does not allow incineration. Does the Taoiseach recognise the growing anger among people over the failure of the EPA to execute its role in a strong, independent and effective way? Will he accept and take seriously the procedural flaws revealed in this process, whereby a planning application can be appealed to another body, An Bord Pleanála, which is entirely independent from the local authority, yet an EPA licence is appealed to the EPA? Given the EPA’s biased and well known pro-incineration position, its quite sloppy approach to the GreenStar Kentstown 350 acre dump and that the EPA has been comprised over its public pronouncements which basically parrot Government policy, does he recognise that there is a need for an appeal body that stands aside from the EPA? Does the Taoiseach make it sound like a hair dryer.

The Taoiseach: I am sure Deputy Sargent will agree that the EPA’s oral hearing into the granting of a licence for the operation of an incinerator in County Meath will give all sides an opportunity to make their views known.

Mr. Sargent: No.

Mr. Boyle: No.

Mr. Eamon Ryan: No.

The Taoiseach: The licence inquiry allows for a lengthy planning process, which is among the most onerous, detailed and open of all such processes. The EPA is independent in the exercise of its functions.

Mr. Gormley: That is a joke.
Mr. Gormley: It is biased.

The Taoiseach: The EPA considers that human health will be protected if people comply with licence emission limits. It follows the procedures to a high standard.

Mr. Sargent: This matter is far more serious than the Taoiseach realises. Does the Taoiseach appreciate that the position of the EPA is compromised, in light of the pronouncements of its director, Dr. Mary Kelly, in favour of incineration, as well as the appointment to its board of Ms Laura Burke, who is a former employee of Indaver Ireland, which is the company seeking an incinerator licence? In that context, how can the Taoiseach stand over his comment that the EPA is independent? The EPA is judge and jury in its own court, in effect, and will not be subject to any appeals system.

There is an onus on the Government to accept its responsibility to govern, for example by learning from the lessons which should have been learnt by now, ten years after the establishment of the EPA. Is the Taoiseach aware that the position of the EPA is compromised, in light of the pronouncements of its director, Dr. Mary Kelly, in favour of incineration, as well as the appointment to its board of Ms Laura Burke, who is a former employee of Indaver Ireland, which is the company seeking an incinerator licence? In that context, how can the Taoiseach stand over his comment that the EPA is independent? The EPA is judge and jury in its own court, in effect, and will not be subject to any appeals system.

Mr. Connaughton: He will not allow such facilities in his local area.

Mr. Sargent: He believes in an approach of “anywhere but Wicklow”.

Mr. Gormley: Or Ringsend.

The Taoiseach: The Minister has said he will examine best practice as part of the ongoing environmental monitoring of projects. In particular, he will ensure that local communities are involved in overseeing such monitoring. The EPA does not just operate on the basis of its own rules, guidelines and standards.

Mr. Sargent: The Government does.

The Taoiseach: It also follows the relevant EU directives, which are enormous, as Deputy Sargent will agree. The EPA follows such standards. It is not simply ignoring protestors and listening to developers.

Mr. Sargent: The EPA always gives licences.

The Taoiseach: It considers the WHO standards. The EPA estimates that the 11 waste incinerators in operation in this country — Deputy Sargent would refer to them as hazardous — have contributed a fraction of 1% of national dioxin emissions to air.

Mr. Boyle: That is a projection.

The Taoiseach: The EPA has said that opponents of incineration should examine other issues.

Mr. Sargent: If we have to examine other issues, what about food?

Mr. Gormley: What about municipal incinerators?

The Taoiseach: Experts in this area have said that issues such as burning waste in back yards is not regulated.

Mr. Sargent: There is nothing we can do about the burning of waste in back yards.

The Taoiseach: The effects of such activity can be far worse than the effects of the matters we are discussing. That is what the experts are saying.

Mr. Gormley: Incineration will not stop the burning of waste in back yards.

The Taoiseach: I regret that the EPA has been rubbed to the extent it has been. The comments we have heard are unfair on professionals and experts who are working in this area. I do not believe that such people are a joke. The suggestion that certain issues should be reviewed after ten years is a fair point. I am sure the Minister will take it into account.

Mr. Cuffe: “Burn baby, burn” — that is the Government’s approach.
Request to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 31.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of public interest that requires urgent consideration, namely, the need to allow Members and the Minister for Foreign Affairs to respond to the horrific attacks on a peaceful women’s rights demonstration in Istanbul by the Turkish police, who beat and detained almost 60 demonstrators, and to allow the House to send a clear message on International Women’s Day that such actions, which suppressed a democratic campaign for women’s equality, are totally unacceptable on the part of the police force of a country that is a candidate for membership of the European Union.

Caoimhghín Ó Caoláin: I request the adjournment of the business of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the need for the Ministers for Health and Children and Education and Science to take urgent action to address the crisis in the provision of services for children with special needs, as highlighted in the north-eastern area of the Health Service Executive in recent days.

Mr. Boyle: I seek the adjournment of the business of the Dáil under Standing Order 31 to discuss a matter of urgent public importance, namely, the need for the Minister for Health and Children and Education and Science to account for the impact on services of children with special needs, as highlighted in the north-eastern area of the Health Service Executive in recent days.

Mr. O’Dowd: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the impending closure of the special education facility for autistic children at Marymount national school, Balsgrove, Drogheda, County Louth.

Mr. Gormley: I request the adjournment of the Dáil under Standing Order 31 to debate an issue of urgent public importance, namely, the decision of the north-eastern area of the Health Service Executive to take four autistic children into care and the need for the Tánaiste and Minister for Health and Children to investigate the matter and ensure that the best possible solution for the children and their parents is proposed.

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

Order of Business.

The Taoiseach: It is proposed to take No. 9, motion re leave to withdraw the Postal (Miscellaneous Provisions) Bill 2001 and the Law of the Sea (Repression of Piracy) Bill 2001 [Seanad]; No. 15, Health (Amendment) Bill 2005 — Committee and Remaining Stages; and No. 16, Disability Bill 2004 — Second Stage (resumed). Private Members’ business will be No. 35, Planning and Development (Amendment) Bill 2005 — Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted on the adjournment of Private Members’ business, which shall be taken for 90 minutes at 7 p.m. or on the conclusion of No. 15, whichever is the later, and the proceedings on the Second Stage thereon shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 9 March 2005. No. 9 shall be decided without debate. Committee and Remaining Stages of No. 15 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 7 p.m. by one question which shall be put from the Chair and which shall, in respect of amendments, include only those set down or accepted by the Tánaiste and Minister for Health and Children.

An Ceann Comhairle: There are three proposals to put to the House. Is the proposal for dealing with the late sitting agreed? Agreed. Is the proposal for dealing with No. 9 agreed?

Mr. Kenny: I do not agree with it. The notice sent from the Government in respect of the Postal (Miscellaneous Provisions) Bill 2001 makes a valid point about the necessity to discuss sensitive issues. Given that the issue of the postal services is before the Labour Court, I can understand the reason for the request, but will the Taoiseach instruct his Whip to make arrangements to have a full-scale debate in the House on postal services, taking into account An Post’s social responsibility, its future funding arrangements and the employment potential and closure of many hundreds of rural post offices?

We were given no explanation why the withdrawal of the Law of the Sea (Repression of Piracy) Bill 2001 is necessary, other than that it is because of important legal issues that emerged in the international context. What does that mean? It seems that the European committee has challenged the definition of piracy in the Bill. We discussed piracy in respect of the payments taken illegally from hundreds of thousands of patients
in long-stay institutions. That is a definition of piracy. I do not agree with the proposal.

Mr. D. Ahern: The Deputy’s party started that piracy.

Mr. Rabbitte: Soft on pirates and the causes of piracy. The postal workers want to know whether the commitment to the ESOP is still Government policy. That is the net issue.

An Ceann Comhairle: We are discussing whether the motion should be taken without debate. The Deputy’s point does not arise.

Mr. Rabbitte: I am explaining to the Ceann Comhairle why I am opposing its being taken without debate. The considerable problem faced by postal workers is that they do not know where the Government stands on the question of an ESOP for the workers in the industry. To determine whether we should call a vote on this matter, will the Taoiseach state whether the commitment to an ESOP for the postal workers still stands? That question is in order.

Mr. Sargent: Further explanation will be required if we are to accept what is proposed regarding No. 9. The withdrawal of the Postal (Miscellaneous Provisions) Bill 2001 is certainly inexplicable given the great need to debate the post office system and the need for it to be reformed so it will not be shrinking by the week, as is now the case.

In light of an announcement by the United States that it will have more ships containing toxic material crossing the Atlantic to Europe, posing considerable environmental risks, it seems strange that we are withdrawing the Law of the Sea (Repression of Piracy) Bill 2001, which could assist us in preventing possible environmental damage. I do not accept the proposal to withdraw the two Bills because we have been given no adequate explanation therefor.

Have we been given the full list of Bills to be withdrawn? Will the Disability Bill be withdrawn given the ten fundamental flaws?

An Ceann Comhairle: We are dealing with two Bills.

Mr. Sargent: Will the charities regulation Bill be withdrawn given that it seems that it was never intended that it would see the light of day?

Caomhghín Ó Caoláin: I support the other Deputies in the arguments posed for not proceeding as the Taoiseach suggests. We need the opportunity to discuss the Postal (Miscellaneous Provisions) Bill 2001 in full fora. I disagree very much in respect of the ESOP. It should not be a live option in the postal services or any other service. I make that very clear. However, I look forward to the opportunity to debate this properly on the floor of the Dáil. If the Taoiseach indicates, in response to Deputy Kenny’s request, that he will facilitate same through the Whip, I would welcome it.

The Taoiseach: On the Law of the Sea (Repression of Piracy) Bill 2001, Deputy Kenny has given the reason for its withdrawal. It is because of the possibility, in the international context, of litigation against the State by other member states of the European Union which challenge the definition of piracy. Therefore, it was considered advisable to withdraw the Bill. If we do not do so, we will be challenged on that basis.

A number of questions were asked on the Postal (Miscellaneous Provisions) Bill 2001 and I will answer that of Deputy Rabbitte first. It is the Government’s preferred policy to have an ESOP in An Post. Obviously, we must take into account the position of the company. Its situation has changed fairly dramatically in the past four years. According to the last figure I have seen, it has accumulated losses of over €90 million, close to €100 million. In its published accounts for 2003, its losses for that year amounted to €43 million. Obviously, the accounts for last year are not available.

As I said before in answer to questions, the implementation of the recovery strategy is contingent on agreement with the trade unions to radical restructuring. Negotiations have been ongoing over the past year in an effort to deal with the critical aspects. As I stated on several occasions, I appreciate the effort and commitment of all sides in trying to find a solution. The critical aspects will be moved shortly to the Labour Court for final determination. In light of the industrial relations issues that arose at that delicate and critical stage, it was thought that it would be prudent to defer consideration of the issues provided for in this Bill until a resolution is found to those industrial relations issues.

While postal issues have been debated in committee, Deputy Kenny has asked that they be debated in the House. I have no problem with that, but perhaps such a debate should be held after the Labour Court deliberations.

An Ceann Comhairle: Is the proposal agreed? Agreed. Is the proposal for dealing with No. 15 agreed?

Mr. Kenny: I am opposed to it. It is proposed to conclude Committee and Remaining Stages at 7 p.m. The Health (Amendment) Bill 2005 is an important Bill which affects a great number of people. The Tánaiste has expressed concern that the Government is losing €2.5 million per week while it is not implemented. That is the basis on which the legislation fell previously. It was rushed through the House, and rushed legislation is bad legislation. I am not saying it should be kept in the House interminably, but speakers from many parties want to have their say on it and, therefore,
consideration of the Bill should be extended beyond this evening.

Mr. Rabbitte: I agree with Deputy Kenny. Part of the reason we are in this mess is the Government’s resorting to the guillotine. The same parties that comprise the Government resorted to the guillotine in 2001 when the universal card was introduced. The Government again resorted to the guillotine at Christmas of last year when the Minister for Health and Children, Deputy Harney, compounded the original insult. The Government now wants to use it again because failure to enact the legislation is costing €2.5 million per week. Since Deputy Martin knew about this in 2001 he has cost the taxpayer €600 million. That is based on the Government calculation of €2.5 million per week.

Mr. J. O’Keeffe: Maybe the guillotine should be used on him.

Mr. Rabbitte: It is clear from the Supreme Court judgment that he knew about this problem in 2001. If not, he was asleep.

An Ceann Comhairle: That does not arise at this stage.

Mr. Rabbitte: It certainly does arise. Any Minister who costs the State €600 million——

An Ceann Comhairle: We are discussing the timing of this debate. What might be appropriate to the debate is not appropriate at this stage.

Mr. Rabbitte: The Ceann Comhairle says it does not arise. He wants us to make some errors again.

Mr. Martin: Deputy Rabbitte should tot up what Deputy Howlin cost the State when he was Minister for Health.

Mr. Rabbitte: Deputy Martin should do some kind of tots himself. He is either asleep or incompetent.

Mr. Martin: The Deputy should recall where it all began.

Mr. Connaughton: The Government has had it too good for too long.

Mr. Rabbitte: The figure is €2.5 million per week over 52 weeks for four years, which comes to €600 million. That is what Deputy Martin cost us, and that is only from the time we know the Government knew about this. I do not see how the Taoiseach can invite us again to guillotine a measure of which the Government has made such a mess on so many previous occasions.

Mr. Martin: Deputy Rabbitte should check the record.

Mr. Sargent: I share Deputy Rabbitte’s view that the guillotine is totally unacceptable. The Green Party opposes it on this Bill above all others. The Taoiseach said the Travers report would be available to us on Thursday. It is important that we can take that into account when deliberating on this matter, to avoid repeating by default the problem the Government created. I ask that the matter not be guillotined. We oppose a guillotine.

Caoimhghín Ó Caoláin: There will be very little time remaining between the conclusion of the Order of Business and 7 p.m. to address Committee, Report and Final Stages of this Bill. While the list of amendments, at 19, is not as long as might have been anticipated the time is inadequate to address these substantively on Committee and Report Stages. I agree with my colleagues that the important issues at the heart of this Bill, namely, GP only medical cards and the introduction of a charge for a stay in a nursing home should not have been addressed in this way. This is particularly true given the Government’s haste in regard to present and future charges for residents in nursing homes. The Government has not indicated how it will reimburse those who were illegally charged over the past three decades. Will the Taoiseach reconsider this proposal?

Question put: “That the proposal for dealing with item No. 15 be agreed”.

The Dáil divided: Tá, 59; Níl, 43.

Tá

Ahern, Bertie.
Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Martin.
Callanan, Joe.
Callely, Ivor.
Cassidy, Donie.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.

Dempsey, Tony.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Gallagher, Pat the Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Hoecker, Maire.
Kelly, Billy.
Kelly, Peter.
Mr. Kenny: I am disappointed the Taoiseach has not been in a position to grant the Leaders of the Opposition parties a copy of the Travers report. He said the Cabinet would require seven hours to read the report.

An Ceann Comhairle: The matter has already been dealt with on two Leaders’ Questions. It does not arise on the Order of Business.

Mr. Kenny: First, there is no meeting scheduled tomorrow for the Joint Committee on Health and Children. It normally meets at 9.30 a.m. but is now expected to meet at 11 a.m., half an hour after Taoiseach’s Question Time begins here. The Taoiseach’s move to have himself removed from the House for five weeks and not to have to answer questions is, therefore, valid.

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

Mr. Kenny: This is International Women’s Day and the front pages of the national newspapers carry the story of the release on bail of a convicted rapist. The judge in this case, for his own reasons made his decision. When will a judicial conduct and ethics Bill come before the House? The Taoiseach and everyone else said this House would receive a report on Aer Lingus before Christmas. The Taoiseach has now hounded a good man, Willie Walsh, out of office. Not only has his services been lost to Ireland, but he is now the chief executive of one of the major airlines in the world. When can we expect to see the air navigation Bill and the report from Aer Lingus?

The Taoiseach: The air navigation Bill will come before the House during this session. On the Aer Lingus report, there have been detailed discussions between the unions and management and the issues discussed should be completed shortly.

Mr. D. Ahern: Where stands the Mullingar accord on that one?

Mr. Rabbitte: We have already seen how the Taoiseach has contrived to evade scrutiny in the House for five weeks on a matter to which taxpayers are exposed to between €500 million——
An Ceann Comhairle: The matter has already been discussed on two Leaders’ Questions today. It does not arise on the Order of Business.

Mr. Rabbitte: Will the Taoiseach make the report available to the committee tomorrow in this House? He said one will need six and a half to seven hours to read it. The committee will receive it at 10.30 a.m. and sit at 11 a.m., conveniently just after Leaders’ Questions. Notwithstanding that, will the Taoiseach commit to the committee meeting in this House where we can discuss an issue that will impose a charge on taxpayers of up to €2 billion?

An Ceann Comhairle: The matter has already been dealt with. These questions have been dealt with on Leaders’ Questions.

Mr. Rabbitte: I am asking about the arranging of business. We have heard the excuse that it is costing us €2.5 million for every week. On that basis, the Minister, Deputy Martin, has received €600 million since 2001.

An Ceann Comhairle: The Deputy should confine himself to the question at this stage.

Mr. Rabbitte: That is a big enough issue for this House to discuss in plenary session. I am asking the Taoiseach one last time to commit to it being debated in this Chamber.

What is he fearful of? All his Front Bench have read it but no one on this side of the House has seen sight of it.

Mr. D. Ahern: No, we have not.

Mr. Connaughton: Some of them have.

Mr. Rabbitte: The Minister should have read it

Mr. D. Ahern: We only got it this morning. How could we read it before questions were asked today?

Mr. Kenny: The Minister of State, Deputy Callely, may have seen it.

Mr. J. O’Keeffe: We have had enough of this Machiavellian manipulation. The Government should release the report and face the music.

Mr. D. Ahern: We have a duty to read it.

The Taoiseach: The report was presented to the Cabinet at the start of the meeting this morning at 10.30 a.m. There were 20 items on the agenda this morning. Other than the few people who got the report at the weekend, none of the rest of the Cabinet had read the report. The Cabinet has not yet read the report.

Mr. Kenny: The committee took 20 minutes to read it.

The Taoiseach: I said today that the report will be available tomorrow. I answered questions on it today and people have already come to their conclusions on it.

Mr. Kenny: The Taoiseach has not answered any questions.

The Taoiseach: I have said there will be a debate and that can be worked out.

Mr. J. O’Keeffe: Stonewall Jackson had nothing on the Taoiseach.

The Taoiseach: The idea that a detailed report that took several months to prepare can just be brought in and circulated is not the way to do business.

Mr. Kenny: It took 20 minutes at the committee.

The Taoiseach: They will have it tomorrow. I hope they read it, although they probably will not bother, and then it can be debated.

An Ceann Comhairle: I call Deputy Gormley.

Mr. Rabbitte: On the Taoiseach’s answer——

An Ceann Comhairle: I have called Deputy Gormley. I will call Deputy Rabbitte again on the Order of Business if he has something appropriate to say.

Mr. Rabbitte: ——can he tell the House why there has been this departure from Cabinet procedure?

An Ceann Comhairle: The Deputy is out of order. That does not arise at this stage.

Mr. Rabbitte: Why was the document not circulated with Cabinet documents in the normal way, not later than 12 p.m. on Friday? Why did that not happen?

An Ceann Comhairle: I have called Deputy Gormley. I ask Deputy Rabbitte to resume his seat.

The Taoiseach: Normal procedure is to have it here by 12 p.m. on the Friday, but the report did not arrive until midnight on Friday night. That was the first time I even heard about it. I followed normal practice.
Mr. Kenny: This is a bluff.

Mr. Kehoe: How was the report discussed at Cabinet this morning if it was received too late?

Mr. Rabbitte: A Cheann Comhairle——

An Ceann Comhairle: If Deputy Rabbitte does not resume his seat, the Chair will take action.

Mr. Kehoe: How was the report discussed this morning if it was received too late?

The Taoiseach: If I had followed the procedure that Deputy Rabbitte has correctly raised, the report would not have been discussed at the Cabinet meeting until Tuesday week. That is when it would be on.

Mr. Rabbitte: I bet the Minister, Deputy Martin, read it.

Ms McManus: Did the Minister for Enterprise, Trade and Employment, Deputy Martin, see the report?

Mr. J. O’Keeffe: Who leaked it to the Irish Examiner?

An Ceann Comhairle: If there are continued interruptions in the House, the Chair will adjourn it for five minutes and then move on to the next business.

Mr. Rabbitte: The Chair might as well do that. We are not getting answers. What is the point? The Chair wants a nice Order of Business, but for what purpose if we cannot debate an issue as major as €2 billion of taxpayer’s money?

An Ceann Comhairle: I ask Deputy Rabbitte to resume his seat. If he does not do so, he will leave the House.

Mr. Rabbitte: The Chair would love that.

Mr. J. O’Keeffe: The Taoiseach is treating the House with contempt.

Mr. Gormley: The Taoiseach has confirmed today that he approves of incineration. When will the Government approve the contract for Ringsend that has been submitted by Dublin City Council?

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

Mr. Gormley: In the context of promised legislation, when will the strategic national infrastructure Bill be published?

Mr. Allen: It is on the back burner.

The Taoiseach: I hope by the summer session.

Mr. Kenny: Deputy Woods could bring it back in. He might as well. There will be a few vacancies in the Cabinet tomorrow.

Mr. Gormley: Has it been agreed?

The Taoiseach: We have agreed the terms of the Bill, yes.

Mr. Connaughton: Will the Taoiseach raise the question of the undocumented Irish on St. Patrick’s Day?

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

Mr. Connaughton: When will it arise, the day after St. Patrick’s Day? Is that the only day we can talk about the undocumented Irish?

An Ceann Comhairle: We will not continue until 7 p.m. with questions that are not appropriate to the Order of Business.

Mr. Connaughton: Will the Taoiseach discuss the undocumented Irish, yes or no?

Mr. D. Ahern: A question on the topic was answered today.

Mr. Connaughton: Deputy Rabbitte is right, this is a shambles where we cannot ask a straight question.

Mr. Kenny: Hear, hear.

Mr. Connaughton: Since the Minister, Deputy Dermot Ahern, arrived into the Department of Foreign Affairs, he has shown more interest in joining Sinn Féin.

Mr. Kehoe: Will there be a Cabinet reshuffle after the Travers report is published tomorrow? When will the family law Bill come before the House?

The Taoiseach: The family law Bill will be introduced later in the year.

Mr. Kenny: On the Cabinet reshuffle, what about Deputy Woods?

Caoimhghín Ó Caoláin: Will the Taoiseach explain his objection to the simultaneous release to both Government and Opposition of the Travers report?

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

Caoimhghín Ó Caoláin: It arises. Will the Taoiseach explain why we cannot have the simultaneous release of the Travers report?
Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I move:


Question put and agreed to.

Health (Amendment) Bill 2005: Committee and Remaining Stages.

An Ceann Comhairle: Amendment No. 1 in the name of Deputy McManus is out of order and cannot be moved.

Ms McManus: I was not informed that amendment No. 1 is out of order.

An Ceann Comhairle: It has been ruled out of order because it involves a potential charge on the Revenue.

Ms McManus: I am sorry but I must protest because it does not. I am entitled to comment on this.

An Ceann Comhairle: I will look into the matter and communicate with the Deputy.

Ms McManus: I am sorry but this is the only chance I have. Legislation is being rushed through.

An Ceann Comhairle: The amendment is out of order.

Ms McManus: I must dispute that because I do not believe it.

An Ceann Comhairle: The Chair has ruled on the matter and the Deputy must accept that ruling.

Ms McManus: My legal advice states that this does not involve a charge on the State.

An Ceann Comhairle: The Chair has ruled on the matter and if the Deputy has a problem with it she should come to the office of the Ceann Comhairle to discuss it.

Ms McManus: It was carefully crafted to ensure that I could table it in this House on Committee Stage and I am very disappointed that I will not be able to do this.

An Ceann Comhairle: I call Deputy Twomey to move amendment No. 2.

Dr. Twomey: I move amendment No. 2:

In page 3, before section 1, to insert the following new section:

"1.—The Health Act 1970 is amended by inserting the following new section after section 44, but in Part IV:

'44A.—Within three months of the passing of this Act, the Minister shall lay before each House of the Oireachtas, a statement of strategy detailing its plans for the funding of the care of the elderly in both public and private nursing homes.'"

We have been waiting since 2002 for the Government to publish a report on funding for the care of the elderly. Publication has been repeatedly postponed even though many submissions were made to the Department and correspondence was received from organisations involved with the elderly. People want to see Government action in the form of legislation or a report on how we will fund this care. The Tánaiste commented on this in the past and the issue has been raised in parliamentary questions and on Second Stage of this Bill, but we are getting no information whatsoever and it is important, considering the number of people aged over 65 will increase dramatically over the next few decades.

We have been waiting for some time for a Government report — it was even mentioned in the health strategy that was published in December 2001. Does the Tánaiste have plans to let us know Government policy on funding care for the elderly? It is a major issue. Given that all these charges have been made legal, we should look to the future.

During the course of much of the debate we have looked at the Government's lack of concern for the issue of nursing home charges. It is vital that we address this issue, given that it has been outstanding for many years. The Tánaiste should look around the Department and ascertain what the submissions contain and if a report is ready for publication. Will she tell the House the reason for the delay? Does she agree this matter should be enshrined in legislation to enable us have
something to explain to the numerous organisations who come to meet us on a regular basis asking what is the Government’s policy on care of the elderly?

Ms McManus: I support this amendment which addresses an important and central issue. We need clear Government policy on long term care of the elderly. Given that the population is greying it is becoming a growing issue and it is important there is a clear strategy, long term and short term, to deal with the major issues that have not been dealt with in the area of funding. Even allowing for the fact that people will be charged and have their pensions taken from them for the cost of public care, and allowing for a certain amount of pocket money, this only constitutes approximately one tenth of the actual cost of public nursing care.

When it comes to private nursing home care a real problem is emerging that even with the enhanced subvention there are those on medical cards who cannot afford to pay the difference between what the enhanced subvention allows for, the pension add-on and the private nursing home charge. This is a real issue given that contract beds are being phased out. Therefore, there is no protection or security for these people, some of whom are extremely frail and vulnerable. The idea of forcing a person to move out of a nursing home because the costs are beyond their reach is unsavoury.

If this is to mean anything, it is bound to impose a potential charge on the State, unless we accept the idea that appears to have grown up because of practice, that one can have a strategy, as in the case of the health strategy, with no money provided. The health strategy was launched by the former Minister for Health and Children, even though the Minister for Finance had told him there was no money to support it. He went ahead with it and we all know what happened — it disappeared in a puff of smoke like a conjurors’ trick. It appears that kind of mindset has percolated into this issue, where a strategy, conjured up by the Minister and the Health Services Executive, is somehow deemed not to have a potential charge on the State.

I tabled an amendment which contains a modest suggestion that “the Minister and the Health Services Executive shall have regard to the targets announced by the Government” where money has already been allocated and there is a commitment by the Minister that 30,000 extra medical cards and 200,000 doctor only cards will be provided. Why should there be a charge on the State if that commitment has already been made?

This is undermining any promise made by the Minister. If I accept what the Ceann Comhairle has said that my amendment is out of order, the implication is that the promise made by the Minister is worthless and that we will not get the 30,000 additional medical cards and the 200,000 general practitioner cards for financial reasons. That is a serious situation in which to find ourselves because I would have thought one could take the Minister at her word. I include an amendment in the legislation providing for these targets and be mindful of them. It was not the Opposition who set these targets, rather it was the Minister. She made the commitment and must find the money to pay for it. How in any sane person’s view this creates a potential charge on the State is hard to concede.

I cannot understand how an amendment which potentially means the imposition of a massive charge on the State, if we are to have full public nursing care paid for by the State — we are talking big bucks — is allowed while an amendment which simply holds the Minister to account for her own promises is not allowed. The reason I tabled this amendment is that the record is markedly different from the promise made by the Minister when she announced this in November. The record shows she promised 30,000 new medical cards. What has happened is that approximately 11,000 fewer people are covered by medical cards. I am fearful that pattern will persist. Promises have been made but nobody has to implement them. God knows, enough promises were made in the area of health care that never materialised. The promise of 200,000 medical cards did not materialise, we now have 30,000 medical cards, and when we try to include in the legislation a provision to ensure the Minister for Health and Children has regard to it, somehow it is found to be unacceptable because it might incur a charge on the State. That tells much about the Government and its approach.

I have no doubt that if the Minister had been willing to accept the amendment there would not have been any problem. Is it that she is like her predecessor in that she does not want to be reminded of promises she has made? She does not want anybody to point the finger and ask, “Minister, you said in November there would be 30,000 new medical cards and 200,000 general practitioner only cards and why has it not been delivered?”. All that is being asked for is to have regard to the commitment which she made — nobody else made it — and yet that is deemed to be out of order. That is disturbing for those who are waiting for medical cards and it is undermining the credibility of the Minister if what is being stated here is that we cannot include this in the Bill, even though it concerns a commitment she made.

Caoimhghín Ó Caoláin: I support amendment No. 2 in the name Deputy Twomey, which seeks to address the issue of long term care for the elderly and the need for the Minister to prepare over a three month period a plan for the funding of care for the elderly in public and private nursing
homes. We should look at access to long term care on the basis of need. I regret that throughout the Bill we see a reflection of financial consideration as the primary consideration, which shows the heavy influence of the Department of Finance continues under her Ministry as it was clearly intrusive in decision-making by the former Minister, Deputy Martin.

Like Deputy McManus, I too have had amendments disallowed on the basis allegedly that, in the opinion of the Ceann Comhairle, they involve — there is no might about it — a potential charge on the Revenue. I was seeking to include the words “the state of health of the person”, as one of the critical reasons that should be taken into account in assessing a person’s entitlement in any regard under any of our health Acts, yet section 1 of this Bill provides that the Health Service Executive shall have regard to the person’s overall financial situation.

There is no mention of a person’s state of health or his or her health needs. Clearly, financial considerations are predominant and the prevalent thought on the part of the draftees of the Bill and, with respect, the Minister and her colleagues who are failing to take on board the state of health of the person concerned. Some of my amendments included this but they have been deemed by the Ceann Comhairle to involve a potential charge on the Revenue. We are talking about the provision of health care, either medical cards or access to long-term nursing care. It is surely not on the basis of financial considerations that we should make these judgments but on the basis of the health needs of an individual citizen. Until such time as need alone becomes the guiding principle in the determination of future health policy, there will be a serious dichotomy in this Chamber. The difference between the Government’s position and that of the collective Opposition has been demonstrated on many occasions.

Deputy Twomey’s amendment proposes a timeframe of three months for plans for funding the care of the elderly. I referred to a case on a previous occasion in the House when the Minister was absent but the Minister of State, Deputy Power, was present. He may recall I instanced what I regarded as a grossly unfair and wounding decision in respect of an elderly lady and her family. Her children were forced by the North Eastern Health Board to sell her house because she was not in a position to make that decision. They were forced to sell their small terraced home in my home town of Monaghan in order to finance her stay in a private nursing home.

I wish to recap on the detail of this case because Deputy Twomey’s proposition would require that the Minister and her colleagues take into account the reality ordinary people are facing by virtue of the strict and uncaring code applied by health boards and now the HSE. The lady concerned had small life savings and was advanced in years. Her savings amounted to \( \mathbf{€11,000} \). She was a mother who had brought up two families in a small terraced home. She had sought access to the State-run nursing home available in County Monaghan but she was refused subvention and access because she was the owner of this small home.

The lady concerned has four children. While none of them lives with her, it is always been their home. They have visited it from the day they left to go out into the world. It is where they grew up and all their childhood things are kept in their respective shared rooms. They have come back either from England where some are now domiciled or other parts of Ireland to visit their mother on a regular basis.

The lady concerned stayed for more than 100 days in a local hospital as the health board argued her care was her family’s responsibility. This was outrageous. The poor woman and many like her would be described by those who give little thought to the circumstances in which she found herself as a “bed-blocker”. It is outrageous to shift the blame and responsibility to the poor elderly person concerned who seeks, deserves and has every right to access long-term nursing home care. I reject that term because it quite clearly removes the focus from where the blame deserves to be placed, on the failure of the system to recognise the need of the woman concerned and the needs of all other women and men. That is where the blame must rest.

The family concerned has been forced to sell their home, valued at \( \mathbf{€150,000} \) in today’s terms. This money has been set aside to pay for her care in a private nursing home. While their mother is alive, the family members have been forced to go through the entire grieving process. They have been forced to dispose of their home, all of their personal effects from their childhood, everything that was dear and important to them in coming home to visit their mother. It is all gone. When their mother does pass away, they will have nowhere to bring her in order to grieve, mourn and wake her, which is still very much a part of the culture of rural Ireland, not only in small towns and rural locations but also in a greater part of Irish society. They will have nowhere to go but an impersonal nursing home facility and perhaps one of the new funeral homes in advance of requiem Mass and burial. This is absolutely awful. I can only imagine how any of us would react if we were faced with the same set of circumstances.

There is a bounden responsibility on the Government to take such situations on board. I have to recount the case in the House again because it hurts and pains the family concerned and the wider community, the members of which know the hurt and pain the family have suffered.

I hope the Minister will adopt Deputy Twomey’s amendment which is reasonable. I ask that she take into account the circumstances of the dear lady concerned and her family and many
countless others throughout the jurisdiction. The widest concentration possible is necessary for the Minister and her colleagues, the Ministers of State in the Department of Health and Children, and their officials to be fully cognisant of the reality with which people in our communities are dealing. I have only given the House one example. I can only say the hurt and pain caused in this case have been quite severe.

I have a reasonable proposition for the Tánaiste. I ask her to undertake within a reasonable period such as the three months suggested in the amendment — I have no doubt the matter could be revisited — to carry out and report back to the Houses of the Oireachtas on her plans for the future funding of the care of the elderly. That is what the House needs to hear, discuss and debate in order to produce a set of regulations or commitments — Government policy in the main direction. The situation, as it stands, is based on financial considerations, not on the needs of individual situations, as it stands, is based on financial considerations, not on the needs of individual patients and applicants for residential care in public nursing homes.

Mr. F. McGrath: I support Deputy Twomey’s strong amendment because it would have teeth and contains common-sense proposals. It would deal with the long-term care of the elderly.

The funding of care for the elderly is a subject that has slipped off the agenda of some who have an attitude about it. This is a crisis for our elderly people.

From listening to people on the ground, the so-called care plans are not adequate. I receive complaints concerning elderly people who have been released from hospital, return home alone and receive only two hours per day of care support when they may need five or six hours of care per day. Recently, I dealt with a case of an elderly woman who was released from hospital and received two hours of care per day. She had to go down to a local centre for lunch, needed to be washed and clothed and required support at night. The care plans need to be beefed up.

This morning I visited the CARE project in my constituency, an excellent initiative which provides meals on wheels and home helps for people in the Artane, Raheny and Killester areas. The two issues on the organisation’s agenda were funding and stability. It needs our practical support but the system for obtaining funding is inadequate. Its grants appear to fluctuate monthly. When one considers the services it provides, including 290 home helps and meals on wheels, it is incumbent on all of us, particularly the Tánaiste and the Minister of State in her Department, Deputy Power, to support this and similar projects which provide an excellent service.

The issue of day care services and places needs to be tackled and while we have some examples of good practice, we need to develop the area. On the broader issue, we are losing sight of many positive aspects of the elderly and their vital contribution to society. Many of those present at the meeting I attended this morning were elderly retired people who were involved in providing meals on wheels. I support them and commend them for their work.

This important amendment proposes that the Minister provide a statement of strategy detailing plans to fund care for the elderly in private and public nursing homes. It is correct that we can blame and challenge Ministers but society at large shares responsibility. Although we have done well economically, we have lost our sense of community and family. Issues are often misrepresented and people are too busy to take time to support the elderly in their communities. We must examine our own position, develop strategies and create a more caring society. I support the amendment.

Mr. Neville: I support the amendment to require the Minister to have a strategy to deal with funding for the care of the elderly. The Tánaiste will accuse me of repetitiveness but it is urgent that the issue of nursing homes is addressed. This is highlighted above all by the differences in the level of subvention being paid in the different health board areas. The enhanced subvention, for example, varies from €50 to several hundred euro between health boards. The wording of a reply I received from a health board in response to a parliamentary question I tabled indicated that the enhanced subvention could be as much as €650, although this figure may have related to total subvention.

We must have a policy on dealing with people who become infirm. Too often, as public representatives, we are contacted by families in difficulties because an elderly member has become infirm as a result of hospitalisation and the hospital wishes to force a decision on his or her future. Often, the family and the person’s consultant or the hospital authorities will discuss a range of matters, including whether the person should move to a public or private nursing home, and the elderly person concerned is the last to be consulted. Elderly people in this position should be consulted on their preferences, even if they may not always obtain them, because their wishes must be taken into consideration.

Seven or eight years ago the then Minister for Health and Children issued a special code of practice on dealing with patients in hospital. Demographic changes caused by people living longer due to advances in medicine and an increase in the number of elderly people require that we introduce a code of practice on taking decisions about the future of elderly people, some of whom will have lived in an area or house for 50, 60, 70, 80 or 90 years. This code should apply to consultants and hospitals and should require
them to ensure that elderly people in this position are put at ease, informed, understand what is happening and are assisted in every possible way.

The nursing home subvention needs to be urgently revisited. Public representatives are being contacted by an increasing number of families who have loved ones in nursing homes and can no longer afford to make up the difference between the subvention and pension, on the one hand, and the nursing home charges, on the other. Finding the balance, which is becoming ever greater, is causing increasing difficulties for the families concerned.

The State has recognised that the calculation of a person's means relates to the income of the person in question, rather than his or her family. Families also have a degree of responsibility to take care of an elderly person in accordance with their means. However, I know of a person in receipt of old age pension who must contribute €60 or thereabouts per week towards the cost of nursing home care for her husband. In another case, a couple in receipt of a British pension faced extreme pressure to survive because one spouse had to contribute towards the cost of nursing home care for the other. The husband, who was in care, has since died.

I wish briefly to voice my concern about an issue unrelated to the amendment. The Tánaiste must ensure the Department of the Environment, Heritage and Local Government takes action on the special housing aid for the elderly scheme. I have spoken to elderly people who applied two or three years ago for grants to do work on their houses, for example, to stop rain leaking into the house. I have to explain to them that they are listed as priority 2 or 3 and the local health board only deals with emergencies. Last year, my health board did not deal with cases listed as priority 1, 2 or 3. Those in question are elderly people who live alone, which is a condition of the scheme. When elderly people live alone, the least that should be done is to provide them with decent windows and doors, preventing the rain and wind from coming in and ensuring some level of comfort. Many request heating in their homes. It is difficult to understand why individuals, many of them up to 90 years of age and living alone, do not have some form of heating. Rural Members encounter elderly people living alone in such circumstances. The sooner the various special grants are put at ease, informed, understand what is happening and are assisted in every possible way.

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Dr. Cowley: My problem with the amendment is that its statement of strategy, detailing plans for funding the care of the elderly in both public and private nursing homes, omits care in the community and in a person's own home. Elderly people want to continue living in their own homes. Who wants to spend his or her life in a community only to have to go in retirement to a far away place where he or she knows no one and, like the old Indian, loses heart and dies? I have seen too many elderly people having to leave their communities and homes because no one can look after them. The most vulnerable in our communities who deserve support and care are those older persons who must leave them. The migration of older people into institutions is both sad and silent. Sad because it need not happen; silent because no one discusses it.

The amendment should include the giving of support to older people at home. Instead, it only concentrates on public and private nursing homes. I accept these are only available in the absence of a community alternative. People in nursing homes do good work. However, it is more important that support is given to those elderly people who want to remain in their own communities. Any strategy that does not address the need to support older people in their own communities is deficient in providing the means to allow them to stay at home. So many policy statements have been written with lip service paid to this concept. The Years Ahead, a wonderful review, found no progress had been made on the issue.

Support for the elderly in the community has no statutory basis. Funding has not been made available. What funding is available for the 5% of the older persons' population maintained in nursing homes is begrudged to it. Why should this be if it only affects 5% of the elderly population? This is the group that by definition cannot look after itself and needs total nursing care. We need to reflect seriously on what we are saying and doing. Institutionalisation is not the right direction to take. The health strategy refers to consultation, eligibility and entitlement, nursing home subvention scheme improvements and other important matters that need to be addressed. Again, lip service when an adequate response is needed.

A means by which older people can be maintained in their communities, particularly in their own homes, must be introduced. The difficulty has been that some older people have had to go
[Dr. Cowley.]

nursing homes because they did not receive a home help service. If they had, they could have been sustained for longer in their homes. Older people must be assessed quickly for grants to ensure repairs to their houses are completed in a short period. However, they could be dead and buried by the time their houses are assessed. Supports such as physiotherapy and speech therapy for those who have suffered strokes are not available. Is it any wonder people end up in institutions?

The emphasis must be on maintaining the individual in his or her home for as long as possible. Where that is not possible, the next best stage is care in the community. There are communities prepared to support older people and which have the potential to do so but it is not being realised. Sheltered housing is the next best option for an individual who cannot be maintained in his or her own home. The difficulty is that the Government’s targets for sheltered housing are not being honoured due to the lack of necessary funding and planning problems.

Some communities have been proactive in supporting older people in sheltered housing. However, when an older person needs more support, there is often nothing for him or her but institutionalisation. The community which has saved the older person from a far away institution ends up hanging its head in shame as the older person is forced into a profit driven, non-community nursing home, mainly provided by the private sector.

The alternative is for communities to supply the high support needed by the individual who has the continuum of care and support to which health policy documents constantly refer. The continuum extends from support at home to low and then high support sheltered housing, guaranteeing no matter how old or disabled the person is, he or she can be maintained in the community. This happens in the St. Brendan’s village scheme. However, it is not, particularly the high support, often considered that people cannot be discharged from general hospitals to their own homes because they are not suitable. If people send out a distress signal that they need a grant for their own home, low support and high support sheltered housing should be provided. In that way, there is a guarantee that no matter how old or disabled the person, he or she can be maintained in his or her community. I have yet to meet anyone who wants to leave his or her own community.

Mr. Connolly: I, too, support the amendment. As outlined, there is a crisis with the old and I would not blame them for feeling like a burden on society or on their families. When people feel they are a burden on society or on their families, the only thing they want to do is die. I often hear that sentiment expressed. These old people feel they will drain the family finances or will see the family home sold from under them. The family home is something for which they have worked all their life and they do not want to see it evaporate.

We talk about giving subvention to people and enhanced levels of subvention. I do not know if it is the best value for money. Carers could do a lot of work if they received something akin to the amount of money it costs to subvent somebody in a nursing home. The figure of €700 per week was mentioned. Carers could do a lot in the community if they got that amount.

People want to live and to die at home. They do not want to move to an institution. There is a mindset that when somebody assesses the elderly person, it is not to see how the person’s situation in the home can be enhanced but to see how soon he or she will have to go into an institution. It is often considered that people cannot be discharged from general hospitals to their own homes because they are not suitable. If people send out a distress signal that they need a grant or a few euro to put in a shower or heating, it should be considered, yet it seems as if every hurdle possible is put in their way, including the requirement that visits must be made by people from the county council and the health board, including an occupational therapist. For a long time in the south Monaghan area, there were no
occupational therapists to carry out assessments of people’s homes. A little common sense is required. An assessment by a doctor and a visit from somebody from the county council is required even if only a shower or a downstairs toilet is required or to make life a little more comfortable for people.

It is not always the case of the money not being there or of it not being spent. It is a case of how well targeted is the spending. I do not believe it is targets always targeted in the right direction. If a person could remain at home if provided with a shower or a downstairs toilet, one would avoid that person taking up a bed in a nursing home. It would also avoid that person having to sell the family home to finance that bed. One could avoid many problems in that regard.

Health boards should re-examine their way of thinking. They should stop thinking they must put someone into an institution. There is no scarcity of policy in respect of care of the aged but those policies are not being translated into action. Will the Minister target the money a little better and try to give it back to the community? There should be an ethos within the health service to enable people to go back to their homes. In many cases, their homes may not be as tidy or as nice as a nursing home but it is often the place where they want to die and many people know when their time is up.

Ms Harney: The contributions reminded me of the Second Stage debate. Although the Deputies opposite had some of their amendments ruled out of order, they managed to talk to the subject of those amendments. Perhaps I can address some of the issues raised.

In regard to Deputy Twomey’s amendment, I agree it is important to have clear policy. There are huge discrepancies. Although it is not always the case of the money not being spent. It is a case of how well targeted is the spending. I do not believe it is always targeted in the right direction. If a person could remain at home if provided with a shower or a downstairs toilet, one would avoid that person taking up a bed in a nursing home. It would also avoid that person having to sell the family home to finance that bed. One could avoid many problems in that regard.

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The same applies to another issue I want to address, that is, the medical card issue and the concept of hardship enshrined in legislation. A medical card is given at the discretion of the CEO of the health board but when discretion is given to a large number of people, there are differences in interpretation. Again, we need greater uniformity in this area. I have already spoken to the HSE and it is intended to have further discussions. Already approximately 70,000 people have medical cards on this basis.

Deputy Ó Caoláin suggested that medical cards on the basis of medical need. We recently made a decision that chronically ill children who have a medical card by virtue of their illness should not have to reapply each year to have the card renewed because their illness is such that they are not going to recover. The idea of placing the burden and sometimes trauma on their families of applying for the renewal of the medical card is unnecessary and not desirable. Measures are being implemented in this regard.

I have a problem with somebody who is very rich and has an illness, perhaps a minor one but one nonetheless that requires ongoing medication, having a medical card while somebody who is less well off has not, unless one accepts
the principle of universal application. I do not support it.

I am a strong fan of making choices and having priorities. If we were to give everyone a conventional medical card, it would cost approximately €4 billion a year. The full medical card, if I may use that term, costs approximately €1,000 a year. It is in order to extend at least the doctor part to the widest number within the resources available that we decided to introduce this new concept of the doctor only card. I am conscious that many people, particularly families with young children, may often need only a doctor’s reassurance. It may not be necessary subsequently to get medication. Deputies Twomey and Cowley would know more about this than I. Perhaps one third of those who visit the doctor do not require a prescription or medication. The idea that parents in less well off circumstances should have access to a doctor without worrying about the cost, particularly where children are concerned, is one I support. That is why we have introduced this new concept.

I agree that it is always better to have graduated benefit than to have a severe cut-off point whereby if all the criteria are met, one gets full benefit but if one is just above the threshold, one gets nothing. There is a band in the middle and that is what this provides for. Obviously, it is decided on income grounds. It is difficult to get accurate income data in Ireland because incomes are rising very fast. In the past it was easy to predict what it would cost if the threshold were increased by 7.5%, which has been done in respect of the conventional card, and by 25% in respect of the new card. One could estimate accurately the number who would benefit. Because incomes are changing quite rapidly and the method of calculating who is entitled to the medical card, rent or mortgage allowance, the cost of travel to work, the number of children and so on, it is a complicated task to have a fairer system. I would love to be able to have a global figure but that might militate against those in particular circumstances, particularly if a mortgage, high rent or a big travel to work bill is concerned in the case of those who must travel long distances.

We estimate, based on the data available from Revenue and Indecon, that 200,000 people will qualify on the basis of the new threshold to which we have agreed. If there are not 200,000, we will further adjust the threshold. Perhaps we are sometimes conservative regarding where we set the threshold but we are setting it based on income, not numbers. It is not a case of deciding we must have a certain number of medical cards. We are trying to move along an income route in which those who earn a certain income and are in certain circumstances should qualify for the doctor only or conventional card. If our income data are wrong, I will be more than happy to adjust the threshold later this year because we have €60 million assigned for the additional cards.

It is intended that the cards will be issued during the month of April. Originally we thought that legislation would not be necessary. Subsequently it proved it was necessary. In the light of what has happened recently, we must be cautious and conservative and at least have the law right rather than take a chance with all of the consequences of doing so.

Deputy Neville referred to the various grants to assist people to stay in their own homes. I had some discussion with the Minister for the Environment, Heritage and Local Government recently. He informed me that if one were entitled to a disabled person’s grant of €6,000 to adapt one’s home, it would cost approximately the same in bureaucracy to provide the grant. That seems crazy and the Minister intends examining that the whole area of grants to make it much easier. We have a very complicated system under which one must get at least three quotations and ensure the applicants are tax compliant. In addition, in our society when people see that a grant is involved, an additional premium is demanded. In the meantime one must wait a long time for anything to happen. For the relatively small amount it costs to take out a bath and put in a shower that is wheelchair friendly, people should not have to go through this plethora of bureaucracy. The Minister for the Environment, Heritage and Local Government is examining this whole issue. The grant could play a very important part in helping people to stay in their own homes and be given subject perhaps to certification by a geriatrician that the adaptations are needed.

**Mr. Neville:** Occupational therapists could be involved.

**Ms Harney:** Yes. Many people in hospital who are medically fit to be discharged must often wait there quite a while until their homes are adapted before they can return home. This does not make sense when it costs approximately €5,000 to €6,000 a week to be in an acute hospital bed while others are on trolleys. It is an important area. Although it is under the remit of another Minister, the Minister of State, Deputy Power—

**Mr. Neville:** We need special housing for the elderly.

**Ms Harney:** All of the areas I mentioned need to be brought together in order that access is simpler for those who are most in need, particularly the elderly, but also for families where somebody becomes disabled and there is a need to adapt the home.

Unfortunately, I am not in a position to accept the amendment for a number of reasons. It is not a good idea to have a statutory requirement to bring forward a particular strategy. I undertake that in the autumn of this year the Government will be in a position to bring forward its policy in this area and it is hoped to bring greater certainty
and uniformity to the range of supports available to individuals. Clearly, the focus, because of the recent decision of the Supreme Court, is on repayment of charges. This will consume a huge amount of energy and resources and an amount of effort on the part of many, including those running long-term care institutions. Notwithstanding this pressure, policy based on honest analysis of the issues and clear thinking as to the solutions is particularly important at a time like this. We are committed to doing this as quickly as possible.

Caoimhghín Ó Caoláin: Will the Minister refer to the type of case about which I talked? She did not refer to it specifically.

Ms Harney: The health spend amounts to approximately 25% of what the Government spends on a day-to-day basis. There are still huge deficiencies in our health service right across the board. Resources are not unlimited. They are finite. If the economy was not doing so well, we would not be able to spend even the kind of resources we are spending. We must make choices. Clearly, in that context, choices are made in terms of the supports given and where people can assist in helping to meet the cost of their care. There is a problem, not easily solved, regarding the need to sell a basic family home in advance of the passing away of an individual. This causes considerable trauma for the kind of reasons that Depute Ó Caoláin has suggested. Issues might arise subsequent to the death where a sum of money might be paid in lieu of the care given as a contribution, which we need to consider and needs to form part of our policy thinking. There is a big difference between those with considerable resources and those with the basic family home. Circumstances differ. In some cases people have let their homes in the Dublin area and are receiving substantial rent each month.

Mr. Neville: In that case they would not qualify for subvention.

Ms Harney: Some are making the contribution; others are not. We are paying approximately €120 million in subvention, which is not an inconsiderable amount. However, making up the gap between the subvention and the cost can be a burden on many families. Tax relief also applies. We all accept the system is not easy to fund which is why the concept of making a contribution towards shelter and maintenance has been supported here for the past 50 years.

In future we will face greater issues because lifestyles have changed. In the past women stayed at home and looked after their parents or their parents in-law. Women are now out working and society has changed enormously. Notwithstanding the huge commitment to supporting the elderly in society, because of issues relating to lifestyle, career, commuting etc., people are not in a position to do what they did in the past. Notwithstanding what I have said, I believe we can give more support to families and individuals to stay in their own homes. The home care package, which is part of the accident and emergency package we introduced this year, will greatly help people to remain at home who otherwise would need institutional care. In recent weeks I visited many people in institutional care. In the past three weeks in particular I have been in many long-term care facilities in counties Meath and Kildare. A high standard of care is given in both the public and private sector. Most of the people I have met would not be in a position to live at home. In many cases they are severely disabled and it would be impossible for them to live on their own and even living with the family would be particularly difficult. We need to provide more resources and to target them to families where they are needed most.

Dr. Twomey: Many people remain unsure about their future, which is why we need clear Government policy on the matter. Elderly people are often more concerned about their future than are younger people. While young people know they can work, elderly people may be living on a pension or their resources. Only 3% of elderly people end up in nursing homes. As with Deputy Cowley, I fully support keeping people in the community, which is what we would all like to see.

We need clarification on the ten point plan as many points in the plan focus on the elderly, for example, the 100 places for high dependency beds, the step-down facilities and the home care package. The Tánaiste should clarify how people can avail of the home care package and how much money is available to individuals. While we get inquiries on the package, we can get no information on it. Considerable fudge and bureaucracy are associated with it, which is the point of my amendment. People should know the Government policy regarding what future holds for the elderly. While this applies to those in the community, it is far more expensive for those who end up in private nursing home care. I accept that we should try to keep people in the community, as it is the easier and cheaper option. However, when patients end up needing more high-dependency care it is a huge cost.

Like Depute Ó Caoláin, I have come across two cases of patients selling their houses and using those resources to fund their own private nursing home care. It has more or less taken political intervention to resolve their problems when they ran out of funds. This is not the way forward for caring for the elderly. No elderly person should need to come cap in hand to any politician to look after them in their old age. For those who spend their own resources to the degree that they sell their houses, when their money runs out we should have an automatic switchover period with more help from the State. This was not forthcoming in the cases with which I dealt. They relied on me as a politician. While I have some expertise in the area, many politicians do not
[Dr. Twomey.] have such expertise in the care for the elderly. This should not be the case now. As this amendment has not been ruled out of order, it should be agreed in order to allow us to have a policy on the elderly. I have included private nursing homes in my amendment as they are either more difficult to attain or very expensive for the individual, which is why I wish to press the amendment.

Ms McManus: I ask the Tánaiste to clarify some of the points she made. I understand the point she has made about the discretionary allocation of medical cards resulting in unevenness across the country. A discretionary scheme would not work properly if it were absolutely uniform as people’s experience will vary in different parts of the country. For example, some counties have no hospital and people may have great difficulty in accessing services. It is important to retain a discretionary element in whatever scheme is devised. The relationship of the director of community care — I am not sure if that title is still used — in the old community care areas is appropriately close to both the service and the population. We need the local knowledge of directors of community care.

It is not always possible to define a scheme that will not discriminate unfairly against somebody who may qualify for a medical card on grounds of sheer hardship and suffering, but if required to comply to a particular rigid schema simply cannot access the card when needed. The scheme that allows disabled drivers grant aid and assistance uses extremely discriminatory criteria, which are grossly unfair on people who just fail to meet the particular requirements. The Minister should ensure that such rigidity is not included in this system, which seems to work pretty well at the moment. The only difficulty is that medical cards are available to so few people. While approximately 700,000 cards have been issued, many more people are covered.

Since the Tánaiste was in a position to increase the income eligibility limits, everybody presumed increasing the limits would result in additional medical cards reaching the point of the 30,000 new ones. However, while she has increased the income limit, it is clearly not enough. I do not want to debate that people are working, etc. We know that medical bills, the cost of drugs and hospital charges have increased hugely. The increased cost per patient is very steep compared with the increase in the income eligibility limits. Clearly the new limits are too low to enable the additional 30,000 cards to be issued. What is the Tánaiste doing about that matter? I ask her to give some more detail about the 200,000 cards. How can she avoid a time lag resulting in these cards not being issued as a result of income changes? I accept her observation that incomes are changing. However, people’s needs are unchanging and there is a significant cohort above the limit who simply cannot access a doctor. It is to be hoped this need will be partially addressed through this measure.

In regard to the ten point plan, Deputy Twomey spoke about the specific commitments and arrangements that were to be in place to address the issue of elderly people or those in rehabilitation who were still inappropriately located in acute hospitals. How many have moved under this plan and how many will be moved in the future? I hate to use the term but there has been a significant number of “bed-blockers”, or those inappropriately placed, especially in the large Dublin hospitals where there are particular problems. My colleague, Deputy Costello, has raised the case of a 73 year old who was on a trolley in the Mater Hospital for five days, long after the ten point plan was published. Such a situation is difficult for anybody to endure and it is inexcusable in the case of an elderly person. What has been the success rate on the commitments made under the ten point plan?

Caoimhghín Ó Caoláin: The Government recognises the principle of free access for all to GP and hospital care and medication, which the Tánaiste and Minister for Health and Children referred to as the principle of universality, but only for those over 70 years of age. I am of the view that health care should be free for all citizens at the point of delivery. Under the current approach, however, financial rather than health considerations are the primary factor in providing access to free treatment for the sector of the population below 70 years of age.

For the community welfare officer making an assessment, “undue hardship” refers to financial hardship. What about a person’s medical condition and the hardship he or she suffers as a result? Only some categories of long-term illness are covered, for example. What about those who suffer from asthmatic conditions, some of them struggling to draw breath? Some persons with disabilities are covered while others are not. Health should be the primary consideration in this regard.

Given that the principle of universality has been conceded, will the Government grant full medical cards or, as a first step, GP-only cards to all children under the age of 18 years? This would be a significant step which would have an enormously positive impact on the daily lives of ordinary people and the health of countless generations of young people, leaving them in a much better position through their adult and later life. Many young people are not getting the medical care and attention they require, principally because their unfortunate parents cannot afford it and are excluded by the outrageously low income threshold for qualification.

Dr. Cowley: There are provisions in the community to support older people, even those not fit to go home, whether on a short or long-term basis. There is also provision for respite services. However, these provisions are only available in
particular situations and locations. Under the old system, the health boards provided what were known as welfare homes, now referred to as community nursing units. These facilities are only available in particular areas and location was often a reflection of the strength of the political representation in an area.

I have spoken to the Minister of State, Deputy Seán Power, about the proposed community facility in Ballinrobe in south County Mayo. Older people are on trolleys or in beds in Castlebar Hospital who should be in the Ballinrobe facility for which €400,000 is required in order for the project to advance to design stage this year. I hope the Tánaiste will address this issue. A consistent approach must be adopted in centres throughout the country. As I said, it involves support at home through the day centre, low support and high support housing.

Such an approach could provide all the necessary facilities. The Tánaiste should be looking to communities rather than private enterprise to provide these facilities. There are several hundred housing associations which have built low support, sheltered housing. Such developments could be expanded to a major degree if there were a defined revenue funding scheme. High support units could also be provided in a similar manner. This would mean that older people who require such care would not be “bed-blocking”, a term which, like Deputy McManus, I dislike. Such inappropriately placed persons could be placed in their own community. Those who are not fit to return to their own homes could be cared for in such high support facilities.

Housing associations are prevented from providing high support facilities because of the existing legislation. They can provide housing but not the full support facilities required by those in need of full nursing care. People often go through a continuum whereby an initially minor disability may develop into a condition which requires greater support. The idea is that no matter the degree of support required, people should receive it in their own community in a facility akin to that in St. Brendan’s village in Ballinrobe.

For this to happen changes are required in legislation. However, it is possible to adopt such an approach and it would not require any payment to private enterprise. It could be done by working in partnership with communities. This is what older people want. Such arrangements allow people to have a greater say in the running of the facilities in which they reside. There is no need to pay the shilling to the private operator for whom the primary objective is profit. The agenda is not to make money but to support older people in their own communities and this can be done by empowering communities. The community model is a better option than private nursing homes which are necessary only in the absence of community facilities.

Mr. Connolly: For those in receipt of a medical card, one of their most significant fears is that they will lose it, particularly if they are on the cusp of the qualification threshold. Possession of a medical card may also act as a disincentive in taking up employment. When a full medical card is withdrawn from an individual, might some consideration be given to providing him or her with a GP-only card for a minimum period of, say, six or 12 months? This would remove some of the fear associated with losing one’s medical card and ease the transition to a situation where one must cope without it.

Will the Tánaiste consider pricing the provision of prescription plus doctor only medical cards? I do not know what such a provision would cost. We have a costing for the provision of doctor only medical cards but need to go a step further to make them more acceptable. We all would prefer the provision of a full medical card but in the absence of this it would be useful to have such a costing. Perhaps we could examine introducing such a card at a later date.

If the income threshold in the guidelines for the issuing of a medical card was strictly adhered to, I am sure there would be 50,000 to 70,000 fewer medical card holders. If it were not for the common sense of community welfare officers in ignoring the income threshold guidelines, a small number would have a medical card. Community welfare officers are frustrated by the way they have to dispense medical cards.

I received a telephone call yesterday from a young woman who had tried to access the doctor on-call service and had been told to come but to make sure she had a medical card or a sum of €50. If this is the direction in which we are moving, we are bringing medicine to a new low. We talked at one time about the system in America, that one should not get sick unless one had money. If we keep moving in this direction we could soon send people to America to give them lessons. That is not the response I would have expected from the on-call doctor service.

There is the giving of grants to make houses disability or wheelchair friendly. Has the Tánaiste had talks with the Minister for the Environment, Heritage and Local Government to consider changing the planning laws to ensure planning permission will only be granted for houses that will be disability or wheelchair friendly? This might not solve all our problems but down the line when we are old, we might catch up in this regard. Eventually every house in the country should be wheelchair friendly.

Ms Harney: With regard to the points made by Deputy McManus, I am not seeking to eliminate the element of discretion because the purpose in having a medical card based on hardship is to ensure there is such an element. However, my understanding is that there are huge disparities from one place to another. There are places where it seems a high proportion of the population have medical cards but this does not seem to relate to socio-economic circumstances. In a unified system one would have as good a chance
Ms Harney: of getting a medical card in Dublin as in County Donegal or elsewhere. That is the point I was seeking to make. I do not want to use the word “guidelines” in this regard because there is an element of inflexibility. Obviously, we want flexibility in this arrangement. That is why we have the capacity to do this.

I more or less answered the other points earlier. We want to make sure houses are as wheelchair friendly as possible. All new houses must be wheelchair friendly but one wonders if that is necessary. On the other hand, if we want to ensure people do not have to move from their home if a member becomes disabled, it makes sense but there are associated costs. We will pay initially in the cost of housing.

I welcome the fact that there is huge interest in this issue across parties. That is positive and has generally been the case. It is becoming a bigger issue for society because of the increasing numbers involved but with these increasing numbers we must not lose sight of the current situation.

Deputy McManus asked about the accident and emergency ten point plan that has been implemented. Many of the provisions relating to the acquisition of step-down facilities and high dependency beds were subject to tender. The tenders are being examined and I understand the beds will be in place this month.

A number of home care packages have been put in place while a number of others have been approved but not yet executed. The home care package is customised to meet the needs of the individual concerned. It is not subject to strict criteria but customised to meet the needs of a person who wishes to live in his or her home but cannot because the schemes in place do not facilitate this. I hope that the acquisition later this month of step-down facilities will facilitate up to 500 patients to move from the acute hospital system to a more appropriate setting, perhaps within six to eight weeks after the acute hospital experience. That is the idea.

The high dependency beds are meant for those who cannot be suitably cared for in the traditional long-stay institution and those who cannot return home as they need a high level of care. These beds have been tendered. I understand the tenders are being examined and I hope they will come on stream soon.

Three weeks ago when I met geriatricians, the number of long-stay patients or patients who could be medically discharged in the six Dublin hospitals was 350. These were patients who could have been cared for in more appropriate settings, whether in a rehab facility, a high dependency bed, a nursing home environment or a home care setting. That is a considerable number which does not vary much from week to week. This is a major issue which is exerting enormous pressure on the acute hospital system. Dr. Conor Burke, a respiratory physician attached to James Connolly Memorial Hospital and the Mater Hospital, recently stated in a newspaper article that if hospital beds were used differently, in other words, if people could leave the acute hospital system when they were medically fit to do so, there would not be a problem in the accident and emergency departments of the hospitals concerned. There were patients there who could have been discharged but there was no place to which they could have been discharged. This had led to a blockage in the accident and emergency departments of the hospitals concerned. The problem in accident and emergency departments is a symptom of the problem in the wider hospital setting.

Caoimhghín Ó Caoláin: What about the possibility of issuing medical cards to all children under the age of 18 years? Has the Minister given consideration to this proposal which has been mooted previously as an interim measure?

Mr. Connolly: What is the Minister’s view of a proposal to introduce a lesser medical card, so to speak, to provide a soft landing on the withdrawal of a full medical card?

Ms Harney: I am not a great fan of the concept of universality.

Caoimhghín Ó Caoláin: The Minister was a party to this measure.

Ms Harney: It is not affordable and countries which have it are quickly trying to withdraw from such schemes because of the difficulty in funding them. Apart from the funding issue, there is the issue of equity and fairness. If everybody has something, it means others cannot have something that they need. I accept that when a benefit has been introduced, it is a different story to withdraw it. We all know the history of political parties which withdrew measures and the consequences. People feel cheated by such action because they make plans based on decisions that have been made. They are entitled to do this and certainty. I am not a fan of giving a medical card to the children of the very well-off when those who are not so well off do not have a medical card for their families.

Caoimhghín Ó Caoláin: The Deputy’s party gave a medical card to millionaires over the age of 70 years.

Ms Harney: That happened but we must move on.

Caoimhghín Ó Caoláin: One should not exclude the other.

Ms Harney: My philosophy is that we have to make choices and have priorities. As we cannot do everything, we must decide what is the fairest and best way of using the resources available in the health care system. It is about giving benefits to those who need them most rather than giving them to those who may not need them at the
Mr. Connolly: In the event of withdrawal of a medical card, would the Minister consider issuing a doctor only medical card for a specified period to soften the landing?

Ms Harney: If one wins the lotto or inherits €2 million and one’s medical card is withdrawn, what about softening the landing in such circumstances? Income criteria apply. We factor in the cost of mortgages, rent, travel to work and the number of children involved. We have to stick to the criteria. As I said in response to a question from Deputy McManus, we have the hardship based medical card where there are particular needs to be met that are not income related. There might be an illness in the family or circumstances of a temporary nature that necessitate the giving of a medical card. It is right that we should adopt such a flexible approach.

Mr. Connolly: A couple with two children earning €290 per week do not qualify for a medical card.

Ms Harney: They do but it also depends on factors such as the cost of the rent or mortgage.

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 Tánaiste and Minister for Health and Children for Committee Stage and not disposed of are hereby made to the Bill and, in respect of each of the sections not disposed of, the section or as appropriate the section, as amended, is hereby agreed to in Committee, the Title, as amended, is hereby agreed to in Committee, the Bill, as amended, is accordingly reported to the House, Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

Ms McManus: It is another guillotine.

An Leas-Cheann Comhairle: The Bill will now be sent to the Seanad.

Private Members’ Business.

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

Mr. Gilmore: I move: “That the Bill be now read a Second Time.”

I propose to share time with Deputies Burton and McManus.

An Leas-Cheann Comhairle: Is that agreed?

Agreed.

Mr. Gilmore: I hope the Planning and Development (Amendment) Bill 2005 will receive the support of the House. This is not the first time the House has considered a Bill to force private developers to finish housing estates properly. My Labour Party colleague, Deputy Seán Ryan, introduced a Bill on the issue of unfinished housing estates on 11 May 1999. The Bill was defeated on Second Stage by 65 votes to 58, but the Government promised to address the issue in a major planning and development Bill that was being prepared. The Government’s Bill, which was published in 1999 and eventually became the Planning and Development Act 2000, acknowledged some of the work that had been done by Deputy Seán Ryan but fell short of what was required. More recently, Deputy Noonan published a Fine Gael Bill that addresses the need to refuse planning permission to developers who do not complete estates satisfactorily.

Numerous housing estates throughout Ireland, particularly in counties Dublin, Meath, Kildare and Louth, have been left unfinished by developers. I refer, for example, to estates in the commuter belts around Dublin and the other large cities. In their rush to proceed to their next building projects, builders and developers often fail to complete estates by leaving roads, footpaths, walls, fencing and landscaping unfinished. Builders often leave new homes surrounded by rubble, litter and the remains of their work because they are so keen to move to the next estate and the next job. In many cases, they do not complete essential parts of the estate such as footpaths and play areas for children.

Many new home owners have been robbed and conned by the developers who built their homes. I say they were robbed because they had to pay extortionate prices for modest homes and I say they were conned because they bought their homes on the basis of plans advertised by builders and developers. When they move into new houses on building sites, they are often abandoned by builders who fail to complete the estates. The glossy brochure that advertised a dream home as being located in immaculate landscaping and idyllic neighbourhood bliss gives way to a reality of malfunctioning public lighting, poorly surfaced roads, incomplete footpaths and block rubble where open space should be. Unfinished estates are the scourge of suburban Ireland. People are expected to live and raise their families in an unsatisfactory environment in which footpaths, security fencing and play areas are often left incomplete.

I visited Duleek in County Meath last week with my colleague, Councillor Dominic Hannigan, who is the Labour Party candidate in Friday’s by-election in Meath. Councillor Hannigan has been active for some time in high-

expense of others who could do with them more. That is the consequence of the concept of universality.
lighting the issue of unfinished housing estates in his local area and throughout County Meath. He took me to visit one of the new housing estates that are sprouting up throughout the county and the rest of the Dublin commuter belt. The housing estate looks well on one level — the houses are well-built and the estate is generally aesthetically pleasing. I would describe half an acre of land adjacent to the estate, right beside some of the new houses, as a dump, however, because the remains of a speedily abandoned building site are scattered across it. Rubble, blocks and mortar have been strewn across a muddy field, a rusty digger has been abandoned and broken glass and other forms of rubbish have been scattered yards from the new houses. I do not doubt that children play beside this rubbish dump. I do not know who built or developed the estate, but I know he or she did not finish it properly. The residents of the estate, who walk past rubbish every day and worry about their children playing in such an environment, deserve better.

It is unjust that under the existing law, the residents of the estate have little recourse to rectify the situation. In such circumstances, the residents are almost completely powerless before the law. The normal contract into which a home buyer enters is for the house and its grounds alone. A normal house purchase contract does not extend to the common or public areas of the housing estate in which the house is built. Issues such as the completion of housing estates, roads, footpaths, boundary walls, open spaces and public lighting are the subject of conditions in planning permission. Home buyers depend on local authorities to enforce the conditions of the planning permission to ensure the facilities are completed to satisfaction. It can be a protracted and frustrating experience for all concerned.

A local authority will give a developer a list of outstanding works before it agrees to take charge of a housing estate. The list may be disputed or the local authority may not have the resources or the will to follow it up. Stand-offs between local authorities and developers often last several years, while those who paid large sums of money for houses are left as spectators in the tussle. In many cases, developers or builders move to another site under the guise of a new development or company, having received planning permission from the local authority with which they are in dispute about the unfinished estate. In such circumstances, frustrated and angry home buyers are left to wonder why the builder, who left them with rubble where a playground should be, an unsurfaced rumble strip where a road should be and dilapidated chain link wire where a boundary wall should be, can get planning permission from the local council for a site down the road, where he will presumably do the same to a new cohort of buyers.

Local authorities have limited powers under the Planning and Development Act 2000, which provides that they have to apply to the High Court for authorisation to refuse planning permission on the ground of a track record of non-completion of an estate. The Labour Party thinks the existing law, which places the onus on the local authority to seek to refuse planning, is unfair. Why should the burden be placed on the local authority, which may not have the time or resources to pursue High Court action to prevent the granting of planning permission? There should be an onus on developers and builders to prove they will meet their obligations.

The Bill before the House obliges a planning authority to serve on an applicant a notice of its decision to refuse planning permission if it believes there is a real risk of non-completion by the planning applicant and if the applicant has a track record of non-completion. The notice takes effect within 21 days, unless the planning applicant appeals the decision to the High Court. Under the Bill, residents who live in or move to an unfinished estate will have recourse to the law to seek damages if the estate is left in an unsatisfactory condition. In this way, the Labour Party’s Bill will empower local authorities to deal effectively with developers who have a track record of non-completion and empower the affected communities and residents to seek legal recourse, if necessary, through the courts.

Let me deal with the specific content of the Bill. Its explicit purpose is to amend the provisions of the Planning and Development Act 2000 dealing with unfinished estates. Section 1 is a standard provision dealing with the short title and collective citation and construction of the Bill. Section 2 amends the Planning and Development Act by substituting a new section for section 35, which concerns the refusal of planning permission for past failures to comply. The new section provides that where, having regard to any information available to the planning authority concerning development that was carried out by the applicant or certain connected persons pursuant to a previous permission, the planning authority is satisfied that they are not in compliance with the previous permission or any condition of that permission, it may form the opinion that there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with the permission or a condition, if granted, and that planning permission should not be granted to the applicant.

The planning authority is required to consider only those failures to comply that are of a substantial nature. Where the planning authority has formed the opinion that there is such a real and substantial risk, it is obliged to serve on the person to whom the opinion concerned relates a notice of its decision to refuse planning permission for that reason. The notice takes effect in
accordance with its terms 21 days after the day on which it is served unless, within that period, the person to whom the opinion concerned relates applies to the High Court, by motion on notice to the planning authority, for an order setting aside the notice. The High Court, on hearing the application, may confirm the decision of the authority to refuse permission for that reason, may set aside the decision of the authority to refuse permission for that reason and shall remit the application to the authority for decision, or may give such other directions to the authority as the court considers appropriate.

It is provided that the deadlines for deciding an application for planning permission set out in section 34 of the Act of 2000 do not apply where application to the High Court is made under this section. Where the decision of an authority to refuse permission is confirmed by the court, no appeal shall lie to An Bord Pleanála from that refusal. The section applies only in cases where a previous permission was granted to the applicant but also where it was granted to a partnership of which the applicant is or was a member. Where the applicant for permission is a company, the section applies to cases where the previous permission was granted to a related company within the meaning of section 140(5) of the Companies Act 1990, or a company under the same control, within the meaning of section 26(3) of the Companies Act 1990. Where the previous permission was granted to a company, the section applies where the present applicant controlled that company or was a shadow director of that company.

The existing section 35 enables a planning authority to refuse permission on “track record” grounds, but the authority must first apply to the High Court for authorisation to do so. Under this Bill, the authority will be obliged to refuse permission on track record grounds and it will be up to the applicant, within 21 days, to apply to the High Court against that decision.

Section 3 provides for a duty owed by a person granted planning permission that is made subject to conditions requiring the satisfactory completion of the development within a specified period. The duty is also owed by all other persons involved in the direction, management or funding of that development and it obliges those persons to take all reasonable steps to ensure the satisfactory completion of the development in accordance with those conditions. The duty is owed to those who acquire an interest in the development or any part of it. A person who suffers loss or damage by reason of a breach of the duty may bring and maintain an action for damages, in any court of competent jurisdiction, in like manner as any other action in tort.

In summary, this Bill has two effects. It shifts the onus of proving that a developer has a good track record on completion of housing estates from the local authority to the developer. It thereby gives greater powers to local authorities to combat this problem. Second, it empowers people who move into a new estate or who are living in an estate to sue the developer for damages if work has not been completed on their estate. This Bill is a real commitment to consumer power. If enacted, it will combat a blight on the Irish landscape, namely, the unfinished housing estate.

Yesterday the Minister of State at the Department of the Environment, Heritage and Local Government who is responsible for housing and urban renewal told the country of the record number of house completions last year. We all welcome this but the completion of houses is only one part of the story. In many cases the completions of which the Minister of State spoke are in housing estates that are not completed in themselves and may not be completed for very many years. The builders or developers may have already left to commence work on other projects on foot of other planning permissions.

We all know of the very high prices house buyers, particularly first-time buyers, are now paying for their homes. We know that, in most cases, they will be paying for those houses for most of their working lives. It is simply unfair that they are conned in the purchase of their houses. They respond to an advertisement in a newspaper, pick up a glossy brochure about a development with a very grandiose title, turn up at the show-house, see a set of plans on the wall and pay their deposit. A little red sticker is placed on the plans indicating where their house will eventually be built.

In some parts of the country people pay on an ongoing basis for the construction of their house through the system of staged payments. They move in when the house is completed but in many cases they are literally moving into a building site, namely, the estate in which their house is being built. They entertain the hope that within a reasonable period that building site will eventually measure up in some respects to the picture they saw on the brochure.

It is only after a period that the penny begins to drop. They find that the builder has gone, the roads, footpaths, planting, screening and boundary walls are not completed and it is not safe to let children play in the open spaces because they are still full of builders’ rubble and bits of steel sticking out of the ground. The residents then form a residents’ association, call a meeting and go to see somebody, such as a Member of this House, to find out what is happening. They discover that the planning permission guidelines were such that all the aforementioned works should have been completed by the builders. There is a taking-in-charge process through which the local authority must go. Notices are served and the outstanding works are listed. It sometimes takes several years before the estate is completed. Meanwhile, the builder or developer from
whom the affected individuals bought their houses has gone, having pocketed their money and commenced the same kind of project elsewhere.

It is time to put an end to this. The only way to do so is to give the local authority the very clear power to refuse planning permission to a developer who does not finish off a housing estate, irrespective of whether that developer is developing again under the same name, company or title. A legal duty must be placed on such developers not only to meet the requirements of the local authority but also those of the people who bought the houses. At present, the developer’s only obligation to comply with the planning conditions is to the local authority. The developer should be legally obliged to complete not only the house, its grounds and curtilage but also the estate, to the satisfaction of the home buyer. On the one hand, this would give the local authority power to refuse planning permission and on the other give the buyer, making the biggest purchase of his or her life, the right, if necessary, to sue the builder for not completing the housing estate.

This is a reasonable Bill to propose on Private Member’s business. It will protect the home buyer and I ask the Minister and the Government parties to accept it and allow it to proceed to Committee Stage where it can be considered in greater detail.

Ms Burton: I congratulate my colleague, Deputy Gilmore, on putting forward this badly needed Bill, whose purpose is to enable us to punish builders and developers who leave housing estates unfinished. The Bill will enable residents to sue developers where estates are not completed properly. I represent the constituency of Dublin West and Dublin 15 where unfinished housing estates are a blot on the landscape. This leads to endless distress and frustration for residents.

There are several estates in the area where developers make millions of euro and walk away leaving residents to pick up the pieces after them. This Government does not seem to care about the problem. I can give four examples of this, plucked at random from Dublin 15. I could give the Minister 100 such examples from my files.

Mount Symon in Clonsilla is an estate of expensive family homes where the builder chose to develop the green space in the middle of the estate over an unauthorised dump of building material. This was pointed out repeatedly to the developer and to Fingal County Council but it has taken almost two years to have the space excavated.

Tonnes of building waste have been removed, including a whole abandoned car and other machinery belonging to the developer. The residents were very confident of their allegations about the green space because they took photographs throughout the building process. They were powerless, however, to do anything about it in regard to this developer.

Most of these residents are struggling to pay their mortgages as well as child care. Instead of the State and local authority coming to their aid, they have been left to lobby and campaign for almost two years to reach the point where a large green space is half excavated. The campaign will continue probably for the rest of this year to get the other half excavated and whatever is there taken away.

The Village in Porterstown is a typical Dublin 15 estate whose completion I and other public representatives in the area have pursued for almost seven years. We receive letters telling us that it is about to be taken in charge but the builder has effectively absconded. Some estates in Dublin 15, with expensive homes, have not been taken in charge even after 20 years because the developer did not complete the estate.

It is no accident that Dublin West, and Dublin 15 in particular, was the stamping ground of former Deputy, Liam Lawlor. Consequently, it often seemed as though developers had an open hand to fling up an estate in any condition then walk off leaving the residents to their fate. Prior to the recent local elections, which seemed to spur Fianna Fáil to take some action, I could have invited Deputies to walk through certain estates where the wires were still sticking out of the ground for lamp posts never installed, 20 years after the houses were built.

When one sees the sacrifices people make to purchase a home one wonders why we have a culture, particularly prevalent in Fianna Fáil, in which developers call the shots and residents can be left to their fate. The recent development of affordable housing is welcome, specifically in the Fingal area. When I was leader of the Labour group on Fingal County Council I pushed strongly for this. The affordable housing, however, has often been completed in conjunction with developments by builders working on behalf of the local authority and maybe building the affordable housing off-site from more expensive developments.

Although the local authority arranges these developments, residents have no recourse when they experience serious problems. For example, Hillbrook Woods is a small new estate of affordable houses built on former local authority land, in a deal with a private builder. In this case it appears the gas appliances and central heating installed in the houses are highly unsatisfactory. As a result Bord Gáis has disconnected many gas fires on grounds of danger yet the residents have no recourse.

An Céann Comhairle: Unproven charges against an identifiable person should not be made in the House.
Planning and Development (Amendment) in Dublin West and the areas surrounding Dublin. This brings a sense of reality to what is happening to pursue builders for years. I hope the byelection brings a sense of reality to what is happening to residents of new homes to disconnect their fireplaces because the board deems them to be dangerous. As a public representative acting on behalf of these residents I have yet to receive a satisfactory answer on where the residents purchasing under affordable housing arrangements can find recourse. Does the recourse lie to the developer or does the local authority have a duty of care because it was involved in arranging the affordable housing for residents?

It is time in areas such as Dublin West and Dublin 15, where there is mass housing development, that developers came under some control. They have had a bonanza in the past ten years making money hand over fist yet many are not prepared to give buyers a fair deal. Apartments and management companies pose another significant problem in Dublin 15. The Minister must be aware of the numerous complaints about poor and shoddy workmanship in apartments, particularly in regard to noise insulation. It is a delicate issue because there are multiple owners on the same site. Private developers and county councils use the device of a management company widely. These companies charge high fees, in some cases up to €1,500 a year. Very often the management company is the builder’s brother or other relative of the builder or foreman who developed the housing. In practice, there is very little recourse if something goes wrong as often happens in apartments. There is neither law nor regulation for this area. I wrote several times to the Minister’s predecessor about this. People who buy privately are afraid to complain publicly in case it depresses the market value of their homes. That is an additional problem. The Labour Party Bill would restore some balance.

I received another typical letter just before coming here. It refers to Rusheeney Grove in Dublin West. According to the letter, the dumping on waste ground on this unfinished estate, “seems to have gotten 10 times worse. ... Since Halloween the waste ground has become an illegal dumping ground”. Children spray graffiti on the walls. “The walls were supposed to be repainted and the waste ground was supposed to be landscaped” as per the planning permission. This person has bought a house at great expense and wants to invite parents and other relatives to tea but they must drive through this waste ground to get there. Many residents are delighted to have their own homes and keep them beautifully but the standard of upkeep on estates is appalling. I saw the Minister and some of his colleagues in Dunboyne on Sunday. I do not know if he knew what happened to residents of many estates in Dunboyne who had been trying to pursue builders for years. I hope the byelection brings a sense of reality to what is happening in Dublin West and the areas surrounding Dublin where young people, in particular, are getting a very raw deal from the Government. I commend the Bill to the House.

Ms McManus: I congratulate my colleague, Deputy Gilmore, on bringing forward the Bill. It proposes practical changes to legislation which will alleviate an enormous amount of frustration and protect consumers.

Buying a house is the biggest investment most of us ever make. A legislative change such as this would deal with complaints of which many of us are conscious from canvassing in Meath and Kildare where there has been a great deal of expansion. The Minister and I represent County Wicklow, which has seen its share of very rapid growth in towns such as Blessington, Arklow, Greystones and Bray. These towns have experienced rapid growth and new houses being built, sometimes without the proper infrastructural amenities. Sometimes there are defective roads, no roads and problems with water and sewerage schemes. Very often the basic infrastructure does not exist to accommodate new housing developments and consequent growth in population.

There is a particular characteristic among a number of developers — it does not apply to all developers — many of whom are serial offenders. There is a pattern of developing estates, companies changing from the original developer, who then transfers to a building company, who transfers to someone else, and each time it is more difficult for individual householders to get developers to comply with planning permission conditions. The difference between the initial point of contact between potential house buyers and the people developing the housing scheme is quite stark. There are advertisements, including glossy brochures and flags, where estates often look much better than they are in reality. At the end of the experience, individual householders are left trying to have footpaths and lighting put in place. When all the razzmatazz is over, one is left with a mobile phone number, and a developer who very often does not answer the phone. There is a great deal of chasing of phantom developers, which is a frustrating experience for householders trying to get their estates completed.

We all have our stories. I would like to think the Minister is aware of a small estate in Tinhely called The Tyndles. The last time I visited the estate, there were major problems, including no public lighting and footpaths that had not been completed. The hazards in the estate, particularly at night, make it extremely difficult for people to manoeuvre in the dark because of a lack of public lighting. These are mainly people who have moved to the area from Dublin. They like Wicklow and want to settle down there. Some of them are retired and some have young families. They put up with the commuting experience in order to rear their family or retire to a quiet place like Tinhely, which is a very attractive village in
south Wicklow. These people are left with cavities outside their homes and no public lighting, which is unacceptable. When people chase up mobile phone numbers, promises are made which never appear to be kept. Very often local authorities and builders tend to blame each other and it is very difficult for people stumbling around in the dark to find out what is going on, how it will be sorted and, more important, when it will be sorted. Each week more promises are made, and each week that follows, there is more disappointment.

I can give many examples in County Wicklow where the situation is not as stark as it is in The Tyndles. There are larger housing estates in Bray and Greystones, along the Southern Cross, where people have tried to get the basic conditions complied with. These include landscaping and open spaces being brought up to standard, as required under the planning permission conditions. This is not just an aesthetic matter. People are conscious of the fact that because an open area has not been upgraded and landscaped, there are brambles and it is overgrown, it becomes a haven for anti-social behaviour. There are complaints about the dangers that can accrue from discarded hypodermic needles and anti-social activities. This irritates people who move into a nice estate and end up in a situation which is not of their making and makes them feel powerless.

The role of local authorities needs to be beefed up. Someone may be given the task of dealing with developers but they do not have the clout to threaten them with action if the completion works are not carried out. I have often been in contact with residents who have found the local authority less than effective and the developer less than accommodating. I have advised residents to find out where the showhouse is open in the developer’s next port of call, to get in their cars and picket the showhouse. This is the most effective course of action to take. Nowadays one does not even have to find the showhouse, one just has to advise the developer that the picket will be on the showhouse if he does not get his act together. The expression often used to me when I meet residents is “Fianna Fáil is the developers’ friend”, which is not said without reason.

If the Government accepts the Bill, it will be a step forward and an indication of good intent. While the cost of housing is very high, generally speaking, the standard has improved immensely compared to the bad old days of the 1960s and the 1970s. However, the completion of estates is not being dealt with properly given the amount of investment people are making. The Bill shifts the onus on to developers, which is a neat solution to many people’s frustration. It alters the relationship with regard to a developer receiving planning permission without having his track record taken into account. This will put the responsibility on developers. From that point of view, it is important legislation which, I hope, the Minister and the Government will take on board. The Minister now has an opportunity to make his name by dealing with these serial offenders who are causing so much grief and getting away with so much.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am pleased to speak to the House on this Bill and on the important issue of the completion of housing estates. I have already extended to Deputy Gilmore my personal sympathy with the objectives of the Bill.

The primary responsibility to build good developments and finish them to a high standard rests with developers. Builders are building and selling record numbers of houses — nearly 80,000 last year alone. They are selling a product, the most important that people will possess, and it is incumbent on them to make that product the best it can be. As in every walk of life, builders and developers range in terms of performance. Some are excellent while others fall far short of excellence, and this Bill focuses on the latter.

People buying their homes are making too important a purchase to leave it up to the industry alone to set standards. Over the past few years this Government has brought forward measures that will ensure that people do not have to put up with the misery of living in a half finished estate. We are willing to consider any reasonable measure that will effect further improvements, including this Bill.

An important aspect of the measures which we have introduced is that they do not put the burden on individual house purchasers to go to court to ensure that estates are finished. Instead, they ensure that house purchasers can call upon public authorities to help them when they need help. I want to touch on some of these measures before discussing in detail the Bill proposed by Deputy Gilmore. We have widened and strengthened the powers of local authorities in dealing with unfinished estates. Local authorities were expressly given powers to attach specific conditions about finishing estates. Developers can also be required to ensure that estates are managed or maintained until they are taken in charge.

Of course, attaching conditions will not help unless they are enforced. Here too, the Government has moved to give local authorities a full range of powers to deliver completion of housing estates. There was a considerable strengthening of enforcement provisions in the planning Act 2000. A major concern of the review of the whole planning code which took place in the preparation of the Planning and Development Act 2000 was to promote a culture of compliance with planning law, backed by a considerably strengthened enforcement regime. The introduction of a culture of enforcement is critical to ensure that
the planning control system works properly and for the benefit of the whole community.

The changes which were introduced to the enforcement regime in the 2000 Act simplify existing statutory procedures and strengthen the powers available to planning authorities. These changes included fines that were greatly increased, with a maximum penalty on conviction on indictment of €12.7 million and two years imprisonment. Planning authorities now charge for the cost of taking enforcement action and are entitled to retain fines imposed by courts for planning offences to help finance more active planning control. The period within which enforcement action may be taken has been extended from five to seven years. An application for retention, or even a grant of retention permission, is no longer a valid defence to enforcement action and fees for an application for retention permission were increased. If people attempt to hide behind a corporate identity, this can be prevented.

The Government also introduced the provision on which this Bill is based. In law, planning authorities can refuse to grant planning permission, subject to the consent of the High Court, to any developer who has seriously failed to comply with a previous permission. I will go into more depth on the implications of the proposed changes to that provision shortly. Some planning authorities have responded to these provisions and have begun to resource their enforcement sectors and take a proactive approach to this area. That was exactly the result the 2000 Act was aimed at and I welcome that development. I want to see better performance in this area across the country.

Apart from enforcement of planning control in general, I wish to say something about the specific measures put in place by the Government to address the matter of the completion of housing estates. The 2000 Act contained a significant new policy change on the responsibility of local authorities to take in charge estates. The way in which this policy has been introduced has given substantial incentive to developers to finish estates properly.

Where an estate has been completed to the satisfaction of the planning authority, it must, if requested to do so by the developer or by the majority of the qualified electors who are owners or occupiers of the houses involved, initiate the procedures to take the estate in charge. This gives an incentive to the developer to finish the estate properly and without undue delay. The decision on whether to take the estate in charge is ultimately one for the elected members, an important responsibility for them.

Where estates have not been completed to the satisfaction of the planning authority and the authority has not taken enforcement proceedings within seven years, the Act also provides that the planning authority must, if requested to do so by the majority of the residents, take the estate in charge. The section also provides that the provision in section 11 of the Roads Act requiring the authority to consider the financial implications of taking the estate in charge can be disregarded. This provision also clearly incentivises planning authorities to ensure that estates are fully completed by developers in compliance with their planning permission. Where authorities fail to do so, they may face the problem of financing completion of the estate. Planning authorities can of course seek bonds from developers that can be offset against these costs but it is still a major incentive for local authorities to move to address failures by developers before they develop into major problems. This provision applies to all estates that have received planning permission under the modern planning code. As I said, I have sympathy for the aims of the Bill but there are issues that must be teased out on Committee Stage.

A significant new enforcement in the planning Act 2000 was the provision, contained in section 35, to permit authorities to refuse planning permission to an applicant who is not in substantial compliance with a previous permission. Section 35 of the Act provides that where a planning authority is satisfied that a person or company to whom the section applies is not in substantial compliance with a previous permission, it may form the opinion that there is a real and substantial risk that the development would not be completed in accordance with such permission if granted and that the planning permission should not, accordingly, be granted to the applicant. Where the planning authority forms this opinion it must apply to the High Court for an authorisation to refuse planning permission for a new development. This is the core issue in Deputy Gilmore’s Bill.

Obviously, we were concerned to ensure that developers would not try to avoid this provision by setting up as a new company. Section 35 of the Act applies to any related company or company under the same control which carried out the previous non-compliant development. This provision obviously does not solve all the problems of unfinished estates but it is a useful additional weapon in the planning authority’s armoury where it is trying to come to grips with someone who persistently fails to finish developments.

Section 2 of the Bill would amend the above provisions by providing that where the planning authority forms the opinion that there is a substantial risk of non-compliance with a planning permission and that the planning permission should not, accordingly, be granted, it must serve a notice on the applicant of its decision to refuse permission. The notice will take effect within 21 days unless the applicant applies to the High Court for an order setting aside the notice.

The effect of this section is to provide that the planning authority may refuse permission, subject to the applicant’s right of appeal to the High
[Mr. Roche.] Court. This reverses the current position whereby the planning authority must apply to the High Court. I am sympathetic to the attempt in this Bill to place the onus on applicants, rather than on the planning authority, to apply to the High Court in the case of a refusal of planning permission because of a substantial risk of non-compliance. This was the effect of the provision included in the original draft of the Planning and Development Act 2000 when it was still in Bill form. However, the Attorney General’s office identified possible difficulties with this provision and, following consultation with that office, the provision was modified to the current section 35. I have already mentioned to Deputy Gilmore my personal views on the Bill but it is important to give some further and deeper consideration to these issues.

Giving a planning authority power to refuse planning permission based on previous non-compliance could possibly be construed as an attack on constitutionally protected private property and an attack on the right to earn a living. After all, we are talking about refusing someone planning permission, who may never have had an enforcement action taken against them. While I am sympathetic to this idea, it needs some further thought. There may also be an issue as to whether this procedure could constitute the administration of justice by a planning authority, which would be unconstitutional. I certainly will have to obtain further legal advice on this matter before going further with the Bill and I suggest that Deputy Gilmore does so, although he has already taken legal advice on these issues.

I am not entirely convinced that the proposed amendment will effectively address the matter of unfinished estates. The concern of residents in housing estates is that those estates be finished in accordance with the terms of the planning permission and the 2000 Act contains many provisions to ensure that this will happen. We need to be looking at how to make planning authorities more effective in using the powers they already have. That will be a major focus of mine over the coming months.

I have even more concerns in relation to section 3 of the Bill, which purports to give a right of action to any person who has acquired an interest in a development and who suffers loss or damage due to its non-completion in accordance with the planning permission, against the person who was granted planning permission for the development, and all other persons involved in the direction, management or funding of the development.

The person who obtained planning permission could subsequently sell the land to which the permission attaches to another person. In such a case it would obviously not be right that the person who obtained the permission would owe any duty of care in relation to the completion of the development, provided this device was not used as a way of avoiding responsibility. I am advised also that there are doubts about the inclusion of the words, “all other persons involved in the direction, management, or funding of the development”, as these would appear to include not only the developer but any company that provides management and financing for the development, most notably banks which may provide loans. I do not think this was Deputy Gilmore’s intention but it could be an unintended effect of the current wording.

Also, I am not entirely convinced that the amendment would have major benefits for residents in unfinished housing estates. Such residents would wish to see the current provisions in regard to the completion of estates being fully utilised by planning authorities in the first instance, rather than to obtain the right to take court actions themselves. That process can be stressful, expensive and time consuming.

Notwithstanding these reservations I am not opposing the Bill. Everyone in the House is sympathetic to its aims. The major responsibility for completing estates should primarily rest on the builder and the building industry needs to promote the highest standards for its members when completing new estates. Many builders build good estates and behave honourably, but some, unfortunately, do not. Local authorities need to be equipped with a range of mechanisms to ensure the highest standards when completing new estates. They need to be resourced to do so, and their performance needs to be measured so that all will achieve a high standard. This is one of the areas I am looking at specifically. I do not believe the primary responsibility should be laid on individual house purchasers to get estates finished and, to be fair, I do not think that is Deputy Gilmore’s intention either.

The aims of the Bill may well be noble but good intentions are not enough in themselves. Before putting any draft statute through the Oireachtas it is imperative that the Bill be constitutional in every respect and we all accept that view. While I have no question whatsoever as to the good intentions of the Bill I advise the Opposition, and in particular Deputy Gilmore, to give some further consideration to the implications of the proposals. I intend to consult the Attorney General on the issues it contains due to the significant changes that will be required in current law.

In due course, however, we can look at all of these issues on Committee Stage and this could well be a case where the House bringing all its talents together could address a scourge that has been with us for far too long. I congratulate Deputy Gilmore on tabling the Bill. He is dealing with an area which is close and dear to my heart, that of the proper completion of housing estates.

As Deputy McManus said both she and I represent a constituency where in the past we have
had more than our fair share of examples of bad practice by builders and developers. The statutory changes introduced in the Planning and Development Act 2000 were intended to move in the same direction as this Bill. Significant additional arms have been given to local authorities to improve the position. I am sympathetic and willing to look at any suggestion to introduce a further improvement.

Mr. O’Dowd: I wish to share time with Deputies Connaughton and Neville.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. O’Dowd: Like other speakers I welcome the tabling by the Labour Party of this timely Bill. Those of us who have been canvassing during the past few weeks — the Ceann Comhairle has been spared that honour — will have got muck on our boots but this is one of the few nights I do not have muck on my boots. When canvassing in some of the newer housing estates in County Meath, and I am sure the same is true in Kildare North, one finds that footpaths disappear and that one gets covered in muck and dirt because of all the unfinished estates. Not only are they unfinished, but they have inadequate lighting, inadequate services and as many houses as possible are built with the least possible value for residents. That is a planning issue rather than a finishing issue. Many of the residents in Meath, Kildare and all over the country suffer because of the lack of enforcement of the planning permission that has been granted.

In Drogheda an estate of one builder, whom I will spare the embarrassment of being named in the Dáil, after 20 years has not yet been finally taken over. Time and again the local authority asks what are the outstanding works that need to be carried out. Yet this builder has moved from one estate to another. He is not a John A. Murphy becoming a John P. Murphy and he does not change his name, district or guise, yet he gets away with murder. Enforcement of the law has not change his name, district or guise, yet he gets away with murder. Enforcement of the law has not been particularly weak. One reason is that the amount of money, the bond as mentioned by previous speakers, is totally inadequate. We have learned from experience from the 1970s and 1980s and we were lucky to get people to build houses at a good price. The local authority was pleased to get action in its local area and probably did not have the staff to enforce the regulations. Advantage was taken of there being little or no enforcement.

One can see estates in one’s county or area completed by good builders who exceed the legal requirements. One such estate which I visited is The Lords in east Meath, which is fabulously well finished. Its roads and lighting are perfect and even the walls which are removed from the Houses have been painted. This estate is built as it should be to a high quality build and design. That is the aim of this Bill.

An issue arises where cowboy builders who have planning permission build a certain number of houses and sell them. Suddenly, the semi-detached houses are changed to terraced houses which sometimes end up squeezed into the green space. When the green space has disappeared the local authority is under pressure and the environment and quality of the estate which people initially expected is downgraded and in a much less attractive position. Given the number of variations to the permission people get tired of following them and in the meantime the builder gets away with murder. That issue must also be addressed.

I am pleased the Minister has agreed in principle to this Bill. It is the collective wisdom of us all that makes it possible to change things.

I refer to a wonderful estate called Kilnamanagh in Tallaght which in the 1970s was the fastest developing satellite city in west Dublin. The Irish Times informs me that Kilnamanagh was Brennan and McGowan’s most notorious project. This company was one of the biggest builders in Dublin in the 1970s and 1980s. The company was the target of more litigation by Dublin County Council than any other developer for breaches of the planning codes over unfinished estates. Kilnamanagh was to be a landscaped garden suburb, a wonderful place of 1,600 houses with plenty of open space and numerous other facilities, including play lots. The sales motto was, “When you buy a home in Kilnamanagh, you get more than just a nice home, you buy a whole community, shops, supermarkets, a bank, pub, garage, schools, churches, a community club and even 50 acres of open space.” We have all read such advertising blurbs for housing estates in our communities.

Mr. Connaughton: Background music.

Mr. O’Dowd: It is background music. The music was in the builder’s pocket as the money rolled in. It certainly was not in the community that was left.

Mr. Roche: The legal term is “auctioneer’s puff”.

Mr. O’Dowd: That is a good name. Six years later county councillors were calling for an inquiry into the mess that had been created. It was one huge unfinished housing estate. Roads were unsurfaced, some of the houses were defective and the open space was spoiled by heaps of rubble. What most angered the councillors at that time was that there seemed to be no way of taking effective action against Brennan and McGowan because the matter could not be sorted out. A famous gentleman who happened to be an assistant county manager, Mr. Redmond, whoever he was, admitted he had received substantial
I represent a rural constituency. I see some of this sort of trouble in towns like Tuam and Ballinasloe but nothing like what happens in the Minister's constituency or that of Deputy Gilmore, or in other constituencies with a high population density. This is a very clever way of dealing with the issue. This is like the old section 35. The onus is put back on the builder or developer. If they are not satisfied with the manner in which they were treated by the local authority, let them bring the local authority to the High Court. I believe this is the basis of what is proposed.

We appreciate that the Minister will need to examine this Bill closely, and there is many a slip between the cup and the lip. In my view, all 166 Deputies will agree that this provision is badly needed.

I sometimes wonder about the question of bonding. I will refer to an estate in Tuam called Millstream Park which has been an issue for the past 20 years. The builder did not carry out his duties the way he should have. For some unexplained reason, as the years went by and despite all the residents association meetings that took place and countless deputations to the county council, the estate is still as bad as ever. As every year goes by, the bill for taking over the estate rises. If something had been done 15 years ago, the cost of putting the estate right would not be nearly as exorbitant as it is now. As I understand it, the builders as such cannot be identified and a writ cannot be served on them. It could now take €300,000 approximately to put right. It is a small estate by the Minister's standards, but the residents are very upset. If this matter drags on for another five years, that €300,000 could become €500,000.

In the event of the new legislation being enacted, if nobody can be regarded as being to blame, would it be possible, as in the world of motor insurance, to have an overall fund to which estates like this could apply? The local authority cannot be expected to take over the estate because the cost will eat into its budget. I assume such estates exist in other parts of the country. I suggest that the CLÁR or RAPID programmes could be used. It is not right under any circumstances that more than 60 families would have to negotiate roads into their houses, in a developing town as big as Tuam, every day for 20 years. Irrespective of how one views the matter, the residents are innocent of all charges. It is against that background that it may be necessary to consider such an extreme measure and I ask the Minister to do so. I do not know if such a fund is in place but one will be required, otherwise we will be left with an atrocious estate.

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

I congratulate Deputy Gilmore on this Bill. He has a great interest in this kind of business. I was delighted to hear the Minister say that he accepts the Bill in principle, and that is very reasonable. As the Minister said, all Members wish to create a situation whereby when a couple pay money for a house that they will not own for the next 35 years, at least they will be able to enjoy what they thought they bought. That is the important part of the story.

Mr. Neville: I welcome the opportunity to discuss this timely Bill and congratulate Deputy Gilmore and the Labour Party on introducing it. I represent a rural constituency and while we have experienced some problems with estates, notably in east Limerick, they have not been of the scale experienced in more urban areas.
I will raise an issue related to the Bill. In some senses the problem my constituency faces with regard to development is at the other end of the scale from those described by other speakers. The policy on once-off housing enunciated by the previous Minister for the Environment, Heritage and Local Government appears to have disappeared after the local elections. In my constituency a number of individuals are interested in developing our towns and villages but we do not have the necessary sewerage facilities to do so. One person applied to develop houses in Shanagolden in County Limerick at a cost of €17 million. He proposed to purchase land and build 80 to 90 house on it and his own land but the sewerage scheme could not sustain such development. Another applicant was prepared to develop a smaller number of houses. Increasingly, people are prepared to develop areas 15, 20 or 25 miles from Limerick city but the villages cannot sustain development because of the sewerage schemes. Shanagolden-Foynes has been promised a sewerage scheme for many years. In discussing the issue with the planners, members of the local authority indicated that if we were confident the scheme would be in place in the next five years, we would give developers planning permission on condition that they wait for the sewerage scheme. I was amazed that the planning authority was not confident that the scheme would be developed in the next five years.

From tabling parliamentary questions and in discussions in the county council, I have found that the Department nit-picks with regard to the submissions made by the council. In other words, instead of settling matters across a table or in a telephone call, new applications, investigations and reams of paperwork are required. For example, in the case of the proposed Shanagolden-Foynes sewerage scheme, the Department questioned the cost of the consultants dealing with the proposal. While this is legitimate, I have been informed it will delay the process by six to eight months. Surely the Department should have lifted a telephone and sought an explanation.

The Minister’s replies to parliamentary questions frequently state that the Department is awaiting A, B or C from the county council. The council, on the other hand, states that the issues concerned are minor. The Department is engaged in a delaying exercise. If it does not wish to invest, it should say so or tell us when monies will be allocated so that we can plan. Similar circumstances have arisen with regard to the Glin, Bruff, Kildimo and Pallaskenry sewerage schemes. The Minister has highlighted other schemes which, if developed——

An Leas-Cheann Comhairle: I have allowed the Deputy considerable latitude. He should address the Bill before the House.

Mr. Neville: This is an important issue.

An Leas-Cheann Comhairle: I have no doubt it is important but it is not relevant to the Bill.

Mr. Neville: The Minister’s presence affords me an opportunity to make a point.

An Leas-Cheann Comhairle: Unfortunately, that is not provided for in Standing Orders.

Mr. Roche: My door is open to the Deputy.

Mr. Neville: We have an opportunity to ease the number of once-off houses by facilitating people to move into towns and villages, yet we are prevented from doing so. This is extremely frustrating for those of us who observe what is happening and local authority officials who have done a great deal of work in making the case for schemes.

While the Minister expressed support for the Bill, I presume he will vote against it.

Mr. Roche: That is not the case.

Mr. Neville: Will he accept it?

Mr. Roche: Yes, I have said so.

Mr. Neville: That is very good. I was not present for his statement.

Mr. Roche: It is an unusual decision but wisdom does not reside on one side of the House.

Mr. Neville: As the Minister will probably be aware, it is not unique.

Mr. O’Dowd: Will he resign from the Government and join the Opposition?

Mr. Neville: I believe the former Deputy, Mr. Alan Shatter, had five or six Bills accepted by the Government.

Mr. Roche: The Deputy should not get carried away. It is Deputy Gilmore’s Bill, and Deputy Neville should not seek credit for it.

Mr. Neville: I look forward to the remaining Stages and enactment of the Bill in law.

An Leas-Cheann Comhairle: Under Standing Orders a Government speaker is due to contribute but because the Bill has——

Mr. Gilmore: If the Bill is not opposed——

An Leas-Cheann Comhairle: Normally, the House will adjourn and the debate will reconvene at 7 p.m. tomorrow with a Government speaker.

Debate adjourned.
Adjournment Debate.

Hospital Services.

An Leas-Cheann Comhairle: As the first two items are being taken together, the Deputies will have five minutes each to speak and the Minister of State will have ten minutes to reply.

Mr. Allen: I thank the Leas-Cheann Comhairle for allowing me to raise the resignation of the consultant doctor, Dr. Oscar Breathnach from his position at Cork University Hospital. His resignation was greeted with disbelief by the people of Cork and Kerry, especially those dependent on the vital oncology services in the region. Dr. Breathnach resigned because of the failure of the Tánaiste and Minister for Health and Children, Deputy Harney, and her Department to provide the resources for a dedicated oncology ward in the area and the lack of a back-up service due to the shortage of consultant colleagues. For four years, Dr. Breathnach informed the health board and the management of Cork University Hospital that such a dedicated ward was vital for an efficient and effective oncology service to be available to the people of the region. He resigned out of disillusionment and frustration at the indecisiveness of the former Minister for Health and Children, Deputy Martin, and his successor, Deputy Harney.

It is ironic that Dr. Breathnach has been offered a job in the Dublin area where he will be one of 12 medical oncologists providing treatment. At the same time, the Cork-Kerry region will have just one. Cork University Hospital is hoping to get a locum consultant for the post in the coming weeks. Realistically, it will be at least 2006 before this post will be filled, if the hospital can manage to recruit anybody given the shortfalls of the service. In the meantime, in Dublin, two additional positions have been advertised and interviews will take place shortly. A further two positions are at the planning stage. These posts are attractive as they offer, at most, two hospital site locations. This is in contrast to Cork, where any position is based on three hospital sites. In Dublin, all units have dedicated oncology wards, while Cork has none.

Dr. Oscar Breathnach’s resignation raises two issues. First, there is a need for a dedicated cancer ward for the region. Second, additional consultant posts must be provided. Several efforts to develop an oncology ward at Cork University Hospital have not been fruitful. When the new radiotherapy unit was being built, it was suggested that an oncology ward be built over it. However, this was rejected by the then Minister for Health and Children. That the day procedures unit lies idle is another scandal. If this were opened, it would free up space that could be quickly converted into an oncology ward. The situation at Cork University Hospital is disorganised as cancer patients are situated in nearly every ward, doubling the time required to see them, fragmenting their care and making it sub-optimal.

The chronic climate of under-resourcing in the region is impacting on other consultant posts. A recent consultant radiotherapy post, the first in Cork in ten years, attracted only one candidate for interview. A recent post in one of the other Cork hospitals attracted two candidates. However, a similar post at St. James’s in Dublin attracted 22 applicants. Dr. Breathnach’s resignation is symptomatic of several key issues in the Cork area that are not just cancer related. I hope the Minister of State at the Department of Health and Children, Deputy Tim O’Malley, will give us positive information and this crisis in Cork can be reversed before Dr. Breathnach finally leaves his position. I blame the Minister for Health and Children, and her predecessor, for an appalling lack of proper planning in the delivery of hospital services in the Cork-Kerry area. I hope it is not too late to rectify the problem.

Mr. Stanton: I thank the Ceann Comhairle for allowing me to raise this matter. I hope the Minister of State at the Department of Health and Children, Deputy Tim O’Malley, will show ministerial qualities in making a decision on this important matter instead of reading what has been handed to him by the civil servants in the Department. We are elected to represent the people in our areas. Deputy Allen has outlined the situation at Cork University Hospital. It is now a matter of life and death for our constituents. Cancer is a serious illness that is frightening and potentially fatal. Thankfully, over several decades procedures and services have been developed meaning that most early detected cancers can be treated effectively. As this is a matter of life and death, it is important the best service possible is provided to ensure the medical professionals involved have the best chance to save lives.

A dedicated cancer ward is badly needed in Cork University hospital. However, the people in the Cork area are not getting the best possible care because several Ministers have not made decisions to open such a ward. To make a large difference, it would only cost approximately €1.6 million per quarter to run such a ward.

The medical consultants and professionals involved are frustrated by the Government’s indecision and lack of commitment on this matter. I challenge the Minister of State, Deputy Tim O’Malley, to make a decision giving a commitment for the provision of a dedicated seven day cancer ward. This is the only cancer centre in the State with no dedicated ward. Cancer patients are scattered across seven different wards in the hospital, resulting in the specialist doctors involved not operating at the best level. Instead, they spend most of their time going from one ward to another, meaning other specialist services are fragmented. It is difficult for families, teaching purposes and, most of all, the patients. We appeal to the Minister of State to put his foot
down, to say “enough is enough”. If he does not, there is no point in him continuing as a Minister and he should resign.

People with cancer related illnesses are now being admitted through the accident and emergency department. Cork, the second largest city in the State, must have a dedicated cancer unit as a priority. I admit much good work has been done at Cork University Hospital. However, one of the top medical doctors in the hospital still resigned out of frustration. From talking to patients I have heard praise for the unit at St. James’s Hospital. A similar unit should be opened in Cork. The staff of the hospital does its best but it is now time for the Government to make a decision. Instead of bland remarks on what has been done, we want to know the Government’s intentions for the ward.

Minister of State at the Department of Health and Children (Mr. T. O’Malley): I am pleased to have the opportunity to set out the position in regard to the delivery of oncology services for the southern area. The Health Service Executive, southern area, has confirmed that the consultant medical oncologist referred to by the Deputies has resigned to take up a position in Beaumont Hospital after the summer of 2005. He is based at Cork University Hospital and holds a clinic once a fortnight at Kerry General Hospital, KGH, where a registrar in oncology, based at Kerry General Hospital, oversees patient chemotherapy treatment. There is currently one consultant medical oncologist employed by Beaumont Hospital. The consultant referred to by the Deputy will be the second consultant medical oncologist at that hospital.

Cork University Hospital, CUH, is committed to patient care and all steps are being taken to ensure continuity of patient care. The HSE, southern area, has advertised for a locum appointee and the recruitment process for the replacement permanent consultant medical oncologist post has commenced. The HSE, southern area, is working on a proposal for a dedicated oncology ward, which it will submit to the HSE within the next fortnight.

The hospital strategy is to achieve a dedicated oncology ward of 20 beds, that is, the current oncology bed complement, and to open the day procedures unit. The transfer of existing day services to the day procedures unit will allow the vacated space to be utilised for other priority purposes, including a dedicated oncology ward. The hospital is at the relatively early planning stages of a major cardiac-renal facility to include a 50-bed dedicated oncology ward.

The acute hospital planning forum in Cork previously identified the need to additional manpower in this area and, as a consequence, the hospitals have been working on a submission to progress the appointment of two additional consultants.

Since 1997 there has been a cumulative additional investment of approximately €720 million nationally for the development of appropriate treatment and care services for people with cancer. The HSE, southern area, has received an investment of approximately €80 million for oncology services, including this year’s allocation of an additional €3.5 million from national cancer strategy funding to address increased regional pressures in oncology services. This funding has provided for the approval of an additional 11 consultants in key areas of cancer care as follows: two consultant medical oncologists, three consultant histopathologists, one consultant radiologist, one consultant haematologist, two consultant radiation oncologists and two consultant surgeons with a special interest in breast care. The funding has also provided for the appointment of 27 cancer care nurse specialists across the southern area.

In regard to radiation oncology services, the supra-regional centre at CUH will provide services for patients in the southern, south-eastern and mid-western areas. Approval has issued for the purchase of two additional linear accelerators for this centre and the necessary capital investment amounting to over €4 million to commission this service as rapidly as possible. These linear accelerators have been ordered and the first one has been installed. The second linear accelerator is scheduled for delivery in April 2005. It is expected that this linear accelerator will be installed and commissioned by the autumn. The expanded unit is expected to provide an extra 5,000 OPD treatment visits a year.

Last year approval issued for the appointment of 29 staff for this unit and additional ongoing revenue funding of €3 million to cater for this expansion. Two additional consultant radiation oncologists will be appointed at Cork University Hospital, with sessional commitments to the south-eastern and the mid-western areas. CUH is also in the process of recruiting other key posts required for the commissioning of the new linear accelerators. In regard to phase two of the development, the design brief for the expansion to eight linear accelerators has been submitted by the HSE, southern area, to the Department and is being examined.

The developments I have outlined describe an overall framework through which cancer services are being developed and provided in the southern area. We are extremely fortunate in this country that those involved in cancer care provide a professional and high standard of care that is broadly appreciated by patients with cancer and their families. I recognise this dedication and commitment. I am glad of the opportunity to place on record the substantial developments that continue to take place in cancer services nationally and in the southern area in particular.

Pupil-Teacher Ratio.

Mr. McHugh: I am thankful for the opportunity to discuss this matter and I thank the Minister of State, Deputy Tim O’Malley, for coming in to reply.
[Mr. McHugh.]

Cahergal national school, County Galway, has over the years been treated shabbily by the Department and the Minister’s predecessors. Accommodation in the school is totally inadequate and the Department and previous Ministers have ignored the pleas of staff and parents to have proper accommodation provided. All requests have fallen on deaf ears and I request the Minister and the Department to review the situation as a matter of urgency. I specifically request the Minister to bring to finality the purchase of a site. If the option being pursued at present is not successful, another option, which is known locally, should be moved on. I ask the Minister of State to bring that to the Minister’s attention.

I set out the case of the specific issue before us, the urgent need for the appointment of an extra teacher to Cahergal national school. At present the school has four class teachers for 105 pupils. This means the average class size in the school is 26.25 pupils. These figures are particularly intolerable as all these students are in split classes. For example, there is one teacher for 11 junior infants and 13 senior infants, a class size of 24 four and five year olds. In addition, the school has the services of a shared learning support teacher three mornings per week to provide extra support to 13 pupils and the services of one shared and one part-time resource teacher with a combined time of 21.5 per week to provide support for nine children with special educational needs. These additional supports for the school must be maintained for the benefit of the most vulnerable children.

Class sizes in the school and resources for children with special needs are issues of urgent concern for this community. It is unfair that children in Cahergal national school should be taught in classes of these sizes which belong to a bygone age. This is happening at a time when our country is experiencing unprecedented economic prosperity. The demands for increased staff in Cahergal national school are set out in the context of a commitment in the 2002 programme for Government which states:

We will continue to reduce the pupil:teacher ratio in our schools. Over the next five years we will progressively introduce maximum class guidelines which will ensure that the average size of classes for children under 9 will be below the international best-practice guideline of 20:1.

What has happened in respect of that commitment in the programme for Government? I do not have to wait for the answer because, unfortunately, absolutely nothing has happened. The Minister of State might tell us when something will happen. The reality is that three years later not one single step has been taken towards achieving the Government’s target, notwithstanding the fact that for the first time in many years, there are qualified primary teachers available for work and a further 1,600 teachers set to graduate in 2005.

The most immediate need for Cahergal national school in regard to staffing is the appointment of one extra class teacher to school from next September. It would bring Cahergal national school closer to achieving the class sizes of other developed countries. I look forward to hearing the Minister of State’s reply and urge him to take the issues concerning Cahergal national school seriously.

Mr. T. O’Malley: I am glad to have the opportunity to outline to the House the position of the Department of Education and Science concerning staffing in primary schools, including in Cahergal national school. The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous year, with schools staffed on the basis of having a maximum average class size of 29 in the school. As the Deputy pointed out, the average class size in Cahergal national school is 26 pupils. Based on its enrolment on 30 September 2003 of 103 pupils, the school was allocated staffing for the 2004-05 school year of a principal and three mainstream teachers.

The school also has the service of a resource teacher and a shared learning support teacher. According to data submitted to the Department by the board of management, the enrolment of the school on 30 September 2004 was 105 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure in accordance with the agreed staffing schedule for the next school year which is expected to be notified to boards of management shortly.

If a school believes its staffing allocation is wrong, it can make an appeal to the independent appeal board on mainstream staffing which was established in August 2002 and commenced operation at the beginning of the 2002-03 school year. The purpose of the appeal board is to allow for the independent consideration of appeals, under certain criteria, against the mainstream staffing schedule as issued to schools. The appeal board allows for equitable and transparent treatment of all primary schools and its decision is final. It is not open to the Minister for Education and Science or her Department to interfere in this process.

I take this opportunity to outline the significant improvements made in the area of class sizes in our primary schools in recent years. The average class size at primary level nationally 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. These benefits are the result of the employment of more than 4,000 additional teachers in our primary schools since 1997.

In line with the Government’s determination to tackle social exclusion, significantly smaller class sizes have been introduced in disadvantaged
schools, with approximately 47,700 pupils in 243 disadvantaged schools availing of reduced class sizes of 15 to 20 pupils per class. In line with Government policy, the Department of Education and Science will continue to provide further reductions in the pupil teacher ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs, those from disadvantaged areas and those in junior classes.

I thank the Deputy once again for raising this matter in the House. 

Mr. F. McGrath: I thank the Chair for allowing me to raise on the Adjournment the important issue of class size. Let me first declare an interest. I was a teacher for more than 20 years and am still a member of the INTO. I am always honoured and privileged to represent the INTO view in the Dáil and I will continue to push the case for Irish education and the importance of teachers in Irish society and their valuable role in the community.

It is essential that this House should note that Irish primary schools have the second highest class sizes in the EU, that no improvements in mainstream class size have been made in the past three years, that additional teachers are also urgently required to meet the needs of pupils with special educational needs and the needs of pupils from disadvantaged communities. I call on all Deputies to support the campaign led by the INTO with the support of local communities to secure improved staffing levels in primary schools so that primary classes are reduced to European norms in accordance with best practice as promised in An Agreed Programme for Government 2002-2007. I also demand increased resources for primary education, including specifically a reduction in primary class size as a matter of national importance that warrants immediate action.

I am sick to the teeth of all the teacher bashing that has gone on in the media in recent days, especially on radio programmes such as the Pat Kenny Show. My experience of teachers, as a teacher for 20 years, is as follows: teachers assisting pupils outside school hours; teachers training and bringing pupils to matches after hours; teachers putting their lives at risk on child abuse cases; teachers bringing children abroad or around the country at weekends; teachers assisting children with disability beyond the call of duty — I know many teachers who have done this on numerous occasions and I commend them in this debate; teachers taking on racism head on while some of our politicians stoke the fires of fear; teachers doing extra voluntary work in their local communities. These teachers are not looking for gold medals for their work. They enjoy their job and derive great satisfaction from it. However, they deserve balanced reporting and fair play. I urge all Deputies in this House to defend teachers.

On the issue of staffing in schools, it is essential that we understand that class size is a major issue for parents and teachers throughout the State. Parents are concerned that their children are in large classes. We want action from the Government and we want it now. Teachers want to get on with their work in the classroom. They can do their job more effectively if there are smaller classes. This has been proved educationally and internationally. There can be a number of groups in a small class comprising children with different reading ages and different reading ability. I have seen this work in projects that have been very successful. I refer to the Breaking the Cycle programme in the 34 poorest schools in the country where extra educational resources were put in to help the most needy. I commend the people involved in these projects and the teachers working on the ground. They have proved that such examples of good practice work.

I urge the Minister to listen to the voice of the INTO, to the voice of teachers and to the voice of parents.

Mr. T. O'Malley: I thank the Deputy for raising this matter. I am glad to have this opportunity to outline to the House the improvements that have been made in primary class sizes by the Government. Since 1997, the Government has dramatically increased the number of teachers in our primary schools. In that time more than 4,000 additional teachers, including nearly 2,500 resource teachers, have been employed. 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. Average class size has been reduced from 26.6 in 1996-97 to 23.9 in 2003-04. The pupil-teacher ratio, which includes all the teachers in the school including resource and learning support teachers, has fallen from 22.2:1 in the 1996-97 school year to 17.4:1 in 2003-04. 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.

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 staffing allocation system is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of more 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 in the school. As a result of the decrease in the overall maximum class size by reference to the staffing schedule from 35 in the 1995-96 school year to 29 at present, the number of children in classes of 30 or more has decreased substantially. In that regard, the average class size in the 30 to 39 category in 2003-04 was 31.7.
[Mr. T. O’Malley.]
Other improvements in staffing for primary schools in recent years include a reduction in the appointment and retention figure for the first mainstream class teacher to 12 pupils, the appointment of administrative principals to ordinary schools with nine or more teachers including ex-quota posts, a reduction in the enrolment figures required for the appointment of administrative principals to ordinary schools and gaelscoileanna, the allocation of teaching posts to schools where 14 or more pupils with significant English language deficits are identified and the allocation of additional learning support teachers. In line with Government policy, the Department of Education and Science will continue to provide further reductions in the pupil teacher ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs, those from disadvantaged areas and those in junior classes. I again thank the Deputy for raising this matter.

The Dáil adjourned at 8.50 p.m. until 10.30 a.m. on Wednesday, 9 March 2005.
Written Answers

Questions Nos. 1 to 11, inclusive, answered orally.

Questions Nos. 12 to 57, inclusive, resubmitted.

Questions Nos. 58 to 64, inclusive, answered orally.

Partnership for Peace.

65. Mr. Timmins asked the Minister for Foreign Affairs if any staff from his Department are cooperating with the Department of Defence in dealing with such matters as Partnership for Peace and the possibility of Ireland’s supporting battle groups, or the components of such a group, to the EU; and if he will make a statement on the matter. [7709/05]

122. Mr. Ring asked the Minister for Foreign Affairs the efforts he will take to ensure that Ireland can play a role in the battle groups favoured by the UN Secretary General; and if he will make a statement on the matter. [7634/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 65 and 122 together.

A major challenge for the EU is to ensure that it is able to respond rapidly and flexibly to crises overseas. In this context, the Union is taking forward the development of both civilian and military capabilities.

On the military side, the battle groups-rapid response elements concept has been under development in the European Union for some time. From the outset of the establishment of the European security and defence policy, ESDP, in 1999, it has been envisaged that to carry out the full range of so called Petersberg Tasks, the EU’s crisis management capabilities would need to include rapid response elements, available and deployable at very high readiness.

At the military capabilities commitment conference in November 2004, member states committed up to 13 battle group formations which will be on standby for a six month period to deploy to crises within a 15-day period. These formations have the potential to play a significant role in support of the UN, including through deploying at the request of the UN as a “bridging force”, that is, deploying quickly to a crisis for a relatively short period, while a larger and longer term UN peacekeeping force is established.

After consideration by the Government, Ireland indicated at the military capabilities commitment conference in November 2004 that we were prepared to enter into consultations with partners with a view to potential participation. I have already had political consultations on this issue with both my Swedish and Finnish counterparts.

An interdepartmental group, which includes representatives of my Department, the Department of the Taoiseach, the Department of Defence, the Defence Forces and the Office of the Attorney General, has been established to examine the policy, legislative and operational issues arising from possible participation. Clearly, an important component of this analysis will be the need to consider whether and how participation in EU rapid response elements could be accommodated to the legal requirement for UN authorisation of any mission in which Irish Defence Force contingents would deploy. I believe the consultation process and the report of the interdepartmental group will enable the Government to make a fully informed decision on Ireland’s participation in rapid response elements.

As regards co-operation between my Department and the Department of Defence, there is long-standing and close co-operation between officials of both Departments on the full range of issues relating to international security and defence policy, including Ireland’s participation in Partnership for Peace.

EU Constitution.

66. Mr. Murphy asked the Minister for Foreign Affairs when the new EU constitution will be put to referendum; and if he will make a statement on the matter. [7596/05]

81. Mr. O’Dowd asked the Minister for Foreign Affairs his views on recent Eurobarometer reports that public awareness of the EU constitution is worryingly low here; and if he will make a statement on the matter. [7633/05]

108. Mr. Quinn asked the Minister for Foreign Affairs his plans for a major public information campaign in advance of a referendum on the EU constitution; if he will consider sending a copy of the draft constitution to every home in the State; and if he will make a statement on the matter. [7695/05]

130. Mr. McCormack asked the Minister for Foreign Affairs the actions he will take to raise the profile of the European Union within Ireland; and if he will make a statement on the matter. [7617/05]

133. Mr. Crawford asked the Minister for Foreign Affairs the number of countries within the European Union that will put the EU constitution to public referendum; if he has held consultations with his counterparts in these countries with regard to the timing of referenda on the constitution; and if he will make a statement on the matter. [7611/05]

134. Mr. Connaughton asked the Minister for Foreign Affairs if he has held discussions with his Spanish counterpart with regard to the recent referendum on the EU constitution held in that country; and if he will make a statement on the matter. [7625/05]

160. Mr. Broughan asked the Minister for Foreign Affairs his views on the outcome of the recent referendum on the EU constitution in
[Mr. Broughan.] Spain; and if he will make a statement on the matter. [7697/05]

163. Mr. Quinn asked the Minister for Foreign Affairs if his attention has been drawn to a recent Eurobarometer study which shows that whilst voters here are generally supportive of the EU, they are also hesitant with regard to the proposed EU constitution; his views on the consequences this may have for a future referendum on the constitution; and if he will make a statement on the matter. [7696/05]


I refer the Deputies to my reply to Question No. 58, in which I set out the Government’s approach to the referendum on the European Constitution.

I had an opportunity to congratulate my Spanish colleague in Brussels the day after the Spanish referendum. The successful result, which saw a 77% vote in favour of the constitution, was an excellent start to the round of the referendums to come. While the exact situation is not clear in all member states, it currently seems that between nine and 11 member states will seek to ratify the constitution via a referendum. Three member states — Lithuania, Hungary and Slovenia — have already ratified the constitution via parliamentary procedure.

We regularly exchange information with our partners on the ratification process and our embassies also report regularly. However, there is no formal coordination arrangement. It is for each member state to decide individually, according to its constitutional requirements and political conditions, how best to proceed.

With regard to the Eurobarometer poll, I share the view that the findings are a cause for some concern. They indicate that there is a knowledge gap with regard to the European Constitution, and that is something with which none of us can be pleased. I referred in my earlier reply to the various initiatives which are under way to close that gap. I stress once more the crucial role which political debate has to play in stimulating the media coverage which engages the public. In that regard, Members of this House have a key responsibility.

The question of whether a copy of the European constitution should be sent to every household in the country has been raised. While there is a case for this, I tend to believe that the resources which such an exercise would consume might be more effectively spent on providing clear summary information about the constitution rather than circulating the full document to every household. However, the constitution itself is freely available both in hard copy and electronically. The European Commission has informed my Department that it will supply copies free of charge to those who request them and my Department will also be happy to forward copies on request.

Finally, on raising the profile of Europe in Ireland, over the next period the main focus will inevitably be on the constitution. It will be important, not just for the referendum but for the future, that the public understands the basic future framework of the EU. In my earlier reply I set out the various initiatives which will be taken.

In terms of improving awareness of Europe generally, this is a complex issue, which involves the Government, the EU institutions, the education system, civil society and the media. Many useful measures are in place, including my Department’s communicating Europe initiative which supports a range of relevant activities. However, it is clear that there is still a major task ahead of us. This is an issue which affects all member states and which is being actively discussed by European Affairs Ministers, following an initiative taken by the then Minister of State, Deputy Roche, during our Presidency. The European Commission will present a proposed communications strategy to the European Council in June. In the light of these developments, and in particular after the referendum, I intend to encourage further consideration of how to coordinate our efforts and make them more effective.

Overseas Development Aid.

67. Ms Burton asked the Minister for Foreign Affairs if his attention has been drawn to recent comments from a person (details supplied) that the Government’s decision to renege on its overseas development funding commitments has affected global efforts to fight the AIDS epidemic; the efforts the Government has been making or proposes to make to address the shortfall in the sums needed to combat the epidemic; if this part of the millennium development goals is to be achieved; and if he will make a statement on the matter. [7693/05]

265. Mr. Durkan asked the Minister for Foreign Affairs the extent to which he and his EU and UN colleagues propose to address the issue of AIDS in Africa; and if he will make a statement on the matter. [8005/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 67 and 265 together.

The Government’s spending on ODA has risen from €158 million in 1997 to €545 million this year. This means that Ireland is now one of the world’s leading aid donors, ranked 8th by the OECD, in terms of per capita spending on development assistance.

The Government’s programme of development assistance is internationally recognised as being of the highest quality. The UN Secretary-General, Kofi Annan, during his visit to Dublin last year, described our aid programme as a model in development terms, while recently, Mr. James Wolfensohn, president of the World Bank, com-
implemented the aid programme’s approach to development. Mr. Wolfensohn said: “Your country has shown tremendous capacity and a tremendous heart and I think the Irish people are to be congratulated on your approach to development.” We are regularly evaluated by our peers in the OECD and the most recent appraisal in 2003 concluded that our development programme is of the highest quality, is sharply poverty focused and is directed at addressing the millennium development goals, MDGs.

HIV-AIDS is a key priority area for Development Cooperation Ireland. A dedicated budget line was established by the Taoiseach following the United Nations special session on HIV-AIDS in 2001. The amount allocated to HIV-AIDS has increased on an annual basis since then and this year almost €50 million will be spent on a wide range of activities related to the prevention, treatment and mitigation of HIV-AIDS. These funds are being channelled through our development partners at a number of different levels.

At a global level, Development Co-operation Ireland is supporting a number of multilateral organisations and initiatives, including UNAIDS, the global fund for HIV-AIDS, TB and malaria, the international AIDS vaccine initiative and the international partnership on microbicides. The Government is also working with the Clinton Foundation to assist in the preparation of integrated HIV and AIDS treatment, care and prevention programmes.

Development Co-operation Ireland is also supporting a regional HIV-AIDS programme for southern and eastern Africa. Our development programme is working to strengthen government capacity to respond to HIV-AIDS in all our programme countries and in South Africa. The Irish Government is also supporting non-governmental organisations, NGOs, and faith based organisations in their work to deliver home based care.

While the programmes supported through Development Co-operation Ireland are assisting in alleviating the global impact of HIV-AIDS, the pandemic continues to be an enormous challenge to reducing poverty and attaining the millennium development goals. This is particularly the case in sub-Saharan Africa where prevalence rates of over 20% are not uncommon. This high rate of infection makes it even more difficult for poorer countries to reach the millennium development targets. There are, however, encouraging signs that sub-Saharan Africa is making some progress in the fight against AIDS and the Irish Government will continue to support it in its efforts. The annual budgetary increases in ODA, announced by the Minister for Finance in December, will allow Ireland to further contribute to the containment of this global scourge.

As an indication of my commitment to improving the international response to HIV-AIDS, I am attending a ministerial meeting later this week in London, which is being organised jointly by UNAIDS and the British Government, to agree on levels of financing to arrest the global spread of HIV-AIDS in future years. A particular focus of this meeting, and indeed of my own input, will be to ensure that additional financial resources made available from countries like Ireland will be used in an effective and coordinated manner.

**Nuclear Weapons Programme.**

68. Mr. J. O’Keeffe asked the Minister for Foreign Affairs if he will report on the latest discussions that have taken place between the European Union and Iran relating to the development of a nuclear capability by Iran; and if he will make a statement on the matter. [7599/05]

79. Mr. Rabbitte asked the Minister for Foreign Affairs the Irish and European position towards the existing situation which pertains in Iran with regard to the threat of nuclear weapons being developed in that country; and if he will make a statement on the matter. [7733/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 68 and 79 together.

Ireland and its EU partners share the widespread international concern about Iran’s development of its nuclear programme, in particular its uranium enrichment component. It has been more than two years since Iran’s undeclared nuclear programme was first brought to the attention of the International Atomic Energy Agency, IAEA, and the director general of the agency has presented seven written reports on the subject since June 2003. The latest such report was discussed at the meeting of the IAEA board of governors which took place in Vienna in November 2004.

A resolution on Iran, adopted by consensus at that meeting, underlined the importance of Iran extending full and prompt cooperation to the director general in his investigations into the remaining outstanding issues identified in the report, in particular the origin of uranium contamination found at various locations in the country and the extent of Iran’s efforts to import, manufacture and use certain types of centrifuges.

Negotiations between Iran and France, Germany and the United Kingdom, supported by the EU high representative, are being carried out in accordance with the terms of the Paris agreement of November 2004. Under this agreement, Iran, inter alia, reaffirmed that it does not and will not seek to acquire nuclear weapons and committed itself to full transparency and cooperation with the IAEA. Moreover, it decided to voluntarily suspend all enrichment and reprocessing activities and to invite the IAEA to verify and monitor the suspension. The agreement further provided for negotiations on a long-term agreement which will cover political and security issues, technology and cooperation, and nuclear issues, work on which commenced in December 2004.
The European Council of December 2004 welcomed this agreement and underlined that sustaining the full suspension of all enrichment related and reprocessing activities was essential for the continuation of the overall process. It supported further efforts with a view to reaching an agreement on long-term arrangements. The European Council confirmed its earlier conclusions on the resumption of the negotiations on a trade and cooperation agreement after verification of suspension. It also confirmed the Union’s readiness to explore ways to further develop political and economic cooperation with Iran, following action by Iran to address other areas of concern of the EU regarding the fight against terrorism, human rights and Iran’s approach to the Middle East peace process.

A steering committee to launch these negotiations met in December 2004 and established working groups on political and security issues, technology and cooperation, and nuclear issues. Those working groups met most recently last month and their work is ongoing. Under the terms of the Paris agreement, the steering committee will meet again by early next month to receive progress reports from the working groups and to move ahead with projects and/or measures that can be implemented in advance of an overall agreement.

The IAEA board of governors was briefed last week in Vienna on the agency’s ongoing verification work with regard to Iran, which is continuing in parallel to the negotiations with Iran. Issues covered included Iran’s centrifuge programme, the origin of particle contamination of some components and Iran’s suspension of enrichment activities, as provided for in the Paris agreement.

At the meeting of the board, France, Germany and the United Kingdom issued a joint statement, in which they gave their preliminary assessment of the negotiations with Iran to date. They indicated that the negotiations have allowed for an extensive exchange of views, notably on ways to provide objective guarantees that Iran’s nuclear programme is exclusively for peaceful purposes, as stipulated in the Paris agreement. The two sides have also discussed long-term arrangements for cooperation between the EU and Iran in the political and security area, as well as the economic and technological field. They have also explored the prospects for possible international cooperation in connection with Iran’s nuclear programme. The discussions were said to have been conducted in a constructive spirit of open and serious exchanges and that while much progress remains to be made, they represent encouraging steps towards working out long-term arrangements, as foreseen in the Paris agreement.

The statement went on to express satisfaction with the progress reported by the IAEA in its investigations but also expressed regret at some developments which could undermine confidence. These included Iran’s failure to report excavation work at one of the sites under investigation. These included Iran’s failure to report investigations but also expressed regret at some of the progress reported by the IAEA in its verification work. It also confirmed the need for such action by Iran to address other areas of concern of the EU regarding the fight against terrorism, human rights and Iran’s approach to the Middle East peace process.

69. Mr. M. Higgins asked the Minister for Foreign Affairs his position on the use of development funds for advocacy and empowerment among the poor of the developing world; the basis for such remarks as he has made that called such practice into question; and if he will make a statement on the matter. [7692/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): My prime concern as Minister with responsibility for the stewardship of the Government’s programme of assistance to poorer countries is to ensure that the greater part of those funds is directed to the needs of vulnerable and needy people in places like sub-Saharan Africa. It was in that context that I raised the issue in question in general terms in a radio interview at the time of the Estimates last year. My aim was simply to encourage informed debate about where and how aid money is spent.

In summary, my view is that, whether directed through the bilateral programme, UN agencies, the EU or NGOs, Irish taxpayers’ funds should find their way in greatest measure to the poorest people. That said, I agree that a certain limited percentage should be used to hold up a mirror to what we do and to the challenges we face so as to inform our people of the value of what we do, to build a body of support for that engagement and to educate our young people on the moral outrage which deepest poverty represents.

70. Ms Shortall asked the Minister for Foreign Affairs if the Government proposes to regain the position of leadership in matters of international aid lost when the Government decided to renge on its commitment to spend 0.7% of GNP on overseas aid by 2007; his views on whether the decision to row back on this commitment was unwise; if the Government will now revert to its previous position and commitment to some of the poorest people on the planet; and if he will make a statement on the matter. [7738/05]

126. Mr. Hayes asked the Minister for Foreign Affairs when a new timescale for achieving the UN target for overseas aid will be announced; and if he will make a statement on the matter. [7640/05]

251. Mr. Healy asked the Minister for Foreign Affairs the position regarding overseas aid; the new target date at which Ireland will reach 0.7% of GNP; if he will set out a multi-annual plan to reach this target; if he will enshrine Ireland’s commitment to the 0.7% target in legislation
The clear objective of the negotiations will be the presentation of accession negotiations on 3 October 2005. The allocation for 2005 provides for an increase of €70 million in Government spending on official development assistance this year. This will bring total Government aid to the developing world to approximately €545 million in 2005, the highest allocation in the 30 year history of the aid programme. In addition, the Government has agreed to provide further increases of €65 million in each of the years 2006 and 2007. These substantial increases mean that over the three years from 2005 to 2007, €1.8 billion will be spent by Ireland on development assistance. Ireland will maintain its position as one of the world’s leading aid donors on a per capita basis. We are currently in eighth place among OECD member states and our performance is well above the EU average.

I welcome these increases. The three year multi-annual commitment, incorporating substantial annual increases, gives my Department a sound basis to carry forward the long-term planning which is so important for development work. While there may be some merit in enshrining such commitments in legislation, this would create a precedent which could be invoked for many areas of Government expenditure. As Deputies will appreciate, the Government requires flexibility to manage the economy.

The Government remains strongly committed to achieving the UN target for expenditure on ODA. The issue of how best to meet the target, and in what timeframe, is under ongoing review. Development Co-operation Ireland recently launched a consultative process that will lead to a White Paper on development assistance. All interested members of the public are invited to submit views.

**EU Enlargement.**

71. Mr. Stanton asked the Minister for Foreign Affairs the position with regard to the opening of EU accession talks with Turkey; and if he will make a statement on the matter. [7822/05]

**Minister for Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 70, 126 and 251 together.

The allocation for 2005 provides for an increase of €70 million in Government spending on official development assistance this year. This will bring total Government aid to the developing world to approximately €545 million in 2005, the highest allocation in the 30 year history of the aid programme. In addition, the Government has agreed to provide further increases of €65 million in each of the years 2006 and 2007. These substantial increases mean that over the three years from 2005 to 2007, €1.8 billion will be spent by Ireland on development assistance. Ireland will maintain its position as one of the world’s leading aid donors on a per capita basis. We are currently in eighth place among OECD member states and our performance is well above the EU average.

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**EU Enlargement.**

71. Mr. Stanton asked the Minister for Foreign Affairs the position with regard to the opening of EU accession talks with Turkey; and if he will make a statement on the matter. [7592/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Turkey has been a candidate for membership of the EU since the Helsinki European Council in December 1999, which agreed that it was destined to join the Union on the basis of the same criteria applied to the other candidate states. The European Council in Brussels on 16-17 December 2004 decided, on the basis of the Commission’s report and recommendation, that Turkey sufficiently fulfils the Copenhagen political criteria to enable the opening of accession negotiations.

It requested the Commission to begin work on a proposal for a negotiating framework and to present it to the Council, with a view to the opening of accession negotiations on 3 October 2005. The clear objective of the negotiations will be Turkey’s accession to the Union, provided it meets the requirements for membership. The pace of the negotiations will depend in large part on progress in the implementation of Turkey’s wide ranging reform programme. Given the substantial financial consequences of Turkish accession, the European Council agreed that it will not be possible to conclude negotiations until after the establishment of the financial framework for the period from 2014.

The December European Council also set out the main elements for future negotiating frameworks with individual candidate states, building on the experience of the current enlargement process and taking account of developments within the EU. Turkey’s accession negotiations will take place in the context of an Intergovernmental Conference with the participation of all member states, in which decisions will require unanimity. The European Council agreed that the shared objective of the negotiations will be accession but noted that the process will, inevitably, be an open ended one, the outcome of which cannot be guaranteed in advance.

In preparation for the European Council decision, it was clear that although the search for a comprehensive settlement of the Cyprus problem will remain a UN led process, some movement was necessary by Turkey towards the objective of normalising relations with the Republic of Cyprus, which has been a member state of the Union since 1 May 2004. The European Council welcomed Turkey’s decision to sign the protocol adapting the 1963 Ankara agreement of association in order to take account of the accession of ten new member states, including the Republic of Cyprus. I welcome the important declaration by the Turkish Government that it is ready to sign the protocol prior to the actual start of negotiations and I look forward to early implementation of this commitment.

In the months ahead, member states will consider proposals from the Commission for a revised accession partnership with Turkey, setting out priorities for the continued implementation of the reform process, which will be central to the accession negotiations. The Council will also consider Commission proposals for a detailed negotiating framework, based on the principles outlined by the European Council. The Government will continue to work with our partners in the Union, and with Turkey, to ensure that all the elements are in place for a successful opening of accession negotiations on 3 October.

**Foreign Conflicts.**

72. Mr. O’Dowd asked the Minister for Foreign Affairs if he will report on the political situation in the Congo; and if he will make a statement on the matter. [7603/05]

83. Mr. Ring asked the Minister for Foreign Affairs if he will make a statement on the recent tragedy in the Congo that resulted in the loss of
UN peacekeepers’ lives; and if he will make a statement on the matter. [7604/05]

257. Mr. Durkan asked the Minister for Foreign Affairs the degree to which he and his colleagues in the EU and UN are in a position to positively influence matters in the Democratic Republic of the Congo; if the administration there is adjusting in accordance with democratic requirements; and if he will make a statement on the matter. [7997/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 72, 83 and 257 together.

The political situation in the Democratic Republic of the Congo continues to be characterised by slow progress towards completion of the transition process. Ireland and the European Union are maintaining their strong engagement in support of the peace process in the DRC. Recent events, however, such as the ambush on a UN MONUC patrol by armed militia in the Ituri region on 25 February, which resulted in the tragic death of nine Bangladeshi peacekeepers, has underlined the volatility of the security situation in eastern DRC and the difficulty this poses in completing the transition process.

The Government condemns the killing of the Bangladeshi peacekeepers as well as all other attacks or efforts aimed at preventing MONUC from fulfilling its important mandate. I have written on behalf of the Government to the Bangladeshi Foreign Minister to convey our deepest condolences on these brutal and senseless killings. The UN Security Council also condemned the killings as “an unacceptable outrage” in a presidential statement adopted on 2 March. I join with the UN Secretary General and the Security Council in urging that every effort be made by the transitional national government in the DRC to apprehend those responsible. In this regard, I welcome the fact that a number of the leaders of the militia judged responsible for the ambush have now been taken into custody.

The continued existence of armed militias who prey upon the local population and are unwilling to acknowledge the authority of either the UN or the transitional government in Kinshasa represents a major threat to successful implementation of the transition process in the DRC. MONUC is performing a vital role in seeking to reduce the threat posed by these militias and deserves the full support of the international community for its efforts, in conjunction with the DRC government, to establish peace and security in the troubled eastern region.

The strong action which MONUC is now taking to confront armed militias in the Ituri region is welcome. I hope the UN Security Council will address the need to deal with other armed militias, such as the ex-FAR and Interahamwe, in the Kivu region — whose existence continues to be a source of tension between the DRC and Rwanda — when it considers renewal of MONUC’s mandate before the end of March. The EU has made clear its willingness to assist the UN in the reinforcement of MONUC’s capabilities to enable it to carry out its essential tasks.

It is encouraging that discussions on how to secure the effective disarmament of armed militias in the eastern DRC are taking place between the governments of the DRC, Rwanda and Uganda within the framework of the Tripartite Commission which these three countries agreed to establish last October, with US facilitation. These discussions, as well as the coming into operation last month of the joint border verification mechanism between the DRC and Rwanda, complement the overall efforts to broker a regional peace and security pact within the framework of the UN and African Union sponsored Great Lakes conference, following the initial summit of the conference last November. Ireland and the EU are playing an active role in support of the Great Lakes conference which it is hoped will culminate with adoption of a regional peace and security pact at a second summit in Nairobi next November.

The transitional national government has, of course, primary responsibility for re-establishing peace and security and effectively exercising its own authority throughout the DRC. Greater efforts are called for by the DRC Government in accelerating the creation of an integrated national army and police force and making a viable start to disarming, demobilising and rehabilitating the combatants who still carry arms, estimated at between 150,000 and 300,000, if a secure environment is to be created for the holding of national elections later this year.

The EU is actively collaborating with the transitional national government in supporting the process of security sector reform in the DRC, including through establishment of an integrated police unit, IPU, in Kinshasa, while further support in training integrated army brigades and police is also under consideration. Ireland has contributed €75,000 towards the costs of establishment of the IPU. The EU also provides substantial financial support for the process of disarmament, demobilisation and reintegration, DDR, in the DRC.

The major priority for successful completion of the transition process in the DRC remains the holding of national elections later this year, as scheduled under the 2002 Sun City peace accords. A number of major legislative reforms, including drafting of a national constitution, still remain to be completed if the elections are to proceed, as scheduled, next June. There is provision under the peace accords for the elections to be deferred for up to one year, if necessary.

Substantial international support will be required for the holding of these elections which it is estimated could cost up to almost US$300 million to hold. The EU has already committed itself to provide some €85 million in electoral assistance while Ireland will also consider a possible contribution in support of the electoral pro-
cess, once there is greater clarity as to the holding of the elections. A decision will also be taken closer to the elections as to whether the EU will participate in an electoral observer mission in the DRC, although nationally this is something which Ireland would strongly support.

Overseas Development Aid.

73. Ms O’Sullivan asked the Minister for Foreign Affairs if he will report on the humanitarian situation in Uganda and Ethiopia; and if he will make a statement on the matter. [7719/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Up to 1.4 million people have been displaced by the insurgency in northern Uganda, which has lasted for nearly 20 years. The Irish aid programme has provided support through the World Food Programme and to both Irish and local NGOs in support of the food and shelter needs of the displaced. In addition, Ireland has been to the fore of donor efforts to drive progress in brokering a permanent ceasefire between the government of Uganda and the Lord’s Resistance Army, LRA, and to encourage the parties’ engagement in a peace process. While two unilateral ceasefires declared by the Government have not resulted in a deal with the LRA on a permanent ceasefire, the donor supported efforts of an intermediary are continuing and there are grounds for guarded optimism.

In Ethiopia, Ireland has joined with a number of donor countries and the Government of Ethiopia in a safety nets programme promoting a new and more determined approach to the needs of those facing chronic and intermittent food shortages. The process involves the commitment of additional resources, a progressive focus on empowering communities, groups and families to tackle their own welfare needs and eventually a move away from a dependence on food aid to a more orthodox social welfare system.

This new approach to humanitarian needs in Ethiopia is motivated, first, by a broad consensus on the huge needs in the country and the related need to increase the donor provision; second, by the clear commitment of the Government of Ethiopia to taking up the challenges involved and, third, by the acceptance by all sides that a broad based approach, balancing welfare and development needs, is required to break the cyclical disposition of Ethiopia to food crises.

The engagement in humanitarian assistance in both Uganda and Ethiopia represents one element of a wider engagement by Development Co-operation Ireland in both countries. Ireland’s aid programmes to the two countries endeavour to strike a balance between long-term development needs, aimed at helping countries to break out of poverty, and short-term assistance to those whose very existence is threatened by vulnerability resulting from even the most minor change in their circumstances.

Emigrant Support Services.

74. Mr. Stagg asked the Minister for Foreign Affairs the efforts being made to assist the London Irish Forum identify alternative premises; if he has made contact with the appropriate local authority on behalf of the Irish community in Luton in order that alternative premises can be identified; and if he will make a statement on the matter. [7701/05]

Minister for Foreign Affairs (Mr. D. Ahern): I take it the Deputy is referring to the Luton Irish Forum, which is currently in discussions with the local council about its accommodation. We wish to be helpful in every possible way to the forum in its important work in providing advice, information and support services to Irish people. The Government, for instance, through the DION fund, is helping support the forum’s key advice worker post.

The Luton Irish Forum has developed a good relationship with the Luton Borough Council. It has, for instance, been successful in accessing a number of local statutory grant streams, itself a positive reflection of the quality of services which it provides. The forum is currently located within a building that is owned by the borough council and that is, unfortunately, due to be closed. However, the forum’s management is in ongoing consultations with the council and, in these consultations, it is supported by a community development worker from the Federation of Irish Societies, a post which is also supported financially by the Government through the DION fund.

I understand that the council has proposed alternative options which are now under consideration by the forum.

Officials of the embassy in London and the Irish abroad unit met with the management of Luton Irish Forum as late as January this year. They will remain in close contact with the management with a view to being helpful in every way possible.

75. Mr. Stagg asked the Minister for Foreign Affairs the qualifying criterion for membership of the DION committee; the number of members of the DION committee who work at the frontline in the provision of welfare services to members of the Irish community; and if he will make a statement on the matter. [7700/05]

Minister for Foreign Affairs (Mr. D. Ahern): The practice relating to appointments to the DION committee, since it was established in 1984 by the then Minister for Labour, is that the Minister responsible appoints people to it who have a proven track record of working within the Irish community, as well as a keen awareness of the particular issues facing, and of concern to, our community in Britain.

The present membership of the committee comprises persons who have served in prominent positions in the Federation of Irish Societies, working in close collaboration with voluntary Irish organisations providing frontline services. It
[Mr. D. Ahern] further comprises persons with particular knowledge and experience of health service issues and how these affect Irish emigrants, as well as those with an academic perspective on the experience of emigration. While I am open to extending the range of experience of members, and will review the situation from time to time, it has not been the practice to appoint members to the committee who are employed by frontline organisations in receipt of DION funding.

Apart from the chair and secretary, who are officials of the embassy in London and who act as the committee’s secretariat, the committee members serve in a voluntary capacity and are not in receipt of any remuneration from the DION fund.

**EU Constitution.**

76. Mr. Gormley asked the Minister for Foreign Affairs the areas of enhanced cooperation which are envisaged by Protocol 24 of Article I-41(2) of the EU constitution which states that the Union shall draw up, together with the Western European Union, arrangements for enhanced cooperation between them; and if he will make a statement on the matter. [6751/05]

Minister for Foreign Affairs (Mr. D. Ahern): Article I-41(2) of the European constitution provides for the possibility of a common EU defence policy, should the European Council acting unanimously so decide. The article, which is carried over from previous treaties, also provides that the specific character of the security and defence policy of member states shall not be prejudiced. Under the terms of Bunreacht na hÉireann, Ireland may not participate in an EU common defence. It is the Government’s intention to propose to the people that this prohibition be carried over in the context of the ratification of the European constitution.

While a number of member states, such as Ireland and Sweden, have security and defence policies that are characterised by a commitment to neutrality or non-alignment, other member states are members of NATO and of the Western European Union. In the same way as the European constitution safeguards the specific character of the security and defence policies of neutral and non-aligned member states, it also recognises the need for compatibility between the security and defence policy of the European Union and that of NATO and the Western European Union. In this context, Protocol 24 of Article I-41(2) carries over the provision for cooperation between the European Union and the Western European Union.

I am not aware of any current proposals for enhanced cooperation between the European Union and the Western European Union. It should be noted that the provisions of Protocol 24 are entirely separate from the general provisions for enhanced cooperation between EU member states, as provided for in Article 1-44 of the European constitution.

**Departmental Staff.**

77. Mr. English asked the Minister for Foreign Affairs the effect of a recent ruling of a rights commissioner on the Protection of Employees (Fixed-Term Work) Act 2003 on his Department; and if he will make a statement on the matter. [7638/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The implications of the rights commissioner’s decision referred to by the Deputy are being carefully studied by the Department of Foreign Affairs and by the other Departments concerned in consultation with the Department of Finance. Some aspects of the decision raise fundamental issues for the Civil Service as an employer and may yet be referred to the Labour Court for consideration. The Deputy will appreciate that, in the circumstances, it would not be appropriate for me to comment further at this juncture.

**Overseas Development Aid.**

78. Mr. Penrose asked the Minister for Foreign Affairs his views on whether the proposals upon which NEPAD is based should be based on realistic economic assumptions, in view of the collapse in foreign direct investment in South Africa; his further views on the level of savings that it is suggested are necessary to this end from the indigenous sector; and if he will make a statement on the matter. [7730/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): As the Deputy will be aware, NEPAD, the new partnership for Africa’s development, is an African owned and led initiative which is intended to promote and achieve sustainable development in Africa in the 21st century. It is based on the recognition that the primary responsibility for Africa’s future lies not in the hands of donors or multilateral institutions but in the actions of Africa’s governments and people. The objective of NEPAD is to eradicate poverty and place African countries on a path of sustainable growth and development. It is recognised that this must be pursued within a framework of active participation in the world economy and the global body politic.

The initiative was adopted by the then Organisation for African Unity, OAU, at its summit in Lusaka in July 2001. The OAU’s successor, the African Union, AU, at its summit in Maputo in July 2003, decided that NEPAD should be gradually absorbed into the African Union structure over a period of approximately three years. This decision recognised the close inter-relationship between the AU, as the institutional framework for Africa’s integration, and NEPAD as the logical socioeconomic programme of the AU, and the wish of African leaders to see the two organisations avoid competition and converge.
NEPAD’s priorities are to establish conditions for sustainable development by ensuring peace and security; democracy and good political, economic and corporate governance; regional cooperation and integration; and capacity building. It seeks to promote policy reforms and increased investment in the following priority sectors: agriculture; human development with a focus on health, education, science and technology and skills development; building and improving infrastructure, including information and communication technology, ICT, energy, transport, water and sanitation; promoting diversification of production and exports, particularly with respect to agro-industries, manufacturing, mining and tourism; accelerating intra-African trade and improving access to markets of developed countries; the environment.

NEPAD has secured significant support from the UN, G8, EU and from individual donor countries, including Ireland. Donors are understandably attracted by the fact that NEPAD originated with African states and is essentially African owned and driven. In particular, given the difficulties in the past with the quality of government in some African states, they strongly support and encourage NEPAD’s African peer review mechanism which scrutinises, monitors and reports on progress in good governance, both political and economic, through a forum of heads of state of participating countries.

The view of Ireland and of other donors is that NEPAD represents one of the more realistic initiatives to emerge in Africa in recent years. Its focus is to promote an African owned, collective approach to economic development. Ireland contributed €300,000 to NEPAD last year and is currently examining ways of providing more assistance.

The information available to me suggests that foreign direct investment in South Africa is holding up reasonably well. Indeed, in the context of the need for investment and access to capital, NEPAD represents an exciting African initiative which offers a genuine prospect that the needs of South Africa and the other countries of sub-Saharan Africa will be better promoted.

Question No. 79 answered with Question No. 68.

Diplomatic Representation.

80. **Mr. Deasy** asked the Minister for Foreign Affairs the position with regard to diplomatic relations between Ireland and Burma; and if he will make a statement on the matter.  [7608/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Ireland announced the establishment of diplomatic relations on a non-resident basis with Burma on 13 February 2004. However, given that the progress which had been anticipated in 2004, most notably the meeting of an open and unhindered national convention and the release of Daw Aung San Suu Kyi, did not materialise, the Government has decided to put on hold the exchange of ambassadors. Any decision to proceed with such an exchange of ambassadors will have to await positive and significant moves by the Burmese Government.

The Government’s continuing goal, and that of the EU, remains the release and restoration of democracy to Burma, an end to human rights violations and the realisation of peace and prosperity for the long suffering people of Burma.

Question No. 81 answered with Question No. 66.

**Human Rights Issues.**

82. **Mr. Kehoe** asked the Minister for Foreign Affairs his views on recent statements concerning press freedoms and civil rights in Russia; and if he will make a statement on the matter.  [7643/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** At the EU-US summit in Brussels on 22 February, the Taoiseach spoke about the relationship between the European Union and Russia. He had been invited to do so by the Luxembourg Presidency. The opportunity to share EU perspectives with President Bush ahead of his summit meeting with President Putin in Bratislava on 24 February was a valuable one. Other heads of state and government addressed other topics, also at the request of the Presidency.

For the European Union as for United States, our future relationship with the Russian Federation is an important priority. We have in common an interest in building and maintaining our own strategic partnerships with the Russian Federation. The Taoiseach made clear that the EU, for its part, is committed to developing a comprehensive relationship with Russia based on common values as well as shared interests.

In his statement, the Taoiseach referred positively to the rapid progress underway in economic cooperation between the EU and Russia and he reiterated the full support of the EU for Russian membership of the World Trade Organisation. However, he also noted Russia’s reluctance to work cooperatively with the Union with respect to states in our common neighbourhood, its ongoing criticism of those EU member states which broke free from the Soviet Union and its policies in the OSCE. There was a noted disturbing trend within Russia of weakening respect for democratic standards and fundamental rights and freedoms, particularly freedom of the media, so that instead of a convergence of values, we feel a widening gap between us.

The Taoiseach showed understanding of the circumstances in which Russia and the Russian people found themselves following the break up of the Soviet Union. He said that the EU and United States could not afford to turn their backs but must continue to engage with Russia and to seek to develop economic and political ties. He made clear that Russia is a European country and
that we must continue to deal with Russia according to the standards of democracy and human rights which Europe and America hold in common. Concerns should be made clear but in a constructive manner that will engage, rather than alienate, the Russian people. Underlining the need for an open and honest dialogue with Russia on all issues, he noted that we have to convince Russia of our shared interest in stability in Europe and encourage Moscow to use its influence to unlock the various “frozen conflicts” in the region.

It is encouraging to see that President Putin considered his summit meeting with President Bush a success. This would suggest that Russia is willing to engage on a wide range of political and economic issues of concern to the European Union as well as the United States. The Government wishes to maintain and develop warm, friendly and productive relations with Russia but we feel bound to express our concern when we see a retreat from the values which we believe the Irish and Russian people hold in common.

Question No. 83 answered with Question No. 72.

**Irish Language.**

84. Ms Lynch asked the Minister for Foreign Affairs the position regarding negotiations with the European Commission to make Irish an official language of the EU, in view of his commitment to make early progress on the matter; the types of issue that are arising in the ongoing negotiations; and if he will make a statement on the matter. [7710/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** On 24 November last, the Government tabled a formal proposal in Brussels requesting that official and working status in the EU be accorded to the Irish language. On 13 December, I outlined to my counterparts at the General Affairs and External Relations Council the reasons for Ireland’s request. In summary, the Government has proposed, in the context of official and working status being accorded to the Irish language, — the member states and EU institutions. The language regime, of course, is always a sensitive and complex matter with potential political and resource implications which we need to bear in mind as we proceed.

Building on these bilateral discussions, we look forward to the matter being considered by the committee of permanent representatives in the coming days. The Government will continue to work intensively to make early progress and to reach the desired outcome on this issue, which has the support of all parties in the House.

**Human Rights Issues.**

85. Ms B. Moynihan-Cronin asked the Minister for Foreign Affairs the position regarding the case of persons (details supplied); and if he will make a statement on the matter. [7714/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The case the Deputy refers to relates to five Cuban citizens who were convicted in the US in 2001 on charges ranging from espionage to conspiracy to murder, and whose appeal was heard in March 2004. The court’s decision is awaited.

86. Ms O. Mitchell asked the Minister for Foreign Affairs if he has raised with his Argentine counterpart, or at European Union level, the implementation of the UN convention against torture and other cruel, inhuman or degrading treatment or punishment in that country; and if he will make a statement on the matter. [7615/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Argentina has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and it has constitutional status in that country. On 10 December 2004, the Committee Against Torture published its conclusions and recommendations on Argentina’s fourth periodic report under the convention. It welcomed, *inter alia*, the efforts made by Argentina to combat impunity in respect of crimes against humanity committed under the military dictatorship and that country’s recent ratification of the optional protocol to the convention. However, the committee also expressed a range of concerns, including about the many allegations of torture and ill treatment committed in a widespread and habitual manner by the security forces and state agencies, and made a series of recommendations to the government of Argentina aimed at preventing torture and ill treatment.

The President of Argentina, H. E. Nestor Kirchner, has pledged to make the effective protection of human rights a cornerstone of his agenda, and Ireland and our EU partners are encouraged by the clear indications that the government of Argentina has the will to improve the human rights situation. We look forward to the implementation of concrete measures to this end, particularly with regard to abuses committed by the security forces. I have not yet had the
opportunity of meeting my Argentine counterpart but would look forward to discussing a range of issues of mutual interest with him. These would include human rights issues, particularly as both our countries are members of the UN Commission on Human Rights.

Military Neutrality.

87. Aengus Ó Snodaigh asked the Minister for Foreign Affairs his views on the 2004 figures of 158,549 US troops using Shannon Airport as a refuelling base en route to the occupation of Iraq, including more than 22,000 troops in the month of September alone, and the implications for Irish neutrality. [7740/05]

Minister for Foreign Affairs (Mr. D. Ahern): The use of Shannon airport for transiting purposes by the US military is a long standing practice which has been ongoing for several decades. The Government’s decision to allow US military personnel to continue to transit through Shannon Airport was endorsed by Dáil Éireann on 20 March 2003.

Economic Partnership Agreements.

88. Mr. Gogarty asked the Minister for Foreign Affairs if he will report on the latest developments in negotiations surrounding EPAs under the Cotonou Agreement; and if he will make a statement on the matter. [7743/05]

91. Mr. Gogarty asked the Minister for Foreign Affairs the industries in Mozambique which he views as being able to sustain opening up to competition from South Africa; his views on the compatibility of this policy with the poverty reduction strategy consistent with Cotonou objectives; and if he will make a statement on the matter. [7742/05]

114. Mr. Boyle asked the Minister for Foreign Affairs if the concerns of priority aid countries were reflected in Ireland’s internal EU position on EPAs; if they are catered for in the EU position on EPAs; and if he will make a statement on the matter. [7741/05]

116. Mr. Boyle asked the Minister for Foreign Affairs if the concerns of priority aid countries were reflected in Ireland’s internal EU position on EPAs; if they are catered for in the EU position on EPAs; and if he will make a statement on the matter. [7740/05]

141. Mr. Gormley asked the Minister for Foreign Affairs his views on reciprocal economic partnership agreements; his views on concerns that EPAs are another example of the dilution of African sovereignty regarding its economic future; and if he will make a statement on the matter. [7739/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 88, 91, 114, 116 and 141 together.

Under European Union regulations, it is the European Commission which conducts the negotiations on economic partnership agreements, EPAs, between the EU and six regional groupings of ACP states on behalf of the member states. The Commission provides the Council with regular updates on the progress of the negotiations. Ireland is actively following the developments in the EPA negotiations process. While Ireland, like the other member states, does not participate in the ongoing EPA negotiations, we are satisfied that the Commission is discharging its mandate in accordance with the provisions of the Cotonou Agreement and in a manner which is sensitive to the particular concerns of the ACP states.

The EPAs, which are to enter into force by 1 January 2008, are an integral element of the legally binding Cotonou Agreement between the African, Caribbean and Pacific, ACP, states and the European Union, EU. EPAs are first and foremost instruments for development that will foster the smooth and gradual integration of ACP states into the world economy, with due regard for their political choices and their development priorities, thereby promoting their sustainable development and contributing to poverty eradication in the ACP countries. They combine trade and wider development issues in a unified framework, while taking account of the specific economic, social and environmental circumstances of each regional group and its component states.

I am satisfied that this approach does not constitute a dilution of African sovereignty regarding its economic future and, furthermore, that it addresses the particular concern of Ireland that development and poverty reduction should be the principle objectives of the EPAs.

All the programme countries in Ireland’s bilateral aid programme — Ethiopia, Lesotho, Mozambique, Tanzania, Uganda, Zambia and Timor Leste — are ACP states. In each of these countries, Ireland works in close cooperation with its partner government, other donors, the private sector and civil society to ensure coherence in our approach across a range of sectors. Among the issues discussed are the impact of EU policies, including EPAs, and the wider question of integration of LDCs into the international trading system. This approach will help build the economic infrastructure in these least developed countries, LDCs, which will lead to employment generation and ultimately to long-term sustainable development.

With regard to Mozambique, South Africa is its main foreign investor and strong trade links have developed between the two countries in recent years. It would not be appropriate for me to express a view on which specific industries in Mozambique, or indeed any other third country, could sustain competition from South Africa.

Human Rights Issues.

89. Ms McManus asked the Minister for Foreign Affairs the Government’s views on the
United Nations' attempts to reach agreement on an international declaration to recognise and protect the rights of indigenous peoples; the efforts Ireland has made to promote this declaration; and if he will make a statement on the matter.

[7713/05]

Minister for Foreign Affairs (Mr. D. Ahern): In recent years, there have been significant advances in international thinking and action on indigenous issues and rights. The first International Decade of the World's Indigenous People took place from 1 January 1995 to 31 December 2004. The decade led to several positive developments, such as the establishment of a permanent forum on indigenous issues, and the appointment, in 2001, of a special rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples, whose task is to gather and receive information and communications from all relevant sources, including governments, indigenous people themselves and their communities and organisations, on violations of their human rights and fundamental freedoms. The United Nations General Assembly, in December 2004, unanimously adopted a resolution proclaiming a second International Decade of the World's Indigenous People, which commenced on 1 January 2005.

One of the initiatives arising out of the first decade was the establishment of an open-ended inter-sessional working group on the draft declaration on the rights of indigenous peoples. This working group was established in 1995 in accordance with Commission on Human Rights Resolution 1995/32 and Economic and Social Council Resolution 1995/32. The working group has the sole purpose of elaborating a draft declaration on the rights of indigenous peoples, considering the draft contained in the annex to Resolution 1994/45 of 26 August 1994, entitled draft “United Nations declaration on the rights of indigenous peoples”. Special measures, including financial assistance, are in place to facilitate participation by representatives of indigenous peoples in the proceedings of the working group.

The working group on the draft declaration is a subsidiary organ of the Commission on Human Rights and is composed of representatives of member states. It meets in Geneva. Ireland takes part in the working group's deliberations, as do other member states of the European Union. While the Government is well disposed to the other member states of the European Union.

While the Government is well disposed to the working group's deliberations, as do the other member states of the European Union. However, it has not proved possible and work continues on a draft contained in the annex to Resolution 1994/45. The working group was established in 1995 in accordance with Commission on Human Rights Resolution 1995/32 and Economic and Social Council Resolution 1995/32. The working group has the sole purpose of elaborating a draft declaration on the rights of indigenous peoples, considering the draft contained in the annex to Resolution 1994/45 of 26 August 1994, entitled draft “United Nations declaration on the rights of indigenous peoples”. Special measures, including financial assistance, are in place to facilitate participation by representatives of indigenous peoples in the proceedings of the working group.

The working group on the draft declaration is a subsidiary organ of the Commission on Human Rights and is composed of representatives of member states. It meets in Geneva. Ireland takes part in the working group's deliberations, as do other member states of the European Union. While the Government is well disposed to the declaration in principle, a definitive position will have to await the final text.

It was intended that the text of the draft declaration would be finalised by the working group in time for its consideration and adoption by the General Assembly during the first International Decade of the World's Indigenous People. This has not proved possible and work continues on a number of articles. The next session of the working group will take place in September 2005. It is expected the Commission on Human Rights, at its next session which begins on 14 March, will decide to extend the mandate of the working group by another year.

Foreign Conflicts.

90. Mr. Coveney asked the Minister for Foreign Affairs if he will report on the political situation in Liberia; and if he will make a statement on the matter. [7609/05]

Minister for Foreign Affairs (Mr. D. Ahern): While Liberia has made remarkable progress since the comprehensive peace agreement of August 2003, it still faces the major challenges of a successful return to democracy and sustaining the peace process. Liberia is currently administered by a transitional government, under the chairmanship of Mr. Gyude Bryant, until parliamentary and presidential elections are held before the end of 2005.

The limited capacity of the transitional government to provide social services and consolidate state authority is an ongoing concern. Elections are scheduled for 11 October and voter registration will take place from during April and May. The cost of the elections is expected to amount to US$17.5 million and the EU has pledged €4.5 million in electoral support. This election will mark the return of Liberia to a constitutional democracy after 14 years of civil war.

Despite recent improvements in the security situation in UN controlled areas, the peace process remains fragile and many serious issues remain to be effectively addressed. The situation is generally stable in Monrovia but less so in other areas. Sporadic outbreaks of fighting in rebel strongholds highlight the need for a comprehensive process of disarmament, demobilisation and reintegration. The fragility of peace in Liberia became apparent at the end of October 2004 when a weekend of violence shook Monrovia in which 16 people were killed. In January, there were reports of some disturbances in the south-eastern part of the country, which are thought to be linked to rumoured ritual killings in the particular area. Renewed fighting in Cote d'Ivoire could also threaten stability in Liberia.

The United Nations mission in Liberia, UNMIL, was established on 19 September 2003 by UN Security Council Resolution 1509. The primary task of UNMIL is to observe and monitor implementation of the ceasefire agreement which was concluded by the Liberian parties in June 2003. More broadly, UNMIL's role is to support the implementation of the comprehensive peace agreement of 18 August 2003. This includes facilitating the organisation of the October elections.

The Irish contingent comprises a motorised infantry battalion of some 430 personnel, together with a small number of additional personnel deployed at force headquarters and as military observers. The Government is of the view that the deployment of UNMIL is critically important in supporting the implementation of
the comprehensive peace agreement and for the political and economic recovery of Liberia. Our personnel have been widely commended for the professionalism of their work.

The UNMIL programme of disarmament, demobilisation, rehabilitation and reintegration, DDRR, for rebel groups recommenced on 15 April 2004. Disarmament and demobilisation was concluded on 31 October. On 3 November all the armed groups were formally disbanded. According to the UN, almost 103,000 former combatants have been disarmed and 27,000 rifles, over 7 million rounds of ammunition and 29,830 rounds of heavy ammunition recovered. Collection of small numbers of weapons is continuing.

Due to the fact that the number of combatants disarmed greatly exceeded original estimates, the DDRR programme has encountered significant financial problems and an additional US$58 million is required for reintegration. Ireland contributed €500,000 in 2004 to support the DDRR process and we plan to provide additional funding in 2005. Since 85% of Liberians are unemployed, creation of employment and education opportunities for the ex-combatants is extremely important if stability is to be maintained in the country. Significant strides have also been made in restructuring and reforming Liberia’s police force and the USA is providing material and technical support to restructure and reform the army.

President McAleese, accompanied by the Minister for Defence, Deputy O’Dea, visited Liberia on 14 December 2004 and met Chairman Bryant, United Nations special representative in Liberia, Mr. Jacques Klein, and the Irish Battalion. Chairman Bryant visited Ireland in November 2004 and expressed his gratitude for the invaluable role that Ireland has played in Liberia. The chief of staff of the defence forces visited the Irish battalion in February.

In December 2004, the United Nations Security Council renewed its trade sanctions against Liberia, extending bans on timber exports and arms imports to the country for another year. The timber sanctions may be reviewed after six months. The ban on diamond exports was extended for six months but will be reviewed after three months, with a view to lifting this measure as soon as possible. The sanctions were originally imposed to stop ex-President Charles Taylor from using foreign earnings to fuel conflict in Liberia and the region in general. The European Union also renewed Article 96 measures against Liberia in December in line with the UN Security Council sanctions, as it was agreed that Liberia had not made enough progress in areas such as human rights, governance and the judicial system to warrant an easing of sanctions at this time.

At the Liberia reconstruction conference in New York in February 2004, Ireland pledged bilateral assistance of €5 million over two years. Over €2 million of this amount was disbursed in 2004 and the balance will be disbursed during 2005, with a continuing focus on humanitarian needs and the rehabilitation of key sectors such as education and health. Ireland will continue to encourage all parties in and around Liberia to carry out their commitments and obligations under the comprehensive peace agreement. We will lend active support to the work of the United Nations special representative in Liberia, Jacques Klein, and to the EU special representative for the region, Mr. Hans Dahlgren of Sweden.

**Question No. 91 answered with Question No. 88.**

**Overseas Development Aid.**

92. Mr. McCormack asked the Minister for Foreign Affairs the current priority countries for overseas development aid; and if he will make a statement on the matter. [7626/05]

127. Mr. O’Shea asked the Minister for Foreign Affairs if he will report on progress made towards expanding the Development Co-operation Ireland programme; and if he will make a statement on the matter. [7717/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 92 and 127 together.

Ireland’s development programme is over 30 years old. It delivers aid to some of the poorest countries in the world. Aid is delivered through bilateral, direct government-to-government assistance and through multilateral organisations.

The bilateral part of the Irish aid programme is concentrated in a number of countries, mainly in sub-Saharan Africa. These countries, known as the programme countries, are Lesotho, Zambia, Tanzania, Uganda, Mozambique, Ethiopia and Timor Leste. Following a decision by the Government in late 2003, Vietnam will be added to the list, bringing the total number of countries to eight.

The first three of the countries, Lesotho, Zambia and Tanzania, were chosen in the 1970s in each case following representations from their then leaders who argued convincingly that they were hugely disadvantaged as front line states by the apartheid related divisions in southern Africa. In the 1990s, in line with expansion in the aid programme, consideration was given to increasing the number of countries and a poverty needs assessment was carried out on a number of countries, arising from which it was decided to add three of the world’s poorest countries to the list, Ethiopia, Uganda and Mozambique. For similar reasons, Timor Leste was added in 2003.

A high level review of the aid programme in 2002/03, the Ireland Aid Review, recommended that consideration be given to the inclusion of one of the countries of South East Asia. Following an examination of the recommendation over two years, a proposal was put to Government late last year recommending that Vietnam be selected as the eighth programme country, acting as a centre for the management of both an aid programme in Vietnam itself and to address the needs in the two
neighbouring poor countries, Laos and Cambodia.

In all of the existing programme countries there is a broad based development programme focused on poverty reduction and economic development and driven by the need to make progress on the millennium development goals. Country programmes focus on assistance in education and health, including in the war on HIV/AIDS, on water and sanitation, rural access roads and the promotion of good governance.

As the allocations for the aid programme continue to expand, consideration will be given to assisting further programme countries. As noted by the OECD in its last peer review of the Irish programme, the geographic concentration which Ireland is able to bring to its bilateral engagement is a significant advantage and expansion should be approached carefully. Ireland has taken this advice on board and will consult widely with aid stakeholders in consideration of any new programme countries. This issue will be among those considered in the White Paper process.

Foreign Conflicts.

93. Mr. Howlin asked the Minister for Foreign Affairs his views on the effect which the recent suicide bomb in the Iraqi city of Hilla, which killed at least 125 persons, will have on the prospects for stable government in the country following the recent elections; the prospects for security in Iraq following the bombing; and if he will make a statement on the matter. [7707/05]

97. Mr. Crawford asked the Minister for Foreign Affairs the position regarding the security situation in Iraq; and if he will make a statement on the matter. [7588/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 93 and 97 together.

The security situation in Iraq has continued to be a source of great concern. Violent attacks in Iraq increased in intensity in the lead-up to the elections on 30 January, and have continued since. In this regard, there seems to have been a change in focus, with attacks now directed more at Iraqi officials, security forces and ordinary civilians in Shia areas, and less at international forces. Last week’s horrendous bombing in Hilla, which killed at least 125 people and injured many more, is the worst instance of this pattern. The aim of these attacks seems to be to prevent the Iraqi authorities from establishing effective institutions and security forces, which would make possible the departure of international forces, and also to provoke retaliation from the Shia community.

It is more and more evident that the insurgents who carry out these brutal attacks have set themselves not only against democracy but against the Iraqi people themselves.

State Airports.

94. Aengus Ó Snodaigh asked the Minister for Foreign Affairs if he will report on his discussions with the US authorities on the issue of covertly rendered prisoners being brought illegally through Shannon Airport. [7747/05]

Minister for Foreign Affairs (Mr. D. Ahern): I refer the Deputy to my reply to Parliamentary Question No. 152 of 2 February 2005, and to previous replies given on this matter. The matter has been raised again in recent days in discussions with the US authorities. They have again confirmed that they do not use Irish airports for this purpose and that they would not seek to use Irish airports for prisoner transit without seeking the authorisation of the Irish authorities.

Human Rights Issues.

95. Ms O. Mitchell asked the Minister for Foreign Affairs his views on the conduct of the upcoming elections in Zimbabwe; and if he will make a statement on the matter. [7624/05]

107. Mr. Sargent asked the Minister for Foreign Affairs the way in which Ireland will respond to the likely eventuality that the elections on 31 March 2005 in Zimbabwe will not be in accordance with international and SADC principles for the holding of free and fair elections; and if he will make a statement on the matter. [7745/05]

119. Mr. Sargent asked the Minister for Foreign Affairs Ireland’s and the EU’s role in election observation in view of the fact that the Zimbabwean Government has silenced another independent voice (details supplied) on 1 March 2005 and that this represents further evidence that the 31 March 2004 elections can be neither free nor fair; and if he will make a statement on the matter. [7744/05]

256. Mr. Durkan asked the Minister for Foreign Affairs the situation in Zimbabwe with particular reference to progress toward democratic principles; and if he will make a statement on the matter. [7995/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 95, 107, 119 and 256 together.

The parliamentary elections scheduled to take place in Zimbabwe on 31 March will represent an important test in determining the willingness of the Zimbabwean Government to effect genuine political reforms and improve the situation in that country as regards democracy, good governance and respect for human rights. Ireland and our EU partners believe firmly that, for the parliamentary elections at the end of this month to be free and fair, they must be held in accordance with the principles and guidelines on democratic elections adopted by the Southern African Development Community, SADC, summit in Mauritius last August.

The Zimbabwean Government initially stated it would meet these requirements. To date,
however, there has been little sign of such compliance, such as through the lifting of repressive legislation and the opening up of political space to opposition parties in Zimbabwe. If anything, the political and human rights situation has deteriorated in recent months, with the passing of repressive legislation imposing severe restrictions on the operations of non-governmental organisations, NGOs, particularly those in the human rights and humanitarian fields. Ireland, both nationally and as part of the EU, has made known our concerns to the Zimbabwean authorities regarding the possible implications of this new legislation governing humanitarian organisations operating in Zimbabwe. These concerns have also been raised at EU level with the other members of SADC.

The absence of any progress towards meeting benchmarks on promotion of democracy and increasing respect for human rights and the rule of law in Zimbabwe led the European Union on 15 February 2005 to renew its common position imposing targeted sanctions against members of the Zimbabwean ruling elite. Developments since then do not give rise to any greater grounds for optimism that fair and equitable conditions are being created for a free and transparent election to take place.

Members of the Movement for Democratic Change, MDC, continue to be harassed and subject to state violence and arrest for attempting to change, MDC, continue to be harassed and subject to take place.

The absence of any progress towards meeting benchmarks on promotion of democracy and increasing respect for human rights and the rule of law in Zimbabwe led the European Union on 15 February 2005 to renew its common position imposing targeted sanctions against members of the Zimbabwean ruling elite. Developments since then do not give rise to any greater grounds for optimism that fair and equitable conditions are being created for a free and transparent election to take place.

The Zimbabwean Government has belatedly issued invitations in the past two weeks to 32 countries, as well as a number of regional organisations, including the African Union, AU, and SADC, to observe the forthcoming elections. No EU country has been invited to observe the elections. Russia is the only European country to receive such an invitation. The belatedly issued invitations are a breach of the SADC guidelines adopted last August, since these stipulate that observers must be invited 90 days before polling day.

The Zimbabwean Government also failed to facilitate a top level legal SADC pre-election mission visiting the country. The EU is continuing to engage closely with SADC and key member states such as South Africa, urging them to use all the influence they have to ensure that Zimbabwe complies to the fullest extent possible with the SADC guidelines in advance of the election. The EU is also encouraging SADC to report objectively on the conduct of the elections, including by indicating clearly where the Zimbabwean Government has failed to comply in substance or in spirit with the SADC guidelines.

In the limited time available before the elections, Ireland, along with our EU partners, will continue to urge the Zimbabwean Government to introduce those political reforms which are necessary if the parliamentary elections are to be held in full accordance with the SADC guidelines. Drawing on any election observation report produced by SADC and other organisations such as the AU, and the reports of EU resident diplomats, Zimbabwean and international NGOs, and civil society, Ireland and its EU partners will form their own judgment in due course as to the conduct of the elections and what implications this may have for the EU’s future relations with Zimbabwe.

Middle East Peace Process.

96. Mr. Costello asked the Minister for Foreign Affairs his views on the impact the recent bombing in Tel Aviv will have on the recent ceasefires declared in the Middle East; and if he will make a statement on the matter. [7698/05]

Minister for Foreign Affairs (Mr. D. Ahern): I have issued a statement condemning in the strongest terms the bomb attack in Tel Aviv last weekend, in which five people were killed. I also expressed my sympathies to those injured in the blast and to the families of those who died or were injured.

Such violence is particularly distressing at a time when the peace process is beginning to give rise to renewed hope for the people of the region. Violence has brought nothing but suffering to Palestinians and Israelis alike. A just and lasting peace is the only basis on which Palestinians and Israelis can live in security and prosperity. This requires compromise on all sides. Leaders with the courage to make compromises in the cause of a just and lasting peace deserve the support of their people and the international community.

I have called on all groups to cease violence and all governments to cease support for violence and incitement. I have also appealed to the Israeli Government not to allow those who carried out and supported this atrocity, with the purpose of provoking Israel and diverting it from the path to peace, to succeed in their aim. It is vital that both Israel and Palestine maintain their commitment to the undertakings entered into at the Sharm El Sheikh summit to bring an end to all violence in the region.

Question No. 97 answered with Question No. 93.

Foreign Conflicts.

98. Dr. Upton asked the Minister for Foreign Affairs his views on the deteriorating situation in Darfur; and if he will make a statement on the matter. [7732/05]
112. Mr. Deenihan asked the Minister for Foreign Affairs his views on the application of an arms embargo on the government of Sudan; and if he will make a statement on the matter. [7618/05]

139. Mr. Bruton asked the Minister for Foreign Affairs the situation in Sudan; the action of the Government in assisting in the provision of humanitarian assistance in the Darfur region; and if he will make a statement on the matter. [7623/05]

142. Ms Shortall asked the Minister for Foreign Affairs if he will report on the situation in Sudan in general and Darfur in particular and on the findings of an international commission of inquiry mandated by the Security Council of the United Nations, due to report back on 25 January 2005; the interventions which Ireland has made in the region; and if he will make a statement on the matter. [7737/05]

266. Mr. Durkan asked the Minister for Foreign Affairs the extent to which he expects to be in a position to influence the international community with a view to addressing the conflict, human rights and starvation issues in Darfur; and if he will make a statement on the matter. [8006/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 98, 112, 139, 142 and 266 together.

The political, human rights and humanitarian situation in the Darfur region of Sudan remains a matter of the deepest concern for Ireland. The Government continues to use all avenues open to it to urge action in addressing the urgent humanitarian, security and political challenges which exist there. I specifically raised the need for international action on Darfur at the meeting between the EU Foreign Ministers and the US Secretary of State in Brussels on 22 February.

The United Nations, the African Union and the EU have been centrally involved in efforts to address the Darfur crisis since it erupted over two years ago. While some progress has been made, especially with regard to the improvement of the humanitarian situation, recent reports by UN special representative, Mr. Jan Pronk, provide further and deeply worrying evidence that both the Sudan Government and the rebels are continuing to violate the ceasefire agreements mediated by the African Union. Violent attacks by both sides in the conflict have heightened the atmosphere of insecurity. This is affecting the delivery of humanitarian aid and preventing the return to their homes of the 1.8 million people who have been displaced in Darfur and the 200,000 refugees in Chad.

Sustained international pressure therefore needs to be maintained on all the parties to honour their commitments, improve the security situation in Darfur and achieve a speedy political settlement. The government of Sudan must accept its responsibility for security and the protection of its own citizens by disbanding the Janjaweed militia and bringing all those responsible for serious human rights violations to justice. There must also be an end to any attempts at forced relocation of internally displaced persons. The rebels, for their part, must cease all attacks and ceasefire violations. All sides must cooperate fully and constructively with the international presence in Darfur, including the UN, the African Union and all engaged in the humanitarian effort.

The African Union’s ceasefire monitoring mission, AMIS II, is playing a vital role in improving security on the ground in Darfur. Ireland and the EU are cooperating closely with the African Union in support of this mission and are providing substantial financial and logistical support to it. AU mediated peace negotiations on Darfur are due to resume in Abuja later this month. We urge the Sudanese Government and the rebel groups to re-commit themselves fully to this process, with a view to reaching an early agreement.

Ending impunity and bringing to justice those guilty of serious human rights violation is also essential for resolution of the conflict in Darfur. Therefore, I welcome the report of the UN’s International Commission of Inquiry on whether serious violations of human rights, international humanitarian law and genocide have occurred in Darfur, which was published during February. While stopping short of a finding of genocide, the commission established that serious and systematic abuses of human rights and violations of international humanitarian law have been committed and recommended that its report be referred by the UN Security Council to the International Criminal Court, ICC, so that those responsible can be brought to justice. Ireland is a strong supporter of the ICC and we fully agree that it would be the most appropriate body to try those accused of these dreadful crimes. I strongly urge that the UN Security Council take a speedy and positive decision on the commission’s recommendation.

The EU has implemented a comprehensive arms embargo against Sudan since 1994. On 30 July 2004, the UN Security Council imposed an embargo on the sale or supply of weapons to all non-governmental entities and individuals, including the Janjaweed, operating in Darfur. Extension of this embargo to the government of Sudan is one measure currently being discussed by the Security Council.

In January 2005, a comprehensive peace agreement for southern Sudan was signed in Nairobi between the Sudan Government and the Sudan Peoples Liberation Movement-Army, SPLM/A. This extremely welcome agreement put an end to the tragic civil war in the south, which has lasted for over 20 years. The U.N. Security Council is also considering the mandate for a UN peace support operation which would assist in implementation of the agreement. This mission of approximately 10,000 personnel would focus on providing political support to the peace process,
security and monitoring aspects, support for governance and humanitarian assistance and development over a seven year period.

Ireland provided €5.88 million in humanitarian support to the Darfur region in 2004, while an additional almost €4 million was provided for the work of GOAL, Concern and Trócaire in other parts of Sudan. In 2005, Ireland will continue to respond to the needs in Darfur. A special donor pledging conference for Sudan will be held in Oslo on 11/12 April. Ireland will be represented at ministerial level at this conference and we will deliver a substantial pledge to assist in addressing the acute and critical needs of the people of Sudan. In advance of this conference, a mission led by my colleague, the Minister of State, Deputy Conor Lenihan, is scheduled to travel to Darfur.

Overseas Development Aid.

99. Mr. Allen asked the Minister for Foreign Affairs if he will report on the work being undertaken by the Government to assist in the humanitarian operation in Asia, following the December 2004 tsunami; and if he will make a statement on the matter. [7594/05]

151. Dr. Twomey asked the Minister for Foreign Affairs if he intends to increase the level of aid given in response to the December 2004 Asia tsunami; and if he will make a statement on the matter. [7647/05]

162. Ms Lynch asked the Minister for Foreign Affairs the position regarding Irish involvement in the ongoing relief effort following the tsunami disaster in south Asia, particularly in regard to the work of Irish aid agencies; and if he will make a statement on the matter. [7711/05]

254. Mr. Neville asked the Minister for Foreign Affairs the level of funding forwarded to tsunami relief; and when further funding will be given. [7670/05]

259. Mr. Durkan asked the Minister for Foreign Affairs the areas in which Irish donated funding has been spent following the south east Asia disaster; and if he will make a statement on the matter. [7999/05]

260. Mr. Durkan asked the Minister for Foreign Affairs the amount of international aid already spent and the locations following the tsunami disaster; and if he will make a statement on the matter. [8000/05]

261. Mr. Durkan asked the Minister for Foreign Affairs the extent to which he has monitored the delivery of funds to the required areas following the tsunami disaster; and if he will make a statement on the matter. [8001/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 99, 151, 162, 254 and 259 to 261, inclusive, together.

The Government responded immediately in the aftermath of the terrible earthquake and tsunami disaster which struck south Asia and east Africa on 26 December last. On that day the Government pledged €1 million in immediate assistance. As the true scale of the disaster became clear, Ireland made further financial commitments. A total of €20 million has been committed to respond to the needs of those affected by the tsunami.

I believe that the response by Ireland in committing this level of funding is appropriate to the situation and well in line with the other largest donors globally. There has been an unprecedented international response to the tsunami disaster. Current estimates on international pledges stand at over €4.5 billion. The UN flash appeal is almost fully subscribed, a most unusual event so soon after its launch.

The key challenges for the international donor community, affected country governments and aid agencies are to ensure that pledges are honoured and that the available recovery and reconstruction funds are used to best effect. This will be a complex operation given the scale of the damage, the size of the response and the multiplicity of donors and agencies. Strong coordination, transparency and accountability are the keys to a successful outcome.

Government funding of €9.5 million has already been allocated and is currently being provided to a broad range of NGOs, UN agencies and other international organisations, with a proven capacity to respond well under difficult circumstances. Assistance is being provided to the NGOs Christian Aid Ireland, Christian Children’s Fund Ireland, Concern, GOAL, Trócaire, Oxfam Ireland, Plan Ireland and World Vision Ireland. In addition, funding has been provided to the UN — UN Office for the Co-ordination of Humanitarian Affairs, UNICEF, Office of the UN High Commissioner for Refugees, World Health Organisation and the World Food Programme, the International Red Cross and the International Organisation for Migration.

Areas of concentration for Irish funded agencies include shelter, livelihood restoration and water and sanitation system repair. This assistance is focused primarily on India, Indonesia and Sri Lanka, the countries most directly affected. Ireland’s assistance has also been delivered regionally through the UN system and the Red Cross family, for example, to Burma via the International Committee of the Red Cross.

Ireland has also been instrumental in developing EU policy in response to the tsunami. Two General Affairs and External Relations Councils, GAERC, have addressed the Union’s response to the tsunami. At the extraordinary Council on the tsunami on 7 January, the Council stressed, at Ireland’s instigation, the importance of ensuring that the resources released in the context of recent events be additional to existing development commitments. At the Council on 31 January, an action plan was adopted by EU Foreign Ministers. Ireland helped to shape this action plan, which will improve the EU’s response to the
[Mr. C. Lenihan.] tsunami and provide the basis for improvements in response to similar catastrophes in the future.

At a meeting of EU Development Ministers in Luxembourg on 14/15 February, we discussed follow-up actions on the tsunami, including evaluation. We also reaffirmed the key role to be played by the United Nations and the affected countries during the recovery phase, which we have now entered.

Former Minister of State, Mr. Chris Flood, who was appointed by the Government as envoy to the affected region, has returned from a visit to Sri Lanka and Indonesia. During his visit, he had discussions with representatives of the affected governments, non-governmental organisations, the UN and other aid agencies and individuals directly affected by the tsunami. The envoy’s report, and that of the technical team from my Department, will continue to inform our approach to the post-tsunami recovery and reconstruction.

Our aim is to ensure that Government funds are expended to best effect and to contribute as proactively as possible to the ongoing dialogue and consultations surrounding the international and national aid efforts. It is clear that it will take years for the affected countries to fully recover from the effects of the tsunami. The Government will continue to provide support to these countries in the period ahead.

Foreign Conflicts.

100. Mr. G. Mitchell asked the Minister for Foreign Affairs his views on the recent assassination of the former Prime Minister of the Lebanon, Mr. Rafik Hariri; and if he will make a statement on the matter. [7628/05]

152. Ms McManus asked the Minister for Foreign Affairs his position and views on the recent assassination of the former Prime Minister of Lebanon, Mr. Rafik Hariri; his views on the impact this is likely to have on the Middle East and the delicate negotiations between Palestine and Israel; and if he will make a statement on the matter. [7712/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 100 and 152 together.

Both the Taoiseach and I have expressed our shock at the murder of former Prime Minister Hariri, and condemned the appalling attack which took his life and those of so many other people. Mr. Hariri was Prime Minister of Lebanon for a total period of ten years. He played a critical role in bringing Lebanon forward from the era of the protracted civil war and was especially active in the reconstruction of the Lebanese economy. The reaction to his murder of ordinary Lebanese from across community divides bears eloquent testimony to the high regard in which he was held.

Investigations are continuing to determine responsibility for the attack. The UN investigation is being led by Garda Deputy Commissioner Peter FitzGerald. The Government was very pleased to be in a position to assist the Secretary General in undertaking this investigation and we wish Deputy Commissioner FitzGerald every success in addressing the challenges ahead of him and bringing the investigation to a satisfactory conclusion.

It is quite clear that the murder of the former prime minister has the potential to be a very destabilising influence in Lebanese politics. While the public response has been remarkable and may lead to profound changes in Lebanon in the immediate future, we must welcome the fact that protests have been peaceful and that restraint has prevailed upon all sides. It is to be hoped that this will continue to be the case and we call on all Lebanese political leaders to unite in determination to ensure that violence has no place in Lebanese politics.

Obviously developments in Lebanon may have an effect on the political processes underway in the wider region. In the current climate of uncertainty, it would be premature to speculate as to how the situation in Lebanon will ultimately resolve itself. What is clear, however, is that an independent, stable and prosperous Lebanon would be a positive development for the entire region. The Government wishes to see UN Security Council Resolution 1559 implemented in full, including withdrawal of all remaining foreign forces from Lebanon.

Northern Ireland Issues.

101. Mr. Gilmore asked the Minister for Foreign Affairs the nature of his discussions with the British Secretary of State for Northern Ireland at the British-Irish Intergovernmental Conference in Dublin on 2 March 2005; his views on the prospects for political progress in the North ahead of the Westminster elections; and if he will make a statement on the matter. [7702/05]

Minister for Foreign Affairs (Mr. D. Ahern): Together with the Secretary of State for Northern Ireland, Mr. Paul Murphy MP, I co-chaired a meeting of the British-Irish Intergovernmental Conference in Dublin on 2 March. I was accompanied at the meeting by my colleague, the Minister for Justice, Equality and Law Reform, Deputy McDowell. The Secretary of State was accompanied by Mr. John Spellar M.P. and Mr. Ian Pearson M.P., Ministers of State at the Northern Ireland Office. Copies of the communiqué of the meeting have been placed in the Oireachtas Library.

The conference reviewed recent political developments, including the impact on the process of the Northern Bank raid and the murder of Robert McCartney. The conference commended the dignity and courage of the McCartney family and called for those responsible to be made accountable before the courts. We also looked ahead to the period following the May elections and discussed the options open to the two
Governments to achieve political progress. The Taoiseach subsequently met with Prime Minister Blair on 3 March in London to review the current political situation. The conference discussed a number of security and policing issues and reviewed the prospects for the forthcoming marching season, which it hoped would be peaceful and orderly.

Both Governments provided updates on the establishment of the inquiries recommended by Judge Cory. The Government requested that the Finucane inquiry be set up in line with the Weston Park commitments. On the general issue of dealing with the past, the conference noted the Secretary of State’s recent announcement of the appointment of a Victims and Survivors Commissioner.

Both Governments reiterated their commitment to progressing work in the areas of equality and human rights and reviewed ongoing North/South and East/West activity within the framework of the Agreement. Following the conference, the Secretary of State and I signed a memorandum of understanding authorising TG4 to use a British frequency to broadcast in Northern Ireland. This further step in the implementation of the Agreement means that over 90% of the population of Northern Ireland will now be in a position to receive TG4.

Recent legislation to ensure carry over of the current electoral register in Northern Ireland was welcomed, as was work under way by the British Government which aims to make electoral registration more effective. The conference tasked officials to work together on the question of donations to political parties, so as to ensure that the long-term arrangements put in place are fair, transparent and in the spirit of the Agreement. In addition, the Government raised concerns about nationality requirements for public service posts in Northern Ireland and discussed the City of Derry airport and the issue of illegal dumping on the island of Ireland.

The British-Irish Intergovernmental Conference is an important forum, through which the implementation of commitments under the Agreement can be driven forward by both Governments. Accordingly, the conference will meet again in May. In the meantime, consultations aimed at finding a political way forward will continue with the British Government and the parties. The Governments will continue to encourage all parties to fully adhere to democratic norms and will focus their energies on fully implementing the Agreement and realising its promise of a peaceful, democratic future for the people of Northern Ireland.

Human Rights Issues.

102. Mr. Bruton asked the Minister for Foreign Affairs if he has considered the Amnesty International report on human rights violations concerning the Kurds in Syria published in February 2005; and if he will make a statement on the matter. [7614/05]

Minister for Foreign Affairs (Mr. D. Ahern):
Ireland and its EU partners have continuing concerns about the general human rights situation in Syria, including the position of the Kurdish minority. We continue to avail of all appropriate opportunities to engage with the Syrian authorities about these concerns and to raise specific issues where this appears to be appropriate. The Syrian authorities are well aware of the EU’s concerns about rights of freedom of assembly, freedom of speech and the rights of minorities. When the recently concluded EU association agreement with Syria comes into force, this will provide an additional mechanism for raising these concerns.

I am aware from Amnesty International reports and other sources of the matters referred to regarding Kurds in Syria, and specifically the case of 15 Syrian Kurds charged with rioting following disturbances in a number of areas in March 2004. The EU missions in Damascus are aware of the case and, indeed, EU representatives were refused admission to the court during the proceedings. The EU will continue to raise its concerns about this case, and human rights issues in general, with the Syrian authorities.

Detention of Irish Citizens.

103. Mr. Perry asked the Minister for Foreign Affairs if he has contacted his American counterpart with regard to the occasionally extended detention of Irish citizens before deportation from the US; and if he will make a statement on the matter. [7606/05]

Minister for Foreign Affairs (Mr. D. Ahern):
The position is that all foreign citizens, regardless of nationality, detained in the US in respect of immigration violations, are likely to be held for up to eight weeks while the deportation process is completed. The US Department of Homeland Security has indicated that this timeframe arises from the logistical and administrative procedures involved in deporting an individual from the US, including on occasion the transfer of an individual to an immigration detention centre, the scheduling of flights, the provision of a ten day notification procedure to the US Embassy in the receiving country and the provision of an escort by immigration officials if required.

My Department has monitored this process in so far as it has applied to Irish citizens in the US. Reflecting our concern we have made representations, including on humanitarian grounds in individual cases. I will also do so directly with the Secretary of State at a future meeting. I also took the opportunity to raise this and other immigration related issues at a meeting with the US Ambassador in December, and I likewise raised our concerns with senior figures on Capitol Hill last month.

Foreign Conflicts.

104. Caoimhghin Ó Caoláin asked the Minister for Foreign Affairs if his attention has been drawn to the World Council of Churches call for
[Caoimhghín Ó Caoláin,]
divestment from Israel; his position on same; the
details of the Government’s investments in Israel;
and if he will make a statement on the matter. [7746/05]

Minister for Foreign Affairs (Mr. D. Ahern): I
am aware of the document to which the Deputy
refers, in which the central committee of the
World Council of Churches “reminds churches
with investment funds that they have an oppor-
tunity to use those funds responsibly in support
of peaceful solutions to conflict” and refers to the
possibility of selective divestment from multi-
national corporations involved with practices in
breach of international law in the occupied Pales-
tinian territories. I am not aware of any direct
Government investments in Israel.

The Government is concerned at continuing
breaches of international humanitarian law in the
occupied Palestinian territories. The Govern-
ment, both bilaterally and together with our part-
ers in the European Union, has regularly con-
voyed its concerns to the Israeli authorities at the
human rights implications of its security policies
and stressed the importance of Israel complying
with international humanitarian law.

105. Mr. Penrose asked the Minister for For-
eign Affairs his views on the growing number of
unlawful killings in Nepal as the current conflict
between the government of that country and the
Communist Party of Nepal intensifies; if the
Government has raised this matter at inter-
national and European Union level; and if he will
make a statement on the matter. [7731/05]

Minister for Foreign Affairs (Mr. D. Ahern): A
rebellion against the monarchy of Nepal, led by
the extreme left wing Nepal Communist Party —
Maoists — has been ongoing since 1996. The
insurgency has, to date, claimed approximately
10,000 lives. The rebels are fighting to abolish the
constitutional monarchy and establish a socialist
state in the Himalayan kingdom. It is estimated
that more than 40% of the country is now under
Maoist control.

On 29 January 2003, a ceasefire was declared
by the Nepalese Government and the Maoist
rebels. The ceasefire proposed to lead to further
negotiations between the government and the
Maoists and eventually to free and fair elections.
On 13 March 2003, Nepal’s government and the
rebels agreed to release all prisoners of war and
announced guidelines for peace talks. Three
rounds of peace talks took place on 27 April, 9
May and 17 to 19 August 2003 but the process
collapsed on 27 August 2003 when the Maoists
stated they were withdrawing from the ceasefire
because agreements reached had not been
implemented and because the government would
not agree to its demands, including setting up a
constituent assembly. Fighting has continued
since then.

On 1 February 2005, King Gyanendra Bir
Bikram Shah Dev dismissed the country’s
government and declared a state of emergency,
under Article 35 of the constitution. This sus-
pended all civil liberties except habeas corpus,
although there remains considerable confusion
about which rights have been suspended. Party
leaders were put under house arrest or detained
in barracks, all telephone communications and
Internet access was cut and the media were sub-
ject to strict military censorship or closed alto-
gether. A heavier than normal security presence,
including both the Royal Nepalese Army and pol-
ice, appeared on the streets of Kathmandu and
other major cities.

There are reports that the conflict has intensi-
fied in rural areas as both sides seek to influence
civilian populations. These reports include the
use of schools and school children as instruments
of the power struggle, creation of village militias,
lynching of Maoists by local villagers and muti-
lations by the Maoists of those breaking the
blockade they imposed in early February in
response to the king’s actions.

The EU issued a statement on 2 February 2005,
describing the king’s takeover as a serious set-
back to multi-party democracy, expressing con-
cern at the restrictions on civil liberties and
human rights violations and calling for a nego-
tiated and democratically based solution to the
conflict. On 8 February 2005, the local EU Presi-
dency had an audience with the king, during
which the EU’s deep concern at the king’s
actions, and the difficulties these actions had
caused for the monarchy, both in Nepal and inter-
nationally, was expressed. The king was urged to
release political prisoners immediately, lift the
current restrictions on civil liberties and reach out
to political parties.

On 14 February 2005, the ambassadors of EU
member states, Norway and the US were recalled
to their capitals for consultations in a concerted
move designed to show that the international
community did not condone the king’s actions.
The Indian Ambassador was recalled to New
Delhi some days earlier and India also requested
the postponement of the planned summit of the
South Asian Association for Regional Cooper-
ation, SAARC, planned for Dhaka from 6-7
February 2005, largely as an expression of its dis-
pleasure at events in Nepal.

On 28 February 2005, the EU issued a further
statement in which it called on the king to take
early measures to restore democratic freedoms
and civil liberties and to lift the emergency
powers he introduced following the takeover of
power on 1 February. The statement also
expressed the EU’s concerns about the current
human rights crisis in Nepal, the serious and sys-
tematic human rights violations by both sides in
the conflict and the dangers posed to respect for
human rights by the intensification of the conflict.
EU heads of mission have now returned to
Kathmandu. They continue to report on and
monitor the situation closely.
Human Rights Issues.

106. Mr. Durkan asked the Minister for Foreign Affairs the African countries in respect of which the international community is most concerned regarding human rights violations; the extent to which the EU and UN can address the issue; and if he will make a statement on the matter. [7689/05]

Minister for Foreign Affairs (Mr. D. Ahern): Africa is a continent beset by often seemingly insurmountable problems such as conflict, debt, poverty, HIV/AIDS and the abuse of human rights. However, the African Union represents an important strategic partner for the European Union and one with whom ever closer relations are being forged in the interests of promoting peace, security, democracy and development on the African continent.

The aims of the African Union include the promotion of peace, security, stability, democratic principles and good governance on the continent and also the promotion and protection of human rights in accordance with the African Charter on Human and People’s Rights and other relevant human rights instruments. Ireland and the EU are working closely with the AU to further these aims since the organisation was established in 2002.

During the 2004 session of the UN Commission on Human Rights, the EU, under the coordination of the Irish Presidency, successfully undertook a number of initiatives on Africa. These included the appointment of an independent expert to monitor the human rights situation in Sudan, agreement with the African Union of a resolution on the Democratic Republic of Congo, DRC, and the adoption of a resolution on providing assistance for the promotion of human rights in Somalia. The EU also supported resolutions tabled by the African Union on Chad, Sierra Leone and Burundi.

The EU tabled a resolution on Zimbabwe which was, regrettably, not adopted. However, the commitment of the Irish Presidency and its promotion of active engagement with the African Union bore fruit, in that clear African concern about the situation in that country was expressed in Nigeria’s explanation of its vote for the no-action motion which caused the EU’s resolution to fail. At the most recent session of the United Nations General Assembly last autumn, an EU sponsored resolution on the situation in the DRC was passed, while no-action motions unfortunately prevented resolutions on Sudan and Zimbabwe from succeeding.

Ireland closely monitors developments in the human rights situation of African countries and promotes appropriate action at bilateral, EU and UN levels. The European Union is currently discussing which resolutions it will table at the next session of the UN Commission on Human Rights which will commence in Geneva on 14 March. Ireland will continue to play an active role in this process.

Question No. 106 answered with Question No. 95.

Middle East Peace Process.

109. Mr. Noonan asked the Minister for Foreign Affairs if he has as yet had any contact with the President of the Palestinian Authority, Mr. Mahmoud Abbas; and if he will make a statement on the matter. [7600/05]

Minister for Foreign Affairs (Mr. D. Ahern): I had hoped to meet President Abbas at the General Affairs and External Relations Council last month but, unfortunately, pressure of commitments in the region prevented him from taking up the Council’s invitation to attend. I intend to visit the Middle East region in the near future. I hope to have an opportunity to meet President Abbas then.

We are, of course, in regular and ongoing contact with the Palestinian Authority through diplomatic channels. The Taoiseach telephoned President Mahmoud Abbas to congratulate him on his success in the elections. In the course of this call, he assured President Abbas of Ireland’s continuing support for efforts to bring an end to the Israeli-Palestinian conflict. I have also written to my own counterpart, the newly appointed Palestinian Foreign Minister, Nasser Al-Kidwa, congratulating him on his appointment and looking forward to an early meeting.

The Government stands ready, in concert with our EU partners, to assist the parties to the conflict in their efforts to move forward on the basis of the road map. Ireland, through its membership of the European Union and its relations with Palestine, Israel, the United States, Arab and other key partners, will strongly support early action, led by the quartet, to advance the implementation of the road map.

National Honours System.

110. Mr. Neville asked the Minister for Foreign Affairs if he will introduce an honours system for Irish abroad who have reached excellence in their professions, as recommended by the task force on policy regarding emigrants; and if he will make a statement on the matter. [7601/05]

Minister for Foreign Affairs (Mr. D. Ahern): One of the recommendations of the task force on policy towards emigrants was that an awards scheme be established to recognise the service of Irish persons abroad. I am aware of the invaluable contribution which Irish people who have emigrated have made and continue to make to developments in their adopted countries. On every appropriate occasion, I express appreciation and pay a warm tribute to their work. However, the matter of an awards scheme to recognise the services of Irish persons abroad would arise in the context of wider discussions on
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[Mr. D. Ahern.]
a national honours system, which is the responsibility of the Department of the Taoiseach.

Natural Disasters.

111. Ms Enright asked the Minister for Foreign Affairs the number of Irish citizens who remain unaccounted for following the December 2004 tsunami in Asia; and if he will make a statement on the matter. [7620/05]

Minister for Foreign Affairs (Mr. D. Ahern): There are two confirmed Irish casualties. There are two other Irish citizens who, regrettably, are also believed to have lost their lives. My Department remains actively involved in efforts to locate their remains in Thailand.

Question No. 112 answered with Question No. 98.

Ministerial Travel.

113. Mr. Naughten asked the Minister for Foreign Affairs his travel plans for the coming six month period; and if he will make a statement on the matter. [7632/05]

Minister for Foreign Affairs (Mr. D. Ahern): Over the coming six months, I will attend a number of EU related meetings, including meetings of the General Affairs and External Relations Council, GAERC. Other overseas engagements are under consideration and decisions on these will be taken in due course. In addition, I will also travel to Boston and Washington for St. Patrick’s Day events.

Question No. 114 answered with Question No. 88.

Human Rights Issues.

115. Mr. M. Higgins asked the Minister for Foreign Affairs if the Government proposes to support the position taken by Senator Edward Kennedy, whereby the senator proposed that the 292 Montserratians to be expelled from the United States of America following the Department of Homeland Security’s decision to revoke the temporary protected status of these persons should be granted permanent residency status or at least that the decision to expel these persons be reversed; the support the Irish Government proposes to give these persons, in particular due to the linkages and unique connection between Ireland and Montserrat and the frequent visits to Ireland by, among others, Montserratian Ministers; and if he will make a statement on the matter. [7691/05]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware that the Deputy has taken a strong interest in the history and Irish links of Montserrat and that he was concerned about the humanitarian situation of the islanders after the major volcanic eruption of 1997.

The Embassy of Ireland in Washington has advised me that Senator Kennedy, joined by Senators John Kerry and Charles Schumer, has written to President Bush to urge the US Administration to reverse the decision by the US Department of Homeland Security to terminate the temporary protected status granted to 292 refugees from Montserrat allowing them to reside in the US. This status was granted following the major volcanic eruption in 1997 which destroyed much of the island of Montserrat. Senator Schumer had also sponsored a Senate bill to provide relief for the Montserrat group and a similar measure has been introduced in the House of Representatives.

The US Department of Homeland Security maintains that the conditions in Montserrat no longer meet the criteria for temporary protected status. It states that one of the criteria for this status, on the basis of natural disaster, is that both the disruption of living conditions and a country’s inability to accept the return of its nationals be temporary in nature. The Department of Homeland Security refers to scientific estimates that there is a 50% chance that the volcanic activity in Montserrat will continue for another 14 to 15 years and may continue for decades. Its position is that the situation in Montserrat is, therefore, not temporary and that the temporary protected status of the 292 persons in question will end on 27 February 2005. The Department of Homeland Security points out that not all these persons will be subject to early removal from the US, as some will continue to benefit from other non-immigrant status. It also points out that people from Montserrat are eligible to apply for British citizenship based on their status as British overseas territory citizens.

While I appreciate the humanitarian impulse underlying the initiative taken in this case by Senator Kennedy and his colleagues, it would not be appropriate for me to intervene with the US authorities.

Question No. 116 answered with Question No. 88.

Overseas Development Aid.

117. Mr. Deasy asked the Minister for Foreign Affairs if the matter of Ireland’s contribution to overseas development aid was raised during his recent meeting with the Secretary General of the United Nations; and if he will make a statement on the matter. [7641/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): My colleague, the Minister for Foreign Affairs, Deputy Dermot Ahern, had a meeting with the Secretary General in New York in February. The Minister assured the Secretary General of Ireland’s support for the United Nations Organisation and for its development funds and programmes and underlined our continued commitment to work towards the millennium development goals. He briefed Secretary
General Annan on his visit to the Indian Ocean region in the aftermath of the tsunami disaster and noted how important it was that the United Nations should be at the centre of the action there. The Secretary General welcomed Ireland's support.

Secretary General Annan has expressed his praise for Ireland's development cooperation programme on several occasions recently. When he visited Ireland last October, the Secretary General commended Ireland's longstanding commitment to development and our work to achieve the millennium development goals and to combat HIV/AIDS in Africa. When I met the Secretary General in January at the international meeting of the small island developing states, he expressed appreciation of Ireland's response to the tsunami disaster.

Foreign Conflicts.

118. Mr. Kenny asked the Minister for Foreign Affairs if he will report on the situation in Uganda; and if he will make a statement on the matter. [7605/05]

Minister for Foreign Affairs (Mr. D. Ahern):
Uganda's track record in poverty reduction and economic management over the last 18 years stands up favourably to comparison with much of Africa. The country has earned a good reputation in some areas such as press freedom. The decision to move to a multiparty system and the recent registration of some political parties offer the possibility of greater democratic change in future. However, concerns remain about some aspects of governance.

The insecurity in the northern region of Uganda has caused widespread disruption and loss of life. However, there are recent indications that it may be entering its final phase. While the government continues to pursue a military campaign against the LRA, it has also engaged with an intermediary in an effort first to secure a ceasefire and then an engagement on a negotiated peace. The process is being assisted by a number of donor countries, including Ireland.

A ceasefire was announced on 14 November 2004 by President Museveni and held until the end of last year. Subsequently, an 18 day ceasefire was implemented during February and the Ugandan Government renewed its amnesty legislation for six months. While this second temporary ceasefire has not been renewed, mediation efforts are continuing and there are still hopes a permanent ceasefire will be agreed soon. However, contacts with the LRA have become more difficult since the surrender on 16 February of Commander Sam Kolo, its chief negotiator.

The peace agreement signed on 6 January between the Government of Sudan, previously a supporter of the LRA, and the Sudan People's Liberation Movement, SPLM, provides a major incentive for the peace process in northern Uganda. It is assumed this will impact on the sustainability of the LRA insurgency and will encourage a reconsideration of its campaign. Also, President Museveni appears to perceive a need to pacify the region in order to create an additional support base for his National Resistance Movement, NRM, ahead of the 2006 elections. The current investigation by the International Criminal Court, ICC, into war crimes and crimes against humanity is putting pressure on both the government and the LRA. Civil society initiatives on reconciliation are helping to build momentum.

In the meantime, the humanitarian situation in northern Uganda remains fragile, although there are some indications that the current peace efforts are having a positive impact. The chairman and vice-chairman of the Oireachtas Joint Committee on Foreign Affairs visited northern Uganda in late September 2004.

On the political front, Uganda has commenced a process of transition from its current "no party" system to a multi-party system. On 22 September 2004, a White Paper was published on proposals for constitutional change which endorsed the move to multi-party democracy and the necessary changes in legislation required to enable political parties to operate. A referendum will be required to change the constitution and this is scheduled for 1 July. It is envisaged that this process will culminate in multi-party presidential and parliamentary elections in February/March 2006.

While the move to multi-party democracy is welcome, the draft legislation currently being considered by the parliament would repeal current provisions limiting a president to two five year terms, thus facilitating a third term for President Museveni. Repeal of the term limits provision will require a two thirds majority in parliament. While the President has not publicly said whether he will seek another term, concerns about this issue have been raised by the EU with the Ugandan Foreign Minister.

Respect for human rights is enshrined in the Ugandan Constitution and Uganda has good policies and strong institutions in support of human rights, in particular an active and respected Human Rights Commission. It also has a free press which plays a constructive role in highlighting abuses. At the same time, donors are concerned about incidents of torture and illegal detention by security forces in 2003 and have kept the government under pressure in this respect. In July 2004, the security agencies agreed to work together with the Uganda Human Rights Commission and the director of public prosecutions to fight torture. This is a positive development, although concrete results will have to be awaited.

Uganda has also been playing a more constructive role of late in the peace processes in both the DRC and Burundi. An agreement was concluded in Kampala on 26 October 2004 between the DRC, Rwanda and Uganda to establish a tripartite commission aimed at resolving outstanding political and security issues, including completing disarmament of armed groups in eastern DRC with former links to both Rwanda and Uganda.
[Mr. D. Ahern.] The Ugandan Government has participated constructively within the framework of the Great Lakes conference and has been following up on the findings of the Porter commission of inquiry into allegations of illegal exploitation of resources in the DRC and bringing to account persons implicated in such activities. However, while the director of public prosecutions has recently announced that he cannot proceed with prosecutions on criminal charges in some key cases due to lack of evidence, the Minister for Foreign Affairs has indicated that the Ministry of Defence will take disciplinary measures against individual army officers identified by the Porter commission.

Question No. 119 answered with Question No. 95.

Overseas Development Aid.

120. Ms Burton asked the Minister for Foreign Affairs the number of submissions he has received in respect of the recent request for public submissions on the future direction of Ireland’s overseas aid programme; his plans for public meetings and a stakeholder conference on the issue; when the public consultation process will finish; and if he will make a statement on the matter. [7694/05]

Minister at the Department of Foreign Affairs (Mr. C. Lenihan): I welcome the Deputy’s question and any other question that serves to heighten interest in, and awareness of, the Government’s intention to produce the first ever White Paper on official development assistance, ODA. On 16 February last, I issued a press release announcing the Government’s intention to seek submissions from interested parties on the future direction of Ireland’s aid programme. This announcement was followed by the publication in the national press of advertisements inviting such submissions. The advertisements asked that submissions be forwarded by 30 April, that is, ten weeks after the initial announcement. I have also been writing to representatives of interested organisations reiterating my interest in learning their views.

My officials are currently monitoring the submissions already received at this early stage. I purposely allowed a period of ten weeks for sending in submissions to ensure that those who wish to do so have sufficient time to prepare considered and comprehensive submissions. I therefore would not wish to say anything now that might cause them to feel that they are under any constraint to respond before the announced deadline of 30 April. A number of organisations are still preparing papers and I am grateful for the time and effort they are putting into their presentations and look forward to studying them in due course.

I intend to hold a number of public meetings in different locations throughout the country to allow the public to engage directly in the debate on the future of ODA. The first public meeting will be held on 13 April in Limerick, the future home of Development Cooperation Ireland under the Government’s programme of decentralisation. I intend to follow up with seven further meetings in other parts of the country running into early summer. My officials are at present finalising venues and dates. It is intended that the advisory board for Development Cooperation Ireland will convene a full stakeholder conference on the issue, probably in early September.

The public consultation process will be followed by a period of analysis and distillation of submissions received and of the views expressed at the public meetings. I expect during this period that there will be ongoing informal contacts with the stakeholders, leading to the drafting of the paper. I envisage that the White Paper will be submitted to Government for approval early in 2006.

European Council Meetings.

121. Mr. P. Breen asked the Minister for Foreign Affairs if he will report on the recent visit of President Bush to the EU and his meeting with EU leaders; and if he will make a statement on the matter. [7644/05]

Minister for Foreign Affairs (Mr. D. Ahern): President Bush met with the EU Council, Commission and Troika on 22 February 2005. Among the topics discussed at the meeting with the Council were the Middle East peace process, Iraq, Iran, Russia, Ukraine, the Western Balkans and the UN summit scheduled for September 2005. During the meeting each EU head of state or government focused on a particular agenda item, with the Taoiseach, at the request of the Presidency, leading on Russia.

In his intervention, the Taoiseach focused on the common interest the EU and the US have in building and maintaining their own strategic partnerships with the Russian Federation, in accordance with the standards of democracy and human rights which both sides of the Atlantic hold in common. While the heads of state and government met with President Bush, I attended a meeting between EU Foreign Ministers and the US Secretary of State, Dr. Condoleezza Rice, which had a similar agenda. In my intervention I focused on the millennium development goals, insisting that they are eminently achievable, UN reform and on the need to address the situation in Darfur.

President Bush’s meeting with the European Council took place in a relaxed and positive atmosphere and I believe that his visit to the EU, and particularly his support for European integration, has given renewed impetus to the transatlantic relationship. I welcome the strong emphasis which the President put on the current opportunity for progress in the Middle East peace process during his visit. I also welcome the fact that...
he said in his address at the Concert Noble in Brussels on 21 February 2005 that the US had found that a narrow definition of security is not enough and spoke about removing the causes of terror.

**Question No. 122 answered with Question No. 65.**

**Northern Ireland Issues.**

123. Mr. Sherlock asked the Minister for Foreign Affairs if, further to his reply of 2 February 2005, under the terms of the comprehensive agreement of December 2004, any party entitled to nominate Ministers to the Executive of the Northern Ireland Assembly would lose their automatic right to ministerial positions should they choose to abstain on the vote for the First and Deputy First Ministers, in view of the fact that the system has now been changed in order that the First and Deputy First Ministers are elected with the other Ministers in the Executive and not through two separate votes; and if he will make a statement on the matter. [7706/05]

Minister for Foreign Affairs (Mr. D. Ahern): As I said in my reply of 2 February 2005, the Good Friday Agreement provides that the First Minister and the Deputy First Minister should be jointly elected by a cross community vote in the Assembly. The revised arrangements, outlined in the comprehensive agreement published on 8 December last, would, in addition to the First and Deputy First Ministers, include the other Ministers being appointed to the Executive in that cross community vote. Taking forward these proposals will, when the context is appropriate, require amendment to the Northern Ireland Act 1998 in the British Parliament.

The relevant provision in the comprehensive agreement states: “No minister would be allowed to remain in the Executive if he or she had not voted in favour of the Executive Declaration, and if the nominating officer of his or her party did not nominate another MLA who had done so, d’Hondt would be re-run excluding that party.” If a party wishes to participate in the Executive, it seems both logical and appropriate that it should support the entire ministerial slate, reflected in the Executive declaration. This is particularly the case given the experience in the previous Executive when one party took its allocated ministerial offices but did not engage collectively at Executive meetings.

**Middle East Peace Process.**

124. Dr. Twomey asked the Minister for Foreign Affairs if he has had recent contact with the Palestinian or Israeli Governments with regard to the renewed attempts to achieve a Middle East peace settlement; and if he will make a statement on the matter. [7636/05]

Minister for Foreign Affairs (Mr. D. Ahern): While I have not had the opportunity in recent weeks to meet my colleagues in the Israeli and Palestinian Governments, regular contact is maintained between our governments including through diplomatic channels. I intend to visit the Middle East region in the near future.

The Government both bilaterally and within the framework of the EU and UN is continuing its efforts to encourage progress in the Middle East peace process. At the General Affairs and External Relations Council on 22 February we welcomed recent positive developments, notably the outcome of the Sharm El Sheikh Summit and reaffirmed the EU’s support for the continuing efforts by both sides to maintain the ceasefire and to give effect to the other commitments undertaken at the Sharm El Sheikh Summit. I also welcome the positive outcome of last week’s London conference.

The Government stands ready in concert with our EU partners to assist the parties to the conflict in their efforts to move forward on the basis of the roadmap. Ireland through its membership of the European Union and its relations with Palestine, Israel, the United States, Arab and other key partners will strongly support early action led by the Quartet to advance the implementation of the roadmap.

**Northern Ireland Issues.**

125. Mr. Broughan asked the Minister for Foreign Affairs if officials of his or any other Department were involved in or had their attention brought to negotiations between the family of Robert McCartney, Sinn Feín representatives and IRA representatives prior to the release of the IRA statement on the murder of Robert McCartney on 25 February 2005; and if he will make a statement on the matter. [7704/05]

140. Mr. Gilmore asked the Minister for Foreign Affairs the outcome of his meeting with the sisters of Robert McCartney in Dublin on 23 February 2005; the efforts the Government has made to assist the investigation into his murder; and if he will make a statement on the matter. [7703/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 125 and 140 together.

As the House is aware, I met with Robert McCartney’s sisters and his partner two weeks ago. The family were very clear in their desire to have the killers and their accomplices charged and tried in court. Their public campaign has been necessitated by the fact that the police were being hindered in their investigation as a result of the threats and intimidation against witnesses. I assured the family that they had the full support of the Government in their campaign.

As regards the statements that had been made by Sinn Féin the McCartney family made it clear to me that it was one thing to issue statements and quite another to see results. They asked that the Government keep up the pressure on Sinn Féin and others who could influence those
[Mr. D. Ahern,] responsible, which we have done. I assured them that the issue would be kept on the Government’s agenda as has been done in other cases, such as those of Rosemary Nelson, Robert Hamill and Patrick Finucane.

I also informed them that the case had been discussed at the meeting between the Taoiseach and Prime Minister Blair when they met in Brussels on 22 February. I can inform the House now that I also discussed the case with Secretary of State Murphy during the British-Irish Intergovernmental Conference last week. I understand that this case and that of Pat Finucane was discussed by the Taoiseach and Prime Minister Blair when they met in London on 3 March last.

I was pleased to be able to participate in the debate last week regarding the McCartney murder and to offer the Government’s full support for the motion.

Contacts with the family and other interested parties are ongoing. While my officials and I continue to monitor all developments regarding this case, neither I nor my officials were party to any discussions between the family, Sinn Féin and the IRA.

Question No. 126 answered with Question No. 70.

Question No. 127 answered with Question No. 92.

Ukrainian Presidential Election.

128. Mr. Kehoe asked the Minister for Foreign Affairs the political situation in Ukraine following recent elections in that country; and if he will make a statement on the matter. [7646/05]

Minister for Foreign Affairs (Mr. D. Ahern): Viktor Yushchenko was inaugurated as President of Ukraine on 23 January following the rerun of the second round of presidential elections. On 4 February Ms Yulia Tymoshenko was appointed as Prime Minister and a new Government took office. I would like to take this opportunity to reiterate our warm congratulations to the President and Prime Minister of Ukraine as well as the Government and to wish them every success in the testing period ahead. I look forward to taking up at an early date an invitation from Foreign Minister Tarasyuk to make a visit to Ukraine.

The events surrounding the protracted election in Ukraine and the positive conduct of the final ballot clearly demonstrated the deep attachment of the Ukrainian people to democracy and fundamental freedoms. Through their actions to protect democracy and through the peaceful transition of power the people of Ukraine have shown the world that their European aspirations are firmly rooted in values that are shared by European states and citizens.

Undoubtedly many challenges lie ahead for Ukraine in consolidating democratic accountability and in pushing forward with political and economic reform. The new Government has an ambitious reform agenda which includes regulatory and investment reform as well as democratic reform and reform of the media. Complex issues relating to privatisation, competition and corruption need to be addressed and the Government in Kiev appears determined to deal with them. Naturally there are differing views within the country on the best way forward.

In recent weeks the President and Government of Ukraine have focused on communicating their priorities to both national and international audiences. President Yushchenko has said that maintaining national unity will be a key objective. His aim is to build a strong socially cohesive country which is based on market economy principles. The President has made clear that membership of the European Union and NATO is a strategic goal for Ukraine.

During an address to the Council of Europe Assembly on 25 January President Yushchenko promised to do all he could to make the democratic changes in Ukraine irreversible and to build a country in which human rights, democracy and the rule of law are protected. He also pledged to fight corruption and said that several high profile crimes including the murder of the journalist Heorhiy Gongadze in the year 2000 will be fully investigated. I understand that the President has now also pledged to investigate the reported suicide of Ukraine’s former Interior Minister, Yuri Kravchenko, who died on Friday. Mr. Kravchenko was a key witness in the Gongadze case and was due to give evidence to prosecutors. Prior to his death a number of arrests had been made in connection with the murder of Mr. Gongadze.

Ireland believes that the European Union must continue to respond appropriately to Ukraine’s ambitions for systemic political and economic reform. The approval in Brussels on 21 February of an EU-Ukraine action plan under the European neighbourhood policy was a significant step for both sides. Over the next three years the plan will help to foster greater economic integration and political cooperation between the EU and Ukraine. As long as Ukraine adheres to the path of political and economic reform it can count on practical support and assistance from the European Union in meeting these goals.

Ireland in common with other European Union member states looks forward to working with Ukraine in consolidating its transition based on democratic values, our shared belief in the rule of law and our common commitment to the universal applicability of human rights.

EU Membership.

129. Mr. P. Breen asked the Minister for Foreign Affairs if he will report on EU accession negotiations with Croatia; if he envisages any delay in Croatian accession to the Union; and if he will make a statement on the matter. [7590/05]
The Minister for Foreign Affairs (Mr. D. Ahern):
The June 2004 European Council considered Croatia's application for membership of the EU on the basis of the Commission opinion presented in April 2004. The European Council agreed that Croatia meets the Copenhagen political criteria. It decided that Croatia is a candidate country for membership and that a bilateral intergovernmental conference should be convened early in 2005 in order to begin accession negotiations. The negotiations would be based on Croatia's own merits and the pace of progress would depend solely on the fulfilment of the requirements for membership. In taking this decision the European Council emphasised that Croatia needed to maintain full cooperation with the International Criminal Tribunal for the former Yugoslavia, ICTY, and to take all necessary steps to ensure that the one Croatian indictee still at large was located and transferred to The Hague for trial.

The December 2004 European Council confirmed the June decision and invited the Commission to present a proposal for a framework for negotiations with Croatia. It requested the Council to agree on the terms of the framework with a view to the opening of accession negotiations on 17 March 2005 provided that there is full cooperation with the Tribunal. The negotiating framework is at present under consideration by member states and I expect that it will be ready for approval by the next meeting of the General Affairs Council on 16 March. The Council will also have to decide on the issue of cooperation with the Tribunal. The General Affairs and External Relations Council which I attended in Brussels on 21 February agreed that full and unconditional cooperation with ICTY remains an essential requirement for continued progress towards the EU by all of the countries of the western Balkans. It also urged Croatia to take the necessary steps for full cooperation and reiterated that the last remaining indictee must be located and transferred to The Hague as soon as possible.

Croatia has made very substantial progress in the adoption and implementation of difficult reforms in recent years and has earned the status of candidate for membership of the Union. The opening of accession negotiations will be a very important moment in the history of Croatia. It should also be an encouragement to the other countries of the western Balkans to pursue their reforms. I hope that it will prove possible to begin accession negotiations as planned on 17 March.

Question No. 130 answered with Question No. 66.

United Nations Reform.

131. Mr. O'Shea asked the Minister for Foreign Affairs the steps and contributions which Ireland has taken towards helping in the task of reforming the United Nations; if he intends to bring the report dealing with this matter recently submitted to Mr. Kofi Annan before Dáil Éireann; if he would welcome a debate on the matter; and if he will make a statement on the matter. [7718/05]

The Minister for Foreign Affairs (Mr. D. Ahern):
The Deputy is referring to the report of the High Level Panel on Threats, Challenges and Change, which was issued on 2 December 2004. 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.

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 coordinated the EU’s contribution to the work of the panel and some key elements of the latter are in fact reflected in the panel’s recommendations.

In publicly welcoming the report of the panel in December I 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 and 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, that 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 I strongly endorse is the need for new institutional arrangements to ensure sustained and coordinated multilateral support for peace building in countries emerging from conflict and at risk of sliding back into conflict.

At the UN next September heads of states and governments will review the implementation of the millennium summit declaration and examine progress in achieving the millennium development goals. At the same time they will seek agreement on reforms including institutional reforms to improve the functioning and effectiveness of the UN system.

Later this month Secretary General Annan, having reflected on the panel’s recommendations and the reaction to them and also on the recently
[Mr. D. Ahern.]

issued report of the millennium project coordinated by Professor Jeffry Sachs will make some core proposals of his own to act as a basis for agreement on a balanced outcome at the September summit.

The task now ahead of us is to work with Secretary General Annan to prepare effectively for next September’s summit and to ensure that it adopts a positive package of measures that will set us on course for the implementation of the millennium summit declaration and the achievement of the millennium development goals and that will enhance the effectiveness of and restore confidence in the system of collective security based on the UN Charter.

Secretary General Annan has on a number of occasions commended Ireland’s steadfast work both nationally and within the European Union in support of the United Nations. Most recently when I met him in New York last month he warmly welcomed and accepted Ireland’s offer to use its standing and profile in the United Nations to help build support for a positive outcome at September’s summit that can attract broad support and equip the UN to meet the wide range of threats and challenges it faces today. During the coming months I intend to engage in a range of international contacts to help build support for such an outcome.

The report of the Secretary General’s high level panel and Ireland’s contribution to the process of UN reform have been the subject of a number of questions in this House and of discussion in the Seanad in recent years. I welcome this interest which reflects the broad support in both Houses for an effective multilateral system and the strong commitment of successive Governments to the United Nations. I am open to the suggestion of a debate on prospects for the September summit, which I would suggest should await the publication of the Secretary-General’s proposals and will be pleased to respond to Deputies regarding progress between now and September.

Foreign Conflicts.

132. Mr. Hogan asked the Minister for Foreign Affairs if he will report on the situation in Afghanistan; and if he will make a statement on the matter. [7621/05]

147. Mr. G. Mitchell asked the Minister for Foreign Affairs if he will report on the levels of activity of the Taliban in Afghanistan and surrounding countries; and if he will make a statement on the matter. [7619/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 132 and 147 together.

On 10 January 2005 Mr. Jean Arnault, the Special Representative of the Secretary General of the United Nations, UNSRSG, for Afghanistan reported to the UN Security Council. The Special Representative said that the security situation in Afghanistan had shown signs of improvement in recent weeks. He cautioned, however, that the international community should not become complacent and pointed out that such progress is predicated on a continuing high level of international military, political and economic assistance to Afghanistan.

Events in recent weeks demonstrate that the security situation remains volatile. On 20 January 2005 a suicide bomber carried out an assassination attempt on General Rashid Dostum, the Uzbek leader who was a candidate in last year’s presidential election and was recently appointed chief of staff to the commander of the armed forces. The Taliban are reported to have claimed responsibility for the attack. Taliban rebels are also reported to have killed nine Afghan soldiers in an ambush in the southern Helmand province on 24 February 2005.

Such attacks indicate that Taliban militia members are still active in Afghanistan and most probably the surrounding countries. The Afghan authorities supported by the international security forces and with the cooperation of the Pakistani Government remain committed to tackling the insurgency movement. President Karzai has declared his commitment to a national reconciliation process which would see the reintegation into society of Taliban officials who are not included on lists of wanted militants. Recent media reports indicate that the Afghan Government has held talks with Taliban members in this regard. However, these reports have been challenged by Taliban hardliners who are reported to have vowed to continue their struggle.

These events point to the need for the international community to remain focused on supporting Afghanistan. The decision of the UN Security Council on 17 September 2004 to extend the mandate of the NATO led International Security Assistance Force in Afghanistan, ISAF, for a further 12 month period beyond 13 October 2004 was an important development in this regard. The decision taken by NATO earlier this month to expand the ISAF presence to include western Afghanistan is also to be welcomed.

In order to ensure a secure environment in Afghanistan it is important that all irregular forces are disarmed and demobilised or integrated into the national army. The disarmament, demobilisation and reintegration process, DDR, has gained momentum in recent weeks and almost 40,000 militiamen have now been disarmed. If this momentum is maintained it is hoped that the disarmament and demobilisation of the Afghan militia forces or at least those who are ready to voluntarily disarm will be completed by June 2005, which is within the timeframe established by the Berlin conference last year. Reintegration activities for demobilised militia would then be expected to continue to 2006. I welcome progress made to date and strongly urge all concerned to make a full commitment to the completion of the DDR process.
The publication of a report on transitional justice by the Afghan independent human rights commission, AIHRC, on 29 January 2005 is a further positive development in Afghanistan. I welcome this report and encourage the Afghan authorities to develop a strategy in keeping with the wishes of the Afghan people as set out in the report to address issues of transitional justice.

Looking ahead, the coming year will be an important one for Afghanistan. The parliamentary and provincial elections due to take place later this year represent the final step in the implementation of the Bonn Agreement of December 2001 on arrangements for the re-establishment of permanent government institutions in Afghanistan. The independent electoral commission, IEC, appointed by President Karzai on 19 January 2005 is expected to decide on the date of the elections shortly. These elections will undoubtedly present a considerable political and logistical challenge. It is important that the international community remain engaged in this process.

The Government together with our EU partners fully supports the Afghan authorities' uncompromising stance on the illicit cultivation of and trafficking in drugs. Over the past three years Ireland has contributed €500,000 per annum to the United Nations Office on Drugs and Crime, UNODC, €300,000 per annum of which has been channelled into counter narcotics projects in the region. Consideration is being given to a substantial increase in our support for the programmes being carried out by UNODC, including in Afghanistan, in 2005.

Afghanistan will continue to face many serious challenges in the period ahead and will therefore continue to need extensive support from the international community. Ireland together with our partners in the European Union are determined to continue to play our part in this process.

Questions Nos. 133 and 134 answered with Question No. 66.

Question No. 135 answered with Question No. 63.

**Human Rights Issues.**

136. Mr. S. Ryan asked the Minister for Foreign Affairs his views on such undertakings as the United Nations has made recently in relation to bonded labour in general, and child slavery in particular; and if he will make a statement on the matter. [7736/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Government is committed to the active promotion of full observance of universal human rights standards and seeks the elimination of all forms of contemporary slavery including bonded labour. Through our participation in international fora such as the UN General Assembly, the UN Commission on Human Rights, the Council of Europe and the Organisation for Security and Co-operation in Europe, OSCE, we raise our concerns in regard to this issue together with like minded countries. During the last session of the UN Commission on Human Rights and at the initiative of the Irish Presidency the EU for the first time delivered a strong statement on contemporary forms of slavery in which the EU reaffirmed its strong commitment to work for the elimination of all forms of this practice.

One of the most egregious forms of modern slavery is the forced recruitment and use of children as soldiers in armed conflict. Unfortunately the practice remains widespread. Ireland has urged states to speed up the process of ratification of the Rome statute of the International Criminal Court, ICC, which includes as a war crime conscription or enlisting children under the age of fifteen years or using them to participate actively in hostilities in both international and non-international armed conflicts.

Ireland has consistently supported the International Labour Organisation, ILO, in its efforts to promote core labour standards. In June 1998 Ireland supported the adoption by the International Labour Conference of a declaration on fundamental principles and rights at work. This commits the International Labour Organisation's 175 member states worldwide to respect the principles inherent in the core labour standards and to promote their universal application. Ireland has ratified all of the seven core labour standards.

This declaration emphasises that all member states of the International Labour Organisation have an obligation arising from the very fact of membership of the organisation to respect, to promote, and to realise in good faith and in accordance with the constitution of the International Labour Organisation the principles concerning the fundamental rights which are subject to those conventions. These principles include the elimination of all forced or compulsory labour and the effective abolition of child labour.

In June 1999 the International Labour Conference adopted Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour. Ireland ratified the convention on 20 December 1999 and was the first European Union country to do so.
The convention has now received near universal ratification.

The Government’s strong support for the International Labour Organisation in its efforts to address bonded labour and child slavery includes the provision of funding. The Government supports the ILO special action programme to combat forced labour, SAP-FL. This programme focuses on awareness raising activities and studies on bonded and forced labour. The programme also facilitates and funds projects to address forced labour and human trafficking in Europe, Asia and Latin America. Government funding to this programme has amounted to €1.2 million to date. Further funding will be delivered as the programme progresses.

UNICEF, the UN children’s fund, is one of Ireland’s most important UN partner agencies. UNICEF has a strong track record of working with governments to bring the issue of child labour into policy agendas and to craft legislation and other measures that will free children from the burden of labour. This year we will contribute €9.2 million to the core resources of the fund.

**Foreign Conflicts.**

137. **Mr. Coveney** asked the Minister for Foreign Affairs if the tensions between communities in Kosovo, evident in 2004, are now under control once again; and if he will make a statement on the matter. [7612/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The outbreak of ethnically motivated violence in March 2004 was a serious setback to the work of building a multiethnic society in Kosovo. In a series of attacks across Kosovo on 17 March, 19 people were killed and widespread damage was caused to homes and other property, most of which were owned by members of the Kosovo Serb community. The security situation is now calm but it remains tense. Work is continuing on the reconstruction of destroyed property. It is essential that the authorities in Kosovo ensure that this work is completed without delay. I would like to pay tribute to the work of KFOR, the UN-mandated peacekeeping force in Kosovo and especially to the contribution of the 213 Irish troops serving with the force in ensuring security and stability in often difficult circumstances.

It is reported today that the Prime Minister of Kosovo, Mr. Ramush Haradinaj, has been indicted by the International Criminal Tribunal for the former Yugoslavia. He agreed to questioning late last year by investigators from the tribunal on allegations relating to deaths in Kosovo in 1998 and 1999. He has indicated that if he is indicted he will resign and travel to The Hague to face the charges against him at the Tribunal. I hope that Mr. Haradinaj will meet his responsibilities and will act in the days ahead in the interests of all the people of Kosovo.

Kosovo has been under UN administration since the end of the conflict in June 1999 in accordance with Security Council Resolution 1244. The EU fully supports the work of the Special Representative of the UN Secretary General in Kosovo, Mr. Soren Jessen-Petersen, who heads the UN Interim Administration Mission in Kosovo, UNMIK. 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. The Government in Kosovo which was appointed in December has been 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.

This will be a crucial year for Kosovo. During the summer the UN will preside over a comprehensive review of the implementation of reforms based on European standards. If the review is positive it will be followed by the opening of a process to agree the constitutional status of Kosovo which will be facilitated by the international community. The EU will play an important role in this process in order to ensure that the agreed outcome is fully compatible with the process of European integration. In these circumstances it is essential that direct dialogue resumes between Belgrade and Pristina and that the Kosovo Serb community now have the confidence to reengage in the political process, and take their place in the provisional institutions of self government.

The EU has given a clear commitment that the long term future of the western Balkans region including Kosovo rests within the European Union. The meeting of the external relations council which I attended in Brussels on 21 February confirmed that Kosovo will not return to the situation which existed before 1999 and reaffirmed the Union’s commitment to a multi-ethnic and democratic Kosovo which contributes to the stability of the region and which adheres to the values and standards of the EU. In the period ahead the EU will continue to work in cooperation with the United Nations, with the Government of the region and with the US and other international partners towards the achievement of this objective.

**Organisation for Security and Co-operation in Europe.**

138. **Mr. P. McGrath** asked the Minister for Foreign Affairs the assistance that is given by his Department to the Organisation for Security and Co-operation in Europe; and if he will make a statement on the matter. [7645/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** In addition to meeting Ireland’s obligatory assessed contributions to the organisation my Department
assists the OSCE in a number of ways by contributing financially to programmes in its various fields of activity, notably democratisation and rule of law.

My Department also nominates Defence Forces personnel who have been identified for deployment by our Defence authorities to the OSCE for its various field activities. At present there is one Irish officer serving in each of the OSCE field operations in Albania and in Bosnia-Herzegovina. Three others serve with the border monitoring operation in Georgia, two in the OSCE mission in Serbia and Montenegro and one is assigned to the high level planning group based in Vienna. In addition my Department nominates civilians for service as secondees to OSCE field operations. Currently OSCE has a total of 18 field operations. My Department contributes to selected OSCE election observer missions both by making a financial contribution to the cost of missions and by sending Irish personnel to observe the elections.

The total in non-obligatory financial assistance given to OSCE in 2004 was €243,161.

Question No. 139 answered with Question No. 98.

Question No. 140 answered with Question No. 125.

Question No. 141 answered with Question No. 88.

Question No. 142 answered with Question No. 98.

143. Mr. P. McGrath asked the Minister for Foreign Affairs the Government’s views on the approach of Russia to the Organisation for Security and Co-operation in Europe; and if he will make a statement on the matter. [7642/05]

Minister for Foreign Affairs (Mr. D. Ahern):
As the Taoiseach underlined at the EU-US Summit on 22 February, Russia is an important and strategic partner of the European Union. This partnership is moving forward rapidly in the economic area. However, there are difficulties in the relationship at this time and these include the question of Russia’s attitude to the OSCE.

The Government is concerned that the attitude of the Russian Federation to the OSCE is less positive today than it was during the decade which immediately followed the break up of the former Soviet Union. This is having a negative effect on the ability of the organisation to advance its objectives. We see, for example, an organisation which is at risk of paralysis because consensus is lacking on budgetary and financial issues and whose annual ministerial meeting in each of the last two years has failed to agree a declaration to which all 55 participating states could subscribe. Russia’s refusal to renew the mandate of the OSCE border monitoring operation in Georgia at the end of last year and its limited cooperation in resolving the so called frozen conflicts in the OSCE region are also worrying. A particular concern for Ireland and for like minded participating states is Russia’s systematic attempt to curtail the activities of the OSCE’s Office for Democratic Institutions and Human Rights, ODIHR.

As I understand it, this less positive attitude reflects a number of factors: the Russian perception that there is an imbalance at this point between the three dimensions of OSCE activities, political-military, economic and human, with disproportionate attention being given to the human dimension; its belief that Russia is paying an unfair share of the costs of the organisation; and crucially, an underlying feeling that the values promoted by the OSCE are somehow the values of the states west of Vienna and not the universal values which all 55 participating states are committed to uphold. The last mentioned factor challenges the OSCE in a fundamental way. It suggests, I regret to say, that instead of a convergence of values a gap is developing between Russia and the West in the area of democratic standards and human rights and fundamental freedoms.

Ireland and the European Union do not exclude looking again at the balance between the three dimensions of the activities of OSCE although we would ask why there is a need to focus on political and military issues in the post-Cold War Europe. What we cannot accept is any diminution or dilution of the standards which OSCE has already defined, with respect to conditions for free and fair elections for example. We strongly favour continued engagement with Russia in OSCE and outside it. The participating states of the OSCE have come a long way from the time when the CSCE was as much a forum for confrontation as for cooperation. A review of its recent history shows that the OSCE made significant progress when all participating states including Russia worked together. It would be a great pity if the OSCE, whose composition gives it a unique role in helping to prevent, contain and resolve conflict in Europe became unable to pursue these objectives effectively.

Travel Safety.

144. Mr. Costello asked the Minister for Foreign Affairs his Department’s advice to Irish persons intending to travel to Tel Aviv for the upcoming World Cup qualifier against Israel in view of the recent bombing in the city; if he is advising the public that it is safe to travel to Tel Aviv; and if he will make a statement on the matter. [7699/05]

Minister for Foreign Affairs (Mr. D. Ahern):
My Department has issued detailed travel advice for the benefit of those intending to travel to Tel Aviv for the forthcoming World Cup qualifier against Israel. This advice can be viewed on the Department’s website www.dfa.ie.
Human Rights Issues.

145. Ms B. Moynihan-Cronin asked the Minister for Foreign Affairs the extent to which human rights abuses were discussed during the recent trip of a Government delegation to China; if his attention has been drawn to the fact that those involved in human rights advocacy in China may face serious human rights violations; the Government’s position on this matter of such abuses committed by a potential trading partner; and if he will make a statement on the matter. [7715/05]

Minister for Foreign Affairs (Mr. D. Ahern): As stated previously and on many occasions, the Government continues to take concerns about human rights in China very seriously. We have an ongoing dialogue with the Chinese authorities at both the national and the European Union level. Human rights issues are on the agenda of all bilateral meetings with senior Chinese leaders.

While recognising that respect for human rights in China is not at the level we would wish and that human rights abuses continue to occur, the situation is improving, albeit slowly. A number of important steps have been taken recently. New clauses have been inserted into the Chinese constitution on human rights and the inviolability of private property. In 2001 China ratified the International Covenant on Economic, Social and Cultural Rights and in 2003 in line with reporting requirements under the Covenant it submitted its first report to the Committee on Economic, Social and Cultural Rights. The report is due to be considered by the committee in April of this year.

The Government takes the approach of seeking to encourage the Chinese authorities to continue to move in a positive direction. This approach, which situates human rights issues within a broad dialogue on matters of mutual concern, is shared by other European and North American governments and is the approach most likely to yield tangible long term progress on human rights.

During his recent visit to China from 17 to 22 January 2005 the Taoiseach and the Chinese Premier Wen Jiabao discussed a wide range of issues including the issue of human rights. The Taoiseach, while recognising the different historical perspective of Ireland and China in regard to the promotion and protection of human rights, stressed the importance that the Government attaches to China’s continued progress in this area. The possibility of developing bilateral cooperation on furthering human rights norms was raised with the Chinese side.

The Taoiseach also had an interesting exchange with the Chairman of the National People’s Congress, Mr. Wu Bangguo, on the Chinese government’s efforts to promote human rights and the rule of law. Chairman Wu looked forward to Irish and Chinese parliamentarians continuing this dialogue at various meetings scheduled to take place during the course of this year.

Discussions on human rights issues also took place at official level during the course of the Taoiseach’s visit.

Together with our EU partners the Government will continue to encourage the Chinese authorities to respect fully the human rights of all citizens. For my part I will continue to avail of my discussions with Chinese representatives to express our position in regard to these matters.

International Agreements.

146. Mr. Naughten asked the Minister for Foreign Affairs the number of international constitutions to which Ireland is a signatory; and if he will make a statement on the matter. [7602/05]

Minister for Foreign Affairs (Mr. D. Ahern): As the Deputy will no doubt be aware, the treaty establishing a Constitution for Europe was signed by Ireland in Rome on 29 October 2004.

In addition a number of international organisations and bodies of which Ireland is a member are governed by instruments which are described in their titles as being constitutions including the Constitution of the International Labour Organisation, the Constitution of the World Health Organisation, the Constitution of the Food and Agriculture Organisation of the United Nations, the Constitution of the United Nations Educational, Scientific and Cultural Organisation, the Constitution of the United Nations International Development Organisation, the Constitution of the International Organization for Migration, the Constitution of the Universal Postal Union and the Constitution of the International Telecommunication Union and the Constitution of the European Commission for the Control of Foot and Mouth Disease.

All the listed constitutions are international agreements within the meaning of international treaty law. As such they fall to be addressed under Article 29.5 of Bunreacht na hEireann.
Question No. 147 answered with Question No. 132.

Common Foreign and Security Policy.

148. Ms Enright asked the Minister for Foreign Affairs if Ireland will join a European Union common defence and security arrangement; and if he will make a statement on the matter. [7629/05]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland’s position is absolutely clear. The amendment to Bunreacht na hÉireann approved by the people in October 2002 at the initiation of the Government precludes Ireland from participating in a common defence. It is the Government’s intention that this prohibition be carried over in the context of the ratification of the European Constitution.

I am not aware of any proposals under consideration by the EU member states to establish an EU common defence. Were such a proposal to be tabled in the future it would have to be decided by the European Council acting unanimously and adopted by the member states in accordance with their constitutional requirements. In order for Ireland to participate in a common defence the people would first have to approve the amendment of Bunreacht na hÉireann.

I had a number of in depth discussions with senior members of the United Nations Secretariat including the recently appointed Chief of Staff of the UN Secretary General, Mark Malloch Brown. This meeting provided an opportunity for a detailed discussion of the practical and policy issues involved in the preparations for the September summit. We also reviewed the impact of the interim report of the independent inquiry committee into the management of the UN’s Oil for Food Programme and the need for urgent remedial action in response to the report. We also reviewed general management issues in the UN system.

The meetings confirmed my view that the September summit represents a critical opportunity to enhance the legitimacy and effectiveness of the multilateral system with the UN at its core. It is incumbent on Ireland and all members of the United Nations to do what they can to ensure that this opportunity is not wasted.

United Nations Missions.

149. Mr. Sherlock asked the Minister for Foreign Affairs if he will report on Ireland’s current and possible future involvement in United Nations peacekeeping missions; and if he will make a statement on the matter. [7716/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Deputy will be aware that members of the Permanent Defence Force are currently serving overseas in eight UN missions in Liberia, Côte d’Ivoire, Western Sahara, the Democratic Republic of the Congo, Cyprus, Lebanon, Kosovo and the Middle East as well as in multinational forces authorized by the Security Council in Kosovo, KFOR, Bosnia and Herzegovina, SFOR, Afghanistan, ISAF and with the African Union Mission in Sudan, AMIS.

Deployment to other missions is not currently under active consideration. Any future proposals for overseas deployment by the Permanent Defence Force including those carried out under the European Security and Defence Policy, ESDP, will remain subject to a Government decision and will continue to require UN authorisation for the mission in question. In addition a resolution by Dáil Éireann is required where the proposed number for deployment of Irish personnel exceeds twelve. These conditions are set out in the defence Acts and were reflected in the national declaration made by Ireland at the Seville European Council in June 2002 in advance of the referendum on the Nice treaty held in October of that year.

Assessment of any such proposal would also need to take into account the numbers of Permanent Defence Force personnel available for overseas service at that time.

Naturalisation and Immigration Service.

150. Mr. Noonan asked the Minister for Foreign Affairs if he has had discussions with the Department of Justice, Equality and Law Reform on the future responsibilities of the Irish Naturalisation and Immigration Service office; and if he will make a statement on the matter. [7630/05]

Minister for Foreign Affairs (Mr. D. Ahern): The establishment of the Irish Naturalisation and Immigration Service and the transfer to it of the visa section of the Department of Foreign Affairs has been the subject of intensive consultation between my Department and the Department of Justice, Equality and Law Reform in recent months. Further consultations will take place on the detailed arrangements for the assignment of staff and other resources to the new service.

I fully support the establishment of the Irish Naturalisation and Immigration Service as a one stop shop in all matters relating to entry into and taking up residence within Ireland including visa matters and firmly believe the new arrangements will result in a more coherent and efficient delivery of services in this area.

The Department of Foreign Affairs will continue to have responsibility for the provision of a visa service at its embassies and consulates abroad. We intend to cooperate closely with the Irish Naturalisation and Immigration Service with a view to further improving the quality and delivery of the visa service offered at our missions abroad.

Question No. 151 answered with Question No. 99.

Question No. 152 answered with Question No. 100.
Trade Policy.

153. Mr. Hayes asked the Minister of State at the Department of Foreign Affairs if he will report on the level of trade between developing countries and Ireland; the steps his Department is taking to improve trade with developing countries; and if he will make a statement on the matter. [7610/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Trade with developing countries represented 4.97%, €4.16 billion, of Ireland’s exports and 10.83%, €5.42 billion, of our imports in 2004 compared with 5.01% for exports and 10.16% for imports in 2003. Trade with least developed countries accounted for 0.24%, €199.1 million, of Irish exports and 0.28%, €139.4 million, of imports in 2004 whereas the figures for 2003 were 0.15% and 0.25% for exports and imports respectively.

Ireland recognises the constraints that face developing countries and in particular least developed countries in their efforts to increase their share of world trade. Trade is an important and effective lever for development and hence the alleviation of poverty. Archbishop Diarmuid Martin has recently highlighted the importance of trade to developing countries. In common with other European Union member states Ireland has placed a very clear emphasis on the need to assist developing countries and particularly least developed countries to integrate into the world economy as a necessary condition for their future development. Such integration, which is one element in the process of poverty reduction in the least-developed countries, will be deeper and fairer if anchored in the World Trade Organisation multilateral trading system.

In the context of the delivery of the development dimension of the latest round of World Trade Organisation negotiations known as the Doha development agenda, DDA, Ireland is committed to working hard to secure genuinely pro-development outcomes in all areas of the DDA work programme.

The European Union is giving priority in the Doha round negotiations to the achievement of real benefits for developing countries. Discussion is taking place across the full range of issues including market access, special and differential treatment, trade related assistance and capacity building targeted at those most in need. Developing countries by increasing their trade capacity can enhance export earnings, promote industrialisation and encourage the diversification of their economies.

An important practical element of Ireland’s support for the integration of developing countries into the world economy is trade related capacity building. Ireland recognises that the lack of adequate institutional and human capacity to deal with the complexity of the multilateral trading system is a key issue for sustainable development. We are assisting the developing countries through a number of mechanisms, for example the World Trade Organisation Law Advisory Centre, the Agency for International Trade Information and Cooperation, the International Trade Centre etc..

Whilst multilateral trade liberalisation is the priority, effective preference arrangements can provide a stepping stone to help developing countries benefit in the long run from such broader liberalisation. A key instrument in helping developing countries achieve these objectives is the provision of non-reciprocal tariff preferences under the EU’s generalised system of preferences, GSP, which is currently being renegotiated. In 2001 the EU also introduced an initiative known as the everything but arms initiative which provides for duty and quota free access to the EU market for essentially all products from least developed countries. Furthermore, with a view to fostering the smooth and gradual integration of African, Caribbean and Pacific, ACP, states into the world economy the EU is negotiating economic partnership agreements, EPAs, with six regional groupings of ACP states. The EPAs are first and foremost instruments for development that will promote sustainable development and contribute to poverty eradication in ACP countries.

Ministerial Travel.

154. Mr. Neville asked the Minister for Foreign Affairs his travel plans for the period around St. Patrick’s Day 2005; and if he will make a statement on the matter. [7631/05]

Minister for Foreign Affairs (Mr. D. Ahern): I am currently scheduled to represent the Government at St. Patrick’s Day events in Boston before accompanying the Taoiseach to Washington. I very much welcome the opportunity to promote Ireland in the city during the St. Patrick’s Day period.

Whilst arrangements are not yet fully finalised, the programme in addition to meetings with Irish immigration groups currently includes promotional events hosted by the Ireland-US Chamber of Commerce, the Consul General and State agencies, the Irish cultural centre and the Irish American partnership group. I also look forward to addressing the Harvard University Kennedy School of Government and European Studies Center and to updating key contacts on recent developments including Northern Ireland.

Common Foreign and Security Policy.

155. Mr. Durkan asked the Minister for Foreign Affairs his preferred options in regard to European defence and security in the future; and if he will make a statement on the matter. [7688/05]

Minister for Foreign Affairs (Mr. D. Ahern): Since the entry into force of the Amsterdam treaty in May 1999 the EU has worked to make a constructive reality of the treaty’s provisions on the Petersberg Tasks through the development of
the European security and defence policy (ESDP). The challenge of ensuring that the EU makes an effective contribution for a stable Europe and a more secure and just world is a significant one and ESDP has an important role to play in this area. At its core ESDP is concerned with ensuring that the EU has the necessary civilian and military capabilities for crisis management.

In this context Ireland has sought to play a positive and constructive role in the evolution of ESDP. It is an inclusive project and it has been conceived and elaborated with the engagement of all EU member states including Ireland. We have and will continue to participate actively in its ongoing development.

Since 2003 the EU has deployed a total of seven crisis management missions, both military and civilian. Two further civilian missions are currently in the planning stage. Ongoing missions include EUFOR in Bosnia-Herzegovina, a 7,000 strong military crisis management mission to which Ireland is contributing more than 50 personnel from the Defence Forces and the EU Police Mission in Bosnia-Herzegovina headed by an assistant commissioner from the Garda Síochána. The continuing development of the capabilities of the EU in order to carry out these types of missions is a priority for the Union.

From a national perspective we have stressed the need for a balanced development of civilian and military aspects of ESDP. In this context Ireland has supported recent work to further enhance the EU’s civilian capabilities. These include the development of rapidly deployable civilian response teams as well as enhancing the Union’s civil protection capacity to respond to major humanitarian disasters, such as the recent tsunami in South East Asia.

I welcome the expansion of the Petersberg Tasks foreseen in the European Constitution in particular in relation to conflict prevention and post-conflict rehabilitation tasks. The broadened scope of the Petersberg Tasks provide for the continued engagement of the EU in the full spectrum of conflict prevention, crisis management and post-conflict reconstruction into the future.

Diplomatic Representation.

156. Mr. Perry asked the Minister for Foreign Affairs the number of EU states in which Ireland has an embassy; his plans to open embassies in the EU and throughout the world; and if he will make a statement on the matter. [7639/05]

258. Mr. Durkan asked the Minister for Foreign Affairs the number of Irish embassies abroad; his proposals to increase this number; and if he will make a statement on the matter. [7998/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 156 and 258 together.

At present there are 64 resident Irish missions abroad: 49 embassies, 12 consulates general and other offices and 6 multilateral missions. Details of these missions follow for the Deputies’ information.

Ireland currently has embassies located in 21 EU member states, namely: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

In order to complete our network of resident missions in all of the EU member states and in the countries which will accede in 2007 the Government in December 2004 approved the opening of resident missions in Malta, Latvia and Lithuania and in Bulgaria and Romania.

In addition, following the Government’s decision to designate Vietnam as a programme country for development cooperation, we plan to open a resident mission in that country.

On the assumption that all logistical issues can be resolved for these locations it is expected these new missions will be opened in the second half of this year.

The opening of new Irish missions is considered by the Government on an ongoing basis. As the Deputy will appreciate, however, constraints on Government expenditure and the limits on the resources that can be made available require that the expansion of our diplomatic network must be incremental and be based on a thorough assessment of the costs and benefits involved.

Location of Irish Embassies, Permanent Missions, Consulates General and other offices

Location of Irish Embassies

Argentina
Australia
Austria
Belgium
Brazil
Canada
China
Cyprus
Czech Republic
Egypt
Ethiopia
Estonia
Finland
France
Germany
Greece
Holy See
Hungary
India
Iran
Israel
Italy
Japan
Korea, Republic of
Luxembourg
Malaysia
Mexico
Mozambique
Netherlands
Nigeria
Norway
Poland
Portugal
Russia
Saudi Arabia
[Mr. D. Ahern.]

Singapore
Slovakia
Slovenia
South Africa
Spain
Sweden
Switzerland
Tanzania
Turkey
Uganda
United Kingdom
U.S.A.
Zambia

Permanent Missions
Council of Europe — Strasbourg
European Union — Brussels
OSCE — Vienna
United Nations — New York
United Nations — Geneva
OECD and UNESCO — Paris

Consulates-General and other offices
Sydney, Australia
Shanghai, China
Edinburgh, United Kingdom
Cardiff, United Kingdom
New York, United States of America
Boston, United States of America
Chicago, United States of America
San Francisco, United States of America
Partnership for Peace — Brussels Liaison Office
Irish Aid Office — East Timor
Ramallah — West Bank Representative Office
Lesotho

Ministerial Meetings.

157. **Mr. Kenny** asked the Minister for Foreign Affairs if he will report on his recent meeting with UN Secretary General in New York; and if he will make a statement on the matter. [7635/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The main purpose of my meeting with the Secretary General and his officials in New York on 8 February was to review prospects and preparations for next September’s summit meeting at the United Nations and to explore with the Secretary General how Ireland might best contribute to a successful outcome.

At the summit Heads of State and Government will review the implementation of the millennium summit declaration and examine progress in achieving the millennium development goals. At the same time they will seek agreement on reforms, including institutional reforms, to improve the functioning and effectiveness of the UN system. The Secretary General will later this month make some core proposals to act as a basis for agreement on a balanced outcome in September that would equip the UN to meet the wide range of threats and challenges it faces today and enhance momentum towards the achievement of the millennium development goals.

At our meeting the Secretary General, as he has on a number of occasions, commended Ireland’s steadfast work both nationally and within the European Union to support the United Nations, including in the area of peacekeeping. He was particularly appreciative of our continued readiness to participate in peacekeeping in Africa. He warmly welcomed and accepted my offer that he avail of Ireland’s standing and profile in the United Nations to help build support for a positive outcome at September’s summit. During the coming months I intend to engage in a range of international contacts to help build support for such an outcome and will remain in close contact with the Secretary General in this process.

We also discussed a number of pressing international issues of peace and security including the Middle East and Sudan. I reiterated to the Secretary General Ireland’s strong support for the referral of alleged human rights abuses in Darfur to the International Criminal Court.

I took the opportunity to brief the Secretary General on Ireland’s response to the devastation caused by the tsunami and on impressions gained during my visit to the affected region as well as on the steps taken by the Government to ensure that the very substantial sums of money raised by the Irish people and those provided by the Government are spent in an effective manner and are of direct benefit to those most in need of support. We also discussed the need for a civilian rapid response capacity to deal with such major humanitarian crises.

I also met the Deputy Secretary General of the United Nations, Louise Fréchette, and the President of the General Assembly, Jean Ping, and had very interesting and useful exchanges with both.

I had a number of in depth discussions with senior members of the United Nations Secretariat including the recently appointed Chief of Staff of the UN Secretary General, Mark Malloch Brown. This meeting provided an opportunity for a detailed discussion of the practical and policy issues involved in the preparations for the September summit. We also reviewed the impact of the interim report of the independent inquiry committee into the management of the UN’s Oil for Food Programme and the need for urgent remedial action in response to the report. We also reviewed general management issues in the UN system.

The meetings confirmed my view that the September summit represents a critical opportunity to enhance the legitimacy and effectiveness of the multilateral system with the UN at its core. It is incumbent on Ireland and all members of the United Nations to do what they can to ensure that this opportunity is not wasted.

**Lisbon Strategy.**

158. **Mr. English** asked the Minister for Foreign Affairs if he will report on the ongoing discussions at EU level with regard to the implementation of the Lisbon Strategy; and if he will make a statement on the matter. [7616/05]
Minister for Foreign Affairs (Mr. D. Ahern): Implementation of the Lisbon Strategy is a priority for the Government. The strategy covers a wide range of areas under the headings of competitiveness and employment, social policy and the environment which fall within the responsibility of individual Departments. The Department of the Taoiseach has overall responsibility for coordinating Ireland’s approach.

The Spring European Council on 22 to 23 March 2005 will focus on the mid-term review of the Lisbon Strategy. Both the high level group under the chairmanship of former Netherlands Prime Minister Wim Kok which was established at the initiative of the Irish Presidency to review the Lisbon Strategy and the European Commission in its recent report to the Spring European Council have advocated a greater focus on growth, employment and competitiveness to achieve key Lisbon objectives. The Commission recommends action to complete the internal market, prioritise innovation and research and development and make progress on better regulation. These are all areas that we have prioritised at national level. The Commission’s report recognises the need to improve implementation of Lisbon at national level and has in this regard proposed that each member state should draw up a national action programme to achieve more coordinated delivery of Lisbon reforms.

Like other member states, Ireland is in the process of examining the Commission’s proposals in detail. We are generally supportive of the Commission’s approach which builds on the work of previous Presidencies including our own and highlights the need for action now. We are open to the proposal for national action programmes but are of the view that the format should be flexible so that member states can shape them to suit their national needs.

We see the mid-term review as an opportunity to provide the impetus for concentrating on delivering more growth and jobs which in turn will help to advance the environmental and social pillars of the Lisbon Strategy. The work consequent on the Commission’s recent communications on the review of the Sustainable Development Strategy and on a new social policy agenda will also provide opportunities for advancing the social and environmental dimensions of Lisbon.

The various sectoral Councils including ECOFIN, the Competitiveness Council, the Environment Council and the Employment, Social Policy, Health and Consumer Affairs Council will be providing their inputs to the discussion at the Spring European Council in the period immediately ahead. The General Affairs and External Relations Council on 16 to 17 March 2005 will finalise the preparation of the draft European Council conclusions on the mid-term review.

Nuclear Non-Proliferation.

159. Mr. S. Ryan asked the Minister for Foreign Affairs his views on whether the international treaty governing nuclear threat and proliferation did not envisage a reduction in nuclear weapons by the existing nuclear powers; his further views on whether the construction of such treaties in the narrower sense of dealing only with new countries seeking nuclear capacity is a serious distortion of such a treaty; and if he will make a statement on the matter. [7735/05]

Minister for Foreign Affairs (Mr. D. Ahern): I assume the Deputy is referring to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT, which entered into force in 1970. The NPT has three pillars; disarmament, non-proliferation and the peaceful use of nuclear energy.

Ireland has a particularly close association with the NPT, which is the most universal of all of the multilateral instruments in the field of disarmament and non-proliferation. In 1958 one of my predecessors, Frank Aiken, put forward a proposal for such a treaty at the United Nations and the discussions and negotiations in subsequent sessions of the General Assembly led in 1961 to agreement on the concept which was enshrined in Resolution 1661, a document which has become known as the Irish resolution. When the treaty itself had been negotiated and was opened for signature Ireland was privileged to have been the first country to have signed and ratified the NPT. Since then, efforts to strengthen the treaty and to ensure respect for all its provisions have been our highest priority in the area of disarmament and non-proliferation.

According to Article VI of the treaty each of the parties including the five nuclear weapon states parties, China, France, Russian Federation, UK and US, undertakes to pursue negotiations in good faith on effective measures leading to nuclear disarmament. The central bargain of the treaty, that the non-nuclear weapons states would not develop such weapons in return for which the nuclear powers would reduce and eventually eliminate their nuclear weapons, was further refined in 1995 and 2000. In 1995 the non-nuclear weapon states agreed to the indefinite extension of the non-proliferation treaty provided that the nuclear powers pursued nuclear disarmament. In 2000 the nuclear powers made an unequivocal undertaking to eliminate their nuclear arsenals and all parties adopted a practical plan for the pursuit of nuclear disarmament.

The progress which can be achieved by the NPT States parties if there is sufficient political will was evident in the conclusions of the final document of the 2000 review conference which provided a realistic blueprint for achieving nuclear disarmament. The thirteen practical steps for the systematic and progressive efforts to implement Article VI, which included the unequivocal undertaking by the nuclear weapons states, were agreed by consensus.

Ireland, as a member of the new agenda coalition, NAC, was actively involved in the negotiations on the final document of the 2000 review conference of the NPT. Since that time the NAC has strongly advocated the implementation of
Mr. D. Ahern,

these steps by all parties to the NPT, particularly the five nuclear weapons states. We remain determined to pursue the full and effective implementation of the substantial agreement reached at the 2000 NPT review conference.

Ireland continues to believe the only guarantee against the use or threat of use of weapons of mass destruction including nuclear weapons is their complete elimination and the assurance that they will never be used or produced again. There is a tendency in some quarters to stress its non-proliferation aspects to the neglect of the disarmament provisions of the NPT. We believe, however, that both aspects are important and are firmly convinced that disarmament and non-proliferation are mutually reinforcing processes. However, we do not believe that lack of progress in disarmament justifies any moves towards proliferation.

As the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, it is vital that the integrity of the treaty is upheld. This in our view means respecting all of the treaty’s provisions and the commitments freely undertaken at review conferences.

The next NPT review conference, which is to take place in May this year in New York, will be a pivotal event in the area of disarmament and non-proliferation. Ireland will work within the European Union, the NAC and with other key partners ahead of and during the NPT review conference in seeking agreement on a solid basis for a successful outcome.

Question No. 160 answered with Question No. 66.

African Union.

161. Ms O’Sullivan asked the Minister for Foreign Affairs if he will report on the development of the African Union; his views on such assistance as may be appropriate from the European Union; and if he will make a statement on the matter. [7729/05]

Minister for Foreign Affairs (Mr. D. Ahern): The African Union represents an important strategic partner for the European Union and one with whom ever closer relations are being forged in the interests of promoting peace, security, democracy and development on the African continent.

The institutional development of the African Union has been impressive since its formal establishment in July 2002 as the successor organisation to the Organisation of African Unity, OAU. In particular the AU Peace and Security Council, PSC, which was established in May 2004 has demonstrated real leadership and evidence of Africa’s resolve in tackling conflicts on the continent. Under the direction of the PSC the African Union is performing a vital and effective role in tackling conflicts such as those in Darfur and Côte d’Ivoire.

The African Union is also living up to its commitment to promote respect for democracy and good governance on the continent. A pan-African parliament has been established while it is also intended to establish an African court on human and people’s rights. The AU has also not hesitated to impose sanctions in cases of breach of constitutional order, most recently in Togo where its action along with that of ECOWAS, the West African regional organisation, proved effective in forcing Faure Gnassingbe Eyadema, who had unconstitutionally assumed office on 6 February 2005 following the death of his father, former President Eyadema, to stand down and agree to the holding of presidential and parliamentary elections in accordance with international standards.

The African Union is also contributing notably to the political and socio-economic integration of the African continent principally through the NEPAD, New Programme for African Development, initiative which has now been adopted as the socio-economic programme of the AU. Also, an economic, social and cultural council is due to be established in April 2005. NEPAD is an important African led initiative which aims at eradicating poverty and placing African countries on a path of sustainable growth and development. It also promotes good political and economic governance through its African peer review mechanism under which progress in these areas in individual African countries is closely scrutinised and reported on by a distinguished panel of eminent Africans. Ireland along with EU and other donor countries remains strongly supportive of the NEPAD initiative. Ireland has contributed €300,000 in support of the NEPAD secretariat.

The EU’s relations with the African Union were notably enhanced during the period of Ireland’s EU Presidency culminating in a highly successful ministerial troika meeting in Farmleigh on 1 April 2004 where agreements on effective multilateralism and Africa’s external debt were adopted. The Irish Presidency also saw the establishment of the African Peace Facility under which a total of €250 million is made available from the European Development Fund to assist with AU or African led peace support missions and in strengthening the capacity of the AU secretariat and other African sub-regional organisations for conflict prevention and resolution. Substantial EU assistance amounting to some €92 million has been provided to the AU mission in Darfur, AMIS, through the African Peace Facility while a further €25 million was made available in support of the former AU mission in Burundi. Ireland has also provided considerable financial support to both these missions amounting to some €1 million in 2004. The EU and its member states have also made available military observers and planning experts to assist the AMIS mission including one military observer.
from Ireland who is currently serving in Darfur. Close ongoing cooperation is being maintained between the EU and AU regarding the AMIS mission and the EU stands ready to provide any further assistance that may be requested. Further requests for assistance from the African Peace Facility can also be anticipated in respect of planned AU missions in Somalia and possibly, the eastern Democratic Republic of the Congo, DRC.

Considerable practical and logistical assistance is also been made available by the EU to the African Union and other sub-regional organisations involved with conflict prevention and resolution within the framework of the ESDP with the External Relations Council adopting a specific action plan for ESDP support to African peace keeping capacity building in November 2004.

Institutional ties between the EU and AU and their respective Commissions are also being developed with close ongoing cooperation between EU and AU representatives in both Addis Ababa and Brussels aimed at establishing a permanent dialogue to improve political and economic understanding and cooperation. The EU Commission plans to provide €50 million to improve the effectiveness and operational capacity of the AU’s institutions and enhance the participation of African civil society in the work of the AU. Arrangements are now being made for the accreditation of EU ambassadors to the African Union and it is hoped that the Government will shortly be in a position to agree to accreditation of the Irish Charge d’Affaires in Addis Ababa to act as Irish representative to the AU.

Question No. 162 answered with Question No. 99.

Question No. 163 answered with Question No. 66.

Illegal Immigrants.

164. Mr. Connaughton asked the Minister for Foreign Affairs if the question of undocumented Irish living in the United States will be raised with President Bush at the St. Patrick’s Day 2005 celebrations in the White House; and if he will make a statement on the matter. [7690/05]

252. Mr. J. Breen asked the Minister for Foreign Affairs if the matter of amnesty for illegally resident Irish citizens in the USA will be raised with President Bush during his visit to the USA; and if he will make a statement on the matter. [8105/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 164 and 252 together.

The number of Irish people who may be resident in the United States without the appropriate authorisation is difficult to estimate. While the US authorities have estimated that the number may have declined to 3,000 in the year 2000, I know that many of the organisations working with our emigrants would regard this figure as a very low estimate.

The Deputies can be assured the circumstances of undocumented Irish people in the US are raised on an on-going basis in our bilateral contacts with US political leaders, including when I met key members of the US congress during my visit to Washington in February. I welcome recent comments by President Bush that immigration reform will be a high priority during his second term in office. Such comments reflect an awareness of the importance of addressing the situation of the undocumented in the US in a constructive and sympathetic way. All proposals for reform will, have to be considered in detail by the US Congress. While the agenda for the meeting with President Bush has not been finalised, the Deputies can be assured that the Taoiseach and I will raise this issue in our meetings over the St. Patrick’s Day period with contacts in the US Administration and Legislature.

I am acutely aware of concerns regarding the circumstances of some Irish emigrants living in the United States and of the stress which their undocumented status causes to them and to their families. The information and advice which the Irish immigration centres in the US make available to our community there is of particular relevance at this complex time of change. They provide much needed front-line services to meet a wide range of needs. In 2004, funding to these organisations from my Department was €535,000, representing an increase of 83% on the previous year. I was delighted to secure a very substantial increase in funding for emigrant services in 2005, and this will enable us to support these organisations even further this year in their invaluable work. The Deputies can be assured that, through the ongoing efforts of our embassy and my own contacts and those of my cabinet colleagues with political leaders in the US, we will continue to encourage and support all measures that benefit Irish citizens in the US.

As the Deputies will be aware, immigration controls and procedures are a highly sensitive issue in the United States, particularly since the tragic events of 11 September 2001. We can anticipate a vigorous debate in the US Congress on any measures proposed to regularise the circumstances of undocumented people.

Departmental Statistics.

165. Mr. Kehoe asked the Taoiseach the number of children born in the State from January 2004 to January 2005; the number of children born to mothers who are registered as self-employed during the same period. [7507/05]

The Taoiseach: The number of births registered in the State between January and June 2004 was 31,134. The Central Statistics Office do not yet have figures for births registered after June 2004.
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The data requested on the number of children born to mothers who are registered as self-employed is not available as no information is collected on the employment status of the mother on the birth notification form.

Consultancy Contracts.

166. Ms Burton asked the Taoiseach the total amount paid in fees or remuneration to a person (details supplied) for consultancy or other work carried out for or on behalf of his Department for each year since 1998; and if he will make a statement on the matter. [7475/05]

The Taoiseach: There have been no payments made by or on behalf of my Department to the person named.

Ministerial Staff.

167. Ms Burton asked the Taoiseach the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter. [7919/05]

The Taoiseach: The number of staff employed in my private and constituency offices and the annual amount paid in respect of salaries and expenses in regard to each office are detailed in the following table.

<table>
<thead>
<tr>
<th>Office</th>
<th>Number of staff employed</th>
<th>Current annual salaries</th>
<th>Total expenses paid January 2004 to date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Office</td>
<td>13</td>
<td>€ 566,103</td>
<td>€ 11,830</td>
</tr>
<tr>
<td>Constituency Office</td>
<td>8</td>
<td>€ 241,275</td>
<td>Nil</td>
</tr>
</tbody>
</table>

In addition to the staff of my private office, I have a number of advisory staff whose role is to keep me informed on a wide range of issues including business, financial, economic, political, administrative and media matters.

Services for People with Disabilities.

168. Mr. F. McGrath asked the Tánaiste and Minister for Health and Children the position regarding the planned new services in 2005 for 8.3% of the population here who have an impairment; and if she will make a statement on the matter. [7499/05]

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.

Health Services.

169. Mr. Carey asked the Tánaiste and Minister for Health and Children the reason speech and language therapy services are not available to a person (details supplied) in Dublin in his present school; and if she will make a statement on the matter. [7517/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): I propose to take Questions Nos. 169 and 179 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 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.

170. Mr. P. Breen asked the Tánaiste and Minister for Health and Children if the Mid-Western Health Board will review its decision to withdraw referrals from a school (details supplied) in County Clare to mainstream schools; and if she will make a statement on the matter. [7525/05]

185. Mr. J. Breen asked the Tánaiste and Minister for Health and Children the reason enrolment has stopped at a special needs school (details supplied) in County Clare; if this school will not close; and if she will make a statement on the matter. [7554/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): I propose to take Questions Nos. 170 and 185 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 topic referred to by the Deputy.

Accordingly, my Department has requested the chief officer of the executive’s mid-western area to investigate the matter raised and to reply directly to the Deputies.

171. Dr. Upton asked the Tánaiste and Minister for Health and Children if every assistance will be given to a person (details supplied) to facilitate her return from Barcelona. [8035/05]

**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 Dublin, my Department has requested the chief officer for the executive’s eastern regional area to investigate the matter raised and to reply to the Deputy directly.

**Nursing Home Charges.**

172. Mr. P. Breen asked the Tánaiste and Minister for Health and Children her estimate of the number of persons entitled to repayment of charges for publicly-funded long term residential care, specifically the number of persons from County Clare. [7479/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is currently studying the Supreme Court judgment in detail and will take on board all the consequences for policy and law arising from the judgment.

The details of a repayment scheme to address the situation following the Supreme Court decision are currently being finalised and it is only following this that it would be possible to calculate the number of persons involved overall.

However, while overall figures have now been estimated at 315,818, given the difficulties now emerging in relation to the records of individuals’ addresses which exist, it will not be possible at present to provide accurate calculations of numbers in specific areas until further work has been done by the Health Service Executive.

**Disabled Drivers.**

174. Mr. Allen asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 145 of 17 November 2004, if the information then sought will be provided. [7485/05]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** My Department contacted the Health Service Executive Southern Area on the Deputy’s behalf and has been advised by it that a response issued to him on 22 November 2004. My Department will forward a copy of this reply to the Deputy for his information.

**Hospital Funding.**

175. Mr. Kehoe asked the Tánaiste and Minister for Health and Children the budget provided for acute services in St. Luke’s Hospital, Kilkenny for 2005; if the amounts allocated for the past five years will be published; the number of hospital managers currently employed by her Department to run St. Luke’s Hospital, Kilkenny; the number of salaries paid to them for the past year; and if the corresponding figures for the past five years will be published. [7491/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at St. Luke’s Hospital, Kilkenny. Accordingly, my Department has requested the chief officer for the executive’s eastern regional area to reply directly to the Deputy in the matter.

**Medical Cards.**

176. Mr. F. McGrath asked the Tánaiste and Minister for Health and Children the disability categories which qualify for a medical card; the situation regarding persons with intellectual disabilities over 16 years of age; and if she will make a statement on persons with disabilities and medical cards. [7498/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Eligibility for health services in Ireland is primarily based on residency and means. Under the Health Act 1970, determination of eligibility for medical cards is the
responsibility of the Health Service Executive (HSE) other than for persons over seventy who are automatically entitled to a medical card.

Medical cards are issued to persons, who in the opinion of the HSE are unable to provide general practitioner, medical and surgical services for themselves and their dependants without undue hardship. It is open to all persons, including those with a disability, to apply to the chief officer of the relevant HSE area for health services if they are unable to provide these services for themselves or their dependents without hardship.

The setting of income guidelines for medical cards is a matter for the HSE which has discretion in issuing medical cards, and a range of income sources are excluded when assessing medical card eligibility. Despite someone having an income that exceeds the guidelines, a medical card may still be awarded if the HSE considers a person’s needs or other circumstances justify this.

Persons aged 16-25, including students, who are financially dependent on their parents are entitled to a medical card if their parents are medical card holders. Those who are dependants of non-medical card holders are not normally entitled to a medical card except where they have an entitlement under EU regulations or where they are in receipt of a disability allowance.

For those who do not qualify for a medical card there are a number of schemes which provide assistance towards the cost of medication. Under the long term illness scheme, the relevant area of the HSE may arrange for the supply, without charge, of drugs, medicines and surgical appliances to people with a specified condition for the treatment of that condition. These conditions are mental disability, mental illness — for persons under sixteen - phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia.

Non-medical card holders can also avail of the drugs payment scheme, which protects individuals from excessive drug costs. Under this scheme, no individual or family unit pays more than €85 per calendar month towards the cost of approved prescribed medicines.

The health strategy includes a whole series of initiatives to clarify and expand the existing arrangements for eligibility for health services including recommendations arising from the review of the medical card scheme carried out by the health board CEOs under the Programme for Prosperity and Fairness.

The Programme for Prosperity and Fairness also contained a commitment that a working group be established to examine the feasibility of introducing a cost of disability payment. This working group is to conduct a review of medical card entitlements for people with disabilities.

177. Mr. O'Shea asked the Tánaiste and Minister for Health and Children the reason the number of medical cards in the South East Region has fallen from 39,508 in January 1997 to 34,969 in mid-February 2005; and if she will make a statement on the matter. [7508/05]

Tánaiste and Minister for Health and Children (Ms Harney): Generally, the reduction in recent years in the number of medical cards may be attributed to the increase in the number of people in employment and the improved economic situation nationally. Another factor which affects this area is the ongoing review by the Health Service Executive of medical card databases, which has led to deletions of medical card records due to duplicate entries, change of address, cases where the medical card holder is deceased, ineligibility due to changed circumstances and ongoing normal reviews.

The determination of eligibility of applications for medical card is a matter by legislation for the chief officer of the relevant area of the Health Service Executive. In determining eligibility, the local area of the Health Service Executive will have regard to financial circumstances and medical needs of the applicant. A medical card will be issued to a person, for whom, in the opinion of the chief officer, the provision of medical services for him/herself and, or, their dependants would cause undue financial hardship.

In November of last year I increased the medical card income guidelines, by 7.5 % for determinations of full eligibility, together with significant rises in respect of dependants with a view to extending the number of medical cards by 30,000 in 2005. These guidelines are in operation since January 2005. The introduction of the doctor visit card will extend eligibility to a patient holding a doctor visit card, to general practitioner services under the general medical services scheme. These patients’ income can be up to 25% in excess of the income guidelines used for the assessment of full eligibility. The legislation required to enact this is currently going through the Seanad. It is hoped that a further 200,000 persons will become eligible for GP services in 2005 as a result of this measure.

My Department has requested the chief officer of the Health Service Executive, south eastern area to investigate this matter and to reply directly to the Deputy.

Civil Registration Act.

178. Ms B. Moynihan-Cronin asked the Tánaiste and Minister for Health and Children the position regarding the implementation of the provisions of the Civil Registration Act 2004; and if she will make a statement on the matter. [7509/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Civil Registration Service has been engaged in a major modernisation programme in recent years, including conversion of
The Health Act 2004 provided for the commencement of the various provisions of the Act on a gradual basis. It is expected that parts 1, 2, 3, 5 and 8 of the Act, which relate to the administration of the service and the registration of births, stillbirths and deaths, will be commenced shortly.

The new procedures for marriage are set out in part 6 of the Act, and include universal procedures for notification, solemnisation and registration of marriages. Before these provisions can be commenced, a substantial body of work needs to be completed, including drafting and publication of regulations, guidelines and detailed procedures; establishment of a register of solemnisers in consultation with religious bodies; establishment of a register of approved venues for civil marriages; and the further development of the computer system to facilitate the administration of the new marriage provisions introduced by the Act.

In addition, the General Register Office is decentralising to Roscommon in April 2005, and this involves considerable effort to ensure the transfer of sufficient skills and corporate knowledge to enable the new team to provide an efficient service from the new location. For these reasons, an tArd Chláraitheoir — Registrar-General — is unable to give a specific date for the implementation of the new marriage procedures, but it is unlikely to be before the end of this year. It is intended to give as much public notice as possible, and a comprehensive public information campaign will be undertaken at the appropriate time.

**Question No. 179 answered with Question No. 169.**

**Hospital Services.**

180. Mr. Ring asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called to an outpatient clinic in Mayo General Hospital. [7518/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Services at Beaumont Hospital are provided under an arrangement with the executive. 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.

**Health Services.**

181. Mr. F. McGrath asked the Tánaiste and Minister for Health and Children if advice will be given to persons (details supplied) in Dublin 3 concerning public health and safety issues with regard to empty and deserted houses; and if she will make a statement on health issues regarding vacant houses. [7530/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Inquiries have been made of Dublin City Council concerning the premises referred to by the Deputy. I am advised that the house is privately owned and currently unoccupied. I understand that while the property is in need of maintenance, there is no evidence of illegal dumping. I am further advised that it is open to any concerned person to bring the matter to the council’s attention with a view to seeing what action, if any, may be open to the council.

The Health Service Executive, HSE, has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Persons who have public health concerns in relation to vacant houses should, in the first instance, contact their local Health Service Executive area office.

182. Mr. F. McGrath asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in Dublin 13 was treated badly at a hospital’s accident and emergency department; and the further reason the chief executive officer ignored the complaint of this person’s family. [7531/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Services at Beaumont Hospital are provided under an arrangement with the executive. My Department has requested the chief officer for the executive’s eastern regional area to examine the issues raised and to reply directly to the Deputy.

**Hospital Services.**

183. Mr. McGuinness asked the Tánaiste and Minister for Health and Children if the circumstance and requirements or health care of a person (details supplied) in County Kilkenny will be investigated with a view to granting a wheelchair, home aids and transport to hospital for appointments. [7532/05]

**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 providing aids and appliances. Accordingly, my Department has requested the chief officer for the executive’s south eastern area to investigate the matters raised and to reply directly to the Deputy.

Home Help Service.

184. Mr. Kehoe asked the Tánaiste and Minister for Health and Children if travel allowances have been taken away from persons involved in home help; if the maximum number of hours for each person receiving home help is now ten per week; if benchmarking applies to those involved in home help; if so, when it will be paid; and if she will make a statement on the matter. [7533/05]

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 personnel social services. This includes responsibility for the home help service.

My Department has therefore requested the national director for primary, community and continuing care in the Health Service Executive to investigate the matters raised by the Deputy in relation to home helps and reply directly to him.

Question No. 185 answered with Question No. 170.

Medical Cards.

186. Dr. Twomey asked the Tánaiste and Minister for Health and Children the number of students who applied for a medical card for each of the years 2002, 2003, 2004, under the condition that they are financially independent of their parents and who satisfy a means test; the number of medical cards granted to students in each of the years 2002, 2003, 2004, under the condition that they are financially independent of their parents; and the reason charges were raised in the case on a person (details supplied) in County Clare; and if she will make a statement on the matter. [7562/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act, 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the Health Service Executive, primary community and continuing care directorate to investigate the matter raised and to reply directly to the Deputy.

Health Services.

187. Mr. P. Breen asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 127 of 10 February 2005, if her Department has investigated the reason charges were raised in the case on a person (details supplied) in County Clare; and if she will make a statement on the matter. [7566/05]

Tánaiste and Minister for Health and Children (Ms Harney): I understand that a reply issued from my Department to the Deputy on this matter on the 1 March 2005.

Public Health Nursing.

188. Mr. Ferris asked the Tánaiste and Minister for Health and Children if she will revise rule 3 of An Bord Altranais pertaining to public health nursing; and the reason the changes relating to PHN training were introduced. [7571/05]

Tánaiste and Minister for Health and Children (Ms Harney): This is a matter for An Bord Altranais. Regulation of the nursing and midwifery professions, including setting of requirements and standards in the education programmes for registration, is the statutory responsibility of An Bord Altranais. The board is a broadly representative body. The 29 members include 17 elected by nurses who are representative of all the divisions of the register. In November 2004 the board approved a number of changes to the nurses rules including the following amended rule in relation to admission requirements for nurses wishing to train in public health nursing.

Before admission to the programme for education and training leading to registration in the public health nurses division of the register, the name of the candidate for the registration must already be entered in the Register of Nurses and the candidate must have two years clinical experience in nursing. Unless the candidate’s name is entered in the midwives division of the register, the candidate must complete an An Bord Altranais approved module or unit of study on maternal and child health as part of the programme.

I understand that in framing this rule change the board was mindful of recommendation 8.30 of the report of the Commission on Nursing which recommended dropping the mandatory requirement for a midwifery qualification for those wishing to train as public health nurses. My approval is required under Section 26 of the Nurses Act 1985 and these rules were formally approved by me in December 2004 as soon as they were submitted by the board.

Hospital Waiting Lists.

189. Mr. Ring asked the Tánaiste and Minister for Health and Children if she will investigate the reason a person (details supplied) in County
Mayo had an appointment for Galway Regional Hospital cancelled on five occasions. [7575/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at Galway Regional Hospital. 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.

Orthodontic Services.

190. Mr. Hayes asked the Tánaiste and Minister for Health and Children the number of persons waiting for either orthodontic assessment or treatment in Tipperary South between 1999 and 2004 annually; and if she will make a statement on the matter. [7584/05]

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 waiting lists. 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.

191. Mr. P. Breen asked the Tánaiste and Minister for Health and Children the number of persons waiting for either orthodontic assessment or treatment in Clare between 1997 and 2004 annually; and if she will make a statement on the matter. [7585/05]

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 waiting lists. Accordingly, my Department has requested the chief officer for the executive’s south western area to investigate the matter raised and to reply directly to the Deputy.

Medical Cards.

193. Mr. Durkan asked the Tánaiste and Minister for Health and Children when a medical card will reissue a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7655/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer for the executive’s south western area to investigate the matter raised and to reply directly to the Deputy.

Health Services.

194. Mr. Quinn asked the Tánaiste and Minister for Health and Children the immediate and urgent help available for a person (details supplied) in Dublin 2; and if she will make a statement on the matter. [7656/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services in the Dublin 2 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.
195. Mr. Gregory asked the Tánaiste and Minister for Health and Children if the addiction service of the northern area health board has been notified that only existing levels of service, with no service developments or service expansions, are to be funded in 2005; and if she will make a statement on the matter. [7657/05]

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 funding for addiction treatment services. Accordingly, my Department has requested the chief officer for the executive’s eastern regional area to investigate the matter raised and to reply directly to the Deputy.

196. Ms B. Moynihan-Cronin asked the Tánaiste and Minister for Health and Children the position regarding the provision of a new community hospital in Tralee, County Kerry; and if she will make a statement on the matter. [7658/05]

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.

As part of the executive’s responsibility to prepare and submit an annual service plan for my approval, it is obliged under section 31 of the Act to indicate any capital plans proposed by the executive. In this process, the executive can be expected to have regard to the full range of potential capital developments, its own criteria in determining priorities, available resources and any other relevant factors.

I have received the Health Service Executive’s national service plan and it is being examined by my Department, in consultation with the HSE, at present.

Hospital Building Programme.

197. Mr. J. O’Keeffe asked the Tánaiste and Minister for Health and Children her plans for Hawkins House; if there are plans to dispose of or refurbish the property; the basis upon which any such agreement will be entered; if, specifically in relation to Hawkins House, she is being advised by an auctioneer; if so, the name of that person; and if she will make a statement on the matter. [7659/05]

Tánaiste and Minister for Health and Children (Ms Harney): Hawkins House is the property of the Office of Public Works, OPW. At present my Department is the main tenant in this building. The OPW has been requested to identify a suitable corporate headquarters for my Department and I understand negotiations are ongoing with a number of shortlisted developers. My Department has no input into these negotiations. Any plans for disposal or refurbishment of Hawkins House subsequent to my Department’s move are a matter for the property section of the OPW.

Health Services.

198. Mr. McGuinness asked the Tánaiste and Minister for Health and Children if a knee operation will be arranged for a person (details supplied) in County Kilkenny; and if a decision in the case will be expedited. [7671/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. As the person referred to by the Deputy resides in County Kilkenny, my Department has requested the chief officer for the executive’s south eastern area to investigate the matter raised and reply directly to the Deputy.

Medical Aids and Appliances.

199. Mr. Connaughton asked the Tánaiste and Minister for Health and Children if the western region of the Health Service Executive has been unable to financially assist a person (details supplied) in County Galway concerning a blood circulation appliance; if similar patients in counties Mayo and Roscommon are treated differently; if her attention has been drawn to the fact that if this appliance were not made available at home the patient would have to be hospitalised at great cost to the State; and if she will make a statement on the matter. [7725/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services for residents of County Galway. 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 Building Programme.

200. Mr. J. Higgins asked the Tánaiste and Minister for Health and Children if funding will be provided for the immediate construction of the proposed new hospital in Dingle, County Kerry, in view of the fact that a site is being made available without any cost to the State. [7726/05]
Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January, 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

As part of the executive’s responsibility to prepare and submit an annual service plan for my approval, it is obliged under Section 31 of the Act to indicate any capital plans proposed by the executive. In this process, the executive can be expected to have regard to the full range of potential capital developments, its own criteria in determining priorities, available resources and any other relevant factors.

I have received the Health Service Executive’s national service plan and it is being examined by my Department, in consultation with the HSE, at present.

Health Services.

201. 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 case; and if she will make a statement on the matter. [7759/05]

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 of the executive’s eastern region to investigate the matters raised and reply directly to the Deputy.

Hospitals Building Programme.

202. Mr. P. Breen asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 886 of 29 September 2004, the funding which has been made available by her Department under the National Development Plan to progress the €20 million upgrading of Ennis General Hospital for 2005; and if she will make a statement on the matter. [7761/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for facilities at the Mid Western Regional Hospital, Ennis. An outline development control plan for the hospital has been prepared and was endorsed by the Mid Western Health Board in December 2004. The question of progressing the proposed development is a matter for the Health Service Executive in the context of the Capital Investment Framework 2005-09.

Health Services.

203. Mr. Wall asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 109 of 1 December 2004, the way in which a person (details supplied) in County Kildare will obtain speech therapy; and if she will make a statement on the matter. [7762/05]

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 directly to the Deputy.

Home Help Service.

204. Mr. Ardagh asked the Tánaiste and Minister for Health and Children the position in relation to the Liberties home help service for each of the years 2003, 2004 and 2005; the money which has been allocated to the Liberties home help service; the number of hours the Liberties home help service has given or proposes to give to clients; and the number of hours requested by clients of the Liberties home help service. [7785/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of home help services in the Dublin area. Accordingly, my Department has requested the chief officer for the executive’s eastern area to investigate the matter raised and to reply directly to the Deputy.

Health Records.

205. Mr. J. Breen asked the Tánaiste and Minister for Health and Children if a nationwide campaign will be launched to encourage people to carry a health curriculum vitae on their person at all times; and if she will make a statement on the matter. [7787/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I have no plans to develop a campaign of this nature in 2005. However, a key element of the report, Health Information — A National Strategy, which was
raised and to reply directly to the Deputy.

The Deputy may also wish to note that in phase II of the development of the European health insurance card, discussions at EU level will explore the possibility of enabling this card to hold electronic data, such as personal health data. The card, which was introduced on 1 June 2004 and replaced the E111 and certain other forms, provides evidence of an individual’s entitlement to necessary health care while on a temporary stay in another state of the EU, the EEA or in Switzerland and currently carries eye readable data only.

Medical Aids and Appliances.

206. Mr. F. McGrath asked the Tánaiste and Minister for Health and Children if the use of equipment under the authority of the Health Service Executive by a family, which is causing noise pollution, can be requested to cease because of serious disturbance to neighbours and if she can give advice on resolving this issue. [7793/05]

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 aids and appliances. Accordingly, my Department has requested the chief officer for the executive’s mid-western area to investigate the matter raised and to reply directly to the Deputy.

Medical Cards.

208. Mr. Hogan asked the Tánaiste and Minister for Health and Children when a decision will be made on an appeal for a medical card for a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [7813/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer for the executive’s south eastern area to investigate the matter raised and to reply directly to the Deputy.

Health Services.

209. Dr. Twomey asked the Tánaiste and Minister for Health and Children the number of public long stay beds in each county for each of the years 1997, 2002 and 2005; and if she will make a statement on the matter. [7817/05]

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 number of public long stay beds. 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.

Medical Cards.

210. Mr. Perry asked the Tánaiste and Minister for Health and Children the avenues open to a person (details supplied) in County Sligo to ensure that a general practitioner completes his application for a medical card in view of the fact that he is scheduled to enter a treatment centre on 9 March 2005; if she will ensure that her officials issue a temporary medical card to allow this person to have this treatment; and if she will make a statement on the matter. [7843/05]

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 estab-
lished on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer of the executive’s north western area to investigate the matter raised and to reply directly to the Deputy.

Nursing Home Charges.

211. Mr. Ring asked the Tánaiste and Minister for Health and Children if persons who held a medical card and had to stay in a private nursing home as there was no place available in a public nursing home will also be compensated in relation to the repayments to persons overcharged for stays in public nursing homes. [7844/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Supreme Court judgment of 16 February 2005 related only to charges in public long stay institutions and publicly contracted beds in private nursing homes. A special Cabinet sub-committee comprising the Taoiseach, Deputy Ahern, the Minister for Finance, Deputy Cowen, the Attorney General, Mr. Brady and I has been established to consider the issue of repayment in light of the judgment.

Health Services.

212. Mr. F. McGrath asked the Tánaiste and Minister for Health and Children if she will make a statement on the role of the Health Service Executive with regard to the complaint of persons (details supplied); and if the Health Service Executive has a role in resolving this issue. [7846/05]

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 child welfare issues. Accordingly, my Department has requested the chief officer of the Health Service Executive, eastern regional area, to investigate the matter raised and to reply directly to the Deputy.

213. Mr. Bruton asked the Tánaiste and Minister for Health and Children if she has received any report from health agencies about the possibility of retaining facilities (details supplied) in use in an area where there is a huge unmet need; and if she can ensure that all existing patients are properly provided for. [7847/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services in Dublin 9. 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.

Ministerial Staff.

214. Ms Burton asked the Tánaiste and Minister for Health and Children the number of persons employed in her private office and her constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if she will make a statement on the matter. [7920/05]

Minister of State at the Department of Health and Children (Ms Harney): Following are details of the number of staff employed in my private and constituency offices and the amount paid in respect of salary and expenses. Salary costs exclude employer’s PRSI and pension contributions.

<table>
<thead>
<tr>
<th>Office</th>
<th>Staff numbers</th>
<th>Staff salary costs excl Employer ER &amp; Pension contributions</th>
<th>Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Office</td>
<td>11 WTE</td>
<td>€613,345</td>
<td>€0.00</td>
</tr>
<tr>
<td>Constituency Office</td>
<td>6.5 WTE</td>
<td>€244,791</td>
<td>€0.00</td>
</tr>
<tr>
<td>Totals</td>
<td>17.5 WTE</td>
<td>€858,136</td>
<td>€0.00</td>
</tr>
</tbody>
</table>

Medical Cards.

215. Mr. McGuinness asked the Tánaiste and Minister for Health and Children if she will expedite a medical card application for a person (details supplied) in County Kilkenny. [7937/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer for the executive’s south eastern area to investigate the matter raised and to reply directly to the Deputy.

Health Services.

216. Mr. P. McGrath asked the Tánaiste and
Minister for Health and Children the total annual budget allocated to Mullingar General Hospital, Tullamore General Hospital and Portlaoise General Hospital in each of the past five years. [8029/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at Mullingar, Tullamore and Portlaoise General Hospital. Accordingly, my Department has requested the chief officer for the executive’s midland area to investigate the matter raised and to reply to the Deputy directly.

Accident and Emergency Services.

217. Mr. P. McGrath asked the Tánaiste and Minister for Health and Children the progress made in the appointment of accident and emergency consultants to the former midland health board area; the number of such specialists appointed; and the way in which these consultants are deployed to give cover to each of the accident and emergency facilities in the area, reflecting the case load at each facility. [8030/05]

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 appointment and deployment of accident and emergency consultants. As the question relates to the position in the former midland health board, my Department has requested the chief officer for the executive’s midland area to investigate the matter raised and to reply directly to the Deputy.

Debt Relief.

218. Mr. Ring asked the Minister for Finance if he will press for the sale of IMF gold in order to fund debt cancellation for the poorer countries worldwide. [7480/05]

Minister for Finance (Mr. Cowen): Adequate financing for debt relief is essential to help reduce poverty in many parts of the world. It is important to adequately finance the relief of debts owed to the International Monetary Fund so that the fund can continue to play a role in the poorest countries. The managing director has stated that he will, as requested, bring forward proposals at the spring meetings, covering the fund’s gold and other resources. These resources are part of the assets of the IMF. The proposals are awaited and will be assessed when available, not least from the perspective of the need to ensure that the IMF has the resources necessary to carry out its critical functions in future.

The sale of part of IMF gold reserves to cover the costs of additional debt relief has been proposed, in addition to a number of other mechanisms, to fund the relief of the debts of poor countries. Agreement on any such mechanisms may be problematic, given possible opposition by certain states to gold sales.

Tax Code.

219. Ms Burton asked the Minister for Finance the estimates Ireland has submitted for 2003 to the European Commission of the income from stallion fees that was exempt from tax under the tax relief scheme for such income; and if he will make a statement on the matter. [7520/05]

223. Ms Burton asked the Minister for Finance the amount of the estimate for 2003 of the stallion income earned, as recently submitted by his Department to the European Commission. [7567/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 219 and 223 together.

In relation to the cost of the exemption, the European Commission’s directorate general for agriculture and rural development in their letter of 20 April 2004 to the Irish authorities sought, inter alia, information on the amounts concerned. If no detailed official statistics can be provided, then the Irish authorities are requested to give best estimates on the number of holdings concerned, the number of stallion nominations performed, the relevant tax brackets and the regular price paid for such nominations.

In response, the Commission was informed by the Irish authorities that, as the measure represented tax exempt income, there has been no requirement on those claiming the exemption to supply any details to the Revenue Commissioners of the amount of income involved. Therefore, the information requested on the cost was not available.

The Commission was also informed that this position changed with the introduction, through section 33 of the 2003 Finance Act, of an amendment to section 231 of the Taxes Consolidation Act 1997 which provided that the profits, gains or losses arising in this regard must be included in the annual return of income for the taxpayer even though the income or gains are exempt from tax. This requirement applies in respect of chargeable periods commencing on or after 1 January 2004. The Commission was also informed that this information, which will not be available in full until early 2006, will enable more reliable information to be determined as to the cost or otherwise to the Irish Exchequer of the exemption. Other statistical estimates as requested by the Commission in relation to numbers of stallions, numbers of stallion farms, nominations and fee ranges were obtained from industry sources and
were provided to the Commission in addition to the tax rates applicable. However, this could not give the cost of the exemption as this can only be obtained on the basis of the individual returns for each taxpayer claiming the exemption.

Subsequently, a copy of the report by Indecon International economic consultants, Assessment of the Economic Contribution of the Thoroughbred Breeding and Horse Racing Industry in Ireland, was sent to the Commission at the end of September 2004. That report contained an estimate that the Exchequer cost of the exemption was in the region of €3 million, which was based on the consultants’ own research and analysis. It was not an estimate prepared by the Irish authorities.

220. **Mr. J. Higgins** asked the Minister for Finance the reason employees of a company (details supplied) do not have to pay income tax here. [7542/05]

  **Minister for Finance (Mr. Cowen):** I am unable to answer a parliamentary question about the tax affairs of an individual or a company, other than when the Deputy asking the question is asking it on behalf of the taxpayer. As it would appear that the Deputy is not asking the question with the consent of the company or employees concerned, I am unable to provide the information sought as the tax affairs of individuals or companies are confidential between them and the Revenue Commissioners.

  However, I am assured by the Revenue Commissioners that they continually monitor the tax compliance position of all companies and their employees and take appropriate action where necessary.

  For the information of the Deputy, there is provision in the income tax code for a remittance basis of taxation for Irish resident taxpayers who are foreign domiciled. Under this provision, which has been in existence since 1918, such persons pay Irish income tax only on that part of their foreign income which is remitted here.

**Flood Relief.**

221. **Mr. Kehoe** asked the Minister for Finance the position following the feasibility report on flooding (details supplied) in County Wexford; if local persons will be allowed to have an input in the decision making process on the way in which to alleviate the threat of future flooding; and if he will make a statement on the matter. [7544/05]

  **Minister of State at the Department of Finance (Mr. Parlon):** A draft copy of a feasibility report for proposed works in the area in question has recently been submitted by the OPW to Wexford county council for their examination. A meeting will be arranged shortly between the OPW and local authority officials to discuss this report and its recommendations. Should a decision be taken to proceed with works under the OPW’s arterial drainage legislation, any proposed works would be placed on public exhibition for a period of 3 to 4 weeks to allow the public to submit any observations they might have in relation to works.

**Tax Code.**

222. **Dr. Upton** asked the Minister for Finance if a person (details supplied) in Dublin 12 is due a tax refund. [7551/05]

  **Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that assessments have been made on the basis of the returns submitted through the Revenue online service and that the record does not indicate that tax has been overpaid.

  Question No. 223 was answered with Question No. 219.

**National Museum.**

224. **Mr. Gregory** asked the Minister for Finance the responsibility the OPW has and has had for the conservation programme of the Asgard; the dedicated funds that were pledged for the programme; if these funds can be transferred to the National Museum to allow this work to proceed; and if he will make a statement on the matter. [7763/05]

  **Minister of State at the Department of Finance (Mr. Parlon):** The Asgard is an archaeological object as defined by the National Monuments Act, 1930 and as amended by the National Monuments (Amendment) Act, 1994, and as such, the Department of Arts, Sports and Tourism takes responsibility for its preservation.

  The Asgard, by arrangement with the National Museum of Ireland, is in safe-keeping at John’s Road, Inchicore, under the care of my office. The National Museum of Ireland requested my office to examine the feasibility of developing a permanent exhibition facility for the Asgard within the NMI Collins Barracks complex. OPW has identified a number of possible locations within Collins Barracks and has written to the National Museum seeking detailed information regarding such matters as exact dimensions, conservation requirements, display criteria and interpretation. A response to this request is awaited from the National Museum. On receipt of full information, a feasibility report can be finalised by June of this year.

**Flood Relief.**

225. **Mr. Healy** asked the Minister for Finance the date on which it is proposed to commence the public consultation process, statutory process on the Clonmel flood alleviation scheme; and if he will make a statement on the matter. [7784/05]

  **Minister of State at the Department of Finance (Mr. Parlon):** The current position with the Clonmel flood relief scheme is that phase 1 works, including the removal of problem veg-
[Mr. Parlon.]

...ation at Dudley’s Weir and the clearing of the Auk and Whitening streams, are under way. This phase of works, due for completion later this month, is being undertaken by Clonmel Borough Council and is being funded by the Office of Public Works. Work on the development of an early flood warning system is also under way by OPW.

The next stage of the process will be the formal public exhibition of the proposed scheme. This is programmed to commence in the third week of May 2005, and the date will be adhered to subject to there being no undue delay with the revised hydraulic modelling of the river, which is currently being completed. The exhibition will then be on display for one month and will invite comment from all interested parties during this time. All observations received will be carefully considered before moving to the next stage of confirmation and detailed design of the next phase of the scheme.

**Decentralisation Programme.**

226. Mr. Healy asked the Minister for Finance when the promised spring report on decentralisation will be issued; and if he will make a statement on the matter. [7788/05]

**Minister for Finance (Mr. Cowen):** The date for submission to me of their next report is a matter for the decentralisation implementation group. When I receive the report I will bring it to Government for consideration. Subject to approval by the Government, the report will subsequently be published.

**Departmental Properties.**

227. Mr. P. Breen asked the Minister for Finance the position regarding the future of lands owned by his office in County Clare (details supplied); and if he will make a statement on the matter. [7791/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The regional veterinary laboratory of the Department of Agriculture and Food currently occupies the land. Under the decentralisation programme this laboratory is scheduled to move to Macroom. When the lands are vacated a review of all State property requirements in that area will be undertaken to determine how best the lands can be utilised.

**Tax Code.**

228. Mr. Rabbitte asked the Minister for Finance if a trust fund established collectively by the Roman Catholic bishops called the Stewardship Trust has applied to the Revenue Commissioners for charitable status for the purposes of the Taxes Acts; if such status has been granted; if it has not been granted, the tax treatment of that trust; if making contributions towards the payment of awards of damages and the costs associated with such awards could ever be regarded as a charitable purpose; and if he will make a statement on the matter. [7818/05]

**Minister for Finance (Mr. Cowen):** Any body may apply for charitable tax exemption under tax law and this may be granted by the Revenue Commissioners where the applicant fulfils the criteria in either one or more of the following activities: the relief of poverty; the advancement of religion; the advancement of education; and certain other works of a charitable nature beneficial to the community.

In addition, the body must be legally established in the State and have its centre of management and control therein; it must ensure that its objects and powers are so framed that every object to which its income or property can be applied is charitable; and it must be bound, as to its main objects and the application of its income or property, by a governing instrument, for example memorandum and articles of association in the case of an incorporated body, deed of trust, constitution or rules in the case of an unincorporated body.

Whether a particular activity qualifies as a charitable purpose depends on the circumstances of the case and the application of the rules. I am advised by the Revenue Commissioners that the trust in question applied for and was granted charitable tax exemption in 1997. Some 6,450 bodies have been granted charitable tax exemption by the Revenue Commissioners.

As the Deputy will be aware, taxpayer confidentiality requires that a Minister for Finance does not answer a parliamentary question about the tax affairs of an individual or body, other than when the question is being asked on behalf of the taxpayer. In this instance, it is not clear that the Deputy is asking the question on behalf of the trust. In these circumstances, I cannot comment on the individual tax affairs of the trust concerned.

The Deputy may wish to note that bodies that are granted charitable status are subject to periodic review with a view to ensuring their continued compliance with the terms of the exemption. This includes ensuring that income of the charity is applied for charitable purposes.

**Decentralisation Programme.**

229. Mr. Rabbitte asked the Minister for Finance the position in regard to the proposal to decentralise part of the OPW to Claremorris, County Mayo; the number of personnel relocated to date; the number proposed to be transferred; if a timetable has been set for the transfer; if it is envisaged that the relocation will be completed by 2007 as proposed in the original announcement; and if he will make a statement on the matter. [7819/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The position in regard to decentralisation proposals is as stated in the decentralis-
ation implementation group report to the Minister for Finance of 19 November 2004. Claremorris was not included by the decentralisation implementation group in the initial phases of moves. The November report indicates that the group had regard to figures emerging from the Central Applications Facility and relevant property and business issues. The group stated that it would report in the spring of 2005 in relation to locations not covered in its November 2004 report. No personnel have as yet been relocated to Claremorris. The proposed number of staff to be decentralised to Claremorris is 150.

**Tax Code.**

230. Mr. Ring asked the Minister for Finance if a farmer purchases land for consolidation proposed from an estate agent or auctioneer, if stamp duty will have to be paid on these purchases with reference to the new measures introduced in the Finance Bill 2005 in relation to stamp duty on farmland exchanges for consolidation. [7841/05]

**Minister for Finance (Mr. Cowen):** As the Deputy will be aware, the budget announced a special, one-off stamp duty relief relating to an exchange of farmland between two farmers for the purposes of consolidating each farmer’s holding. The new relief will mean that no stamp duty will be charged on an exchange of such lands where the lands are of equal value. In a case where the lands exchanged are not of equal value, stamp duty will be charged on the amount of the difference in the value of the lands concerned. Where consideration is paid for the difference in those values, it must be payable in cash.

To qualify for relief, the following main conditions must be satisfied: there must be a valid consolidation certificate issued by Teagasc in existence at the date of the exchange of lands. This certificate is to be submitted to the Revenue Commissioners in support of an application for relief. The Minister for Agriculture and Food, with the consent of the Minister for Finance, will make the necessary guidelines detailing how applications for consolidation certificates are to be made to Teagasc and also setting out, amongst other things, the conditions of consolidation. The farmers involved in the exchange of lands must each sign a declaration, for submission to the Revenue Commissioners, to the effect that each of them will spend at least 50% of their normal working time farming and will farm the land exchanged for at least 5 years from the date of the exchange.

All the joint owners of the land exchanged, including the farmers, must make a declaration, for submission to the Revenue Commissioners, to the effect that it is the intention of each of them to retain ownership of their interest in the land and that the land will be used for farming, for at least five years from the date of the exchange. The instruments effecting the exchange of land must be submitted to the Revenue Commissioners for adjudication.

The fact that such an exchange may be negotiated through an intermediary is not material, provided the full range of criteria applying to the relief are met. However, the relief does not apply to situations where a farmer purchases land for the purposes of consolidation without an exchange of land taking place — that is, a straightforward purchase of land with no corresponding sale of land to a farmer for the purpose of consolidating that farmer’s holding. If such situations were to be covered by the relief, this would represent a very considerable widening of the relief and would dilute its focus, undoubtedly leading to calls from other groups for similar treatment. It would also considerably increase the cost and administration of the relief.

**Departmental Staff.**

231. Ms Burton asked the Minister for Finance the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter. [7921/05]

**Minister for Finance (Mr. Cowen):** The staffing of my private office and constituency office is set out as follows:

**Minister’s Private Office**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number</th>
<th>Salary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Officer</td>
<td>1</td>
<td>€27,981-€49,529</td>
</tr>
<tr>
<td>Executive Officer</td>
<td>2</td>
<td>€25,704-€40,669</td>
</tr>
<tr>
<td>Staff Officer</td>
<td>2</td>
<td>€29,391-€39,118</td>
</tr>
<tr>
<td>Clerical Officer</td>
<td>3</td>
<td>€20,520-€33,274</td>
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</tbody>
</table>

**Minister’s Constituency Office.**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number</th>
<th>Salary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Officer</td>
<td>1</td>
<td>€25,704-€40,669</td>
</tr>
<tr>
<td>Staff Officer</td>
<td>1</td>
<td>€29,391-€39,118</td>
</tr>
<tr>
<td>Personal Assistant</td>
<td>1</td>
<td>€39,035-€46,119</td>
</tr>
<tr>
<td>Personal Secretary</td>
<td>1</td>
<td>€19,499-€37,621</td>
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</tbody>
</table>

In addition overtime, salary-related allowances and allowance payments due to Ireland’s Presidency of the EU amounted to €190,054 during 2004.

The amount paid in expenses, travel — foreign and domestic — official entertainment and miscellaneous for the same period amounted to €63,188. In addition to the above there are four clerical officers, two of whom workshare — salary range €20,520-€33,274 — who provide typing and administrative support services to my private office, the constituency office and to the Department of Finance press office. The private secretary to my predecessor was assigned to other duties with effect from 1 November 2004. Apart
from that there has been no change to numbers. Staffing in these offices is kept under regular review.

Flood Relief.

232. Mr. Durkan asked the Minister for Finance if he has received any requests from Kildare County Council or other bodies or agencies requesting remedial measures or funds to same to alleviate flooding in the Allenwood and Robertstown areas; his plans to respond to such communications; and if he will make a statement on the matter. [7994/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have received no requests from Kildare County Council or other bodies or agencies in relation to funding for flood alleviation works in the Allenwood and Robertstown areas of County Kildare. I would point out, however, that these areas are situated on the Royal Canal and maintenance matters etc. relating to this waterway would be a matter for Waterways Ireland.

233. Mr. Healy asked the Minister for Finance the financial assistance his Department is making available to traders who suffered severe losses due to the serious flooding in Clonmel in the autumn of 2004; and if he will make a statement on the matter. [8032/05]

Minister of State at the Department of Finance (Mr. Parlon): Following the severe rainfall over several days during the last week of October 2004 which resulted in serious flooding in various locations around the country, the Government approved the establishment of a humanitarian aid scheme, to be administered on the ground by the Irish Red Cross, to relieve severe hardship arising from the flooding of people’s homes. The scheme approved by the Government does not apply to businesses.

Fiscal Policy.

234. Mr. Bruton asked the Minister for Finance the reason he confines additional voluntary contributions to the existing pension scheme of an employee, when no such restrictions apply to the self employed, and when contributions to other schemes will promote competition within the pension providers. [8033/05]

Minister for Finance (Mr. Cowen): Where employers offer pension benefits to employees, these are known as occupational pension schemes. However, even in employments where there is a pension scheme, this may not provide to all employees — whether because of the terms of the scheme or the service history of the employees — the maximum pension benefits allowed by the Revenue Commissioners, that is, a pension of 2/3rds of final salary and so on. If this is the case, an employee may, depending on the rules of the scheme, top up the occupational pension benefits by paying what are known as additional voluntary contributions, AVCs. An employee can contribute, as between contributions to the occupational pension scheme and AVCs, 15-30% of salary, depending on age, and claim full tax relief, subject to an overall annual earnings cap of €254,000. The additional benefits arising from these contributions may not exceed the maximum benefits permissible.

Although the law does not require occupational pension schemes to allow AVCs, the Pensions Amendment Act 2002 requires, with effect from 15 September 2003, any employer whose employee pension arrangements do not include an AVC facility to offer access to at least one standard personal retirement savings account, PRSA, to be used for AVC purposes, that is, the topping up of the pension benefits.

Even if an AVC facility is provided under the rules of an employer’s occupational pension scheme, an employee may still make AVC contributions independently through a PRSA scheme approved by Revenue. It is be the responsibility of the PRSA provider in such a scenario to advise the trustees of the main pension scheme of the relevant details of members who make AVC PRSA contributions and to ensure that the overall pension benefits do not exceed the maximum benefits permissible.

With regard to pensions for the self employed, these personal pensions can either be a PRSA or a retirement annuity contract, RAC. Individuals can contribute 15%-30% of their relevant earnings into a personal pension and claim full tax relief, subject to an overall annual earnings cap of €254,000.

Decentralisation Programme.

235. Mr. Walsh asked the Minister for Communications, Marine and Natural Resources the interim arrangements he is putting in place to facilitate the 180 staff who have already volunteered to decentralise to Clonakilty under the central application facility procedure; and if he will make a statement on the matter. [7842/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government’s decentralisation programme includes the relocation of my Department’s seafood and coastal zone functions, involving 91 posts, and An Bord Iascaigh Mhara, with 93 posts to Clonakilty. Data from the public appointments service, PAS, indicate that 176 expressions of interest have been received for posts in Clonakilty, 140 for posts in the Department and 36 for posts in BIM. As a first step in initiating the transfer processes agreed centrally, PAS has provided details to the Department of applicants expressing an interest in decentralising to Clonakilty.

The Department’s priorities are the acquisition of permanent, purpose-built, high quality facilities meeting the needs of staff, providing quality
customer service delivery and representing full value for money and also the need to ensure effective business continuity during the process of decentralisation.

The Department is in ongoing liaison with the Office of Public Works in relation to the acquisition of a suitable site and on the detailed specifications of requirements to inform building design. The work is being progressed in line with the decentralisation implementation group’s time-frame of early 2007, for completion of the facilities in Clonakilty.

The business case for interim arrangements, in advance of the completion of permanent facilities at Clonakilty is being reviewed. The viability of an interim arrangement would crucially depend on cost and value for money considerations, the availability of suitable interim accommodation, the actual level of take-up of formal offers of transfer by those who have expressed interest the need to promote effective business continuity during the process.

Work Permits.

236. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the reason an authority to regulate adventure centre businesses has still not been set up; and if he will make a statement on the matter. [7541/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I am reviewing a number of issues in relation to the establishment of the adventure activities standards authority, AASA, in light of the decision by the Minister for Communications, Marine and Natural Resources in 2003 that the safety services provided by the Department, in particular by the Irish Coast Guard, the Maritime Safety Directorate, and the Mercantile Marine Office should be brought together in a single agency which will be responsible for all elements of marine safety and emergency response services. I appreciate the significance of this matter and I expect to complete my review very shortly.

Coastal Erosion.

237. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources the details of the report in relation to the proposed coastal barrage for Clonakilty; and if he will now grant the foreshore licence. [7556/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** A meeting has been held between officials of the Department’s engineering division and local authority officials and their advisers to consider matters relating to the proposed barrage. Matters discussed at the meeting included the operating conditions to apply in respect of the barrage. In light of these discussions, the local authority has undertaken to submit revised plans for consideration by the Department.

The revised proposals will be considered as a matter of priority when they are received by the Department.

Electricity Generation.

238. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the plans the Government has to ensure ready access to the grid at an economic rate for wind generated energy; and if he will make a statement on the matter. [7683/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My Department established a grid upgrade development programme as a dedicated renewable energy support initiative designed to assist in bringing planned renewable electricity generation projects to fruition. The funding available is €17.32 million from the ESIOP programme with matching funding being provided from the transmission use of system, TUOS, charges by the Commission for Energy Regulation, CER. The Department is currently engaged with the CER and the network electricity operators to agree the optimum use of this resource within the revised decision on connections for windfarms published recently by the CER.

The more specific issues regarding terms and arrangements, including costs, for grid connections are matters for the appropriate grid operator or by way of appeal to the Commission for Energy Regulation in accordance with the provisions of the Electricity Regulation Act 1999. I have no statutory function in such matters.

Conditions of Employment.

239. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has amended, altered or authorised an interpretation of the provisions of the 1982 Act to empower the withholding of wage or pension entitlements to current or retired An Post workers; and if he will make a statement on the matter. [7684/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have not amended, altered or authorised any changes to the provisions of the Postal and Telecommunications Services Act, 1983 in regard to the conditions of employment of An Post employees or pensioners.

Alternative Energy Projects.

240. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the targets for alternative energy production in the future; and if he will make a statement on the matter. [7782/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Sus-
[Mr. N. Dempsey.]

Renewable Energy Ireland publishes national and sectoral statistics for energy production, transformation and end use. The statistics on energy sources used in electricity production, which relate to all generators of electricity authorised by the Commission for Energy Regulation, are set out in the following tabular form.

<table>
<thead>
<tr>
<th>Energy source</th>
<th>Share %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal</td>
<td>26.5</td>
</tr>
<tr>
<td>Peat</td>
<td>10.4</td>
</tr>
<tr>
<td>Fuel Oil</td>
<td>11.3</td>
</tr>
<tr>
<td>Gasoil</td>
<td>0.6</td>
</tr>
<tr>
<td>Gas</td>
<td>47.1</td>
</tr>
<tr>
<td>Renewables</td>
<td>2.2</td>
</tr>
</tbody>
</table>

The current minimum target for increased penetration of renewable energy-sourced electricity is to increase national consumption to 13.2% of total consumption by 2010 as required by Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market.

Fish Quotas.

241. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the current revised quota for salmon stocks in Ballina. [7798/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I rely upon the advice of the National Salmon Commission and the regional fisheries boards’ managers in determining the terms of the wild salmon and sea trout tagging scheme, which inter alia sets out district quotas for the commercial catch.

While I received detailed advice from the National Salmon Commission on Wednesday last, 3 March, I will need some time to consider all of the advice before I decide on the district quotas, including Ballina, for this year.

I will make my decision in this matter shortly and it is my intention to publish the draft wild salmon and sea trout tagging scheme regulations for a 30-day consultation period as soon as possible, in accordance with the requirements of the Fisheries Acts. During this period, interested parties will have an opportunity to submit any objections they may have. Following the receipt and consideration of these, I will then make a final decision on the terms of the scheme, including quotas, for 2005.

Coastal Zone Management.

242. Mr. Perry asked the Minister for Communications, Marine and Natural Resources his plans to develop an integrated coastal zone management policy for Ireland, in view of a recent review prepared by the coastal and marine resources centre in University College Cork for the Heritage Council in 2004 (details supplied). [7800/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Department has general responsibility, in conjunction with other relevant Departments, for the development of an integrated coastal zone management strategy for Ireland.

A wide range of public bodies and agencies have roles to play in the management of the various aspects and dimensions of the coastal zone. The focus in developing effective approaches to integrated coastal zone management will be on identifying new models to address interactions between the sectors, agencies and legal frameworks which will deliver a more integrated strategic approach to the management of coastal areas and their resources.

In May, 2002, a recommendation on integrated coastal zone management was adopted by the EU Council of Ministers for the Environment. This called on member states, inter alia, to draw up a national strategy or strategies for integrated coastal zone management and established a number of broad principles on which such strategies should be based. The Department will continue to pursue the objective of developing a strategy for Ireland having regard to our overall priorities. Such a strategy will take account of experience elsewhere and ongoing national and international research in this area.

EU Directives.

243. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the Government’s views on the development of an EU coastguard; if processes have been put in place to examine such an option; and if he will make a statement on the matter. [7801/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Department has responsibility for marine emergency preparedness and response, maritime safety and ship and port security. A high level of cooperation already exists between EU member states relating to these areas. In addition, in recognition of the desire of member states and the Commission to strengthen links and create synergies between enforcement authorities, such as national coastguard services, the preamble to the draft directive of the European Parliament and of the Council of the European Union on ship-source pollution and on the introduction of sanctions for infringements, which is under consideration at the
moment, includes a specific provision in relation to examining the feasibility of a European coastguard dedicated to pollution prevention and response.

The draft directive calls for the Commission to undertake a feasibility study on the establishment of a European coastguard dedicated to pollution prevention and response, making clear the costs and benefits. Ireland will participate in any feasibility study in this area and will examine any proposals forthcoming in this regard.

Fish Quotas.

244. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the steps his Department is taking to end the practice whereby valuable fish quotas are being wasted by his Department’s insistence on weighing water as fish in Ireland’s pelagic fishing posts; the reason more appropriate arrangements are not now made by his Department to weigh pelagic fish, taking advantage of the declaration in the EU Council decision at Christmas 2004 designed to facilitate accurate weighing of fish in factories rather than weighing water and fish at weighbridges. [7831/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): There is no question of any insistence on weighing water as fish. The measures to which the Deputy is referring are EU measures introduced in 2004 to strengthen control in pelagic fisheries as a consequence of concerns about illegal landings right across Europe. As I have previously advised the House, the requirement to weigh fish will continue this year.

Following on from the Council and Commission declaration which I secured at last December’s Fisheries Council, the Commission has recently brought forward informal proposals which are currently being evaluated at a technical level. These proposals are designed to provide for the weighing of fish after transport from the port of landing while ensuring full control and accountability. Any such arrangements and rules require to be set at EU level and accordingly the issue of my Department implementing such arrangements on a national basis in advance of the completion of that process cannot arise.

I continue to work closely with the industry to progress this matter and I believe that the current technical evaluation can be completed at an early date following which appropriate and satisfactory revised arrangements can be implemented. However, until such time as new arrangements are agreed, measures have been put in place since early January in our designated landing ports in Ireland that allows for the weighing of fish and the subsequent addition of refrigerated seawater. This addresses to a significant extent the quality and other concerns expressed by the industry last year.

Fisheries Protection.

245. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the reason the valuable scallop fishing fleet in the southeast of the country has had its fishing opportunities cut drastically, such that is now faces ruin. [7832/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): In November 2003, the Fisheries Council adopted a new regime to manage fishing effort in Western Waters and the “Irish Box” for the demersal, scallop and crab fisheries. This regime replaced the Western Waters regulations of 1995 which also set effort limits for the scallop fleet. The purpose of fishing effort limits in Western waters is to limit access to waters and resources and provide for the sustainable pursuit of fishing activities. Under the Western Waters fishing effort regime agreed in 2003, new fishing effort ceilings were established in June 2004 for the scallop fishery based on the average of the fishing effort levels over a reference period of 1998 to 2002, inclusive. The methodology of taking a recent reference period is consistent with long-established practice in fisheries management and a similar approach was followed for all demersal fisheries and also for crab fisheries.

The establishment of such ceilings for fishing effort, which are applicable not only to Irish fishermen but also to fishermen from a number of other member states, is an important element of conservation for sensitive and vulnerable stocks such as scallops. This approach to the conservation of all fish stocks in western waters was widely supported by all fishermen’s organisations that did not wish to see fishing effort increasing further in this area.

The level of fishing effort established for the Irish scallop fleet in the western waters implementing regulation of July 2004, based on the reference years 1998 to 2002 inclusive, is higher than the levels of effort exerted by that fleet in 2001 and 2002. However, because the level of fishing effort increased significantly in 2003 and 2004 above the level set in the Western Waters Regulation, it is necessary to implement management measures to ensure that the level set in the regulation, which was intended to cap fishing effort going forward, is not exceeded in 2005 and future years.

The increased fishing effort by the Irish scallop fleet since 2003 reflects the impacts of both the arrival into the fleet of new vessels and the greater time spent travelling to more distant fishing grounds as a consequence of the depletion of more local stocks. It should be noted that the Marine Institute in its advice on the state of fish
stocks in November 2003, considered that, in respect of the important scallop fishery off the south east coast of Ireland, the fishing power and effort are currently in excess of what the resource can sustain. Fishing mortality and fishing effort are regarded as currently too high and unsustainable. Accordingly the Marine Institute recommended that fishing effort should be reduced to return the fishery to sustainability.

The EU effort ceiling now established for scallops, while higher than the actual level of effort exerted in 2001 and 2002, represents a reduction of approximately 33% over 2003. It is important to bear in mind that there are currently no catch limitations on scallops and that fishing effort is the only management instrument in place under European law to limit the exploitation of these stocks.

In order to ensure optimum management of the available effort allocation for this fishery, my officials have held a number of meetings with representatives of the scallop fishermen. I met industry representatives on 11 February and held a comprehensive meeting with them on 1 March to hear at first hand their concerns. While I accept that this is a difficult situation, it remains possible to devise a management system that will ensure that the established effort limits are respected while providing for a sustainable scallop fishery into the future.

To do this we will need to work together with the sector to ensure an equitable outcome for all players in this fishery and to avoid an early closure of the fishery in the event that the fishery is not effectively managed. I am seeking to avoid a situation where, in order to meet Ireland's legal obligations, I have no choice other than to close the fishery early because all the effort has been utilised. It is my desire is to work with the sector to put in place a management system which uses the available effort to the best advantage of the industry over the year as a whole.

I remain fully committed to continue to work with the representative organisation and the fishermen affected to find an appropriate mechanism for the effective management of this fishery to ensure its viability in the long run. I have advised the representative organisation that I am available for further discussions on how these matters can be resolved.

246. Mr. Perry asked the Minister for Communications, Marine and Natural Resources his plans to ensure the ending of practices (details supplied). [7833/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Deputy is referring to a recent report entitled A preliminary investigation on Shelf Edge and Deepwater Fixed Net Fisheries to the West and North of Great Britain, Ireland, around Rockall and Hatton Bank. This report was compiled by representatives of eight fisheries agencies, including Ireland’s Marine Institute and Bord Iascaigh Mhara as well as representatives from the UK and Norway.

This important report is currently under consideration by the Department. The occurrence of so-called “ghost-fishing” as a result of fishing gear being discarded and left on the seabed is a cause for concern and requires remedial attention. During its EU Presidency, Ireland made it a priority to press for more environmentally-friendly fishing methods and I am pleased to say that Ireland succeeded in achieving the adoption of Council Conclusions on this important subject. These conclusions were agreed in June 2004 and include provision for the European Commission to develop a pilot project to address the problem of ghost fishing in Community waters, including a retrieval system to remove lost gear. I anticipate progress on this issue during 2005.

Catch limitations for deepwater sharks, the main species targeted by the fishery concerned in the report, were introduced at EU level for the first time for 2005 at the December 2004 Agriculture and Fisheries Council.

As many of the deepwater fisheries concerned straddle international waters where non-EU vessels are also fishing, the need for a wider international approach to this problem is an important consideration and in that regard I believe that it is important NEAFIC, the North East Atlantic Fisheries Commission, is fully involved and will hopefully act as a catalyst for remedial management measures in that wider context.

Natural Gas Grid.

247. Mr. Ring asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that design code BS 8010, which is the design code in use for the proposed onshore section of the high pressure upstream Corrib gas pipeline, North Mayo, connecting the wellhead to the refinery at Ballinaboy, is no longer applicable as this code has been withdrawn and replaced by the relevant European Standard; if he intends to rectify this breach of the European Standard; the name of the Irish national standards authority that is bound to implement the European Standard according to CEN/CENELEC Internal Regulations; and if he will make a statement on the continued authorisation of a superseded code in breach of European regulations. [7834/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am aware that BS 8010-2.8:1992 is the standard being employed for the design of the onshore upstream Corrib gas pipeline. I am also aware that this standard has been withdrawn by BSI and is super-
seded by EN 14161:2003, petroleum and natural gas industries-pipeline transportation systems.

The use of the BS standard is not a breach of any European standard. As these standards are voluntary documents there is no legal requirement for the pipeline constructor to apply any one standard in particular. There is no reason to believe that there is any safety implication in using this withdrawn standard. Most European standards have been developed in order to harmonise practice throughout Europe and have no extra safety requirements over and above the requirements contained in the various national standards that preceded them. The use of this superseded standard is not a breach of any European regulations.

The National Standards Authority of Ireland, NSAI, is obliged to publish all European standards as Irish standards, ISEN, and is also obliged, under CEN internal regulations, to withdraw any conflicting national standards when they publish a European standards as an ISEN. This I understand is an obligation on the NSAI alone. The Deputy should note that the NSAI has published EN14161 as an Irish standard.

Ministerial Staff.

248. Ms Burton asked the Minister for Communications, Marine and Natural Resources the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter. [7922/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Ten staff are employed in my private office. The current annual salaries amount to €320,602. The total amount of expenses paid to date in respect of my private office since my appointment as Minister for Communications, Marine and Natural Resources on 30 September 2004 is €2,583,68.

Five staff are employed in my constituency office. The current annual salaries of these staff amount to €146,284. No expenses have been paid to date in respect of my constituency office.

Natural Gas Grid.

249. Dr. Cowley asked the Minister for Communications, Marine and Natural Resources further to his reply to the Adjournment debate on 2 March 2005 (details supplied), if he will release a copy of the statutory approvals issued for the Corrib pipeline development; and if he will make a statement on the matter. [7936/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): A copy of the decision letter consent to construct a pipeline has been forwarded to the Deputy for his information. The Deputy will note that the recommendations of section 2.2 of Mr. Johnston’s report have been incorporated in the letter under technical conditions one to ten.

250. Mr. Ring asked the Minister for Communications, Marine and Natural Resources when his Department’s attention was drawn to the quantified risk assessment for the Corrib upstream gas pipeline commissioned or carried out by a company (details supplied) on behalf of Enterprise Energy Ireland. [8028/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The quantified risk assessment for the Corrib upstream gas pipeline referred to by the Deputy came to my Department’s attention when the developers applied to my predecessor for consent to construct a pipeline under the Gas Act 1976 as amended, in November 2001.

Overseas Development Aid.

253. Mr. Neville asked the Minister for Foreign Affairs the funding budgeted for third world relief in Ghana in 2005. [7669/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Ghana is not one of the priority countries under Ireland’s development assistance programme but the country does receive assistance under several headings. For example, €90,000 has been allocated to Ghana this year under the in-country micro projects scheme. This funding is administered by the embassy of Ireland in Nigeria, which is also accredited to Ghana. In addition, €97,129 has been allocated in 2005 under the non-governmental organisation co-financing scheme for a rural community and sanitation project in Ghana proposed by the organisation Children in Crossfire.

Departmental Staff.

255. Ms Burton asked the Minister for Foreign Affairs the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter. [7923/05]

Minister for Foreign Affairs (Mr. D. Ahern): The following tables set out the number of personnel in my private and constituency offices, their positions and payscales.
I have also appointed a press adviser, under terms and conditions of employment set by the Minister for Finance. The applicable pay scale is principal officer — €71,990 to €89,047.

Overtime, travel and subsistence expenses are paid in accordance with normal civil service regulations.

Question No. 256 answered with Question No. 95.

Question No. 257 answered with Question No. 72.

Question No. 258 answered with Question No. 156.

Questions Nos. 259 to 261, inclusive, answered with Question No. 99.

EU Enlargement.

262. Mr. Durkan asked the Minister for Foreign Affairs if the Ukraine is likely to be considered in the context of future EU enlargement; and if he will make a statement on the matter. [8002/05]

263. Mr. Durkan asked the Minister for Foreign Affairs the countries most likely to feature in discussions on further European enlargement; and if he will make a statement on the matter. [8003/05]

264. Mr. Durkan asked the Minister for Foreign Affairs his preferred options in the progress toward further European enlargement; and if he will make a statement on the matter. [8004/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 262 to 264, inclusive, together.

The question of the future enlargement of the Union is one which will feature prominently on the EU’s agenda for the foreseeable future. The Government has participated actively and positively in negotiations on the enlargement process and will continue to do so. Ireland will continue to give constructive support to the enlargement process on the basis that the European Union should continue to be open to all European states which respect its fundamental values.

With regard to Bulgaria and Romania, the European Council noted the formal closure of accession negotiations at the European Council on 16 and 17 December 2004. Both countries are due to sign an accession treaty on 25 April, on the occasion of the General Affairs and External Relations Council. From that day they will participate as active observers at most EU meetings. The accession of both countries to the European Union will take place in January 2007, if they are ready.

The Helsinki European Council in December 1999 decided that Turkey was a candidate for membership, destined to join the Union on the basis of the same criteria applied to the other candidate states. The December 2004 European Council agreed, on the basis of the Commission’s report and recommendation, that Turkey sufficiently fulfils the Copenhagen political criteria to enable the opening of accession negotiations. It requested the Commission to begin work on a proposal for a negotiating framework and to present it to the Council, with a view to the opening of accession negotiations on 3 October 2005. The clear objective of the negotiations will be Turkey’s accession to the Union, provided it meets the requirements for membership.
pace of the negotiations will depend in large part on progress in the implementation of Turkey’s wide-ranging reform programme. Given the substantial financial consequences of Turkish accession, the European Council agreed that it will not be possible to conclude negotiations until after the establishment of the financial framework for the period from 2014.

The European Union has offered the prospect of eventual membership to the countries of the western Balkans, on the basis of the implementation of a detailed reform process. Croatia applied for membership in February 2003. The June 2004 European Council decided, on the basis of the Commission’s opinion, that Croatia is a candidate country for membership and that the accession process should be launched. It decided to convene a bilateral inter-governmental conference with Croatia early in 2005 in order to begin accession negotiations. The December European Council confirmed this decision and invited the Commission to present to the Council a proposal for a framework for negotiations, with a view to opening the accession negotiations on 17 March 2005, provided there is full cooperation with the international criminal tribunal for the former Yugoslavia. The negotiations will be based on Croatia’s own merits and their pace will depend solely on Croatia’s progress in meeting the requirements for membership.

On 22 March 2004, the Taoiseach, in his capacity as President of the European Council, accepted the application for membership of the former Yugoslav republic of Macedonia at a ceremony in Dublin. The General Affairs and External Relations Council in May requested the Commission to prepare its opinion on the application. I expect that the Commission will present its opinion for consideration by the Council later this year.

Those neighbouring countries that do not currently have the prospect of membership of the European Union are offered opportunities for closer economic integration and political cooperation with the European Union through the European neighbourhood policy. These opportunities are offered in return for concrete progress with political, economic and institutional reforms reflecting shared values.

In this way, it is expected that the European Union and its neighbours, whether or not they are pre-accession countries, will enjoy strengthened relations based on commitments to common values including democracy, respect for human rights and the principles of market economy, sustainable development, as well as poverty reduction.

As a European country, Ukraine has the right, under the Treaty on European Union, to apply for membership of the Union if it respects the principles of liberty, democracy, respect for fundamental freedoms and the rule of law. For the present, it makes sense for the Union to recognise Ukraine as a neighbour in Europe and to seek to develop relations through the action plan established under the European neighbourhood policy.

Question No. 265 answered with Question No. 67.

Question No. 266 answered with Question No. 98.

National Monuments.

267. Mr. Gregory asked the Minister for Arts, Sport and Tourism if he will report on the importance of the Asgard in terms of its rarity in ship design and historical value; and if he will make a statement on the matter. [7649/05]

269. Mr. Gregory asked the Minister for Arts, Sport and Tourism if immediate steps will be taken to commence the agreed conservation programme on the Asgard during its 100th anniversary year in order that the work be completed and the Asgard be put on public display as part of the 90th anniversary commemoration of the 1916 Rising in 2006; and if he will make a statement on the matter. [7651/05]

270. Mr. Gregory asked the Minister for Arts, Sport and Tourism the funding that has been allocated to complete the agreed conservation programme on the Asgard; and the agency to which the funding has been allocated. [7652/05]

271. Mr. Gregory asked the Minister for Arts, Sport and Tourism the projected cost of the agreed conservation programme on the Asgard; the cost of the proposed custom built unit for locating and conserving the Asgard in the National Museum at Collins Barracks, Dublin 7; if funding has been allocated for this unit; if so, the person to whom; and the details of the staff that have been made available to oversee the move to the custom built unit. [7653/05]

272. Mr. Gregory asked the Minister for Arts, Sport and Tourism the present location of the Asgard; if it is secure at this location; if its condition is deteriorating; and the agency that is responsible for the Asgard at its present location. [7654/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): I propose to take Questions Nos. 267 and 269 to 272, inclusive, together.

I refer the Deputy to my answer to Question No. 82 of Thursday 17 February 2005.

268. Mr. Gregory asked the Minister for Arts, Sport and Tourism the current level of funding in the Heritage Fund; the plans there are to utilise this fund; if funding will be redelegated from the Heritage Fund to commence the agreed conservation programme on the Asgard; and if he will make a statement on the matter. [7650/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): The Heritage Fund Act, which was enabled in 2001, established a fund with an overall limit of €12.697 million over the five-year
Ministerial Appointments.

273. Mr. Wall asked the Minister for Arts, Sport and Tourism his proposed itinerary for the St. Patrick’s week celebrations for the St. Patrick’s Day. [7924/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): Full details of my itinerary for the celebrations surrounding St. Patrick’s Day are being finalised.

However, as I outlined in my reply last week to the Deputy, the main elements of my programme include a visit to London to participate at the St. Patrick’s Day festival which commences on March 13. This festival, which includes a major parade, has become a highlight in the London calendar over the last number of years. The festival is a wonderful opportunity to celebrate the enormous contribution Irish people have made over many years to London and Britain in general.

Ministerial Staff.

276. Ms Burton asked the Minister for Arts, Sport and Tourism the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter. [7924/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): There are currently seven staff employed in my private office. These consist of one special adviser at principal officer level, one private secretary at higher executive officer level, one personal assistant at higher executive officer level, two executive officers and two clerical officers.

There are currently 6.2 staff employed in my constituency office. These are two executive officers, one personal secretary at Oireachtas secretarial assistant level and 3.2 clerical officers.

All of these staff are paid at the appropriate Civil Service rates. In addition my special adviser
and personal secretary are paid 10% attraction allowances in respect of their current positions. My private secretary is paid an allowance at the rate of €17,389 per annum for these duties. The expenses paid to staff in my private office in 2004 was €25,159.74. There were no expenses paid to staff in my constituency office in 2004.

World Trade Negotiations.

277. Mr. Durkan asked the Minister for Enterprise, Trade and Employment his objectives in the context of the forthcoming WTO talks; and if he will make a statement on the matter. [7996/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): The Government is pleased with the outcome of the World Trade Organisation’s, WTO, general council meeting held last July. There, a framework agreement was adopted to further progress the Doha Development Agenda, DDA. We supported its adoption. It sets out the parameters for the next stages of negotiation of the DDA.

WTO members are now in negotiation to translate the provisions of the framework agreement into specific commitments in key areas of interest, which are agriculture, non-agricultural products and services.

In the case of agriculture, the framework agreement includes provision for negotiations to realise a substantial cut in trade-distorting supports, the elimination of export practices that negatively affect trade and the further opening of agricultural markets.

Guidelines are under negotiation for non-agricultural products, which seek to cut tariffs and to eliminate or reduce non-tariff barriers that inhibit trade.

Further progressive liberalisation will be a key feature of the negotiations on services. Exporters in all member states of the European Union have a strong commercial interest in progress being made to improve the effectiveness of the overall environment that impacts on internationally traded services.

On trade facilitation, the simplification of customs rules and procedures is another issue for negotiation and another area where we want to see progress agreed in the interest of developing trade in goods and services.

The provisions of the framework agreement have particular regard to the needs and concerns that have been articulated by representatives of less developed countries. Many of these are now members of the WTO. This country is committed to having those concerns adequately addressed and responded to. That is seen as being an indispensable element of the achievement of overall consensus and final agreement to a new trade round.

Finally, our appreciation of the continuing importance of export-led growth dictates that we support a strengthening of the WTO and of the multilateral trading system that it espouses. That includes a supportive and determined approach to the elimination of the remaining barriers to trade in goods and services.

Liberalisation of the trading regime that informs the development of all economic sectors will facilitate global trade growth and expansion. That is in the national interest and so progress, in the WTO context, will have a direct bearing on this country’s economic and social development in the years ahead.

Accordingly, working cooperatively in the EU context, we will now seek to ensure that the negotiation process continues to move forward, towards a mutually acceptable and early conclusion.

Work Permits.

278. Mr. Hogan asked the Minister for Enterprise, Trade and Employment when a decision will be made on an application for a renewal permit for a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [7489/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am informed by the work permit section of my Department that having considered an appeal in this case, it has made a decision to issue the work permit subject to receipt of the fee, which had earlier been returned to the employer.

FAS Training Programmes.

279. Mr. Ferris asked the Minister for Enterprise, Trade and Employment the provisions which have been put in place and the directives which have been issued to the local employment service and FAS regarding job-seeking assistance and training for non-national parents of Irish children who have been granted residency. [7516/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Persons who have been granted residency in the state on the basis of parentage of an Irish born child are entitled to register with FAS, to avail of job seeking assistance from both FAS and the local employment services, and FAS training; on the same basis as other Irish residents.

Ministerial Staff.

280. Ms Burton asked the Minister for Enterprise, Trade and Employment the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter. [7925/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): There are currently nine staff working in my private office in the Department of Enterprise, Trade and Employment and 5.5 staff
[Mr. Martin.] working in my constituency office. Furthermore 2.8 clerical officers provide clerical support to the private and constituency offices as the need arises.

The following table sets out the annualised salary costs for each office. The figures for expenses are from my appointment as Minister for Enterprise, Trade and Employment on 29 September 2004 to 28 February 2005.

<table>
<thead>
<tr>
<th>Office</th>
<th>Salary Costs</th>
<th>Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private</td>
<td>444,730</td>
<td>16,341.20</td>
</tr>
<tr>
<td>Constituency</td>
<td>157,739.91</td>
<td>None</td>
</tr>
<tr>
<td>Clerical Officer support to both offices when required</td>
<td>79,388</td>
<td>None</td>
</tr>
</tbody>
</table>

Work Permits.

281. Mr. Noonan asked the Minister for Enterprise, Trade and Employment when a decision will be made on an appeal by a person (details supplied) in County Limerick; and if he will make a statement on the matter. [7935/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am informed by the work permit section of my Department, that having heard an appeal in this case and having consulted with the employer, it has been decided to issue work permits to two of the named individuals.

Social Welfare Benefits.

282. Mr. McGinley asked the Minister for Social and Family Affairs if he will consider reducing the length of time that persons have to be unemployed to take advantage of the back to education scheme; and if he will make a statement on the matter. [7570/05]

Minister for Social and Family Affairs (Mr. Brennan): The back to education allowance is a second chance educational opportunities programme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active workforce.

The conditions for entitlement to the third level option of the back to education allowance were revised with effect from 1 September 2004. From that date, the qualifying period was increased from six months to 15 months for new applicants intending to commence third level courses of study.

One of the factors that influenced the change in the qualification conditions is the fact that in practice, some people go on the live register for short periods specifically to qualify for the back to education allowance. In the 2003-04 academic year the majority of participants in the third level option of the scheme were in receipt of an unemployment payment for 12 months or less when they accessed the scheme.

The BTEA scheme was always intended to benefit people who had difficulty finding employment because of this. The qualification period for people who wish to pursue second level education has remained at six months and the numbers taking second level education with the support of the BTEA are increasing.

As Deputies will be aware, I reduced the qualifying period for access to the third level option of the scheme to 12 months in the recent budget. I also increased the annual cost of education allowance, paid to people on BTEA, from €254 to €400. These changes will take effect from 1 September 2005.

I am satisfied that, overall, the current arrangements ensure that the scheme supports those people who are most distant from the labour market and whose need is greatest. As I have undertaken to the Dáil and the Committee on Social and Family Affairs I will continue to keep the qualifying period for this scheme under regular review.

283. Mr. Ring asked the Minister for Social and Family Affairs when a person (details supplied) in County Galway applied for unemployment benefit; when the claim will be processed; and the breakdown of this person’s social contributions record. [7573/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned applied for unemployment benefit on 31 January 2005. The claim is still under investigation in relation to a possible link, through a community employment scheme, with a previous unemployment benefit claim. A decision on this claim will be made as soon as possible and the person concerned will be notified of the outcome.

The person concerned is currently in receipt of survivor’s contributory pension at the weekly rate of €154.30 from my Department. 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.

Contributions paid and credited under the Social Welfare Acts for the person concerned are as follows:
284. Mr. Durkan asked the Minister for Social and Family Affairs the reason rent support was refused in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7679/05]

Minister for Social and Family Affairs (Mr. Brennan): The Dublin Mid-Leinster region of the Health Service Executive has advised that it has no record of an application for rent supplement from the person concerned. If the person concerned wishes to apply she should contact the community welfare officer at her local health centre who will assess her situation and determine her entitlement.

285. Mr. Durkan asked the Minister for Social and Family Affairs the weekly rate of repayment of the dietary allowance overpayment in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7680/05]

Minister for Social and Family Affairs (Mr. Brennan): The Dublin Mid-Leinster region of the Health Service Executive has advised that it has no record of an application for diet supplement from the person concerned. If the person concerned wishes to apply she should contact the community welfare officer at her local health centre who will assess her situation and determine her entitlement.

286. Mr. Durkan asked the Minister for Social and Family Affairs the way in which he perceives the development of child care financial support or other facilities in the future in view of the economic necessity for both parents to work outside the home; and if he will make a statement on the matter. [7768/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department administers a number of child income support measures, including child benefit which delivers a standard rate of payment in respect of all children in a family regardless of income levels or employment status.

Child benefit supports all children but delivers proportionately more assistance to those on low incomes and with larger families. The very substantial increases in benefit in recent years can make a significant contribution to meeting childcare costs.

My Department also administers the family income supplement scheme, an in-work income support designed to provide cash support for employees on low earnings with families, to help preserve the incentive to remain in employment in circumstances where the employee might only be marginally better off than if they were claiming other social welfare payments. A range of improvements introduced to FIS in recent years, including the assessment of entitlement on the basis of net rather than gross income and the progressive increases in income limits, has made it easier for lower income households to qualify under the scheme.

The question of specific supports for the provision of child care is a matter for my colleague the Minister for Justice, Equality and Law Reform, whose Department administers the equal opportunities childcare programme under the national development plan.

Social Welfare Benefits.

287. Mr. Durkan asked the Minister for Social and Family Affairs if a person (details supplied) in County Kildare will be offered the dietary allowance; and if he will make a statement on the matter. [7855/05]

Minister for Social and Family Affairs (Mr. Brennan): Diet supplements are provided for under the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive.

The Dublin Mid-Leinster region of the executive has advised that it has no record of an application for diet supplement from the person concerned. If the person concerned wishes to apply he should contact the community welfare officer at his local health centre who will assess his situation and determine his entitlement.

<table>
<thead>
<tr>
<th>Year</th>
<th>Contributions Paid</th>
<th>Credited Contributions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>2</td>
<td>36</td>
</tr>
<tr>
<td>2002</td>
<td>20</td>
<td>32</td>
</tr>
<tr>
<td>2001</td>
<td>52</td>
<td>—</td>
</tr>
<tr>
<td>2000/01</td>
<td>52</td>
<td>—</td>
</tr>
<tr>
<td>1999/00</td>
<td>43</td>
<td>9</td>
</tr>
<tr>
<td>1998/99</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>1997/98</td>
<td>52</td>
<td>—</td>
</tr>
<tr>
<td>1996/97</td>
<td>50</td>
<td>—</td>
</tr>
</tbody>
</table>
Ministerial Staff.

288. Ms Burton asked the Minister for Social and Family Affairs the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter. [7926/05]

Minister for Social and Family Affairs (Mr. Brennan): There are 11 full-time staff in the private office. This includes a special adviser and a press adviser appointed on a contract basis for my term of office. The total salary, allowances, overtime, employers PRSI and private pension costs for 2004 for the private offices of both the previous Minister for Social and Family Affairs, Deputy Mary Coughlan and myself were €531,665. A breakdown of travel and subsistence expenditure for 2004 is currently not available.

There are six full-time staff assigned to deal with matters in the constituency office including four established civil servants, along with a personal secretary and a personal assistant on a contract basis for my term of office. The total salary costs for 2004 for the constituency offices of former Minister, Deputy Coughlan and I were €231,258.

Social Welfare Benefits.

289. Mr. Crowe asked the Minister for Social and Family Affairs the number of meetings which representatives of his Department have had with EU officials regarding the extension of free travel for Irish immigrant pensioners. [7934/05]

Minister for Social and Family Affairs (Mr. Brennan): There are 11 full-time staff in the private office. This includes a special adviser and a press adviser appointed on a contract basis for my term of office. The total salary, allowances, overtime, employers PRSI and private pension costs for 2004 for the private offices of both the previous Minister for Social and Family Affairs, Deputy Mary Coughlan and myself were €531,665. A breakdown of travel and subsistence expenditure for 2004 is currently not available.

There are six full-time staff assigned to deal with matters in the constituency office including four established civil servants, along with a personal secretary and a personal assistant on a contract basis for my term of office. The total salary costs for 2004 for the constituency offices of former Minister, Deputy Coughlan and I were €231,258.

Haulage Industry.

290. Mr. Kehoe asked the Minister for Transport if the weight limits on four axle tipper trucks are to be increased for use on public roads; and if he will make a statement on the matter. [7484/05]

Minister of State at the Department of Transport (Mr. Callely): A possible increase in the maximum weight limit for four-axle vehicles is under consideration in my Department.

Driving Tests.

291. Mr. Neville asked the Minister for Transport when a special theory test will be arranged for a person (details supplied) in County Limerick; and if he will make a statement on the matter. [7534/05]

Minister for Transport (Mr. Cullen): Driver theory test appointments are arranged by the Driver Theory Testing Service and not by my Department. The service may be contacted at Lo-Call number 1890 606106. Correspondence may be addressed to the customer service manager at PO Box 144, Drogheda, County Louth.

The specification which the contractor operating the driver theory test is obliged to meet provides for the delivery of a user friendly computerised theory testing system and requires that candidates with special needs be provided for. This includes the provision of reading assistance and voice over audio with an extended time slot for the test.

The test is based on a question bank, which has been developed, inter alia, in consultation with the Association for Children and Adults with Learning Difficulties and the National Adult Literacy Agency. The question bank is available in book format or as a CD which includes voice over audio.

Road Safety.

292. Ms Shortall asked the Minister for Transport when he intends to update the rules of the road booklet; and if he will make a statement on the matter. [7815/05]

Minister for Transport (Mr. Cullen): My Department has engaged the services of a consultant to facilitate this review. It is the intention to publish a new Rules of the Road booklet in draft form by mid-year and to invite comments or submissions thereon. The new booklet would then be finalised in the autumn.

293. Mr. Ring asked the Minister for Transport if a consent to the Medical Bureau of Road Safety has been provided, pursuant to Section 38(4) of the Road Traffic Act 1968, for the supply by the Medical Bureau of Road Safety of an apparatus for indicating the presence of alcohol and determining the concentration of alcohol in the breath of drivers; and the form the consent took. [7836/05]

Minister for Transport (Mr. Cullen): The Road Traffic Act 1994 provided for a scheme of evidential breath testing based on the use of apparatus for determining the concentration of alcohol in a sample of breath. The Act provides that drivers may be required to undergo a breath test in a Garda station, instead of a blood or urine test, following arrest for drink driving.

Section 38(4) of the Road Traffic Act 1968, as amended by the Road Traffic Act 1994, provides that the Medical Bureau of Road Safety may, with the consent of the Minister, arrange for the supply and testing of apparatus for indicating the presence of alcohol in the breath and apparatus for determining the concentration of alcohol in the breath.

The Minister for Transport, who bears general responsibility for the Road Traffic Acts, and his predecessor in that regard, the Minister for the Environment, Heritage and Local Government,
is represented on the board of the Medical Bureau of Road Safety.

In addition, the Minister provides for the determination of the funding allocation to the bureau. Such funding includes approval to provide for the supply and testing of the relevant apparatus as required.

The evidential breath testing system was introduced with effect from November 1999. This reflected a commitment given in the Government’s Road Safety Strategy 1998-2002. Regulations to prescribe the form of the statements produced by the apparatus were made by the then Minister of State at the Department of the Environment and Local Government on 20 October 1999.

The system was formally launched by the then Minister of State on 24 November 1999.

Public Transport.

294. Ms Shortall asked the Minister for Transport if his attention has been drawn to the loss of buses to Dublin Bus routes (details supplied) due to the lack of funding from his Department; the action he is taking to prevent this; the reason for the continued delay in providing funding; the dates since he became Minister on which he met with Dublin Bus managers on the restructuring changes that he proposes; and if he will make a statement on the matter. [7814/05]

Minister for Transport (Mr. Cullen): There has been significant investment made to date under the national development plan in acquiring new buses for Dublin Bus. As a consequence, the capacity of the fleet has been increased by more than 25%. The management of Dublin Bus is currently examining ways of maximizing the utilisation of the bus fleet, in light of the significant investment made to date under the NDP in other modes such as Luas and the DART upgrade, and I am awaiting the outcome of this review. It would, therefore, be premature to make any decisions on further investment in additional capacity. In addition, I am also of the view that both public and private companies have a role to play in meeting the expanding transport requirements of Dublin.

At a meeting with the chairman and management of Dublin Bus on 12 November, 2004, the company outlined for me its proposals for the future development of its market. No specific proposals on the restructuring were discussed at the meeting. Discussions on the bus market are continuing between officials of my Department and the management of Dublin Bus.

Driving Tests.

295. Ms Shortall asked the Minister for Transport if his attention has been drawn to complaints concerning current driver-testing arrangements whereby applicants are given very short notice when called for their test; and if he will undertake to improve this arrangement. [7816/05]

Minister for Transport (Mr. Cullen): Appointments for driving tests are normally issued four to five weeks prior to the date of the test. However, there have been a few occasions where, because of pressure of work, that the notification period may have been shorter than this.

Appointments for applicants who require early test appointments for urgent reasons may be filled from test slots that become available due to cancellations. Test appointments filled from the cancellation list will almost always be allocated at short notice as they become available.

Public Transport.

296. Mr. McGuinness asked the Minister for Transport the breakdown by region of the €300 million spent through CIE on investment in public transport infrastructure; his plans to fund the change of carriages on the rail network in the South East; and if he will make a statement on the matter. [7857/05]

Minister for Transport (Mr. Cullen): National Roads The allocation of funding in respect of national roads improvement projects to local authorities is a matter for the National Roads Authority under section 19 (f) of the Roads Act 1993.

I understand from the National Roads Authority that funding allocations to the regions over the period 2001-2004 are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>South &amp; East Region</th>
<th>BMW Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>€674.5</td>
<td>€236.9</td>
</tr>
<tr>
<td>2002</td>
<td>€910.8</td>
<td>€182.3</td>
</tr>
<tr>
<td>2003</td>
<td>€1,034.2</td>
<td>€186.8</td>
</tr>
<tr>
<td>2004</td>
<td>€997.0</td>
<td>€354.7</td>
</tr>
</tbody>
</table>

Public Transport Infrastructure

Capital investment in public transport over the period 2000-04 amounted to more than €1.9 billion. The breakdown is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>BMW</th>
<th>South &amp; East</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>59.615</td>
<td>364.309</td>
<td>423.924</td>
</tr>
<tr>
<td>2001</td>
<td>59.822</td>
<td>388.877</td>
<td>448.699</td>
</tr>
<tr>
<td>2002</td>
<td>38.305</td>
<td>312.226</td>
<td>350.531</td>
</tr>
<tr>
<td>2003</td>
<td>48.236</td>
<td>354.45</td>
<td>402.686</td>
</tr>
<tr>
<td>2004</td>
<td>28.78</td>
<td>299.796</td>
<td>328.576</td>
</tr>
<tr>
<td>Total</td>
<td>234.758</td>
<td>1,719.658</td>
<td>1,954.416</td>
</tr>
</tbody>
</table>

South-East Rail Network.

The carriages on the Waterford line will be replaced in 2007-08 when the 120 intercity railcars, recently ordered, are introduced to service. The rolling stock on the Rosslare line has recently been replaced with more modern equipment. The funding for rolling stock replacement will come
Mr. McGuinness asked the Minister for Transport if he will review the 1932 Act which controls the granting of licences to private bus operators on routes from the country and to Dublin Airport; if he will take immediate action to create more flexibility in the system and to issue licences to companies that have applied in a further effort to improve bus services to the regions and provide a joined up transport network; the number of applications or expressions of interest being dealt with by his Department; and if he will make a statement on the matter. [7858/05]

Minister for Transport (Mr. Cullen): The Road Transport Act, 1932 provides the statutory basis for regulating the bus market in Ireland. This Act is totally outdated and is in need of reform. It is a commitment of this Government to replace the Act with a more modern regulatory framework which achieves a more open, effective and competitive regime and discussions are ongoing with CIE in that regard and it is intended to engage with the CIE unions and the social partners in the near future. Until such time as the necessary reform is achieved, my Department is bound by the provisions of the Act.

My Department currently has on hand 206 applications for new road passenger licences or amendments to existing licences. Applications under the 1932 Act are generally dealt with on a first come, first served basis. However, pressing or exceptional circumstances can be taken into account in determining the order in which applications are dealt with.

My Department regularly reviews ways to improve customer service to its clients particularly in the bus licensing area. In 2004, the bus licensing division put in place procedures to standardise the date of renewal of annual licenses. As a result of this process operators can now renew all their annual licenses on one of two dates in the year rather than having to apply for renewal of licenses at numerous times throughout the year. This initiative should facilitate operators as well as allowing the Department to use resources more efficiently.

Other measures that are in place include preference being given to all time bound applications and amendments received. These for example would typically include school or college services. In addition, the Department is engaged in a project to upgrade IT systems in the bus licensing area to increase efficiency and the speed with which applications are processed.

It is hoped that the combined effect of these measures will be a significantly improved customer services to both the State bus companies and private operators.

Haulage Industry.

298. Mr. Carey asked the Minister for Transport if his Department has examined the implications of moves by the UK Government to introduce electronic tolling for trucks using roads in Britain and Northern Ireland; and if he will make a statement on the matter. [7877/05]

Minister of State at the Department of Transport (Mr. Callyley): In November 2001 the UK Treasury published a consultation document, Modernising the Taxation of the Haulage Industry. The purpose of the document was to set out UK Government thinking on its proposal to introduce a form of lorry road-user charging in the UK. The charge would be implemented to ensure that lorry road-users in the UK contribute on a fairer and more equal basis towards the costs they impose when using roads in the UK. The charge would be levied on all road users regardless of nationality.

Ireland has a special interest in this proposal since Irish hauliers uniquely use the UK as a land bridge to mainland Europe. My Department is monitoring the development of the proposed scheme to ensure that any charging system put in place will not in practice result in unfair cost to Irish hauliers. Any potential disruption of trade and in particular cross-Border, North-South trade must also be avoided.

These concerns have been raised with the UK Treasury and they have indicated a willingness to work closely with my Department when designing the administration of the system and related matters.

299. Ms Burton asked the Minister for Transport the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter. [7927/05]

Minister for Transport (Mr. Cullen): The information requested by the Deputy is contained in the table below. The expenses incurred are from the date of my appointment to the Department of Transport.

<table>
<thead>
<tr>
<th>Office</th>
<th>Number of Staff</th>
<th>Approximate Salaries Cost Per Annum</th>
<th>Approximate Cost of Expenses (from October 2004 to date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private</td>
<td>10</td>
<td>€</td>
<td>€</td>
</tr>
<tr>
<td>Constituency</td>
<td>6.1</td>
<td>430,000</td>
<td>4,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>216,000</td>
<td>0</td>
</tr>
</tbody>
</table>

For my private office, nine of the staff are permanent civil servants. For my constituency office three of the 6.1 are permanent civil servants.

Public Transport.

300. Mr. Durkan asked the Minister for Transport if his attention has been drawn to the lack
of sufficient buses to meet the requirements of the commuters leaving the city centre and traveling to the towns of Leixlip, Celbridge, Maynooth and Kilcock during the peak evening rush; his plans to address this issue; and if he will make a statement on the matter. [8007/05]

301. Mr. Durkan asked the Minister for Transport further to a recent controversy, the position in regard to the adequacy of the bus fleet at Bus Átha Cliath; when it is expected that the necessary funds in line with requirements will be provided; if his attention has been drawn to the lack of capacity and frequency of the services to the towns of Leixlip, Celbridge, Maynooth and Kilcock, with particular reference to the need to address the issue of buses that are fully laden before entering these towns; the proposals he has to address these issues; and if he will make a statement on the matter. [8008/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 300 and 301 together.

The matters raised are operational issues for Bus Éireann and Bus Átha Cliath. However, Bus Éireann has informed me that in recent years it has increased its services to Kilcock by 50% and it has also substantially increased its services to other North Kildare towns such as Celbridge. The Prosperous-Clane-Celbridge-Dublin route, has a 15-minute frequency during the peak times with a 30-minute frequency throughout the rest of the day. These services are operated by high capacity commuter coaches supplemented by sub-contracted vehicles at peak times. Extra buses are provided where necessary in line with demand from Bus Éireann’s own resources or through the contract of private sector buses.

The overall capacity of the Bus Átha Cliath bus fleet has been increased by approximately 25% under the NDP to date. Bus Átha Cliath has informed me that they have seven routes from the area referred to, with 30 morning peak departures and 30 evening peak departures. Of the above departures, 40% are direct routes thus providing faster journey times.

With regard to a further expansion in the Dublin Bus fleet, the management of the company is currently examining ways of maximizing the utilisation of the existing bus fleet in light of the significant investment made to date under the national development plan, including investment in other modes and the ongoing changes in demand patterns for Dublin such as Luas and Dart.

Discussions are also taking place on reform of the bus market between officials of my Department and the management of Dublin Bus to meet the expanding transport needs of the Greater Dublin Area.

Road Network.

302. Aengus Ó Snodaigh asked the Minister for Transport if consideration has been given to reclassifying the narrow height-restricted R109 at St. Martin’s Row and Main Street, Chapelizod, Dublin from a regional road to a local road and to instructing Dublin City Council and other road management agencies to do so, in order to divert heavy goods traffic from this inappropriate route. [8026/05]

Minister for Transport (Mr. Cullen): A comprehensive review of the national and regional road system was concluded in 1994 as set out in Statutory Instrument 209 of 1994: Roads Act, 1993 (Declaration of National Roads) Order, 1994 and S.I. 400 of 1994: Roads Act, 1993 (Declaration of Regional Roads) Order, 1994. This review was carried out in consultation with local authorities and took account of representations received from a wide range of local interests.

The update of these statutory instruments currently under way is designed to take account of road improvements and route changes since 1994. Nevertheless, the classification of the R109 at St Martin’s Row and Main Street Chapelizod road, inter alia, will be reviewed in the update. It is anticipated that the update will be concluded shortly.

Driving Tests.

303. Mr. O’Connor asked the Minister for Transport if he will investigate the long delays being experienced by drivers in Tallaght seeking driving tests; the action which is open to him on the matter; and if he will make a statement on the matter. [8027/05]

Minister for Transport (Mr. Cullen): The Tallaght test centre has a high level of applications to undergo driving tests with an average waiting time of 42 weeks at present. Some 11 driver testers are headquartered at the centre. My Department endeavours to arrange an early test for candidates who provide documentary evidence of the need for an urgent test. My Department is in consultation with the Department of Finance about a package of measures to reduce waiting times at all test centres. The measures include the recruitment of additional driver testers as well as increased productivity.

Rail Services.

304. Mr. Naughten asked the Minister for Transport the discussions his Department has had with Irish Rail, Greencore plc or the Department of Agriculture and Food regarding the possibility of providing rail freight subvention for the transport of sugar beet by rail to the Mallow factory; and if he will make a statement on the matter. [8036/05]

Minister for Transport (Mr. Cullen): The responsibility for the development of rail freight rests with Iarnród Éireann, which has statutory responsibility for the allocation of resources to particular projects such as the one mentioned by the Deputy. I understand that Iarnród Éireann...
Voluntary Activity.

305. Mr. Wall asked the Minister for Community, Rural and Gaeltacht Affairs his views in regard to correspondence (details supplied); the Government’s plans to address the matter; and if he will make a statement on the matter. [7565/05]

308. Mr. Gregory asked the Minister for Community, Rural and Gaeltacht Affairs his response to the request for funding from a group (details supplied) in Dublin 7; and if he will make a statement on the matter. [7772/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 305 and 308 together.

I refer the Deputy to my reply to Question No. 176 of 2 March 2005. As indicated in that reply, it is intended that the group concerned will receive approximately €146,000 in support from my Department in 2005. At a recent meeting of the Oireachtas Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs, I announced a range of measures to strengthen and support volunteering. These measures include a commitment to continue this level of funding to the group concerned for three years and to provide funding to the other volunteer bureaux that make up the Volunteer Centres Ireland network.

The measures that I am initiating include support on a pilot basis for three years, for the young social innovators initiative, which is to receive €200,000 per annum, and the DIT community learning programme, which is to receive €110,000 per annum. These measures are designed to promote and encourage volunteering among second and third level students respectively. I am also formalising the role of the existing network of local and community development groups in supporting volunteers and volunteering. To this end, €500,000 of local area partnership funding is being ring-fenced for measures that encourage volunteers and volunteering. As mentioned already, the existing volunteer bureaux, including the group referred to in the Deputy’s question, which are members of Volunteer Centres Ireland will receive funding of €578,000 per annum for the next three years. In addition, I am making €50,000 per annum available for three years to enable Volunteer Centres Ireland to engage a development officer.

I am also ring-fencing €500,000 of the Department’s cohesion fund for measures that will promote volunteers and volunteering locally. Under this arrangement, proposals will be co-ordinated by city and county development boards. I believe these measures will strengthen and promote volunteering and create the time and space to develop a comprehensive national policy in consultation with communities and players in the sector. I have no plans to provide additional funding to the group in question beyond the package I have outlined.

Community Development.

306. Mr. Stanton asked the Minister for Community, Rural and Gaeltacht Affairs his views on the success or otherwise of the community application of information technology initiative; if a recommendation was received to put in place further such initiatives; his plans in this regard; and if he will make a statement on the matter. [7802/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I refer the Deputy to the reply to Question No. 128 on 21 October 2003. Each year my Department provides education and training grants to community development projects. Some 185 community development projects are based in disadvantaged areas across the country. These projects run a range of courses, including IT training, geared towards enhancing the computer and Internet access skills of people living in disadvantaged areas. Equipment grants are also available to projects to enable them to purchase computers and equip their centres to run IT courses.

Area partnerships and community partnerships deliver the local development social inclusion programme at local level on behalf of my Department. The actions delivered at local level under the three sub-measures of the programme: services for the unemployed; community development; and community based youth initiatives, would include IT courses. Under the programme of grants for locally-based community and voluntary organisations, grants are available for the provision of IT training and equipment to community and voluntary organisations. In 2004, I approved grants in excess of €500,000 for these purposes to a wide variety of groups throughout the country. My Department is examining the possibility of facilitating projects to be funded under the information society fund regarding a number of specific initiatives for the promotion and facilitation of information and communications technology in communities.

Irish Language.

307. Mr. O’Shea asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the work of the Irish Language Forum; and if he will make a statement on the matter. [7559/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The Deputy will be aware that the role of Fóram na Gaeilge is to
advise me on: the advisability of preparing a 20-year strategic plan with realistic goals for the Irish language in the State; the short-term strategic priorities for the preservation and the promotion of the Irish language within the State; the priorities regarding the implementation of the Official Languages Act; and the best and most practical ways to achieve progress in the implementation of that work. Arising from this, it is hoped to have a more integrated approach among the main community and State organisations that promote the Irish language and a greater degree of coordination to their work.

Two meetings of Fórum na Gaeilge have taken place to date and a third is scheduled to take place later this month. As the Deputy is aware, I have already asked members to submit their views on the development of an Irish language plan and related short-term priority issues. A good response to this has been received from the members and officials of my Department are currently examining the various submissions.

Question No. 308 answered with Question No. 305.

Departmental Funding.

309. Mr. Gregory asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding made available under the emerging needs fund in 2005. [7773/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy is aware, my Department has overall responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-2008. It also has responsibility for the work of the 14 local drugs task forces, LDTFs, the ten regional drugs task forces and the young people’s facilities and services fund. The role of the LDTFs is to prepare local action plans, which include a range of measures on treatment, rehabilitation, education, prevention and curbing local supply. In addition, the LDTFs provide a mechanism for the co-ordination of services in their areas, while at the same time allowing local communities and voluntary organisations to participate in the planning, design and delivery of those services.

The object of the emerging needs fund, which I announced in January last, is to afford the LDTFs an opportunity to identify gaps in service provision that are not being adequately addressed through existing measures being supported through their plans. As this is the first year of operation of the fund, the Deputy will appreciate that it is difficult to assess the level of demand and hence the overall level of funding that will be required for the fund. However, I am confident that the moneys required will be adequately met from within the overall allocation available to me for drugs programmes in 2005.

310. Mr. Ring asked the Minister for Community, Rural and Gaeltacht Affairs the funding which will be made available in 2005 from his Department for the Leader groups in County Mayo; and the funding which has been allocated to the Mayo Leader groups to date. [7774/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Funds were allocated to Leader groups operating the Leader+ and area-based rural development initiatives in County Mayo for the period of the programme from 2000 to 2006 as follows:

<table>
<thead>
<tr>
<th>Group — NRDP</th>
<th>Allocation</th>
<th>Advances to 31/01/05</th>
<th>Remaining Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>€</td>
<td>€</td>
<td>€</td>
</tr>
<tr>
<td>Comhar Iorrais (LEADER) Teo.</td>
<td>2,637,000</td>
<td>1,171,432</td>
<td>1,465,568</td>
</tr>
<tr>
<td>Comhdháil Oileáin na hÉireann — Mayo</td>
<td>589,065</td>
<td>180,810</td>
<td>408,255</td>
</tr>
<tr>
<td>MFG — Mayo Gaeltacht</td>
<td>318,800</td>
<td>202,050</td>
<td>116,750</td>
</tr>
<tr>
<td>South West Mayo Development Co.</td>
<td>3,206,000</td>
<td>1,557,371</td>
<td>1,648,629</td>
</tr>
<tr>
<td>Western Rural Development Co.</td>
<td>876,288</td>
<td>465,098</td>
<td>411,190</td>
</tr>
<tr>
<td>Group — LEADER+</td>
<td>2,826,096</td>
<td>1,209,016*</td>
<td>1,617,080</td>
</tr>
<tr>
<td>Western Rural Development Co.</td>
<td>10,453,249</td>
<td>4,785,777</td>
<td>5,667,472</td>
</tr>
</tbody>
</table>

*Advances to 31/10/05.

Decentralisation Programme.

311. Mr. Rabbitte asked the Minister for Community, Rural and Gaeltacht Affairs the position in regard to the proposal to decentralise his Department to Knock Airport, County Mayo; the number of personnel relocated to date; the number of personnel to be transferred; if any timetable has been set for the transfer; if it is envisaged that the relocation will be completed by 2007 as proposed in the original announcement; and if he will make a statement on the matter. [7820/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department is committed to the decentralisation process being completed by 2007. This timescale is dependent on the Office of Public Works encountering no undue delays in the planning and building pro-
[Éamon Ó Cuív.]

The following steps have been taken by my Department. A dedicated decentralisation unit was set up to manage the programme. A departmental decentralisation committee made up of senior management and staff has been established to steer the decentralisation process within the Department. A liaison officer has been appointed to facilitate communication between the Department of Finance and my Department. Special meetings of my Department’s partnership committee are held to specifically address issues arising from decentralisation and use is made of such meetings to ensure that staff are kept informed on all aspects of the decentralisation process. Regular communication takes place between my Department and staff associations through the departmental council process. The most up to date information available on decentralisation and all documentation relating to the issue are made available on the public folders of my Department’s e-mail system. An information pack that includes a wide range of information on decentralisation areas relating to my Department’s remit has been prepared and distributed to staff. Work is in hand on the establishment of systems for job analysis and process mapping for each function within my Department to facilitate effective transfers of staff in the future. A revised decentralisation implementation plan is now being prepared for submission to the decentralisation implementation group. Names of serving staff transferring with my Department to Knock Airport, as well as those who have opted to transfer to other decentralised locations, have now been made available by the Public Appointments Service.

The number of posts transferring to Knock is 164 and the latest information received from the central applications facility, CAF, indicates that 157 applicants from general civil service grades have applied to transfer to Knock Airport, in addition, nine other civil service grades and ten other public servants have applied. No staff member has as yet been transferred to Knock Airport.

Mayo Landslide.

312. Mr. Ring asked the Minister for Community, Rural and Gaeltacht Affairs when funding will be sanctioned for the €1.648 million package of works required on Doonarton Mountain, Glengad, Pullathomas, north Mayo, to provide kinetic barriers, drainage and other works required to protect the livelihoods of the residents in the area. [7835/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my replies to previous questions on this matter, in particular Question No. 214 of 11 Samhain 2004 in which I pointed out that lead responsi-

bility in this instance lies with my colleague, the Minister for the Environment, Heritage and Local Government. As the Deputy is aware, my Department has played an active role, within the framework of its own remit, in the process of dealing with the effects of the landslides of September 2003 and was represented on the Pullathomas implementation working group. In the context of Pullathomas being a designated Gaeltacht area, my Department has made a total of €148,115 in funding available to date for repair works to the graveyard, walls and roads in the area.

I have noted the contents of the final report of the working group, which outlines protective works required at an estimated cost of €1.685 million. While my Department remains willing to assist in every way possible with the completion of any remaining works necessary as result of the landslides, I have already explained to the Deputy that limited funding is available for capital projects under the Gaeltacht improvement schemes. This funding is allocated to diverse projects across all Gaeltacht areas, including strategic Gaeltacht roads, access roads, bog roads, village renewal, strategic Gaeltacht piers, and community and leisure facilities.

Ministerial Staff.

313. Ms Burton asked the Minister for Community, Rural and Gaeltacht Affairs the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter. [7928/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My private office has a staff of 11, eight of whom are civil servants, and my constituency office has a staff of four, three of whom are civil servants. The annual payments for salaries and expenses for staff in 2004 are as follows:

<table>
<thead>
<tr>
<th>Office</th>
<th>Salary</th>
<th>Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private office</td>
<td>€409,688</td>
<td>€19,274</td>
</tr>
<tr>
<td>Constituency office</td>
<td>127,954</td>
<td>311</td>
</tr>
</tbody>
</table>

Grant Payments.

314. Mr. Durkan asked the Minister for Agriculture and Food if she will review the application for assistance under the heading of force majeure in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [7478/05]

Minister for Agriculture and Food (Mary Coughlan): The persons named have been notified that the circumstances outlined by them do not satisfy the criteria for force majeure or excep-
tional circumstance under Article 40 of Council Regulation (EC) No. 1782/2003. The persons named have been advised that they can appeal my Department’s decision to the independent single payment appeals committee if they wish to have a full review of the circumstances outlined.

Suckler Cow Quota.

315. Mr. P. Breen asked the Minister for Agriculture and Food the situation regarding the suckler quota of a person (details supplied) in County Clare; and if she will make a statement on the matter. [7500/05]

Minister for Agriculture and Food (Mary Coughlan): The person named is a participant in the early retirement scheme for farmers since 1997 and has leased out his suckler cow quota for the past eight years. Under the quota regime rules, farmers who were not participating in the early retirement scheme were only permitted to lease out their quota for a maximum of three years. Following the three-year period they were obliged to use it or sell it otherwise it would have been lost to the national reserve. While the person named had the option of selling his quota at anytime during the past eight years, he chose to continue leasing it instead.

Following the introduction of the single payment scheme from 1 January 2005, all livestock premia and arable aid schemes are fully decoupled from production as from that date. Accordingly, the quota regime in respect of the livestock premia schemes ceased to be in existence from 31 December 2004. Consequently, quotas including individual suckler cow and ewe premium quotas no longer exist for any farmer, including the person named, after that date and will not be required to ensure payment of the single payment scheme in the future.

Grant Payments.

316. Mr. Neville asked the Minister for Agriculture and Food the position regarding the appeal on force majeure special circumstances in regard to a person (details supplied) in County Limerick. [7538/05]

Minister for Agriculture and Food (Mary Coughlan): The person named has been notified that the circumstances outlined by him did not satisfy the criteria for force majeure or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision, the person named submitted an appeal to the independent single payment appeals committee. A full review of the circumstances of the case will be carried out by the committee and the person named will be notified shortly of the outcome.

Live Exports and Imports.

317. Mr. Crawford asked the Minister for Agriculture and Food if she will give advice or help to a person (details supplied) in County Cork to find a way of importing breeding stock, both male and female, to this country from the UK; her views on whether there is a sizable import of goat’s milk to this country; if it is the Government’s wish to see diversification in rural Ireland; the reason it is so easy to carry horses on ferries both in and out of the country, and yet a small car trailer full of goats cannot be carried; and if she will make a statement on the matter. [7543/05]

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 compromises their health or welfare. My Department has, over a period of time, introduced comprehensive national legislation to ensure this requirement is respected in regard to the 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. There is no legal obligation on ferry operators to carry livestock. Ferry companies operate on a commercial basis and it is a matter for operators to decide if they want to carry livestock and which categories they will carry.

Statistics on imports of goat’s milk are not maintained centrally by my Department or in a manner to reply to the Deputy’s question. The Government supports the idea of diversification both on-farm and off-farm in rural Ireland.

Grant Payments.

318. Mr. Hayes asked the Minister for Agriculture and Food when a decision will be made for a person (details supplied) in County Tipperary regarding payment entitlement for the 2005 national reserve. [7555/05]

Minister for Agriculture and Food (Mary Coughlan): An application form to the national reserve was received from the person named before the closing date for receipt of applications. All applications to the 2005 single payment national reserve are being processed and, in view of the number of applications received and accompanying documentation submitted, it will be some time before processing is completed. The Deputy will appreciate, therefore, that it is not possible to indicate at this stage whether the person named will qualify for an allocation of entitlements from the reserve on foot of the application submitted.
Departmental Staff.

319. Mr. P. McGrath asked the Minister for Agriculture and Food if she envisages a reduction of staff within her Department as a result of the introduction of a single payment for farmers and the resulting reduction in the amount of paperwork so that will need to be done by her Department. [7686/05]

Minister for Agriculture and Food (Mary Coughlan): The reorganisation of my Department arising from the implementation of the single payment scheme will, in the future, result in a major rebalancing of work and there will be an inevitable requirement for a reduction in overall staff numbers working in departmental offices around the country. It is not possible at this stage to predict accurately all the changes both in terms of numbers and organisation that will result from the changeover to the single payment scheme. I have, however, established a number of steering groups in my Department to examine the different and complex issues involved and these groups will continue to plan and monitor the situation throughout the changeover. Officials of my Department are in discussion with the relevant trade unions and staff associations on this issue.

Grant Payments.

320. Mr. P. McGrath asked the Minister for Agriculture and Food the reason there is a reduction in the amount of beef premium to be granted in 2005; and the level of cutback envisaged. [7687/05]

Minister for Agriculture and Food (Mary Coughlan): Under the special beef premium scheme, Ireland has a regional quota of 1,077,458 animals. Animals which are counted towards this quota are those submitted under the first age and bull category. While there is no quota for second age animals, where the regional quota in respect of first age and bull category is exceeded the level of reduction must also be applied to second age animals.

Given the ending of the scheme on 31 December 2004 with the advent of the single payment scheme on 1 January 2005, farmers availed of their final opportunity to submit animals for premium. Including those animals submitted for premium under the 2004 scheme, with in excess of 920,000 being applied upon during December alone. Processing of these applications is ongoing with a view to establishing the exact quota position as soon as possible.

EU Directives.

321. Mr. Wall asked the Minister for Agriculture and Food if EU directives (details supplied) were addressed in regard to the proposed closure of the Carlow sugar factory; if not, if she will address the problem with the company; and if she will make a statement on the matter. [7749/05]

Minister for Agriculture and Food (Mary Coughlan): The EU directives referred to concern issues of labour law which is the responsibility of the Department of Enterprise, Trade and Employment. The directives are not the responsibility of my Department.

Sugar Industry.

322. Mr. Wall asked the Minister for Agriculture and Food the details of the formal submission made to the European Commission in regard to a request (details supplied) from the Commission; and if she will make a statement on the matter. [7750/05]

323. Mr. Wall asked the Minister for Agriculture and Food the principal comparative results of a study (details supplied) as far as the sugar industry here is concerned; the Government’s views on the study; and if she will make a statement on the matter. [7751/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 322 and 323 together.

The document referenced, COM (2003) 554 final, is a communication, dated 23 September 2003, from the Commission to the Council and European Parliament entitled “Accomplishing a sustainable agricultural model for Europe through the reformed CAP — the tobacco, olive oil, cotton and sugar sectors”. It was transmitted to the Council on 29 September 2003,
accompanied by a Commission staff working paper entitled “Reforming the European Union’s sugar policy — Summary of impact assessment work”. I presume this impact assessment work is the study signalled in the Commission’s reply to a member of the European Parliament on 12 November 2002. Both documents are available on the Commission’s website.

Member states were not requested to make formal submissions to the Commission in the context of the communication or the impact assessment. The impact assessment shows that Ireland is one of a group of countries vulnerable to price reductions for sugar and sugar beet. While I have no difficulty with this assessment, I have serious reservations about the Commission’s initial ideas for reform of the sugar regime as outlined in its communication of July 2004. The Commission’s formal legislative proposals for reform of the sugar sector are not expected until next June. When these proposals come before the Council of Ministers, my priority will be to ensure that the future shape of the EU sugar regime will be consistent with the continuance of an efficient sugar beet growing and processing industry in this country.

EU Directives.

324. Mr. McHugh asked the Minister for Agriculture and Food if she will make provision in forthcoming legislation being introduced to give effect to EU Directive 2004/18 for suitably qualified persons, such as pharmacists and licensed merchants, in addition to vets, to be allowed write prescriptions for routine husbandry management drugs; and if she will make a statement on the matter. [7777/05]

Minister for Agriculture and Food (Mary Coughlan): I assume the Deputy is referring to Directive 2004/28. I should make clear that a package of changes, the principles of which were announced by my predecessor a year ago, are not designed to implement this directive in Ireland. Rather, they are designed to address a number of issues and problems identified with the existing national regime. In particular they serve to make the prescribing regime more workable and effective and to extend the range of outlets which may supply on foot of a prescription.

Implementation of Directive 2004/28 will involve a number of changes in national legislation and procedures, many of which are designed to improve the availability of veterinary treatments. Preliminary work on this transposition exercise has begun in my Department. This exercise also involves liaison with the Irish Medicines Board and, in due course, consultation with other stakeholders.

In the meantime, a number of aspects relating to implementation of the directive remain to be fully resolved at EU level, including whether certain categories of medicines will be exempted from the mandatory prescription requirement. The deadline for completion of this latter exercise is 1 January 2007 and, in the interim, existing national distribution routes, which include provision for the availability of products “off-prescription”, will remain in place. It is premature to address the issue of extending the categories of those who would be allowed to issue prescriptions for routine husbandry management drugs until these other issues are resolved at EU level.

Milk Quota.

325. Mr. McGuinness asked the Minister for Agriculture and Food the progress in regard to a submission from a person (details supplied) in County Kilkenny regarding the milk restructuring scheme and issues raised in regard to certain Glanbia suppliers; her plans in this regard; and if she will make a statement on the matter. [7783/05]

Minister for Agriculture and Food (Mary Coughlan): In December 2004, I announced a milk quota restructuring programme which will comprise separate restructuring schemes for 2005 and 2006. In arriving at my decision for the programme, account was taken of the wide range of views expressed by the representative organisations and other interested parties including the named person’s group.

The detailed rules concerning the 2005 scheme will be published before the end of this month. Registered milk purchasers will remain as the primary implementation entities for the forthcoming scheme. The milk quota regulations impose obligations on entities registered as milk purchasers as well as powers of removal where these are not satisfied. My Department will consider current registrations in this context.

Grant Payments.

326. Mr. McGuinness asked the Minister for Agriculture and Food further to Parliamentary Question No. 392 of 15 February 2005, if a decision has been made in the case and if notification will be issued shortly. [7914/05]

Minister for Agriculture and Food (Mary Coughlan): The person named, having been notified that the circumstances outlined by him did not satisfy the criteria for force majeure or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee. Following a full examination of the circumstances outlined in the appeal, the committee made a recommendation and a letter issued to the person named on 4 March 2005. The findings of the committee were that the original decision taken by my Department should be upheld.
Ministerial Staff.

327. Ms Burton asked the Minister for Agriculture and Food the number of persons employed in her private office and her constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if she will make a statement on the matter. [7929/05]

Minister for Agriculture and Food (Mary Coughlan): The following table provides the breakdown of the numbers employed in my private and constituency offices.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number of posts</th>
<th>Salary scale</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Special adviser: €55,057-€68,651 — assistant principal officer standard salary scale + 10% allowance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Private secretary: €39,035-€49,529 — higher executive officer standard scale + €17,389 annual allowance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Personal assistant: €41,389-€51,192 — higher executive officer higher scale</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Personal secretary: €19,499-€37,621 — secretarial assistant salary scale + 10% higher duty allowance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clerical officers: €19,493-€33,274 — clerical officer scale.</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td></td>
</tr>
</tbody>
</table>

The total amount of expenses since 30 September 2004 in respect of staff in my private office is €1,529. There were no expenses in respect of my constituency office.

Sugar Beet Sector.

328. Mr. Naughten asked the Minister for Agriculture and Food the access to and availability of sugar beet quota for a new entrant to the sugar processing industry in this country; and if she will make a statement on the matter. [8037/05]

Minister for Agriculture and Food (Mary Coughlan): Under the EU sugar regime, each member state has a quota for manufactured sugar. There is no quota for sugar beet. The EU regulations stipulate that the quota must be made available to the sugar manufacturing enterprises in the member state. Accordingly, in Ireland the entire sugar quota is processed by Irish Sugar Limited, which is the only sugar manufacturer in this country.

Under the EU regulations a member state may reduce the “A” and “B” quotas of each sugar manufacturing enterprise by not more than 10% of the “A” quota or the “B” quota as the case may be. The effect of this limitation is that a new entrant to the sugar processing industry in this country could be assigned no more than 10% of the Irish sugar quota.

329. Mr. Naughten asked the Minister for Agriculture and Food, in view of the reform of the sugar regime and probable reduction in Irish sugar quota, if it is Greencore, the State or the sugar beet growers who will receive the proposed compensation payment; and if she will make a statement on the matter. [8038/05]

Minister for Agriculture and Food (Mary Coughlan): The Commission has not yet produced legislative proposals for reform of the EU sugar regime. However, the Commission’s communication of last July, addressed to the Council and the European Parliament, envisages reductions in prices and quotas and partial compensation for beet growers for the proposed reduction in the minimum price of sugar beet. Such compensation would be in the form of decoupled direct payments to be incorporated in the single farm payment. Compensation is not proposed, in the Commission’s communication, in respect of quota reduction.

Child Care Services.

330. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the way in which he perceives the development of child care financial support or other facilities in the future in view of the economic necessity for both parents to work outside the home; and if he will make a statement on the matter. [7766/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): This Government remains firmly committed to supporting working parents with their child care needs through increased capacity, choice and service quality. These aims are the hallmark of the Government’s child care strategy. To this end considerable progress has already been achieved in terms of 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.

The Deputy will be aware that there have been significant improvements in the provision of supports for the development of child care over the last number of years. Child care was identified as an investment priority under the National Development Plan 2000-2006. 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 child care programme, 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 the end of the programme.

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 2000-2006 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 included the injection of a further €40 million in additional capital funding into child care between the end of the programme and 2009.

It is expected that the total funding committed under the programme to date will lead to the creation of 33,946 new child care places and will support another 29,556 existing places. Of the new child care places being created, 20,500 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 the country as they balance their work and family needs.

As I mentioned previously, child benefit is the main fiscal instrument through which support is provided to parents with dependent children, and this support is provided to all parents irrespective of income and employment status. In his budget 2005 statement, 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. One of the main advantages of this approach is that, whereas tax relief would be of little or no benefit to those with low incomes, the provision of support for parents through the child benefit route means equality of treatment for all recipients.

Further measures on child care are being provided by the Government in a range of different ways and I outline a number of examples for the Deputy’s information as follows. 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 creches 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.

As can be seen, this Government’s record in providing enhanced child care supports 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.

Decentralisation Programme.

331. Mr. Healy asked the Minister for Justice, Equality and Law Reform the position regarding the transfer of sections of the Department to Tipperary town; and if he will make a statement on the matter. [7788/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to Question No. 309 of 1 March 2005.

As outlined in the response, an implementation plan in respect of the decentralisation of the immigration and asylum sections of my Department was prepared last year and submitted to the decentralisation implementation group. A copy of the report 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 shortlisted and the process of evaluation of these sites by the Office of Public Works is at an advanced stage.

Visa Applications.

332. Mr. F. McGrath asked the Minister for Justice, Equality and Law Reform if urgent assistance will be given to a person (details supplied) in their application for a visa; and this case will be given priority. [7483/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy has not supplied a visa application reference number, nor has an examination of visa applications on hand yielded a visa application by a person of the same name as supplied by the Deputy. Therefore, it would
appear that my Department has not received an application in respect of this person to date.

Each application is assessed individually based on its own merits, and until such time as an application is made and can be examined in detail by my Department, I will not be in a position to comment on the specifics of this case.

Garda Strength.

333. Mr. Timmins asked the Minister for Justice, Equality and Law Reform the position in relation to the number of gardaí policing the Laragh, Glendalough and Sallygap areas of County Wicklow; the number of gardaí in these areas; if the number will be increased in view of the number of house robberies committed in daylight hours in the area, the number of joyriders and the number of cars that have been ransacked while their owners are walking in the countryside; and if he will make a statement on the matter. [7488/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of Garda resources, including personnel, that the Laragh, Glendalough and Sallygap areas of County Wicklow are policed by gardaí attached to Rathdrum and Roundwood Garda stations.

The personnel strength of Rathdrum Garda station as at 8 March 2005 is four — all ranks. The personnel strength of Roundwood Garda station as at 8 March 2005 is four — all ranks. There is a marked patrol vehicle attached to both Rathdrum and Roundwood Garda stations.

There were 66 thefts from cars in the 12-month period ending 28 February 2004 and the same number of such thefts for the following 12-month period. Theft of cars rose from 12 to 18 for the comparative period.

Local Garda management are satisfied that the best use of available resources at Rathdrum and Roundwood Garda stations are and will continue to be made. Garda management will continue to appraise the policing and administrative strategy employed in the Roundwood and Rathdrum areas with a view to ensuring an effective Garda service is maintained.

In relation to Garda resources generally, I am very pleased that the Government has approved the commissioner will now be drawing up plans on how best to distribute and manage these additional resources. In this context, the needs of Roundwood and Rathdrum Garda stations will be fully considered within the context of the needs of Garda stations throughout the country.

Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

Citizenship Applications.

334. Mr. Stanton asked the Minister for Justice, Equality and Law Reform the progress regarding a citizenship application for a person (details supplied); and if he will make a statement on the matter. [7510/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A declaration of acceptance of Irish citizenship as post nuptial citizenship was received in the citizenship section of my Department on 6 December 2004 from the person referred to in the Deputy’s question.

The current processing time for such declarations is approximately ten months from the date of lodgement and it is likely, therefore, that the processing of the declaration of the person concerned will be finalised by October 2005. I will advise the Deputy and the applicant when the matter has been concluded.

Residency Permits.

335. Mr. Ferris asked the Minister for Justice, Equality and Law Reform the procedures that have been put in place and the documentation that will be provided to non-national parents of Irish children who have been granted residency in order that they can access social welfare entitlements, housing support and the right to employment, particularly those who have been resident in direct provision; and if confirmation of their status will be provided at the same time as notification that they have been granted residency. [7513/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Under the revised arrangements for the consideration of applications for permission to remain by the non-national parents of Irish-born children, born before 1 January 2005, successful applicants will be issued with a letter confirming permission to remain for an initial period of two years subject to the following conditions: that they will obey the laws of the State and will not become involved in criminal activity; that they will make every effort to become economically viable in the State by engaging in employment, business or a profession; that they will take steps, such as appropriate participation in training or language
courses, to enable them to engage in employment; and that they accept that the granting of permission to remain does not confer any entitlement or legitimate expectation on any person, whether related to them or not, to enter the State.

The successful applicant is required to present this letter to their local Garda registration office, where he or she will be presented with a certificate of registration in the form of a plastic card. This card indicates that he or she has the Minister’s permission to remain in the State; the date to which this permission is valid; and that he or she has permission to work.

The granting of permission to remain does not confer an entitlement to State services such as social welfare and housing support. Access to such entitlements is a matter for the relevant service provider.

The Reception and Integration Agency, RIA, is responsible, *inter alia*, for the accommodation of asylum seekers through the system of direct provision and dispersal. Where an asylum seeker accommodated in direct provision is granted permission to remain in the country the RIA will assist him or her to apply to the local authority, in whose area he or she proposes to access accommodation, for assessment of housing need. If the local authority is not in a position to meet the housing need, he or she may then apply to the community welfare officer in that area for a rent supplement.

**Child Care Services.**

336. Mr. Deenihan asked the Minister for Justice, Equality and Law Reform the reason a school (details supplied) in County Kerry was refused a grant under the equal opportunities child care programme; and if he will make a statement on the matter. [7540/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that an application for capital grant assistance under the equal opportunities child care programme, EOCP, 2000-2006 was submitted by the group to my Department some time ago. The EOCP is a seven-year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training. The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme. Following discussions with my colleague, the Minister for Finance, an additional capital provision of €90 million was made available over the period 2005-2009, in the context of the 2005 budget.

Of this amount, €50 million is being made available under the present programme and the remaining €40 million will flow under the next phase of the post 2006 EOCP. This augments the increased EU funding of some €12 million made available last year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which €205 million has been set aside. Since budget 2005, I have announced a record allocation totalling almost €68 million in capital funding to community-based, not for profit groups, in two tranches, one in December 2004 and another on 4 March 2005.

The availability of the additional capital funding will enable me to make further capital grant assistance available to groups which address significant child care service gaps and where the project proposal represents good value for money when considered in relation to the current guidelines on building costs. In the light of this, the group in question was advised in December 2004 that, while their project had not been prioritised for immediate funding at that stage, it will be reconsidered in the future. I hope to make further significant capital commitments during the remainder of 2005 and thereafter.

The ongoing assessment of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care facilities and places at the earliest opportunity, with an emphasis on filling child care service gaps at local level and obtaining good value from capital being invested. When the assessment on the project in question is completed, the application will then be considered by the programme appraisal committee, PAC, chaired by my Department, before I make a final decision. In the interim, it would be premature of me to comment further on this application.

**Visa Applications.**

337. Mr. Costello asked the Minister for Justice, Equality and Law Reform the reason the spouse of an Irish citizen (details supplied) in County Tipperary and mother of three Irish citizens has been told that she must leave the country by the 21 March 2005; and if he will make a statement on the matter. [7545/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question, as a non-EEA national, is subject to the immigration laws of the State despite being the spouse of an Irish citizen. I understand she applied for a visa for the stated purpose of a visit to the State and that a visit visa was approved. A visit visa permits the holder to travel to the State and, subject to the discretion of an immigration officer, to remain in the State for a maximum period of 90 days on such visit. I also understand that she was granted a period of one month to remain to facilitate her stated purpose of journey to the State, that is, a visit. It is open to the person concerned to apply to my Department for an extension of her permission to remain.

**Garda Deployment.**

338. Mr. Glennon asked the Minister for Justice, Equality and Law Reform if he has had discussions with the Garda Commissioner in
[Mr. Glennon.]

relation to changing the boundaries of divisional geographical areas under the control of a chief superintendent; the divisional areas which would be affected by these changes; and if he will make a statement on the matter. [7560/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A study group under the chairmanship of the assistant commissioner, northern region has been established to examine various issues associated with possible new boundary alignments in the Cavan-Monaghan and Louth-Meath divisions. The study group is in the preliminary stages of its work and has, to date, only looked at various possibilities to facilitate the establishment of a consultative study group. There are currently no immediate proposals to review the existing divisional boundaries of the remaining divisions.

339. Mr. Glennon asked the Minister for Justice, Equality and Law Reform his views on whether the geographical area of Fingal with a population of 196,413 persons now warrants the setting up of a Garda division for Fingal, under the control of a chief superintendent, to ensure a co-ordinated approach to policing in the county; and if he will make a statement on the matter. [7561/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Fingal County Council area, traditionally referred to as north County Dublin, encompasses parts of the Garda divisions of the Dublin metropolitan regions north and west and the southern part of the Louth-Meath Garda division. Garda management are of the opinion that the effective delivery of a police service to these areas is not in any way impeded or diminished by the present Garda Síochána administrative structures. There are no proposals to review the existing divisional boundaries that cover the Fingal County Council area.

Garda Stations.

340. Mr. Costello asked the Minister for Justice, Equality and Law Reform if he will locate a Garda sub-station in the Raheen and Dooradoyle area; and if he will make a statement on the matter. [7563/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of Garda resources, including personnel, that the Raheen-Dooradoyle areas of Limerick are policed by Roxboro Road Garda station. The personnel strength of Roxboro Road Garda station as at 7 March 2005 was 87 — all ranks.

I am further informed by that the Garda authorities that they have no plans at present to locate a Garda station in the Raheen-Dooradoyle area. In their view, the opening of a new Garda station would be incompatible with contemporary policing policy and would only serve to confine more personnel to indoor administrative duties who may be utilised more effectively on outdoor patrols. Local Garda management is satisfied that the resources in place in Roxboro Road Garda station are adequate to meet the present policing needs of the area.

Public Order Offences.

341. Mr. Kenny asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the disturbances or trouble or serious threats to safety being made against persons (details supplied) in Dublin 17; the action which has been taken; and the action which will now be taken to deal with this behaviour in view of actual knowledge arising; and if he will make a statement on the matter. [7572/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that three incidents of public disorder have been reported since September 2004 in the area in question. A court date is awaited in respect of one incident and a further two incidents involving a juvenile are being dealt with under the juvenile liaison scheme.

I understand from the Garda authorities that gardaí at Santry Garda station patrol the area in question and that community police, who have an excellent rapport with the local community, are assigned to the area. Also, additional supporting patrols are provided by divisional units and the detective branch.

Current policing plans in the area have as their goals the prevention of anti-social and public order offences, the prevention of crime including crimes of violence against persons and property and the maintenance of an environment conducive to the improvement of quality of life of the residents. Patrols are directed to pay particular attention to residential areas where local youths tend to congregate. I understand that this strategy is, and will continue to be, central to the delivery of a policing service to the area in question.

Registration of Title.

342. Mr. Ring asked the Minister for Justice, Equality and Law Reform when a dealing will be completed for a person (details supplied) in County Mayo in the Land Registry. [7576/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Registrar of Titles that an application for transfer of part and amalgamation was lodged in this case on 13 July 2004 and that dealing number D2004SM005635A refers. I have been further informed that the application is associated with dealing number D2000SM001443C, which was lodged on 24 February 2000. I have also been informed that there is an outstanding query in respect of the latter application. Both applications will be completed by the Land Registry.
343. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform the number and details of the Garda inquiries established to inquire into allegations of Garda misconduct in the Donegal division which gave rise to the establishment of the Morris tribunal; and the cost of each such inquiry. [7583/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are compiling the information sought by the Deputy. I will give the Deputy with the fullest available details as soon as possible.

344. Ms McManus asked the Minister for Justice, Equality and Law Reform if he will approve the application by a group in (details supplied) in County Louth for funding to provide a desperately needed child care facility; and if he will make a statement on the matter. [7587/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 4 March last, I approved capital grant assistance of €1.1 million under the equal opportunities child care programme in respect of an application from the group in question, subject to its satisfactory compliance with a number of conditions in respect of the development and completion of the project. I understand that the Department’s child care directorate advised the group of my decision. Area Development Management Limited has been engaged to administer the child care programme on behalf of the Department. ADM Limited will contact the group directly about the conclusion of the contractual agreement necessary to draw down the grant.

345. Mr. Durkan asked the Minister for Justice, Equality and Law Reform when travel documentation will be returned to a person (details supplied) in County Dublin; and if he will make a statement on the matter. [7673/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question was granted refugee status in the State in January 2000. He was subsequently charged with and convicted of people trafficking offences in Belgium and served a prison sentence in that country for the offences. Due to the clear incompatibility between the man’s people trafficking activities and his refugee status in the State, I decided to revoke his refugee status. The Department communicated that decision to him in a letter dated 18 February last. The letter was copied to his legal representatives, the UN High Commissioner for Refugees and the Irish Refugee Council on that date. As the process of revoking the man’s refugee status has commenced, I do not propose to return any documentation to him until the process has been completed.

346. Caoimhghin Ó Caoláin asked the Minister for Justice, Equality and Law Reform if he has reached a decision in the application of a person (details supplied) for leave to remain here; if so, the decision he has reached; and if not, when he expects to reach a decision in this case. [7674/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question and her three children arrived in the State and claimed asylum on 28 November 2001. The application and subsequent appeal were refused and the woman in question was notified of my decision to refuse refugee status in a letter dated 30 December 2002, in which she was informed of the three options open to her — to leave the State before the case was considered for deportation; to consent to the making of a deportation order in respect of her; and to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform stating the reasons she should not be deported, that is, why she should be allowed to remain temporarily in the State.

The case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996, which relates to the prohibition of refoulement. All representations received on behalf of the people in question were considered. Deportation orders were made in respect of these persons on 11 February 2005 and were served on them by registered post. They are due to present themselves as requested to the Garda national immigration bureau on Thursday, 10 March 2005, when arrangements will be made for their removal from the State. The enforcement of the deportation orders is a matter for the Garda national immigration bureau.

347. Mr. Ring asked the Minister for Justice, Equality and Law Reform when funding will be provided to a playgroup (details supplied) in County Mayo under the equal opportunities childcare programme 2000-2006; and when this group applied for funding. [7675/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that an application for capital grant assistance under the equal opportunities child care programme was submitted by the group in question to the Department of Justice, Equality and Law Reform in March 2004. The child care programme is a seven-year development programme that aims to increase the availability and quality of child care to support parents in employment, education and training. The Deputy may be aware that the group in question has received staffing grant assistance of over €51,000 from the programme.
[Mr. McDowell.]

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme. Following discussions with the Minister for Finance, an additional capital provision of €90 million was made for the period between 2005 and 2009, in the context of the 2005 budget. Some €50 million is being made available under the present programme and €40 million will be made available under the next phase of programme after 2006, in addition to the increased EU funding of €12 million made available last year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million and includes an increased provision for capital developments, for which €205 million has been set aside. Since budget 2005, I announced a record allocation of almost €68 million in capital funding to community-based not for profit groups in two tranches, in December 2004 and on 4 March 2005.

The availability of additional capital funding will allow me to make further capital grant assistance available to groups which address significant child care service gaps, if the project proposal represents good value for money when considered in the context of current guidelines on building costs. The group in question was advised in December 2004 that while its project had not been prioritised for immediate funding at that stage, it will be reconsidered in the future. I hope to make further significant capital commitments during the rest of 2005 and thereafter.

The ongoing assessment of the applications in the pipeline will be concluded as quickly as possible to facilitate the development of additional child care facilities and places at the earliest opportunity. When the assessment of the project in question has been completed, the application will be considered by the programme appraisal committee, chaired by the Department of Justice, Equality and Law Reform, before I make a final decision. In the interim, it would be premature of me to comment further on the application.

Visa Applications.

349. Mr. Perry asked the Minister for Justice, Equality and Law Reform if he will rescind the decision made regarding a visa for a person (details supplied) in view of all the documentation submitted; and if he will make a statement on the matter. [7728/05]

348. Mr. Perry asked the Minister for Justice, Equality and Law Reform if he will rescind the decision made regarding a visa for a person (details supplied) in view of all the documentation submitted; and if he will make a statement on the matter. [7727/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application in question, which was requested for the stated purpose of a short visit, was refused by the Department of Justice, Equality and Law Reform on 5 January 2005 because it was considered that the applicant had not shown any obligation to return home after the proposed visit and that she may not observe the conditions of the short visit visa for which she applied. It was noted that she had previously been refused a visa for the purpose of entering and residing in the State. An appeal in respect of the application was subsequently received and examined by the visa appeals officer who was unable to conclude, based on the additional evidence supplied, that the initial decision should be overturned. As the application has been re-examined on appeal, it is not possible to facilitate a further review.

Crime Levels.

350. Mr. Costello asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the large number of break-ins and robberies in pharmacies on the north side of Dublin in recent months; if he will list the number of such offences in each Garda district for each month over the past two years for the Dublin metropolitan area; the main types of offences committed; the steps he intends to take to tackle such offences; and if he will make a statement on the matter. [7778/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret I have been informed by the Garda authorities that it has not been possible in the time available to obtain the information requested by the Deputy. I will contact him as soon as the details are available.

Courts Service.

351. Mr. Costello asked the Minister for Justice, Equality and Law Reform the number of cases relating to any aspect of immigration that are before the courts at the present time; the category into which each case falls; the average length of time that each case is before the courts; if immigration related cases are creating a problem
for the operation of any court; and if he will make a statement on the matter. [7779/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible to compile the information requested by the Deputy in the time available. The information sought is being compiled at present and I will forward it to the Deputy as soon as it is available.

Deportation Orders.

352. Dr. Upton asked the Minister for Justice, Equality and Law Reform if he will allow a person (details supplied) in Dublin 8 to remain here. [7790/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State and claimed asylum on 26 November 2002. Her application and subsequent appeal was refused and she was notified my decision to refuse refugee status to her in a letter of 29 April 2004, in which she was informed of the three options open to her at that point — to leave the State before her case was considered for deportation; to consent to the making of a deportation order in respect of her; or to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons she should not be deported, that is, why she should be allowed to remain temporarily in the State.

Her case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996, which relates to the prohibition of refoulement, including consideration of all representations received on her behalf. A deportation order was made in respect of the person on 25 January 2005. The order was served on her by registered post and she was asked to present herself to the Garda national immigration bureau on Thursday, 3 March 2005. She is due to present for Justice, Equality and Law Reform setting out reasons she should not be deported, that is, why she should be allowed to remain temporarily in the State.

Her case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996, which relates to the prohibition of refoulement, including consideration of all representations received on her behalf. A deportation order was made in respect of the person on 25 January 2005. The order was served on her by registered post and she was asked to present herself to the Garda national immigration bureau on Thursday, 3 March 2005. She is due to present again on 8 March 2005. The enforcement of the deportation order is a matter for the Garda national immigration bureau.

Noise Pollution.

353. Mr. F. McGrath asked the Minister for Justice, Equality and Law Reform if there is any role for the Garda in a dispute between neighbours on noise pollution and the advice on this difficult situation between residents. [7794/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Legislation relating to noise pollution is a matter for my colleague, the Minister for the Environment, Heritage and Local Government, Deputy Cullen. The Department of the Environment, Heritage and Local Government has issued a leaflet, A Guide to the Noise Regulations, which outlines the steps to be taken when a person experiences nuisance caused by noise. While it is primarily a civil matter and is therefore outside the remit of the Garda, when the Garda receives a complaint about neighbours causing noise, it can request them to lower the noise levels. The powers of the Garda in this regard relate to ensuring that a breach of the peace does not occur. Complainants may be advised by the Garda of their civil entitlements under section 108 of the Environmental Protection Agency Act 1992, which was enacted to make further and better provision for the protection of the environment and the control of pollution and to establish the Environmental Protection Agency.

A local authority, the Environmental Protection Agency or any person may complain to the District Court about any noise which is so loud, continuous, repeated and of such duration or pitch or occurring at such a time as to give reasonable cause for annoyance. The court may order the person or body making the noise to take the measures necessary to reduce the noise to a specified level or to take measures to limit or prevent the noise. An authorised person is entitled at all reasonable times to enter any premises for any purpose connected with the Act and to bring therein such other persons, including members of the Garda. An offence under the Act may be prosecuted summarily by the Environmental Protection Agency.

Deportation Orders.

354. Mr. Kenny asked the Minister for Justice, Equality and Law Reform if he has considered the case of persons (details supplied) for refugee status here; if he will re-examine the case as a matter of urgency; if arrangements will be made to verify the authenticity of the claims for refugee status from the persons involved. [7803/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question, along with her husband and one of their children, arrived in the State and claimed asylum on 14 August 2000. Their applications were refused following consideration by the Office of the Refugee Applications Commissioner and later on appeal by the Office of the Refugee Appeals Tribunal. They were notified of the refusal by letter on 26 September 2002 and given three options — to leave the State before their case was considered for deportation; to consent to the making of deportation orders in respect of them; or to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out the reasons they should not be deported, that is, why they should be allowed to remain temporarily in the State.

The case of the mother and son was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996, which relates to the prohibition of refoulement, including consideration of all representations received on their behalf. Section 5 of the Refugee Act 1996 requires that I consider the safety of returning a person before a deportation order is made. This requires that I consider the safety of returning a person before a deportation order is made. This requires that I consider the safety of returning a person before a deportation order is made. This requires that I consider the safety of returning a person before a deportation order is made. This requires that I consider the safety of returning a person before a deportation order is made. This requires that I consider the safety of returning a person before a deportation order is made.
[Mr. McDowell.] where, in my opinion, the life or freedom of the person is threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. I am satisfied that the requirement has been met in this case.

Deportation orders were made in respect of the mother and son on 9 November 2004. The orders were served by registered post and they presented themselves to the Garda national immigration bureau on Thursday, 10 February 2005. They are due to present again to the bureau on Thursday, 14 April 2005. The enforcement of the deportation orders is a matter for the Garda national immigration bureau. It appears from the information supplied by the Deputy that the family has been joined by a further child, who is female, since it first made its asylum application. A notice of intention to deport this person issued recently. The three options mentioned above have been afforded to her. If she fails to leave the State voluntarily with the other members of the family, who are the subject of deportation orders, her case will also be considered for deportation.

Courts Service.

355. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform if he has proposals to increase the jurisdiction of the District Court and Circuit Court in civil proceedings; and if so, the new limits proposed. [7804/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Sections 13 and 14 of the Courts and Court Officers Act 2002 provided for increases in the monetary and jurisdiction limits of the Circuit Court and District Court. The proposed limits are €100,000 for the Circuit Court and €20,000 for the District Court.

As the Deputy will be aware, the Personal Injuries Assessment Board, PIAB, was established in 2004. I will consider the commencement of sections 13 and 14 of the Act when sufficient time has elapsed to consider the impact the board has had on the compensation regime. A legal costs working group has been established to identify ways of reducing legal costs and I would also like to await its report before considering the matter further.

Garda Operations.

356. Ms O. Mitchell asked the Minister for Justice, Equality and Law Reform if it is envisaged that the outsourcing of speed cameras will be confined to fixed cameras; if private operators will operate mobile cameras; and if he will make a statement on the matter. [7805/05]

357. Ms O. Mitchell asked the Minister for Justice, Equality and Law Reform if the choice of location of speed cameras, whether fixed or mobile, will remain solely in the hands of the Garda Síochána; if the system of remuneration for the operating company will be structured in such a way as to prevent revenue raising consider-
Garda Deployment.

359. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of Garda stations located in County Meath; the number of gardaí allocated to each of the Garda stations in each of the past five years; if he has plans to increase the allocation of gardaí to any of the Garda stations; if he proposed to introduce community policing throughout the county of Meath; and if he will make a statement on the matter. [7824/05]

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I am further informed that community policing is in operation in Navan and Ashbourne, County Meath, and that local Garda management has no immediate plans to extend community policing in the county.

On Garda resources generally, I am, of course, very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the commitment in that regard in An Agreed Programme for Government. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force.

The commissioner will now be drawing up plans on how best to distribute and manage these additional resources. In this context, the needs of Garda stations in County Meath will be fully considered within the context of the needs of Garda stations throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies, in particular, areas with a significant drugs problem and a large number of public order offences, but it will also be possible to address other priorities, such as the need to increase very significantly the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

**Refugee Status.**

360. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if he has re-examined the case of a person (details supplied) in County Mayo for refugee status in Ireland; if he has examined independent observations submitted in respect of the process followed in arriving at a decision; his views on the seven points outlined in the independent assessment of the process; if he will further confirm the reason photostat copies of stamped documentation from South African police are not acceptable and if original documentation is required in all such circumstances; and if he will make a statement on the matter. [7827/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy may be aware, under the Refugee Act 1996, two independent statutory offices were established to consider applications or appeals for refugee status and
make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. These two offices are the Office of the Refugee Applications Commissioner, which considers applications for a declaration as a refugee at first instance, and the Refugee Appeals Tribunal, which considers applications for a declaration at appeal stage.

The two persons concerned arrived in the State on 20 February 2003 and applied for asylum. Both applications were refused following consideration by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Given the statutory independence of the asylum process, I do not propose to comment on the details of these individual applications.

On the process subsequent to the asylum determination, I can say that in accordance with section 3 of the Immigration Act 1999, as amended, the first named person was informed by letter dated 18 February 2005, and the second named person by letter dated 21 February 2005, that the Minister proposed to make deportation orders in respect of them. They were given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons they 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.

The case files, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, pertaining to the prohibition of refoulement. I expect the files to be passed to me for decision in due course.

Garda Investigations.

361. Mr. Gregory asked the Minister for Justice, Equality and Law Reform if he has received the report on the Garda review of the murder of a person (details supplied); if the report will be made public; and if he will make a statement on the matter. [7828/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have not yet received a report on the full review of the Garda investigation file on the murder of the person in question, following from the submission of a memorandum from the legal representative of the family. When the review has been completed and when any ancillary issues are resolved and the report is received, I will be in further contact with the legal representative, as previously undertaken. The question of the publication of the findings of the review will fall to be considered when the report has been received.

Road Traffic Offences.

362. Mr. Ardagh asked the Minister for Justice, Equality and Law Reform the legal status of bikes (details supplied); the powers of the gardaí to stop their use, confiscate them, sanction the users or their parents and impose penalties; and the action he intends to take regarding the problem. [7848/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Road Traffic Act 1961 defines a mechanically propelled vehicle as a vehicle intended or adapted for propulsion by mechanical means. Quadricycles and motorcycles, including micro-motorcycles, come within this definition.

To use a mechanically propelled vehicle in a public place, a range of requirements must be satisfied in respect of both the vehicle and the driver. Specifically, a mechanically propelled vehicle when in use in a public place must comply with the requirements of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 to 2002 and the Road Traffic (Lighting of Vehicles) Regulations 1963 to 1996, and the driver must have third party insurance cover in accordance with section 56 of the Road Traffic Act 1961. In addition, under section 38 of the Road Traffic Act 1961, a driving licence is required to drive a mechanically propelled vehicle in a public place. The minimum age for holding a driving licence is 16 years for a moped and small motorcycles and 17 years for a quadricycle.

The Road Traffic Act 1994 (Section 41) Regulations 1995 — SI 89 of 1995 — provide for the detention of vehicles by the Garda Síochána for driving without a driving licence, insurance or motor tax. The penalties for breaches of the road traffic law in respect of the above mentioned requirements are a fine not exceeding €800 in the case of a first offence, a fine not exceeding €1,500 in the case of a second or subsequent offence, and a fine of €1,500 or a term of imprisonment not exceeding three months, or both, in the case of a third or subsequent offence in a period of 12 consecutive months. A person convicted of a breach of section 56 of the Road Traffic Act 1961 incurs five penalty points.

On the incidents to which the Deputy specifically referred, I am informed by the Garda authorities that prior to Christmas 2004 two of these replica motorcycles were seized from children by Sundrive Road gardaí and the parents of the children were advised of the activities. Around the same time, two further bikes were seized by gardaí from Crumlin under section 41 of the Road Traffic Act 1994. All members of the Garda Síochána fully enforce the legislation regarding the seizure, storage cost, release and disposal of these vehicles when they are observed in use in a public place.
Child care Services.

363. Ms B. Moynihan-Cronin asked the Minister for Justice, Equality and Law Reform the number of child care centres, crèches and other child care facilities in County Kerry which are currently in receipt of funding from his Department or which would have received funding in any of the past five years; and the names and addresses of these facilities. [7850/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): During the summer of 2004, my Department published a comprehensive review of progress under the equal opportunities childcare programme 2000-2006 entitled Developing Childcare in Ireland. This document was circulated to all Members of the Oireachtas and was also posted on the Department’s website. Much of the information the Deputy is seeking concerning the period up to the end of 2003 is included in this report.

It is intended to update these statistics twice yearly. The first such update, which will cover the period up to end of 2004, is expected to become available over the coming months and will be posted on the Department’s website and circulated to interested parties, including Members of the Oireachtas.

The overall position on County Kerry is that, to date, I have approved 123 grants totalling over €16.5 million in respect of capital, staffing and quality improvement projects across the county. It is anticipated that this funding will lead to the creation of 1,816 new child care places and will support a further 1,041 existing places. This funding includes over €7.8 million in capital grant assistance to 29 community-based, not for profit groups; over €6.7 million in staffing grant assistance to 59 community-based, not for profit projects; €752,531 in capital grant assistance for 22 private sector child care projects; and over €1.2 million to Kerry county child care Committee. This funding is to enable them to carry out their day-to-day activities and to deliver on their respective action plans.

Citizenship Applications.

364. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the position on an application for citizenship in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7851/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 11 June 2004. The average processing time for such applications is 24 months and it is likely, therefore, that the application of the individual concerned will be finalised in or around June 2006. I will inform both the applicant and the Deputy as soon as I have reached a decision on the application.

Registration of Title.

365. Cecilia Keaveney asked the Minister for Justice, Equality and Law Reform the position on a land registry application by a person (details supplied) in County Donegal; and if he will make a statement on the matter. [7876/05]

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 — pertaining to the acquisition of a title by virtue of long possession — of the Registration of Title Act 1964, which was lodged on 8 March 2004. Dealing No. D2004WS002605V refers. I am further informed that this application was completed on 25 January 2005.

Ministerial Staff.

366. Ms Burton asked the Minister for Justice, Equality and Law Reform the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter. [7930/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The current staffing in my private and constituency office is as follows. In my private office, there is one special adviser, one higher executive officer, serving as a private secretary, two executive officers and one clerical officer. In the constituency office, there is one executive officer, one personal secretary, one personal assistant and three clerical officers. I also have shared access to the following support staff who handle correspondence tracking, parliamentary questions, the processing of ministerial decision files etc. — one executive officer and 3.5 clerical officers. The salary costs and expenses for 2004 for my private office were as follows: salary, including overtime, €476,681.65; expenses, comprising travel and subsistence costs, €5,384.31.

Residency Permits.

367. Mr. McGuinness asked the Minister for Justice, Equality and Law Reform if he will expedite applications to remain in the State on the basis of parentage of an Irish-born child to persons (details supplied); the expected timeframe within which such applications will be processed; and if he will make a statement on the matter. [7939/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned made an application for permission to remain in the State on the basis of their parentage of an Irish citizen child under the revised arrangements on 7
February 2005. Their applications were acknowledged on 22 February 2005.

I advise the Deputy that applications are being dealt with in order of receipt in so far as is possible and as expeditiously as possible. The revised arrangements were announced by me on 14 January 2005. By Friday last, 4 March 2005, a total of 11,758 applications for permission to remain under the revised arrangements had been received and some 2,400 applicants have been granted leave to remain. A significant number of incomplete applications are held pending the submission of identity documents or of additional information. Given the number of applications being processed, it will take several weeks before the processing of the applications from the persons concerned will be completed.

Child Care Services.

368. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform if, in view of the plans for further child care services in the five social inclusion task forces in Dublin, he will consider increasing the funding allocated to a group (details supplied) from €440,000 to €695,000 as requested. [8013/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department is responsible for the co-ordination of child care service delivery during the period of the National Development Plan 2000-2006. My Department established the equal opportunities child care programme in April 2000 to increase the number of child care facilities and places in Ireland, to improve the quality of child care services available and to put new structures in place for the co-ordination of activity in the development of child care. The total funding allocated to my Department for these purposes during the lifetime of the 2000-2006 programme has been increased to €499.3 million since budget 2005.

Dublin city child care committee is one of the 33 city and county child care committees established as part of the quality measure under the equal opportunities child care programme, and has received €1.55 million in programme funding since the start of the programme. Funding provision for the committees has increased significantly since the start of the programme, and almost €7.6 million has been made available for the implementation of the action plans drawn up by the committees in 2005. This has been supplemented by €65,000 for a range of actions to support childminding.

The original indicative budget for Dublin city child care committee was €318,500 per annum. Following a review of the provisions for the committees in September 2004, the maximum level of the indicative budget for each committee was increased by 8% for 2005. I have also provisionally set aside a further increase of 2.5% for 2006 and a further 2.5% for 2007 for the implementation of the action plan of each committee, including Dublin city child care committee. This has been supplemented by funding provided in respect of the child care bureau of €100,000, making total annual funding of €444,000 available to Dublin city child care committee, excluding childminders’ initiatives. I understand that Dublin city child care committee sought a review of this decision and officials in my Department are assessing this request. Pending this review, it would be premature of me to comment further on the matter at this time.

Citizenship Applications.

369. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform when a decision will be made regarding a citizenship application in the name of a person (details supplied) in Dublin 11. [8014/05]

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 13 April 2004. The average processing time for such applications is 24 months and it is likely, therefore, that the application of the individual concerned will be finalised around April 2006. I will inform both the applicant and the Deputy as soon as I have reached a decision on the application.

Legal Aid Service.

370. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform if consideration has been given to compensating those who attend in court at their own cost and inconvenience as witnesses, defendants or prosecutors in cases in which an assigned judge fails to appear or when a trial is postponed, delayed or aborted. [8015/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In general, witness expenses are paid by the person who has called the witness. In criminal cases, expenses may be paid by the prosecution, the defence or the court itself in cases where it has requested a report. In civil cases, expenses are payable by the party calling the witness. No change is contemplated in these arrangements. Any delay in the hearing of cases is regretted. There will always, however, be instances where, for one reason or another, a case cannot proceed and it is not always possible to anticipate these cases in advance to notify witnesses and parties.

Prison Building Programme.

371. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform the number of
acres needed for the proposed new prison complex planned for north County Dublin. [8016/05]

372. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform the height of the proposed new prison complex planned for north County Dublin; and if it will be single storey, two storey, three storey or four storey. [8019/05]

373. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform the way in which sewerage will be provided for the proposed new prison complex planned for north County Dublin in view of the lack of mains sewerage and the water table difficulties in the locality. [8020/05]

374. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform the way in which water will be provided for the proposed new prison complex planned for north County Dublin in view of the difficulties with mains water supply in the locality. [8021/05]

375. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform the way in which electricity will be provided to the proposed new prison complex planned for north County Dublin in view of the supply difficulties experienced in the locality. [8022/05]

376. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform if the proposed new prison complex planned for north County Dublin will have two outer walls or one wall and one fence. [8023/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 371 to 376, inclusive, together.

This project is at a very early stage and, as such, the specific details as mentioned by the Deputy will not be available for some time.

Garda Complaints Procedures.

377. Mr. O’Connor asked the Minister for Justice, Equality and Law Reform if he will make a statement on the case of a person (details supplied), in view of the recent apology on the matter from the Garda Síochána; and if his attention has been drawn to the view of this person’s parents that a police inquiry into the case be carried out. [8024/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 24 February 2005, the Garda Síochána issued a public apology to the family of the late Dean Lyons, stating that they were satisfied that he had no participation in the horrific murders of Sylvia Shiels and Mary Callinan. I fully appreciate the hurt and embarrassment that Mr. and Mrs. Lyons and their family have suffered as a result of criminal charges preferred against Dean and subsequently withdrawn and I can only hope that this apology will help in bringing closure to the matter for them.

The murders of Sylvia Shiels and Mary Callinan on the night of 6 to 7 March 1997 were particularly brutal and merciless and met with universal revulsion. As a result of admissions made by another person, which were subsequently retracted, an assistant commissioner was appointed to review all available evidence on these murders. The Garda authorities stated that this investigation indicated that Mr. Lyons did not commit the murders in question. It also concluded that the manner in which Mr. Lyons had been interviewed in regard to the case complied with the treatment of persons in custody in Garda stations regulations 1987 and the electronic recording of interviews regulations 1997, which came into operation on 1 March 1997.

Following completion of this inquiry, a report was submitted by the assistant commissioner to the Director of Public Prosecutions. In April 1998, after consideration of the report, the Director of Public Prosecutions decided that criminal proceedings against Mr. Lyons be discontinued. In July 1999, Mr. Lyons presented a signed and witnessed statement denying any involvement in the Grangegorman murders. Having considered the file submitted to him by the Garda concerning the second individual who had confessed to the murders, the Director of Public Prosecutions decided that no prosecution should take place.

When the DPP decides not to prosecute in a particular case, the reasons for the decision are given to the State solicitor and the investigating gardaí. The Director of Public Prosecutions stated that it is policy not to disclose this information otherwise. The policy has been upheld by the Supreme Court. The Director of Public Prosecutions is responsible for the prosecution of alleged offences and is independent in the exercise of his functions. It would be inappropriate for me to intervene or comment on his decisions.

With regard to the criminal investigation, the forensic science laboratory is reviewing the exhibits and samples taken at the time from the scene of the murders. I have separately received representations requesting that there be an independent public inquiry into the Garda investigation into the murder of one of the victims, and this request is grounded on the protections afforded by the European Convention on Human Rights.

I am not satisfied that the investigation performed fell short of the standard required by the convention or of the potential effectiveness of a full public tribunal of inquiry. However, in view of the matters raised by the solicitors involved and to assist me in my consideration of the request, I asked the solicitor involved to outline in further detail the reasons he considers a public inquiry to be necessary. I have received a response and, while it does not put forward further details, I have referred the correspon-
dence to the Attorney General. In addition, I expect to receive within a few weeks a detailed report, which I have requested, from the Garda authorities on matters arising in this case. In keeping this matter under review, I will take into account any submission made to me, but the criminal investigation into these two brutal murders is not closed and this would have clear implications for what further action, if any, I might consider.

**Visa Applications.**

378. Mr. Ardagh asked the Minister for Justice, Equality and Law Reform if the visa application of persons (details supplied) will be re-examined. [8025/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa applications in question were for the purposes of allowing the children of a non-EEA national employed in the State under the working visa scheme, to travel to Ireland for the purposes of residing in the State with their mother. A worker employed under the work permit scheme may be joined by his or her spouse and minor children after the worker has been in the State for one year and has been offered a contract for a further year. The worker must also be able fully to support the family members in question without the need to have recourse to public funds.

One of the persons in question was over the age of 18 at the time of application and consequently her application was refused as she could not be regarded as a minor. With regard to the second person in question, it was noted that she was enrolled in a public non-fee-paying school. It is the general policy of my Department that visas for students, including those wishing to undergo formal secondary education, will issue only where the prospective student will be attending the course of studies at a privately funded school.

It is open to the applicants to appeal these decisions in writing.

**Garda Recruitment.**

379. Mr. Cregan asked the Minister for Justice, Equality and Law Reform, further to the most recent Garda recruitment drive, the number of applications which were received; the number of applicants who were deemed to be successful and will subsequently be called for interview; when interviews will be held; and the number of recruits who will be taken into training as a result of this most recent recruitment drive based on the recent aptitude test. [8031/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Public Appointments Service administers a recruitment competition on behalf of the Garda Síochána which was launched on 25 November 2004. The service, which is independent in the exercise of its functions, will have details of the number of applicants who were deemed successful and will subsequently be called for interviews and when the interviews will be held. More than 10,600 applications were received for the current competition. This high level of applications was aided by the increase in the maximum recruitment age from 26 to 35, as approved by the Government in November 2004 on foot of a recommendation by the commissioner.

For the period 2005-2007, approximately 275 recruits will be taken into the college every quarter. The intake of this first tranche of 275 students to the Garda College took place on the week commencing Monday, 7 February 2005 and arrangements are in place for the current recruitment competition to be progressed to provide for the second intake of 275 students on 3 May this year. It is estimated that 526 Garda trainees will become attested members of the force in 2005.

The commissioner will draw up plans on how best to distribute and manage the additional Garda resources that will come on stream. The additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government which identifies in particular areas with a significant drugs problem and many public order offences but it will be possible to address other priorities as well, such as the need to increase very significantly the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

**Special Educational Needs.**

380. Mr. Durkan asked the Minister for Education and Science if her attention has been drawn to the special classes being provided by the Celbridge branch of the Dyslexia Association of Ireland at both primary and second level; if her further attention has been drawn to the urgent need for financial assistance in view of the wide range of classes being provided and the obvious costs involved; if she will consider an application for assistance with a view to meeting the ongoing funding requirements of the association; and if she will make a statement on the matter. [7839/05]

412. Mr. Durkan asked the Minister for Education and Science if her attention has been drawn to the special classes being provided by the Celbridge branch of the Dyslexia Association of Ireland at both primary and second level; if her further attention has been drawn to the urgent need for financial assistance in view of the wide range of classes being provided and the obvious costs involved; if she will consider an application...
for assistance with a view to meeting the ongoing funding requirements of the association; and if she will make a statement on the matter. [7838/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 380 and 412 together.

My Department has provided annual funding of €63,500 to the Dyslexia Association of Ireland since 1999. I understand this funding has helped the association to operate an information service for members and the public. In addition, it is understood that part of this funding has assisted in meeting the costs associated with the attendance of some children from disadvantaged backgrounds at workshops and programmes organised by the association.

My Department has received representations from certain branches of the Dyslexia Association of Ireland expressing concern at the escalating costs of running the workshops. My Department is in communications with the association at central level about its funding requirements.

381. Mr. Connolly asked the Minister for Education and Science when it is proposed to open the cross-Border regional autism centre at Middletown, County Armagh; and if she will make a statement on the matter. [7874/05]

Minister for Education and Science (Ms Hanafin): The joint launch last September by my predecessor and the Minister with responsibility for education in Northern Ireland of the Middletown Centre for Autism marked the successful completion of the purchase of the former St. Joseph’s Adolescent Centre, Middletown, County Armagh; and if she will make a statement on the matter. [7874/05]

Minister for Education and Science (Ms Hanafin): Voluntary contributions by parents of pupils in recognised primary schools are permissible provided it is made absolutely clear to parents that there is no question of compulsion to pay and that, in making a contribution, they are doing so of their own volition. The manner in which such voluntary contributions are sought and collected is a matter for school management. However, their collection should be such as not to create a situation where either parents or pupils could reasonably infer that the contributions take on a compulsory character.

The school referred to by the Deputy currently has temporary recognition. All issues, including the matter of payment of fees, would be taken into account in the context of consideration being given to extending permanent recognition to the school.

Special Educational Needs.

383. Mr. O’Dowd asked the Minister for Education and Science the position regarding the application for extra hours to be granted to the special needs assistants in a school (details supplied) in County Louth; and if she will make a statement on the matter. [7501/05]

Minister for Education and Science (Ms Hanafin): An application for special needs assistant support from the school in question was received in my Department. A review of the existing level of SNA support in the school has recently been completed and a decision on the application will be conveyed to the school shortly.

Schools Building Projects.

384. Mr. Hogan asked the Minister for Education and Science if she will review the recent reply to Question No. 497 of the 15 February 2005 in relation to a school (details supplied) in County Carlow; when funding will be provided for this extension; and if she will make a statement on the matter. [7504/05]

Minister for Education and Science (Ms Hanafin): I can confirm to the Deputy that since
my reply to Question No. 497 of 15 February 2005, my Department received an application from the school to which he refers for additional temporary and permanent accommodation. This application is being assessed in the school planning section of my Department and contact will be made directly with the school authority when a decision has been taken in the matter.

Languages Programme.

385. Mr. O'Shea asked the Minister for Education and Science, further to Question No. 157 of 17 February 2005, her views on the response of a person (details supplied) in County Waterford to her reply to this question; and if she will make a statement on the matter. [7505/05]

Minister for Education and Science (Ms Hanafin): I am aware of the newspaper article referred to by the person in County Waterford. I can find nothing in the article which disagrees with the reply I made previously in which I said that “the experience of learning any second language is hugely beneficial to students in that it develops their awareness of how languages work and builds confidence in their own ability to learn other languages”.

It is important to recall the context in which children in many European countries learn foreign languages. Many countries, for example Belgium, Luxembourg and Finland, have a significant historic presence of other languages within their borders or in close proximity. This has created an imperative within those countries to learn those foreign languages. In other regards, far and away the most popular foreign language in European schools is English.

Language development is a central element of the revised primary curriculum. Although the focus is on English and Irish, which are enshrined in the Constitution as official languages of the State, a number of primary schools also offer foreign languages. My Department launched a pilot project for modern languages in primary schools in September 1998. The aims of the pilot project included the development of communication skills in four target languages which are French, German, Spanish and Italian, the fostering of positive attitudes to language learning and the diversification of the languages taught in schools. To achieve these aims in the project schools, the teaching of a modern European language to pupils in fifth and sixth classes was introduced. Currently 394 schools are participating in the initiative at primary level.

At the request of my Department, the National Council for Curriculum and Assessment has carried out a feasibility study on the teaching of modern languages in the primary curriculum. The report, completed last year, recommended that any decision on the place of modern languages in the primary curriculum should be deferred until the revised primary curriculum has been implemented in full. This will be 2007 at the earliest. Until then, the initiative will continue with support provided by a team of language specialists and funded by my Department. The NCCA is engaging in additional research and some pilot projects with initiative schools to further inform its advice when the primary curriculum has been fully implemented. My Department is working closely with language experts from the Council of Europe to facilitate the analysis of language practice at primary and post-primary level, with a view to the formulation of an integrated language policy. This analysis will include Irish as well as the development of criteria for decision-making on issues such as the inclusion of additional languages in the curriculum. This will complement ongoing work by the National Council for Curriculum and Assessment which is engaged in reviewing languages in the post-primary curriculum and the feasibility of expanding provision at primary level.

Special Educational Needs.

386. Dr. Upton asked the Minister for Education and Science if she will review the special needs allocation to a young person (details supplied) in Dublin 6W who will attend school shortly; and if she will make a statement on the matter. [7512/05]

Minister for Education and Science (Ms Hanafin): The Deputy may be aware that the National Council for Special Education, NCSE, which was established recently and which has been operational since 1 January 2005, is responsible for processing applications for special educational needs supports. Seventy one special educational needs organisers have been recruited throughout the country and will be a focal point of contact for schools and parents. I can confirm that an application for special needs assistant support has been received for the pupil concerned and is with the local SENO for processing. The SENO will make direct contact with the school authorities regarding the matter.

School Staffing.

387. Mr. Ferris asked the Minister for Education and Science if the resource teacher at a school (details supplied) in County Kerry will be retained. [7519/05]

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 predecessor 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.

As I have told the Dáil on a number of occasions, I am very conscious of difficulties that could arise in relation 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 that 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 that pupils in receipt of service continue to receive the level of service appropriate to their needs. In carrying out the review, my Department is consulting representative interests, including the National Council for Special Education. I have made it clear that I am in favour of using a general allocation model to ensure that we have in place a permanent resource in our primary schools to cater for pupils with high incidence mild disabilities and learning difficulties. 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. A communication will issue to all schools at that point, including the school referred to by the Deputy. 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 special need in the low incidence category that 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 special education needs organisers will greatly enhance the speed of response to such applications.

**Disadvantaged Status.**

388. Ms Enright asked the Minister for Education and Science the schools which will be included in the school completion programme for 2005 and 2006; and if she will make a statement on the matter. [7523/05]

**Minister for Education and Science (Ms Hanafin):** There are currently 82 projects participating in the school completion programme in 21 counties, comprising of 300 primary and 112 post primary schools. Any decision to include further schools in the school completion programme is being considered by my Department in the context of the overall review of disadvantage programmes which is nearing completion. Arising from the review process, a draft report has been prepared and it is my intention to complete this work as soon as possible.

**Schools Building Projects.**

389. Ms Enright asked the Minister for Education and Science when she will announce the list of schools to benefit under the summer works scheme 2005; and if she will make a statement on the matter. [7524/05]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that the list of successful applicants under the summer works scheme was published on Monday, 7 March 2005.

**School Accommodation.**

390. Mr. P. Breen asked the Minister for Education and Science if she has received and when she will consider funding for an application from a school (details supplied) in County Clare in regard to a prefabricated unit to deal with special needs and other related activities; and if she will make a statement on the matter. [7526/05]

**Minister for Education and Science (Ms Hanafin):** All applications for temporary accommodation have been considered in school planning section of my Department. In the context of the available funding and the number of applications for that funding, it was not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved. The application for a resource room in temporary accommodation at the school to which the Deputy refers was not successful on this occasion. The school authority has been advised accordingly.

**Schools Building Projects.**

391. Mr. Deenihan asked the Minister for Education and Science the position regarding the provision of an extension to a school (details supplied) in County Kerry; and if she will make a statement on the matter. [7527/05]
Minister for Education and Science (Ms Hanafin): An extension project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria. The project is being considered in the context of the school buildings and modernisation programme.

The school authority recently applied for temporary accommodation to meet its mainstream accommodation needs for September next. The application has been considered and the school authority advised that my Department will provide funding to grant aid the rental of the prefabricated unit required.

392. Mr. Deenihan asked the Minister for Education and Science the position regarding the provision of a new primary school at a school (details supplied) in County Kerry; and if she will make a statement on the matter. [7528/05]

Minister for Education and Science (Ms Hanafin): The project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria. The project is being considered in the context of the school buildings and modernisation programme. Detailed examination of a feasibility study regarding the options for provision of the required level of accommodation is underway to determine the best way forward.

The Deputy will be aware that I recently announced details of 43 school projects which are being authorised to proceed to architectural planning immediately. I will be making further announcements on projects which will progress, on a phased basis, into the architectural planning process in the next 12 to 15 months.

The proposed project at the school referred to will be considered in this regard.

School Accommodation.

393. Mr. S. Ryan asked the Minister for Education and Science if her attention has been drawn to the fact that in September 2004 her Department directed the board of management of a school (details supplied) in County Dublin to utilise the all-purpose room as a class room; if, in view of this, an additional prefab will be made available to the school for September 2005 to enable the all purpose room to revert to its previous use. [7546/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy made an application to my Department for the provision of two temporary classrooms from September 2005. Approval has now been given to the school authority to provide the two temporary classrooms required. I understand that this will facilitate the general purposes room reverting to its original usage at the school in question.

394. Mr. P. McGrath asked the Minister for Education and Science the reason for the carry-forward of €50 million from the schools building programme 2004 to the financial year 2005 in view of the fact that many schools seeking funding for necessary building work were advised by her Department that no funds were available. [7552/05]

Minister for Education and Science (Ms Hanafin): The carryover of €50 million from 2004 to 2005 on school buildings was not due to any reduction or cutback in planned activity. The reason was that some payments on projects that were approved to go to tender and construction, did not incur payment in 2004 as originally envisaged.

A record level of new school projects was commissioned in 2004 and payments expected to fall due before the end of 2004 did not arise until early 2005. However, the decision by the Government to put its entire capital programme, including the education capital programme, on a multi-annual basis means that it is easier to manage and cope with that type of variation in projected spending.

The Deputy will appreciate that the 2004 school building programme was a multifaceted undertaking involving many hundreds of individual projects ranging from new school buildings, extensions, refurbishments and other projects under the summer works scheme, temporary accommodation and permanent accommodation initiatives, remediation programmes and the contingency fund. In addition, my Department funds the purchase of sites for new school building projects.

In broad terms, there are many reasons which can cause unexpected delays in the pace at which some projects advance. These include an appeal of planning permission by third parties to An Bord Pleanála, contractors withdrawing tenders and design teams being slower than anticipated in getting projects tendered.

However, through the carryover measure and the overall management of my capital budget and Department spending to the end of 2004, I was able to ensure that all funds remaining for 2004, together with the allocation for 2005, allowed me to maintain the momentum in the capital building and modernisation programme started by the record level of activity in 2004.

395. Ms O. Mitchell asked the Minister for Education and Science the status of the school construction project for the Stepaside and Leopardstown area in the Sandyford parish of Dublin South; if it is envisaged that construction will be completed by September 2005; and if she will make a statement on the matter. [7558/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that
my Department is pursuing the development of two schools to serve the emerging needs of the Leopardstown-Stepaside area. A site has recently been acquired to provide a new 16 classroom facility for Gaelscoil Taobh na Coille. This project is included in the list of recently announced projects which will commence architectural planning with immediate effect.

A suitable site for the planned new parish school has also been identified. Acquisition of the site is at an advanced conveyancing stage. This school is expected to commence operation in temporary accommodation next September and the planning section of my Department is liaising with the chairperson of the board of management with a view to procuring temporary accommodation to facilitate its commencement plans.

396. Mr. Aylward asked the Minister for Education and Science the reason for the delay in providing a new national school (details supplied) in County Kildare. [7579/05]

Minister for Education and Science (Ms Hanafin): I can confirm that an application has been received for a new building for the school to which the Deputy refers. Various options for the long-term accommodation needs of this school are being considered in the school planning section of my Department, including the possibility of acquiring a new greenfield site. A decision in the matter will be taken as quickly as possible.

Site Acquisitions.

397. Mr. Haughey asked the Minister for Education and Science if the OPW has purchased a site in Coolock, acting on behalf of her Department, to accommodate a school (details supplied) in Dublin 9; if this site is specifically designated for this school; if other alternatives for providing suitable accommodation for this school are under consideration; when the analysis of the overall future provision of primary education in this general area will be finalised and the broader examination completed; and if she will make a statement on the matter. [7581/05]

Minister for Education and Science (Ms Hanafin): The property management section of the Office for Public Works, which acts on behalf of my Department on site acquisitions generally, has identified a site, which could provide for the long-term accommodation requirements of the school in question, and is now awaiting receipt of draft contracts.

My Department is also looking at another option which could offer a better value for money solution for the school's long term accommodation needs. This option includes an overall review of primary educational infrastructure in the area in question, the likely demand for primary school places in the medium to long term, and how existing provision can be maximised to cater for this demand. This review, which will be completed as quickly as possible, will inform any future decisions on how to resolve the accommodation needs of the school referred to by the Deputy.

Schools Recognition.

398. Mr. Durkan asked the Minister for Education and Science when a decision on the application for permanent recognition will be made in the case of a school (details supplied) in County Kildare; when the long-term location of the school will be resolved; and if she will make a statement on the matter. [7660/05]

Minister for Education and Science (Ms Hanafin): An application for permanent recognition from the school to which the Deputy refers is under consideration in the school planning section of my Department. As part of the examination, factors such as the long-term viability of the school, current and projected enrolments and suitability of accommodation is being considered. A decision on the school's application will be made as soon as possible.

Until such time as permanent recognition is granted to the school, it does not qualify for capital funding. If and when permanent recognition is granted, budgetary factors will then determine the rate of progress on the delivery of permanent accommodation for the school.

Third Level Institutions.

399. Mr. Carey asked the Minister for Education and Science if a college (details supplied) in Dublin 1 is obliged to retain and make available, if requested, examination results or preadmission assessments, including scripts for a specific period after the taking of such tests by applicants; and if she will make a statement on the matter. [7661/05]

Minister for Education and Science (Ms Hanafin): The college referred to by the Deputy is a statutory body established under the Dublin Institute of Technology Act, 1992. Under that Act, the governance and day-to-day activities of the institute are matters for which the governing body and the management staff of the institute are responsible.

All college faculties retain and make available examination results to all registered students. Graduates are also facilitated with respect to their examination results in this regard. Examination scripts completed by registered students are kept in each faculty for a period of 12 months following the relevant examination in accordance with the college's general assessment regulations.

Preadmission assessments are administered for some programmes, most notably, art and design, photography, music, drama and architecture programmes and range in type from performance
Legislation regarding the fitting and wearing of seat belts in public vehicles is the responsibility of the Minister for Transport. Under existing regulations seatbelts are not compulsory on buses used for school transport. In operating the school transport scheme, Bus Éireann is fully compliant with all relevant regulations as laid down by the Department of Transport.

Irrespective of the legal requirements, which are being fully complied with, safety on vehicles used for school transport is of paramount importance to my Department and Bus Éireann. As the Deputy will be aware, Bus Éireann has a very good safety record in the operation of school transport services on behalf of my Department and the company is fully committed to ensuring that the highest safety standards are maintained. My Department and Bus Éireann will obviously comply with any future regulations laid down by the Department of Transport regarding the wearing of seat belts.

**School Amalgamations.**

402. Mr. Crowe asked the Minister for Education and Science if a school (details supplied) in Dublin 2 will receive the adequate funding to ensure its continued existence at its current location; the position regarding plans to amalgamate Ringsend Technical Institute and this school onto one site in the area; and if a site has been identified on which her Department intends to build this new school. [7664/05]

Minister for Education and Science (Ms Hanafin): Given the dramatic drop in enrolments at Ringsend Technical Institute, from 501 students in 1995-6 to 166 in 2004-5, and its proximity to the school referred to by the Deputy, my Department is of the view that the amalgamation of the two schools into a single school development would best serve the needs of both school communities into the future. An amalgamated school would also be well placed to offer a broad variety of curricular options to all students. The building requirements of both schools are being considered in this context. Discussions with the relevant partners on the issue of amalgamation have taken place but no agreement has been reached.

**Youthreach Programme.**

403. Mr. Perry asked the Minister for Education and Science the status of the application for further funding for the Sligo youthreach centre; if the funding will be granted; and if she will make a statement on the matter. [7665/05]

Minister for Education and Science (Ms Hanafin): The Youthreach programme is designed for young persons aged between 15 and 20 years who have left school early with minimal or no qualifications. Youthreach is delivered in out-of-school settings, often in rented premises. Pay and non-pay grants, including rent sup-
The mainstream staffing of a primary school will make a statement on the matter. According to the pupils in isolated rural areas; and if she is available to provide proper structures and teaching support for pupils needed for a third teacher in order that the pupil-teacher ratio, she has plans to lower the number of teachers now available for work and the commitment of the Government to lower the teacher-pupil ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs, those from disadvantaged areas and those in junior classes.

**School Placement.**

406. Mr. Neville asked the Minister for Education and Science if she will review the failure of a person (details supplied) in County Limerick to obtain one of their four preference second level schools in County Limerick. [7668/05]

**Minister for Education and Science (Ms Hanafin):** All students who applied for a place under the Limerick city area post-primary schools common application form have been offered places in a school of their preference on the basis of their original application. Section 29 of the Education Act 1998 provides parents with an appeal process to the Secretary General of my Department, where a board of management of a school or a person acting on behalf of the board refuses enrolment of a student. Where an appeal under section 29 is upheld, the Secretary General of my Department may direct a school to enrol a pupil. The educational welfare officer can assist parents in submitting an appeal under section 29 of the Education Act 1998.

The parents of each student, including the person referred to by the Deputy, who did not receive an offer a place in one of his or her higher preference schools has a right of appeal under Section 29 of the Education Act against each school for which he or she expressed a preference and which has not offered him or her a place. Parents contacting my Department will be advised that such appeals will be dealt with one at a time in the order of their preference.

However, to avoid false hopes it should be pointed out that an appeal is only likely to be successful if the schools application of its enrolment policy is found to be faulty or discriminatory in some way. Parents are advised to contact the schools which have refused places to find out the criteria which the school has applied in its enrolment policy and to determine if there are any grounds on which the parent feels an appeal would be successful. It is the responsibility of each school to have in place an enrolment policy which it can stand over.

**Schools Building Projects.**

407. Ms O’Sullivan asked the Minister for Education and Science if she will sanction the provision of new premises for the Limerick Education Centre; and if she will make a statement on the matter. [7723/05]

**Minister for Education and Science (Ms Hanafin):** The accommodation requirements of the Limerick Education Centre are under consideration in my Department. A number of
options for the provision of appropriate accommodation in a suitable location are being explored. When a decision has been made on how best to provide for the needs of the centre, the project will be progressed in the context of the school buildings and modernisation programme.

I have made a number of announcements relating to the 2005 schools building programme and I will make further announcements in due course. The needs of the Limerick Education Centre will be considered in this regard.

408. Mr. Hogan asked the Minister for Education and Science the work that will be carried out arising from the recent financial allocation to construct a new school (details supplied) in County Carlow; if this allocation is sufficient to complete the building and furnishing of this new four-teacher school; if there will be no financial shortfall for this project; and if she will make a statement on the matter. [7757/05]

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 schools 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. The school in question has been included for a new school under the small schools initiative 2005 which I announced last week.

409. Mr. Aylward asked the Minister for Education and Science when approval will issue to the board of management of a national school (details supplied) in County Kilkenny in respect of its application for a building project under the schools building programme 2005; and if she will make a statement on the matter. [7758/05]

Minister for Education and Science (Ms Hanafin): The project to which the Deputy refers was included in the recently published list of capital projects that have been authorised to commence architectural planning with immediate effect.

Higher Education Grants.

410. Mr. McCormack asked the Minister for Education and Science if she will investigate the circumstances concerning the refusal of an independent living, mature student grant to a person (details supplied) in County Galway; and if, in view of the hardship involved, consideration will be given to this person’s case. [7765/05]

Minister for Education and Science (Ms Hanafin): The decision on eligibility for third level grants is a matter for the relevant local auth-
with the Stepping Stones Meath ABA School Limited to advise it of the outcome.

**Education Schemes.**

415. **Mr. Crowe** asked the Minister for Education and Science the criteria for funding community-led education; if increases in funding have been above inflation in recent years; and her concerns regarding the lack of salary increases or pension plans of many of the staff working in the sector. [7915/05]

**Minister for Education and Science (Ms Hanafin):** My Department provides grants to vocational education committees on an annual basis to support the provision of education in community settings. The VECs do this by way of direct grants to such groups or by the provision of an outreach service to meet locally identified needs. The distribution of community education grants within its area is determined by the VEC, subject to the overall community education allocation from my Department. In addition, community-based education groups are eligible to apply for funding on an annual basis under the community strand of the back to education initiative that was introduced in 2002.

Funding for community education has exceeded the level of inflation in recent years and this is also the case in the current year. Community education organisations are themselves responsible for the remuneration and conditions of employment of staff employed by them.

**Ministerial Staff.**

416. **Ms Burton** asked the Minister for Education and Science the number of persons employed in her private office and her constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if she will make a statement on the matter. [7931/05]

**Minister for Education and Science (Ms Hanafin):** There are ten staff employed in my private office, one working half-time. The total annual salary paid in respect of these staff at current rates is €386,416. The total travel and subsistence payments in respect of these staff from the date of my appointment to date is €14,804.51.

There are four staff employed in the constituency office of my Department. The total annual salary paid in respect of these staff at current rates is €143,420. Arrangements are being finalised in regard to a further appointment in the constituency office of my Department and I will be in touch with the Deputy as soon as this process is concluded.

**School Fees.**

417. **Mr. Gogarty** asked the Minister for Education and Science if, in view of the 20,000 non-
fee-paying school places in Dublin; her views on whether people need to be encouraged to use and support the public school system; and the action she is taking in this regard. [7965/05]

Minister for Education and Science (Ms Hanafin): Fee-paying schools are a traditional feature of the post-primary educational system, particularly in Dublin. Fee-charging schools, with the exception of the special arrangements apply in respect of the Protestant and Jewish fee-paying schools, do not receive capitation or related supports. The Protestant and Jewish schools receive funding by way of a block grant, which has its origins in the desire of the State to enable students of the Protestant and Jewish persuasion to attend schools, which reflect their denominational ethos. The block grant includes payments in respect of capitation.

There have been significant improvements in the level of funding for non-fee-paying second level schools. The standard per capita grant now amounts to €286 as against the rate of €224.74 that applied in 1997. This increase will bring the per capita grant in the case of disadvantaged schools to €324 per pupil. In addition, under the school services support fund initiative, secondary schools have benefited from further significant increases in the support grant. This grant which was introduced in September 2000 has been increased from €25 per pupil to the rate of €103 from 1 January 2005.

Funding for voluntary secondary schools has been further enhanced by the introduction of a range of equalisation measures that are designed to reduce the historic anomalies in the funding arrangements for the different school types at second level. Under the terms of recent equalisation measures, the support grant has in the case of voluntary secondary schools been significantly enhanced to €145 per pupil from 1 January 2005. These increases are in addition to the range of equalisation grants of up to €15,554 per school per annum that have also been approved for voluntary secondary schools.

The payment of teachers salaries is part of a complex scheme of funding for fee-charging schools, which has traditionally sought to balance considerations of equity, pragmatism and State support for minority religions. Teachers in fee-charging schools, irrespective of the denominational ethos of the school, are paid by the State. This may well reflect a long-standing pragmatism that the State would be required to provide teachers for the pupils in question were they located within the free education scheme.

Ministerial Appointments.

418. Mr. Gogarty asked the Minister for Education and Science her views on the gender-balance of agencies under the auspices of her Department; and when she intends to carry out a review of these bodies in terms of gender balance. [7966/05]

Minister for Education and Science (Ms Hanafin): My Department routinely reviews the gender balance of State boards under the auspices of my Department. Quarterly returns are made to the equality section of the Department of Justice, Equality and Law Reform which has a co-ordinating role.

Since September 2003, the number of female members of State boards under the auspices of the Department of Education and Science has increased from 370 to 581 which represents an increase from 36% to 39%.

In addition my Department is funding a research project on Senior Appointments in Education, A Study of Management Culture. This project is looking at senior appointments in the first, second and third levels of the education sector, at senior appointments in the agencies under the auspices of my Department and at senior management appointments in the Department itself. This project is expected to be completed in autumn 2006. My Department attaches a high priority to raising awareness of gender issues in all areas of the education system and has initiated a large number of research activities and projects designed to maintain progress in this area.

Educational Disadvantage.

419. Mr. Gogarty asked the Minister for Education and Science if she will elaborate on her recent comments to the effect that the method and systems used to designate particular schools as being disadvantaged are inadequate; and if she will make a statement on the matter. [7967/05]

420. Mr. Gogarty asked the Minister for Education and Science if she will elaborate on recent comments that programmes in the area of educational disadvantage have been allowed to drift without sufficient focus and need to be targeted properly; the programmes to which she was referring, if a lack of resources at present and a legacy of years of under-resourcing are also hindering progress in the area of combating educational disadvantage. [7968/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 419 and 420 together.

My Department provided more than €540 million in 2004 for measures specifically designed to address educational disadvantage by targeting resources at pupils from disadvantaged backgrounds. My Department’s approach to tackling educational disadvantage is based on a continuum of provision, from early childhood through adulthood, with the focus on preventative strategies, targeting and integrated community responses. Very significant additional
funding is being provided to alleviate disadvantage in 2005. This additional funding will allow for increased targeting of measures from pre-school through the school system to third level, second-chance education and adult literacy.

It is important that the significant investment by my Department in tackling educational disadvantage is targeted at those most in need of support. The need to ensure that resources are properly targeted is one of the issues that are being addressed by my Department in the context of the overall review of disadvantage programmes which is nearing completion. Arising from the review process a draft report has been prepared and it is my intention to complete this work as soon as possible. My priorities for tackling educational disadvantage in the context of the final report will include putting in place an improved system for identifying and reviewing levels of disadvantage and targeting supports accordingly.

School Staffing.

421. Mr. Gogarty asked the Minister for Education and Science if she plans to increase supports for principals and deputy principals, in view of recent reports regarding their excessive workloads. [7969/05]  

Minister for Education and Science (Ms Hanafin): I am very conscious that schools across the country have to deal with a heavy administrative burden arising from necessary departmental and legislative requirements.

I have indicated recently to a number of parties, my intention to conduct a review of this administrative burden as soon as possible. In this regard, I am happy to report that my Department will shortly write to the relevant stakeholders inviting them to consider where and in what way present processes can be improved upon. As well as consulting with interested parties, this process will also look at internal procedures and ways in which we, in the Department, can streamline our business processes to deliver benefits to principals in schools.

Increased use of IT systems and more effective communication between the Department, agencies and schools are just some of the ways that we are hoping to reduce the burden on schools. I believe that we can collectively identify practical opportunities to streamline our processes, whilst still achieving our key objectives. I look forward to working with my officials and interested parties on addressing this issue on an ongoing basis.

Third Level Curriculum.

422. Mr. Gogarty asked the Minister for Education and Science if the new Irish Institute for Chinese Studies in UCD and UCC, as part of its mission to provide Chinese students with the ideal platform from which to explore modern Europe, will cover such subjects as law, political science and political philosophy, including issues such as human rights and democratisation. [7970/05]

Minister for Education and Science (Ms Hanafin): In accordance with the Universities Act 1997, universities are autonomous bodies and may determine the content of curricula and programmes as they deem appropriate.

School Curriculum.

423. Mr. Gogarty asked the Minister for Education and Science if she has met representatives of groups concerned with sexual violence in her capacity as Minister for Education and Science; the way in which she intends to reform this most important area of education; and if she will make a statement on the matter. [7971/05]  

Minister for Education and Science (Ms Hanafin): I have not met representatives of groups concerned with sexual violence in my capacity as Minister for Education and Science. As regards dealing with the issue within education, a national curriculum in social personal and health education, SPHE, incorporating relationships and sexuality education has been developed at junior cycle level, and this has been made mandatory for all schools with effect from September 2003. In addition, all schools are required to have an agreed school policy and a suitable relationships and sexuality education programme in place for senior cycle pupils. Comprehensive guidelines for junior cycle and senior cycle have also been published and provided to schools by the NCCA to support the RSE aspects of the curriculum. An integrated SPHE programme at senior cycle incorporating RSE is being developed.

The overall aims of the SPHE curricula are to foster the personal development, health and well-being of students and help them to create supportive relationships and become responsible citizens; to develop a framework of values, attitudes, understanding and skills that will inform their actions and decision making; and to establish and maintain healthy patterns of behaviour.

The SPHE modules at junior cycle in post-primary schools deal specifically with belonging and integrating, handling conflict constructively, dealing with peer pressure, influences on decision-making, relationships and sexuality in terms of values, reproductive system, tackling myths about sex and pregnancy, personal safety, substance use and the impact of teenage pregnancy.

The RSE programme at senior cycle deals further with these issues and includes pregnancy, contraception, sexually transmitted diseases, sexual harassment, sexual assault, and accepting sexual orientation.

A national SPHE support service was established in September 2000, and provides a full-
[Ms Hanafin.]
time support service in collaboration with the health boards to assist schools to deliver the programme. A national support officer for RSE is also provided in St. Patrick’s College, Drumcondra, to provide support and advice to schools in regard to RSE at senior cycle.

SPHE programmes are designed to enable children and young people to develop a framework of values, attitudes, understanding and life skills that will inform their decisions and actions both during their time in school and in their future lives.

The curriculum guidelines in RSE at senior cycle will be reviewed as part of emerging developments in relation to the review of senior cycle and the development of an integrated SPHE programme incorporating RSE.

My Department is also undertaking research, in the context of the national strategy on crisis pregnancy, to examine how best the implementation of SPHE and RSE in schools can be further strengthened.

424. Mr. Gogarty asked the Minister for Education and Science if she will report on the discussions held with her colleagues at the Education, Youth and Culture Council of 21 February 2005. [7972/05]

Minister for Education and Science (Ms Hanafin): Ireland was represented at the Education and Youth Council of 21 February 2005 by my colleague, the Minister of State, Deputy de Valera. EU Education Ministers adopted conclusions on the role of education in the knowledge-based society. This forms part of the contribution to the work of the European Council of 22-23 March next on the mid-term review of the Lisbon strategy. The debate focused on the progress achieved in the education and training 2010 work programme. There was broad consensus on the need to integrate education and training into the Lisbon strategy. Most contributions echoed the need to focus on jobs and competencies and stressed that education and training are indispensable preliminaries for the knowledge society.

Ministers also had an exchange of views on the effectiveness and equity of European education systems. Education Ministers also informally discussed the follow-up to the conference of EU Education Ministers regarding the education aspects of the reconstruction of countries affected by the tsunami disaster which took place in Paris on 22 January last. The Luxembourg Presidency informed the Council that the General Affairs Council of 31 January decided, following the Paris conference, to integrate education into emergency measures at a European level.

Youth Ministers adopted conclusions on the role of young people in the Lisbon strategy. They welcomed the initiative of the Heads of State and Government of Germany, France, Spain and Sweden to propose the adoption of a European Youth Pact recognising the very important position of young citizens in the achievement of the Lisbon objectives, an initiative supported by the European Commission. The youth Ministers’ conclusions will be sent to the European Council as part of the mid-term review of the Lisbon strategy, ahead of the adoption of the youth pact by the spring summit.

425. Mr. Gogarty asked the Minister for Education and Science the action her Department is taking in relation to the European Year of Citizenship through Education. [7973/05]

Minister for Education and Science (Ms Hanafin): The Council of Europe launched the 2005 European Year of Citizenship through Education last December. In organising this year, the Council of Europe wishes to draw attention to how crucial education is to the development of citizenship and the quality of participation in a democratic society. Further details on the year are available on the Council of Europe website www.coe.int. I have arranged for the curriculum development unit of the City of Dublin Vocational Education Committee to co-ordinate activities for the year in Ireland. The focus of the year will be on policy and practical issues in the formal and non-formal areas of education. A formal launch of the year in Ireland will take place in the near future and I will be announcing further details in due course.

Pupil-Teacher Ratio.

426. Mr. Gogarty asked the Minister for Education and Science the pupil-teacher ratio per class per year in each of the schools in Lucan. [7974/05]

427. Mr. Gogarty asked the Minister for Education and Science the pupil-teacher ratio per class per year in each of the schools in Palmerstown. [7975/05]

428. Mr. Gogarty asked the Minister for Education and Science the pupil-teacher ratio per class per year in each of the schools in Clondalkin. [7976/05]

429. Mr. Gogarty asked the Minister for Education and Science the pupil-teacher ratio per class per year in each of the schools in Saggart. [7977/05]

430. Mr. Gogarty asked the Minister for Education and Science the pupil-teacher ratio per class per year in each of the schools in Newcastle. [7978/05]

431. Mr. Gogarty asked the Minister for Education and Science the pupil-teacher ratio per class per year in each of the schools in Rathcoole. [7979/05]
432. Ms Enright asked the Minister for Education and Science the pupil-teacher ratio per class per year in each of the schools in Brittas.

[7980/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 426 to 432, inclusive, together.

The national level pupil-teacher ratio is calculated by dividing the number of pupils by the number of teachers. Data on teachers include special education teachers and resource teachers in addition to classroom teachers.

Teachers other than classroom teachers are generally shared among a number of classes and, in some cases, between a number of schools. Therefore, the pupil-teacher ratio is applied at school level not classroom level.

The questions refer to a range of geographical areas. However, the school addresses that are stored on the primary database may not always correspond to the names of the locations of interest to the Deputy. Therefore, to ensure clarity, I ask the Deputy to please provide details of the school name and roll number of the schools to which he refers.

Defence Forces Training.

433. Ms Enright asked the Minister for Defence if training instructions or circulars 03/77 and 17/87 have been revised; the measures which have been taken to ensure that the details of such revised instruction circulars have been brought to the attention of members of the Defence Forces; and if he will make a statement on the matter.

[7502/05]

434. Ms Enright asked the Minister for Defence if the provisions of the Defence Forces regulations administration 7, paragraph 3 was adhered to regarding training instructions 03/77 and 17/87; if the proceeding documents were published for the benefit of those persons affected by an incident; and if he will make a statement on the matter.

[7503/05]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 433 and 434 together.

The military authorities have advised that training instructions 03/77 and 17/87 have been replaced by training instruction 2/2002, Safety Precautions for Live Firing — Small Arms and Use of Pyrotechnics. Training instruction 2/2002 has been issued to all unit commanders and is published on the directorate of Defence Forces training web page. In addition, a safety brief is conducted prior to all training exercises. The other matters referred to in the Deputy’s questions will be for consideration by the military court of inquiry to which I have referred in previous replies to the House regarding the incident in question. The court of inquiry will be held following completion of the civil legal action which has been initiated.

Ministerial Staff.

435. Ms Burton asked the Minister for Defence the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter.

[7932/05]

Minister for Defence (Mr. O’Dea): There are four members of staff employed in my private office. At current rates, the salaries of these staff amount to €159,001 per annum. Costs in relation to expenses — travel and subsistence — have amounted to €252 since 29 September 2004. There is a staff of six in my constituency office, one of whom is work-sharing. At current rates, the salaries of these staff amount to €168,424 per annum. There have been no costs in relation to expenses — travel and subsistence — since 29 September 2004.

In addition, I have appointed a special adviser, press adviser, personal assistant and personal secretary. At current rates, the salaries of these staff amount to €212,180. Costs in relation to expenses — travel and subsistence — have amounted to €1,972 since 29 September 2004.

Noise Pollution.

436. Mr. F. McGrath asked the Minister for the Environment, Heritage and Local Government if there are laws or guidelines in dealing with noise pollution between neighbours in residential areas; and if he will make a statement on the matter.

[7792/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, a local authority or any person may seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet outlining the legal avenues available to persons experiencing noise nuisance is available from my Department and on the Department’s website, www.environ.ie.

Local Authority Staff.

437. Mr. Timmins asked the Minister for the Environment, Heritage and Local Government the position regarding the recruitment process for the post of IS technical support officer within local authorities; the reason the IS technical support officer posts are confined to the common recruitment pool, while the posts of IS project leader and IS development analyst are open to persons who have not served with a local auth-
Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 642 of 23 November 2004 which outlined the IT grading structure in local authorities, and the recruitment process for the posts involved. The position is unchanged.

Planning Issues.

438. Mr. Gogarty asked the Minister for the Environment, Heritage and Local Government if there is a derogation from housing density guidelines for the building of a house for family members in the corner site of a family home. [7535/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The guidelines for planning authorities on residential density issued in September 1999 were assigned to promote the achievement of higher residential densities in appropriate locations in tandem with improved public transport systems. The guidelines include consideration of the issue of infill residential development in inner suburban areas. This would include cases in which it is proposed to construct a new dwelling within the garden of an existing dwelling. The guidelines indicate that the provision of additional dwellings within inner suburban areas of towns and cities can be supported by way of infill or subdivision of existing dwellings.

On infill development the guidelines state that in residential areas whose character is established by their density or architectural form, a balance needs to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The guidelines indicate that the design approach in such circumstances should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, that is, views, architectural quality, civic design etc. The exact requirements to be applied in each area are a matter for the relevant planning authority in the context of any relevant policies contained in its development plan. The residential density guidelines do not make specific reference to any particular category of applicant for planning permission in the context of applications for infill residential development.

Water and Sewerage Schemes.

439. Mr. Naughten asked the Minister for the Environment, Heritage and Local Government if he will approve the contract documents for the provision of a sewerage scheme in Lecarrow, County Roscommon; and if he will make a statement on the matter. [7553/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A tender report has been received by my Department from the procurement authority, in this case Meath County Council, in respect of the group of sewerage schemes, including Lecarrow, selected by the national rural water monitoring committee as a pilot programme to test a range of new, small-scale waste water collection and treatment systems. The tender report is under examination in my Department and is being dealt with as quickly as possible.

440. Mr. Morgan asked the Minister for the Environment, Heritage and Local Government the proposed timeframe for the upgrading of the water system in the Fanad area of County Donegal to be completed; when the Glenvar mains will be connected up to the Fanad works; the cost to date; and the costs for the completed works. [7557/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Fanad water supply scheme has been approved for construction in two stages under my Department’s water services investment programme 2004-06. The overall estimated cost of the scheme is €15.8 million of which €900,000 has to date been recovered by my Department to Donegal County Council.

Phase 1 of the scheme, which includes the rehabilitation and replacement of the existing water main network in the Fanad peninsula, is under construction and is expected to be completed by September 2005. Donegal County Council has submitted a revised preliminary report to my Department for phase 2 which includes the connection of the Glenvar mains to the Fanad regional water supply network. The revised preliminary report is being examined in my Department and will be dealt with as quickly as possible.

Local Authority Funding.

441. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the amount allocated for 2004 to County Westmeath for the local improvement scheme; the funding proposals for 2005; and when the scheme will receive funding for 2005. [7568/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A grant of €123,859 was allocated to Westmeath County
Council in 2004 under the local improvement scheme. The total 2005 allocation for the local improvements scheme is €12.5 million. I intend to announce details of individual allocations to county councils under the scheme shortly.

442. Mr. McGinley asked the Minister for the Environment, Heritage and Local Government the levels of funding towards maintenance of roads for Donegal County Council for the years 2000, 2001, 2002 and 2004; and the levels of funding which will be available for maintenance in 2005. [7569/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The following table sets out details of restoration maintenance and discretionary maintenance grants paid by my Department to Donegal County Council from 2001 to 2004 and the allocations for 2005.

<table>
<thead>
<tr>
<th>Year</th>
<th>Restoration Maintenance Grant Allocation</th>
<th>Discretionary Maintenance Grant Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>€2,813,627</td>
<td>€1,177,047</td>
</tr>
<tr>
<td>2001</td>
<td>€3,157,839</td>
<td>€1,536,383</td>
</tr>
<tr>
<td>2002</td>
<td>€3,442,000</td>
<td>€1,674,000</td>
</tr>
<tr>
<td>2003</td>
<td>€3,439,056</td>
<td>€1,674,000</td>
</tr>
<tr>
<td>2004</td>
<td>€3,716,000</td>
<td>€1,759,000</td>
</tr>
<tr>
<td>2005 Allocation</td>
<td>€4,059,000</td>
<td>€1,812,000</td>
</tr>
</tbody>
</table>

Planning Issues.

443. Mr. Haughey asked the Minister for the Environment, Heritage and Local Government his views on the amount of planning applications for retention submitted to local authorities; if he has evidence to suggest that this procedure is being abused; if he has plans to curtail this practice; and if he will make a statement on the matter. [7580/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): At present my Department does not collect figures on the number of planning applications for retention permission. However, my Department has collected figures on the total amount of application fees paid for retention permission in 2003, which was €3.112 million as compared to the total amount paid in standard planning application fees in the same year, €40.605 million. Considering that the application fees for retention permission are three times the amount of the standard planning application fees, these figures illustrate relatively low levels of applications for retention permission.

In addition to the application fee for retention permission being a multiple of the standard application fee, the Planning and Development Act 2000 specifically prevents the use of an application for retention permission as a defence against a prosecution for unauthorised development. These two provisions are intended to ensure that retention permission will be used only to rectify genuine mistakes and not as a means of circumventing controls. I intend to keep the position relating to applying for retention permission under close review.

Local Authority Funding.

444. Mr. N. O’Keeffe asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of funding for the development of a project (details supplied) in County Cork. [7724/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In January 2004, local authorities were asked to review their capital programmes for library development and to submit a prioritised list of proposals which they wished to have considered by my Department in its current review of the programme. In its submission, Cork County Council has listed Mitchelstown fourth in order of priority. Based on the submissions received, my Department’s review of the public library capital projects is at an advanced stage with a view to finalising a public library capital expenditure programme for 2005-2007.

Water and Sewerage Schemes.

445. Mr. Deasy asked the Minister for the Environment, Heritage and Local Government if he will approve funding for Waterford County Council for remediation of four storm overflows in the Tramore sewerage collection system which need to be upgraded to comply with Department regulations and to complement the new wastewater treatment plant; and if he will make a statement on the matter. [7775/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An application for funding under the water services investment programme 2004-06 has been submitted to my Department by Waterford County Council in respect of proposals to upgrade to a number of storm water overflows as part of the ongoing Tramore sewerage scheme. The proposals are being examined in the Department and will be dealt with as quickly as possible.

Recycling Policy.

446. Mr. Durkan asked the Minister for the Environment, Heritage and Local Government if incentives can or will be offered to enable extra recycling facilities to be put in place to serve north Kildare; and if he will make a statement on the matter. [7776/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Waste management planning is primarily a function of local...
government. Local authorities must take responsibility for ensuring that facilities identified as being necessary in their regional waste management plans are provided.

Since 2002, over €50 million has been allocated nationally from the environment fund, financed by the proceeds generated by the landfill and plastic bag levies, in capital grant assistance towards the provision of waste recycling and recovery facilities by local authorities. Of this amount, €1.971 million has been allocated to Kildare County Council for the establishment of two civic amenity recycling centres and one composting facility. This has been supplemented by capital funding from Repak, the packaging waste compliance scheme established by industry to coordinate and finance the collection and recovery of packaging waste, towards the expansion of the bring bank network in County Kildare.

The level of capital funding provided towards the implementation of the regional waste management plans has been a primary driver in the significant progress being made towards meeting our ambitious recycling and recovery targets. A further call for projects requiring funding under my Department’s waste infrastructure capital grants scheme has recently been issued. I hope to allocate a fourth major tranche of funding before the summer.

In addition to providing capital support to local authorities for recycling and recovery facilities, funding is also provided from the environment fund on an ongoing basis towards the operating costs of such facilities. To date, Kildare County Council has received €229,000 towards the increasing operating costs of its bring banks and civic amenity recycling centres.

Register of Electors.

447. Mr. Sargent asked the Minister for the Environment, Heritage and Local Government his views on the principle of no taxation without representation; efforts to ensure Irish citizens living, for example, in the UK who are taxed under Irish tax and PRSI regulations and being in receipt of a Department of Education and Science pension are granted the franchise which other grant could be made to Mayo County Council for its day-to-day operational costs in 2004 was €29.75 million, an increase of 17.5% over the corresponding allocation for 2003 and a significant 152% higher than 1997’s allocation. The allocation for 2005 is €32.39 million, a further 8.9% increase over the 2004 allocation. The level of increase provided for Mayo County Council in 2005 is higher than the average increase provided to local authorities and is more than double the rate of inflation.

Ministerial Staff.

449. Ms Burton asked the Minister for the Environment, Heritage and Local Government the number of persons employed in his private office and his constituency office; the annual amount paid in respect of salaries and expenses in regard to each such office; and if he will make a statement on the matter.

[7933/05]
working in my constituency office. A breakdown of the number of staff and the equivalent grade concerned is listed in the following tables.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Full-Time Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Adviser (Principal Officer)</td>
<td>0.8</td>
</tr>
<tr>
<td>Executive Officer (Private Secretary)</td>
<td>1</td>
</tr>
<tr>
<td>Executive Officer</td>
<td>3</td>
</tr>
<tr>
<td>Clerical Officer</td>
<td>3</td>
</tr>
</tbody>
</table>

Constituency office.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Full-Time Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Assistant (Higher Executive Officer)</td>
<td>1</td>
</tr>
<tr>
<td>Personal Secretary (Executive Officer)</td>
<td>1</td>
</tr>
<tr>
<td>Executive Officer</td>
<td>2</td>
</tr>
<tr>
<td>Clerical Officer</td>
<td>2</td>
</tr>
</tbody>
</table>

Remuneration of these staff is in accordance with the appropriate published standard Civil Service scales for clerical officer, executive officer, higher executive officer and principal officer. Both these offices are operating within their respective authorised numbers.

**Election Management System.**

450. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8041/05]

452. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8042/05]

453. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8043/05]

454. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8044/05]

455. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8045/05]
456. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8045/05]

457. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8046/05]

458. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8047/05]

459. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8048/05]

460. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8049/05]

461. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8050/05]

462. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8051/05]
463. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8053/05]

464. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8054/05]

465. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8055/05]

466. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8056/05]

467. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8057/05]

468. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8058/05]

469. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8059/05]

470. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements
[Mr. P. McGrath.] appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8060/05]

471. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the procedures which were followed to invite tenders for the contract to store the electronic voting machines by a local returning officer (details supplied); if national and local newspapers featured advertisements inviting tenders for storage facilities; if so, when these advertisements appeared; the number of tenders which were received; the cost of each; the lowest tender offered for the storage of this equipment; the person who was awarded the tender; if this was not the lowest tender submitted, the reason therefor; and if this tender included the storage of the electronic voting machines in addition to the ancillary equipment. [8061/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 450 to 471, inclusive, together.

The procurement of appropriate secure storage accommodation for electronic voting machines and ancillary equipment is the responsibility of returning officers, who are statutorily charged with conducting elections and referenda. My Department has written to returning officers requesting information on the, inter alia, the procurement of such accommodation.

When the information has been received from all returning officers, my Department will communicate with the Committee of Public Accounts, which has recently considered this matter. My Department will arrange for the placing of the information in the Oireachtas Library. A copy will also be sent to the Deputy.