



## DÁIL ÉIREANN

—  
*Dé Céadaoin, 23 Márta 2005.*  
*Wednesday, 23 March 2005.*  
 —

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

—  
*Paidir.*  
*Prayer.*  
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### Leaders' Questions.

**Mr. Kenny:** The continuous spate of break-ins and burglaries is causing increasing concern throughout the country. Yesterday, a County Mayo farmer was remanded in custody on a murder charge arising from an incident that occurred at his home last October. I do not wish to discuss individual cases but it is important that we discuss the law relating to homeowners who find themselves subject to an invasion of their home or to a burglary.

The law as it is currently applied places, in the first instance, an obligation on the person whose home is being burgled to retreat or find a method of retreating. If retreat is not possible, the homeowner is legally required only to use such force as he or she believes necessary. In other words, is one to tap an intruder with a five iron?

A person who discovers a burglar in his or her house at 4 a.m. is not in a position to anticipate how the courts will determine the position after a year has passed. In the heat of the moment, a person whose house or premises is being burgled must make a decision either to retreat and leave the burglars to do their business or to defend his or her home, property and, in many cases, family. Does the Tánaiste agree that the law in such cases is unbalanced against the victim, who must make a quick decision in the heat of the moment? Will the Government give this matter priority or has it plans to review the law in this regard?

Night after night, people armed with knives are breaking into and entering houses for the purpose of feeding their drug addictions, robbing property or, as happened in recent incidents, kidnapping families for criminal purposes. The law is unbalanced in this area. Does the Government plan to review the legislation with a view to restoring balance for victims?

**The Tánaiste:** We all share the concern expressed by Deputy Kenny about the experiences of many citizens in urban and rural areas in recent times. We have a reforming Minister for Justice, Equality and Law Reform and the law is constantly being reviewed.

**Mr. J. O'Keeffe:** With headlines.

**The Tánaiste:** An enormous amount of legislation in this area has been passed in recent years and the budget of the Garda Síochána has been increased by 75%. I cannot advise on what homeowners or property owners should be entitled to do or not to do. However, I have always been a strong fan of the law being tilted in favour of the victim, although perhaps it was not always tilted that way in the past. I am aware that when individuals are injured if they trespass on property it is the responsibility of the property owner. There are huge issues in this area. If legal changes are required, the Minister for Justice, Equality and Law Reform will consider the suggestions made by Deputy Kenny.

**Mr. Kenny:** I agree that the Minister for Justice, Equality and Law Reform is quick to comment in soundbites and that a raft of legislation is proposed by his Department. Last year, however, there were 25,000 burglaries in this country. It is difficult to appreciate the terror and concern of somebody whose house has been robbed, not to mention the anxiety and fear caused if one finds somebody in the process of robbing one's property or invading one's home. According to English law, a person's house is one's castle. Article 40.5 of the Constitution states that the dwelling of a citizen is inviolable. It is the duty of the Government to enact legislation that provides protection for citizens.

Each night houses are being broken into and families are being terrorised. However, due to the lack of balance in the law, a father or mother who finds an intruder in his or her home is expected to retreat and where he or she cannot do so, must use only such force as is considered necessary or suitable. If a burglar has a baseball bat and a homeowner has a shotgun, the homeowner is expected to leave aside the shotgun, get a baseball bat and have an equal contest. It is not very feasible to do something like that at 4 a.m. I ask the Tánaiste to speak to the Minister for Justice, Equality and Law Reform. This is a matter of considerable concern to people all over Ireland. The law in this case is unbalanced and it should be tilted in favour of the victim. The Tánaiste is in a position to do something about that and I would like to see the Government act quickly on it.

**The Tánaiste:** I am always delighted to talk to the Minister for Justice, Equality and Law Reform and I will certainly talk to him on this. We have increased the budget of the Garda Síochána by 75%. We have provided an additional 1,200 prison places. We have reformed the law in many respects. If there are continuing deficiencies, I am certain the Minister would be happy to examine them with a view to bringing forward changes. I would not like to see us become a society like that which exists in the US, where guns are so freely available that tragedies

[The Tánaiste.] frequently occur like that which we heard about yesterday. We have the best of both worlds here. While there are criminal elements here which were behind recent bank robberies and kidnappings, a large proportion of burglaries is driven by the need to feed a drug habit. That is why we must not spare any effort to deal with the serious drug problems that exist, as they are fuelling crime throughout the country.

**Mr. Rabbitte:** I wish to return to the issue of long-stay charges. We do not know what this cock-up will cost the taxpayer. The Government cannot tell us, but it estimates it could be up to €2 billion. We have had no political accountability from the Government, while one civil servant has been promoted sideways. As the House rises for the Easter recess, the Government is clearly calculating that media interest will wane, the taxpayer will cough up and nobody will be responsible. The Tánaiste implied political culpability when she stated that systemic maladministration did not just involve officials. Now she retreats behind the Travers report for shelter and states that it found no Minister culpable. Travers found no paper record that states that the former Minister for Health and Children, Deputy Martin, was sufficiently briefed. However, it is admitted in the report that two Ministers of State knew about it. The Minister of State, Deputy O'Malley, stated that not only did he know about it, but that he understood that "they would give rise to significant legal, operational, financial and political implications." He went on to state mysteriously that the issues involved did not fall within his area of responsibility in the Department, so he never went back to them. He is the Minister of State with responsibility for mental health and there are many people within that area. However, I presume he means that the Minister for Health and Children, Deputy Martin, was responsible. We know the Minister of State, Deputy Callely, knew because the Travers report states that he told the Taoiseach about it. However, the Minister claims he did not know.

Mr. Kelly states that he briefed the Minister twice and we know that documents were sent to him the night before, spelling out the implications. However, the Minister says he never read them. Yet when the Tánaiste asked Mr. Kelly to prepare a report for her for Cabinet, we know that Mr. Kelly had a secret meeting with the Minister for Health and Children, Deputy Martin. Why would Mr. Kelly want to compare notes with a Minister who knows nothing about it? I am bemused by that and we have had no explanation. The Tánaiste has made her reputation as a purveyor of high standards in politics. Yet when she found out about all this, she decided to legislate to make it legal retrospectively. When the Supreme Court struck it down, she stated that she welcomed it because it brought clarity to the issue. She then implied in this House that Ministers knew. She then com-

missioned the Travers report for shelter and defended the Minister for Health and Children, Deputy Martin, by claiming that he knew nothing about it. How can anyone who has read the Travers report reach that conclusion? How can the Tánaiste be happy to serve in Government with him and his two Ministers of State? Unlike the Minister for Health and Children, Deputy Martin, the Ministers of State had the guts to admit they knew all about it.

**The Tánaiste:** I did not commission the Travers report to shelter anybody from anything. The inquiry was set up on 16 December, long before there was any decision by the Supreme Court or even a decision by the President to refer the Bill to the Supreme Court. I established the Travers inquiry because I became aware on 15 December that the report given to me to take to the Cabinet was incorrect in some crucial respects. It did not inform the Government that a letter had been drafted to be sent to the Attorney General which was never issued. I felt that was a serious omission on behalf of the Secretary General of my Department.

We did not know the extent of the knowledge in the Department of Health and Children going back to 1976. The Travers report found that the basic decision that caused the problem was that made in 1976. At that time, the legal advisors in the Department cautioned against doing what was done. The error goes back to 1976 and that is why the State is exposed for certain cases, such as someone with an unsound mind. That is why the figures go beyond the Supreme Court figures of around €500 million and why they might go as high as €2 billion. A total of 316,000 citizens were resident in these institutions between 1976 and 2004. I have already said that there is a serious conflict of interest in the report between the former Minister, Deputy Martin, and the Secretary General, Mr. Michael Kelly. I have also said that I will not adjudicate on a conflict of evidence as it would be wrong of me to do so. Mr. Travers drew his own conclusions and whether we like the report or not, we should all be objective enough to accept an independent report when we get it. If we do not like what it states, that is a reflection on us. Mr. Travers stated that the bulk of the responsibility for what happened lay in serious failings in public administration. He stated that Ministers should have been more probing and should have asked more questions, but he was in no doubt on where the blame lay.

I became Minister at the Department of Health and Children on 30 September 2004 and I was never briefed either orally or in writing about this matter by any official at the Department. I find that extraordinary if it was of such concern. In a memo written for the Government in early December, the Department maintained that these charges were legally defensible. We all know from the Travers report that could not be anyone's view when we see the legal evidence

that was available to the Department going back nearly 30 years.

**Mr. Rabbitte:** It is entirely indefensible that the Tánaiste was not correctly and fully briefed. I suggest that the only reason is that there was collusion at the top political and administrative level of the Department not to confront this issue. That is the reason she was not briefed and that is the legacy she inherited from the former Minister for Health and Children, Deputy Martin, whom she now protects. There is no point in giving the impression that the Travers report concluded that Ministers were in the clear. It does no such thing. People who are not familiar with reading senior Civil Service English might be led to believe that. It is in black and white that two Ministers of State knew about the situation and that the Secretary General talked to the Minister. The Tánaiste admits that there is a conflict of evidence between the Minister and his former Secretary General. She then tells us piously that she will not adjudicate. By God, she was never slow to adjudicate when she was over here. She never stopped adjudicating. Now she does not want to adjudicate when it is obvious that there was collusion in the Department at the highest level to avoid confronting this issue. They thought it would remain buried but it was raised on the Government side of the House. The Tánaiste sought to legislate retrospectively to make it legal. She played well and received great kudos for that. She has a protective shield around her that does not apply to the rest of us but at least she confronted the matter. I admit that, but how can she let it lie at that, pushing aside one civil servant for a bill that will cost the taxpayer, according to her, up to €2 billion? The Minister, Deputy Martin, continues to sit beside her and after all she said in Opposition, she is prepared to live with that.

**An Ceann Comhairle:** The Deputy's time has long since elapsed.

**Mr. Rabbitte:** It is simply unconscionable. I ask the Tánaiste again whether she will publish the advice provided to her by the Southern Eastern Health Board.

**The Tánaiste:** As I told the House yesterday, the advice from the South Eastern Health Board cannot be published for legal reasons because there are cases pending and we would jeopardise the position of the State and taxpayers——

**Mr. Rabbitte:** The Tánaiste has thrown in the towel.

**The Tánaiste:** No, I have not.

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

**Mr. Rabbitte:** She has now admitted culpability.

**The Tánaiste:** That legal advice covers issues other than those in long——

**Mr. Rabbitte:** Take out the other issues then.

**The Tánaiste:** No, because they are intertwined.

**Mr. Rabbitte:** How can they be different?

**An Ceann Comhairle:** Deputy Rabbitte should allow the Tánaiste to continue without interruption.

**The Tánaiste:** I dealt with this issue when Deputy Rabbitte raised it yesterday but I will respond again. The legal advice deals with a number of issues, including nursing home subventions and those in other forms of institution. They are the subject of legal proceedings which will be coming before the courts shortly. Whatever about Deputy Rabbitte or how it might help my popularity, I am not going to jeopardise the position of this State in any legal proceedings, if that is the advice I receive from the Attorney General. The tragedy is that the Attorney General's advice was not sought going back to 1976——

**Mr. Rabbitte:** The Tánaiste is sitting beside the man who did not do it.

**The Tánaiste:** ——and, particularly, more recently. A decision was made at a meeting in December 2003——

**Mr. Rabbitte:** It is like an accident and emergency ward over there.

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

**The Tánaiste:** A decision was made at a meeting in December 2003 that the Attorney General's advice would be sought.

**Mr. J. O'Keeffe:** Put them on a trolley.

**Mr. Rabbitte:** The Cabinet is on a life-support machine.

**An Ceann Comhairle:** The Tánaiste without interruption please.

**The Tánaiste:** All the papers were prepared to get that legal advice. The tragedy is that that letter did not issue from the Secretary General of the Department of Health and Children because even if we had corrected this matter a year ago we could have saved ourselves over €100 million. That is the reality.

**Mr. J. O'Keeffe:** The papers are in the Minister's office.

**Mr. J. Higgins:** Has the Tánaiste been briefed on the report by the labour inspectorate into the

[Mr. J. Higgins.] international Turkish-based construction company, GAMA? The Tánaiste went to Turkey and invited Turkish big business to come to Ireland. Was she aware then, or since, that GAMA, which came at her invitation, combines the most advanced technology with the most primitive techniques of worker exploitation, perfected in many states in the Middle East, and then imported intact into Ireland four and a half years ago? GAMA swore to the Department of Enterprise, Trade and Employment, of which the Tánaiste was then in charge, and to the trade unions that it paid the agreed rates to all its Turkish workers — a minimum of €12.96 per hour and overtime. However, with consummate cynicism, GAMA paid Irish workers those rates, but not the Turkish workers. GAMA never gave its Turkish workers legal payslips. I have GAMA payslips. One such pay-slip for a worker named Jamal was typical. It shows that in one month last summer he worked 330 hours, which is a monstrous 80 hours plus per week. Leaving aside overtime, on the flat rate, he should have received a minimum of €4,200 a month but he got less than €1,000. This is a bank statement from his account in the Is Bank in Turkey showing that he received less than €250 in cash to spend in Ireland for the month. The rest, less than €1,000, was paid into a Turkish lira and euro account in Turkey. Where did that worker's €3,000 monthly income go?

When the investigation began, the Turkish workers were coached, under severe duress, to say the money went to accounts in their names in Finansbank in Holland. They had to be coached because no worker knows, or knew, that they had accounts in their names in Finansbank in Holland. What we have, in fact, is a master fraud by a major entity in the construction scene in this country; a grand larceny of workers' wages amounting to millions of euro each month. Tens of millions of euro have been stolen from the workers over the past year alone. GAMA paid not a penny in income tax on behalf of the workers because the company is exempt by agreement with the Tánaiste and the Revenue Commissioners from paying income tax. Apart from the slave wage rates, that agreement gives the company a hugely competitive edge over other construction companies that pay trade union rates. This is the most severe corporate criminality.

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

**Mr. J. Higgins:** It represents the most severe exploitation of workers and is a threat to the wages and conditions of all workers, whether Irish or immigrant. I want this report published and I want action to be taken on it immediately.

**The Tánaiste:** The Minister for Enterprise, Trade and Employment has initiated an inquiry

which the labour inspectorate is currently carrying out. I understand it will be available to him shortly.

**Mr. Rabbitte:** Will he read it?

**The Tánaiste:** In advance of that inquiry, the Minister has briefed the Cabinet on some of the issues to which Deputy Joe Higgins has referred. Our law gives equal protection to foreign and Irish workers. It does not discriminate in any respect in favour of our indigenous population or other Europeans, as opposed to those from outside the European Union. I have no reason to doubt that the Deputy's information is correct. If it stands up when the labour inspectorate produces its report, it will be a disgrace that any workers could be treated and exploited in that fashion. Clearly, the Minister will act. I understand he has already given work permits to some of the workers in that company so they can move elsewhere and seek employment from alternative employers. The Minister will have to take advice on whether he can publish the report. He will have to bring the report to the attention of other authorities, such as the Revenue Commissioners or the director of corporate enforcement. The Minister and his Department have been in constant contact with the Deputy since he raised this issue in the House a couple of weeks ago.

**Mr. J. Higgins:** Yes, it was seven weeks ago. Those who are now trying to delay the report — certain corporate entities which have stuff to hide — had plenty of time to come forward. The Independent Deputies have afforded me the opportunity to raise this crucial issue. They have done a good service to Irish and immigrant workers. Unfortunately, I have not seen the report of the labour inspectorate, although I would like to have a copy of it. I know, however, that the inspectorate has worked extremely hard on foot of the allegations made and the information supplied to it by the Socialist Party.

I want to secure the jobs of Irish and Turkish workers in GAMA who, for the most part, are family men. I want to see the immediate payment of trade union rates to all workers. I want to see the payment of all back money stolen from the Turkish workers, which amounts to tens of millions of euro. I want the Garda fraud squad, the corporate enforcement agency or any other agency to examine the accounts forensically to see the precise mechanism by which this fraud was perpetrated.

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

**Mr. J. Higgins:** Irish and immigrant workers should never again have to face employers using the methods of GAMA, which involve criminal exploitation in the extreme. Will the Tánaiste say what the main conclusions of the briefing were?

She should share that with us because the matter is in the public domain.

**The Tánaiste:** The briefing simply told me that the Minister is awaiting the report but I understand that a draft of the report has been circulated in the interests of natural justice. If the report bears out what the Deputy is saying, and I am not casting doubt in any way on what he has said, then it is a total disgrace. All the forces of the State will have to be brought to bear on this issue to ensure it cannot recur. Of course, all the employees will have to receive their entitlements. As I said, the law does not discriminate in favour of Irish workers at the expense of others. We have a very successful economy. We have provided good employment, in the main, to immigrant workers, and we want that to continue. However, we do not want to see any worker, no matter who it is, exploited in the fashion the Deputy suggested.

### Ceisteanna — Questions.

#### Central Statistics Office Review.

1. **Mr. Sargent** asked the Taoiseach if he will report on the recently published CSO report on vital statistics, 2002; and if he will make a statement on the matter. [9300/05]

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** The Central Statistics Office published the report on vital statistics for 2002 on 31 January this year, when it was also laid before this House. The main statistics contained in the report had already been published, classified by year of registration, in the CSO quarterly vital statistics reports. The annual report gives a further breakdown in respect of births, deaths and stillbirths occurring in 2002. Information on marriages registered in that year was not included but will be published separately later this year. The report on vital statistics contains a wealth of information on chronicling changes in Ireland's social and demographic development.

Some of the main general findings include the following. The number of births in 2002 was 60,503, giving a rate of 15.4 births per 1,000 population, an increase on the 2001 rate of 15 births. The total period fertility rate was 1.98 in 2002, which is somewhat below the replacement level of 2.1 children, generally taken to be the level at which a generation would replace itself in the long run, ignoring migration, but is still the highest rate in the EU 15 region. The number of deaths occurring during 2002 was 29,683, giving a rate of 7.6 deaths per 1,000 population. This was a decrease on the 2001 rate of 7.9 deaths.

For the benefit of Deputies, I am circulating a statement summarising the principal findings of the 2002 report.

**Mr. Boyle:** The number of suicides for 2002 was listed at 478, suggesting a doubling of the number of suicides over a 20 year period. It is the most common cause of death in the 15-24 age group, particularly among young men. Are the Minister and the Central Statistics Office satisfied that this represents the full picture? A theory exists that a number of fatal car crashes involving single vehicles are disguised suicides. International research suggests that where open verdicts are given in these cases, as many as 6% of single vehicle car crashes could be disguised suicides. Is the Central Statistics Office taking these statistics into account? How are such statistics being gathered?

Following from this issue, do the Minister and the Central Statistics Office accept there is a need to introduce the long-promised coroners Bill to collect information from the nation's coroners so it can be more easily accessed and more readily analysed in regard to this grey area?

**An Ceann Comhairle:** The second part of the Deputy's question is a matter directly for the line Minister, the Minister for Justice, Equality and Law Reform.

**Mr. Boyle:** It relates to the collection of statistics.

**An Ceann Comhairle:** Not in regard to the coroners Bill.

**Mr. Boyle:** The question relates to a grey area in which we cannot get proper analysis and statistics. I put that to the Minister.

**An Ceann Comhairle:** While the Chair wants to facilitate Deputies, obviously, on this question, I cannot allow Deputies to examine the area of other Ministers. It is purely a statistical question.

**Mr. Boyle:** Without referring to the Bill, might I ask on the difficulties coroners have in supplying such information and having it properly analysed?

**Mr. Kitt:** I share the Deputy's concern about the number of suicides. In 2002 there were 478 deaths due to suicide, 387 male and 91 female. The specific details are available in the Central Statistics Office report. I understand those deaths occurred mainly in the 15-24 and 25-29 age groups. It is an issue that warrants our attention. Deputy Neville has championed this cause in the Chamber and outside it.

Since the publication of the report of the National Task Force on Suicide in 1998, a cumulative total of more €17.5 million has been provided towards suicide prevention programmes and for research. In addition, a new strategic action plan for suicide reduction is being prepared which will build on existing policy and the recommendations contained in the report of the National Task Force on Suicide. It is an issue with which the Government is very engaged and the

[Mr. Kitt.]

President, Mrs. McAleese, has taken a special interest in this area.

I accept the figure for 478 deaths is worrying, in particular the breakdown between the 387 male and 91 female deaths. The Government is aware of and concerned about the number of young males who have committed suicide in recent times.

**Mr. Boyle:** I wish to question the Minister on the infant mortality rate and cancer deaths but I suspect other Deputies would first want to ask on suicide statistics. Would it be in order if I came in subsequently?

**An Ceann Comhairle:** Yes. I call Deputy Neville.

**Mr. Neville:** In 1998 the National Task Force on Suicide made 86 recommendations in regard to suicide prevention but very little has been achieved. The National Suicide Review Group was established to introduce and advise on the recommendations. Does the Government plan to introduce the recommendations?

**An Ceann Comhairle:** Deputy, this is purely a statistical question. I do not know whether some of the recommendations relate to the Central Statistics Office. The question should be addressed to the line Minister responsible.

**Mr. Neville:** On the statistical information, the figures released and available to the House in the past two years show that 452 suicides occurred in 2002. That figure has now been revised by the Central Statistics Office to 478. Will the Minister explain the alteration in the figures provided to the House? Will he indicate when preliminary figures from the Central Statistics Office for 2004 will be made available? They are usually available at this time of year.

**Mr. Kitt:** The revision probably occurred because there are two types of statistics, date of registration figures compiled on a quarterly basis and date of occurrence data which are compiled later. The figure I now have for deaths in 2004 is 478, which relates to the occurrence data. Figures for 2003 will be available—

**Mr. Neville:** I asked for figures for 2004.

**Mr. Kitt:** The figures I have provided to the House relate to 2002. It will probably be later this year before we have the figures for 2003.

**Mr. Boyle:** To move to the issue of the infant mortality rate, has the Central Statistics Office an explanation as to why the Irish rate of five deaths per 1,000 is higher than the EU 15 rate prior to accession and the EU 25 rate for infant mortality? It seems anomalous in a country that is supposed to be one of the more prosperous in Europe that we have such a high rate of infant mortality. How

is this explained and how is the information used within the health service?

**Mr. Kitt:** During 2002 the number of deaths of infants under one year was 305 compared with 331 in 2001. The infant death rate in 2002 was five per 1,000 live births. This was a decrease on the 2001 figure of 5.7 infant deaths per 1,000 live births. The Irish rate is higher than the current EU 15 average of 4.3 infant deaths per 1,000 live births and the current EU 25 average of 4.6 infant deaths per 1,000 live births. Some 41% of infant deaths occurred on their first day.

The number of stillbirths occurring during 2002 was 364 compared with 358 in 2001. The stillbirth rate in 2002 was six per 1,000 births, a decrease on the 2001 figure of 6.1 stillbirths per 1,000 births.

**Mr. Boyle:** I asked if the CSO had an opinion on what the factors are regarding the infant mortality rate in Ireland, compared not only to the rate in the 15 EU countries but in the extended 25 EU countries. Many of these countries have standards of living much lower than ours.

**An Ceann Comhairle:** That may be a question for the line Minister.

**Mr. Kitt:** Yes. I can only suggest that this kind of question on specifics, on policy issues and on follow-up policies with regard to these figures, be put to the line Minister, the Minister for Health and Children, who is sitting beside me. I can only share with the Deputy the data I have with me.

**Mr. Boyle:** I have a further health-related question with regard to the vital statistics. Cancer deaths make up a quarter of all deaths in the year under consideration. Has the Minister for State figures regarding how this relates to the situation in other EU countries? Has he got National Cancer Registry figures for the regions? The last report I saw from the registry indicated that certain regions have higher than national average rates for all cancers. The Dublin metropolitan area, County Louth and the Cork-Kerry areas were all seen to have rates for all cancers which are higher than the national average. Can the Minister of State supply information as to where we stand with regard to other European countries, how the regional statistics for cancer deaths are compiled, and how they compare?

**Mr. Kitt:** I will supply the Deputy with the figures I have and will ask the CSO to pass on to the Deputy the relevant regional figures and the comparisons with figures in other European countries. The figures I have will be of interest to the Deputy and to others.

Of the deaths occurring in 2000, 25.3% were due to cancer, 26.1% to various forms of heart disease, 13.2% to other diseases of the circulatory system and 14.6% to diseases of the respiratory system. The number of deaths occurring in 2002, 29,683, was the lowest recorded since the production of vital statistics began in 1864. The death

rate of 7.6 per 1,000 of the population in 2002 was also the lowest ever recorded.

### **Request to move Adjournment of Dáil under Standing Order 31.**

**Mr. Boyle:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national public interest, namely, that in the light of the most recent list of tax defaulters published by the Revenue Commissioners, the Minister for Finance make a statement to the House on the plans, if any, he has to strengthen legislation on the way in which Members and former Members of this House comply with their tax liabilities.

**Mr. Healy:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, in view of the recent inhumane deportations, the need for the Government to reverse these decisions and to declare an amnesty for all asylum seekers already resident in the State, and to ask the Minister for Justice, Equality and Law Reform to make a statement on the matter.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the spending of €150 million to further congest Dublin Airport and its surroundings when Ireland's fourth international airport at Knock lies under-developed and under-utilised with 400,000 passengers compared to 38 million passengers projected for Dublin Airport by 2025, which flies in the face of common sense and balanced regional development.

**Mr. Kitt:** Mr. Michael O'Leary should be sent down there.

**Dr. Cowley:** If Knock had the second terminal or the money for it, that would do fine. Some €40 million would be fine.

**Ms Harkin:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of local and national importance, namely, the motion passed by Sligo County Council which expresses its grave concern with the action of the Arts Council in adopting a report that was substantially changed after it was signed off by the special committee on the traditional arts and which also calls on the Minister to initiate an immediate and full inquiry to ascertain the facts surrounding this totally unacceptable and unaccountable action by the Arts Council.

**Mr. Kitt:** The answer is still no.

**Ms Harkin:** I am out of breath because I came all the way from Brussels.

**Mr. Rabbitte:** If the Ceann Comhairle will not concede to the Deputy's request he will concede to nothing.

**Ms Harney:** As Minister for Health and Children I am worried about the Deputy.

**Mr. Durkan:** The Deputy will end up on a trolley.

**Ms Lynch:** She should stay out of hospital.

**Ms Harney:** If the Deputy speaks out of breath more often, she will end up in an accident and emergency department. She should take it easy.

**An Ceann Comhairle:** Having considered the matters, they are not in accordance with Standing Order 31.

### **Order of Business.**

**The Tánaiste:** It is proposed to take No. 9, motion re tribunal of inquiry into the fatal shootings of Chief Superintendent Harry Breen and Superintendent Robert Buchanan; No.19, Ráitis maidir leis an nGaeilge, statements on the Irish language; and No.18, Garda Síochána Bill 2004 [Seanad] — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 9 shall, if not previously concluded, be brought to a conclusion after three hours and 30 minutes and the following arrangements shall apply: the speech of the Minister for Justice, Equality and Law Reform and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case; the speech of each other Member called upon shall not exceed 15 minutes in each case; Members may share time; and the Minister for Justice, Equality and Law Reform shall be called upon to make a speech in reply which shall not exceed five minutes.

It is proposed that the proceedings on No. 19 shall, if not previously concluded, be brought to a conclusion at noon on Thursday, 24 March 2005 and the following arrangements shall apply: the statements of the Minister for Community, Rural and Gaeltacht Affairs and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case; the statement of each other Member called upon shall not exceed 15 minutes in each case; Members may share time; and the Minister for Community, Rural and Gaeltacht Affairs shall be called upon to make a statement in reply which shall not exceed five minutes. Private Members' Business shall be No. 39, Fur Farming (Prohibition) Bill 2004 — Second Stage (resumed) to conclude at 8.30 p.m.

**An Ceann Comhairle:** There are two proposals to put to the House. Is the proposal for dealing with No. 9, motion re tribunal of inquiry into the fatal shootings of Chief Superintendent Harry Breen and Superintendent Robert Buchanan, agreed to? Agreed. Is the proposal for dealing



[An Ceann Comhairle.]  
with No. 19, statements on the Irish language, agreed to? Agreed.

**Mr. Kenny:** So far as the Government is concerned, along with the British Government, has any progress been made regarding an inquiry into the death of Pat Finucane? The Taoiseach has raised the matter with the British Prime Minister, Mr. Blair, on a number of occasions.

In view of the announcement made during the week by the Minister for Social and Family Affairs regarding the Government's consideration of the range of problems relating to child care, is it expected that a Supplementary Estimate will be introduced for that Department this year, to deal with whatever proposal the Minister, Deputy Brennan, will bring before the Cabinet?

**The Tánaiste:** No Supplementary Estimate is promised. That matter has not come before the Government so I am not certain what the proposals are. The Government has been dealing with the issue of child care for a considerable period.

**Mr. Rabbitte:** There are a few press releases left before the Minister, Deputy Brennan, gets to a Supplementary Estimate.

**The Tánaiste:** Regarding Deputy Kenny's first question, I cannot say if any further progress has been made on that matter. I will get back to the Deputy.

**Mr. Rabbitte:** I do not know if the Tánaiste appreciates that this is the seventh Dáil term during which the work permits Bill has been promised, which I understand was previously the Tánaiste's responsibility. Last night she may have heard the *Kilkenny People* editor saying that non-national workers were being employed by farmers in Kilkenny at a rate of €1 per hour and that their diet consisted of sliced pan and brown sauce. We heard Deputy Joe Higgins—

**An Ceann Comhairle:** We cannot discuss what might be in the Bill.

**Mr. Rabbitte:** No, but seven Dáil terms after the promise of its introduction to the House, it still has not been published. We heard from Deputy Joe Higgins this morning about GAMA Construction.

**An Ceann Comhairle:** The contribution of Deputy Joe Higgins this morning does not arise at this stage.

**Mr. Rabbitte:** It does.

**The Tánaiste:** The Bill is imminent. The Government cleared the heads some time ago and it will be published and taken in the House before the summer recess. Many of the issues raised are already catered for in existing legis-

lation. There is no justification for people not being paid the going rate, the agreed rates or for the law not being enforced. The existing labour laws apply to non-nationals as much as to nationals.

**Mr. Rabbitte:** Does that imply the Tánaiste does not appreciate, for example, that right across south Dublin women employed in domestic service are grossly exploited, as are non-nationals throughout the island? It is all very well for her to say she condemns it, but when will the law be enforced? There is little point in having a law giving them the same rights as other workers if it is not enforced.

**The Tánaiste:** I know that in recent times the minimum wage law is being enforced and that if any cases are brought to the attention of the authorities, they are pursued vigorously. The new work permit legislation simply provides for the new regime that exists, in particular since the enlargement of the European Union when permits became an exception. Permits are mainly for higher skilled workers because we should be able to meet all our labour needs from the existing EU 25. This will expand further over time. The intention of the work permit or green card type concept is to give more control to employees and allow them to move more freely between jobs. Workers from EU countries do not require a permit, but I accept that the Turkish workers do. However, many of the other examples given are of people from existing EU countries such as Poland. These provisions will not apply to them.

**Caoimhghín Ó Caoláin:** The Oireachtas established the Morris tribunal to inquire into corruption within the Garda in County Donegal. The tribunal was charged with carrying out a fair examination of the matters referred to it. Will there be an interim report from the tribunal to the Oireachtas? Is the Tánaiste aware that hearings due to take place in the coming month have been moved to Dublin on the spurious grounds—

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

**Caoimhghín Ó Caoláin:** The Ceann Comhairle has accepted that this is the appropriate time to raise the matter of the establishment of that tribunal.

**An Ceann Comhairle:** The Chair has rules on what is or is not allowed on the Order of Business. I will allow the question on whether an interim report is promised.

**Caoimhghín Ó Caoláin:** He has allowed questions on its establishment on the Order of Business. I want to know when an interim report will be presented and the Tánaiste's position on the decision of the tribunal not to hold its hearings in Donegal, which is more appropriate.

**An Ceann Comhairle:** The Chair will accept the Deputy's first question but the second is totally out of order.

**Caoimhghín Ó Caoláin:** No, not at all.

**An Ceann Comhairle:** The Deputy should not challenge the Chair. The Chair has ruled and the Deputy must accept the ruling. The Deputy should resume his seat.

**Caoimhghín Ó Caoláin:** The question is important —

**An Ceann Comhairle:** It may well be important, but it is not in order and the Deputy knows that.

**The Tánaiste:** The tribunal has a distinguished chairperson. It is a matter for him to decide where evidence is collected, not for the Government or the Oireachtas. I have no information as to whether the tribunal will submit an interim report.

**Mr. Crawford:** I wish to raise two matters. First, in light of a situation where a young 19 year old person had to go to hospital after a fracas in Clones the other night, when will the alcohol products (control of advertising, sponsorship and marketing practices/sales promotions) Bill come into this House so that we can discuss and deal with such matters? Second, can we have a debate on agriculture to allow us to discuss the closure of the Teagasc office in Bailieborough—

**An Ceann Comhairle:** The second question does not arise. The Tánaiste to reply on the first question.

**The Tánaiste:** The Bill will be in the House later this year.

**Ms McManus:** When the Tánaiste took over in the Department of Health and Children she made a specific commitment to deal with the accident and emergency crisis. She undertook that the problems in accident and emergency services would be greatly relieved by this time.

**An Ceann Comhairle:** Has the Deputy a question on legislation?

**Ms McManus:** I have. We are now in a situation where the nurses' organisations are going to stage a protest and we have no forum in which to debate the matter.

**An Ceann Comhairle:** That does not arise. The Deputy must find another way of raising that issue.

**Ms McManus:** Will the Minister for Health and Children, the Tánaiste, introduce the nurses Bill

so that we can debate this issue and highlight what has happened to patients? They are lying on trolleys months after the Minister gave undertakings that these problems would be sorted.

**An Ceann Comhairle:** We cannot discuss what might be appropriate on Second Stage of the Bill. Questions may be addressed to the Minister for Health and Children at Question Time this afternoon.

**The Tánaiste:** The nurses' Bill will be introduced later this year. The legislation does not propose to prevent nurses from taking industrial action.

**Mr. Boyle:** I have two questions. First, when will the third arm of the Government's promised programme on disability legislation come before the House? Is the Government waiting for the Second Stage of the Disability Bill to finish or be withdrawn before we have a debate on the Comhairle (Amendment) Bill? I am not sure whether the Tánaiste will be able to answer my second question as we are rarely informed on these matters until after they have happened. Has the President signed the Health (Amendment) Bill? I understand that up until last week it had not been signed.

**The Tánaiste:** The President has ten days to sign it from the time it was passed in the Oireachtas. I am not certain whether it has been signed, but will revert to the Deputy on the matter.

The Comhairle (Amendment) Bill has been published, but I am not sure when it will be taken in the House. I will discuss that with the Minister for Social and Family Affairs, Deputy Brennan.

**Mr. Neville:** The child protection joint working group issued specific recommendations concerning the register of persons considered unsafe to work with children. When will legislation on this issue be introduced.

**The Tánaiste:** I am not in a position to say when we will have that legislation.

**Mr. Kenny:** I hope the Government Whip will be able to bring forward his proposals for Dáil reform at an early date. Will the Tánaiste see to it that Deputy McEntee is given an office today? I know people are working on the matter, but will the Tánaiste ensure it is sorted out?

**Ms Lynch:** Is the Tánaiste aware as Minister for Health and Children that the leukaemia unit, which deals specifically with children in the Mercy hospital is not taking any new cases as a result of the crisis—

**An Ceann Comhairle:** Has the Deputy a question on legislation?

**Ms Lynch:** I have a question on the legislation to establish the health and quality authority. Is the Tánaiste aware of the crisis besetting the leukaemia unit in the Mercy hospital as a result of—

**An Ceann Comhairle:** That question does not arise.

**Ms Lynch:** It is as a result of the setting up of the health—

**An Ceann Comhairle:** The question is not appropriate. The Deputy must find another way of raising the issue. Questions are addressed to the Minister for Health and Children at Question Time this afternoon. The matter is not appropriate on the Order of Business. If everybody rose on the Order of Business and made a Second Stage speech, we would do no other business in the House.

**Ms Lynch:** It is not a Second Stage speech. Any question raised about the establishment of an authority, for example the Health Executive which is responsible in this issue, cannot be raised here. As a result of the setting up of—

**An Ceann Comhairle:** That does not arise on the Order of Business. The Chair does not want to take up the time of the House by reading out Standing Order 26 again. If the Deputy does not resume her seat, I shall move on to the next business.

**The Tánaiste:** The legislation to establish the health information and quality authority on a statutory basis will be published and, I hope, enacted this year. As the Deputy is aware, the authority was established on an interim basis in Cork recently.

**Ms Lynch:** What about the crisis in the Mercy hospital?

**Mr. Rabbitte:** I am sure the Tánaiste would like to be back in the arms of the ICA.

**The Tánaiste:** I would not. I love this challenge.

**Mr. Stanton:** Between 1940 and 1987 it appears that more than 300 children were the subject of vaccine trials. In 2001 legislation was passed to direct the Commission to Inquire into Child Abuse to investigate the issue, which the Minister described as the ultimate guarantee against a cover-up or whitewash. Last summer the courts threw that out saying he acted outside his powers. I have asked the Tánaiste on a number of occasions what action she intends to take as a result because legislation is required in this area.

Last week the Taoiseach stated that legislation would be published in the coming weeks. Will that happen?

**The Tánaiste:** The reason the tribunal cannot inquire into this matter is the court held that given the age of the witnesses, it would be wrong and unfair to require them to give evidence. That will also apply to any new inquiry that could be established in this area. I recently had discussions with a number of the interests in this matter and I will make a decision shortly. I will communicate directly with the Deputy.

**Mr. Allen:** I tried to raise on the Adjournment last night an issue relating to the leukaemia unit in the Mercy Hospital, Cork, and I appeal to the Ceann Comhairle to allow the issue to be taken on the Adjournment today or tomorrow.

**An Ceann Comhairle:** There are many ways to raise that issue.

**Mr. Allen:** It is essential that the issue is explained by the Tánaiste and Minister for Health and Children before the Dáil goes into recess.

**Mr. G. Mitchell:** The Tánaiste indicated recently that legislation would be introduced to amend the Nurses Act 1985 to recognise the issues of concern to midwives. When will the legislation be before the House?

**The Tánaiste:** Later this year.

**Dr. Cowley:** Given that 20 million passengers are landing on one side of the country while only 400,000 land on the other, will equality legislation be introduced to bring about some semblance of balanced regional development? Perhaps the Government should be compelled to implement the national development plan to achieve balanced regional development.

**The Tánaiste:** Legislation is not needed to build more terminals at Knock Airport.

**Dr. Cowley:** It is.

**Mr. Durkan:** Given the significant discrepancy between petrol and diesel prices at various forecourts and the phenomenon of diesel prices overtaking petrol prices, will the Government introduce the national oil reserve agency Bill to focus on that issue in a way that will be positive from the consumers' point of view?

**The Tánaiste:** The Bill will be introduced this year but it will not deal with the issues raised by the Deputy.

**Mr. Durkan:** Why not? Do they not concern the Tánaiste? The Minister for Justice, Equality and Law Reform is concerned about them.

### Tribunals of Inquiry: Motion.

#### Minister for Justice, Equality and Law Reform (Mr. McDowell): I move:

That Dáil Éireann:

- noting that following agreement reached between the British and Irish Governments at Weston Park in 2001, retired Canadian Supreme Court Judge Mr. Peter Cory was appointed to undertake a thorough investigation of allegations of collusion between British and Irish security forces and paramilitaries in six incidents;
- noting that the aim of this process was to determine whether there is sufficient evidence of collusion between State security forces and those responsible for the killings in each case to warrant a public inquiry;
- noting that, as part of the Weston Park agreement, the two Governments committed themselves that in the event that a public inquiry is recommended in any case, the relevant Government will implement that recommendation;
- noting that having completed his investigation into the murder of Chief Superintendent Harry Breen and Superintendent Robert Buchanan, both of the Royal Ulster Constabulary RUC, Mr. Peter Cory concluded that evidence was revealed that, if accepted, could be found to constitute collusion;
- mindful that certain incidents from the past in Northern Ireland giving rise to serious allegations of collusion by security forces in each jurisdiction remain a source of grave public concern;

resolves that it is expedient that a tribunal established under the Tribunals of Inquiry (Evidence) Acts 1921 to 2002 to inquire into the following definite matter of urgent public importance:

- Suggestions that members of the Garda Síochána or other employees of the State colluded in the fatal shootings of RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan on 20 March 1989;

and to report to the Clerk of Dáil Éireann and to make such findings and recommendations as it sees fit in relation to these matters;

and further resolves that:

- (I) the tribunal shall report to the Clerk of the Dáil on an interim basis not later than three months from the date of establishment of the tribunal and as soon as may be after the tenth day of any oral hearings of the tribunal on the following matters:

(a) the number of parties granted representation by the tribunal,

(b) the progress which will then have been made in the hearings and work of the tribunal,

(c) the likely duration, so far as might then be capable of being estimated, of the proceedings of the tribunal,

(d) any other matters that the tribunal considers should be drawn to the attention of the Houses of the Oireachtas at the time of the report, including any matters relating to its terms of reference;

(II) if the tribunal finds that there is insufficient co-operation from a person(s) not compellable to give evidence pursuant to the provisions of the Tribunals of Inquiry (Evidence) Acts 1921 to 2002, to report that fact to the Clerk of the Dáil, including the steps taken by the tribunal to obtain the co-operation of that person(s), for consideration by the Houses of the Oireachtas, in conjunction with the Minister for Justice, Equality and Law Reform, having regard to the public interest; and

(III) the inquiry shall be completed in as economical a manner as possible and at the earliest possible date consistent with a fair examination of the matters referred to it.

I am pleased to have the opportunity to table this motion seeking the establishment of a tribunal of inquiry into suggestions of collusion in the brutal and callous murders of RUC Chief Superintendent Harry Breen and RUC Superintendent Bob Buchanan by the Provisional IRA in 1989.

The background to this motion originates as far back as August 2001 when, following discussions with the Northern Ireland parties at Weston Park, the Irish and British Governments committed themselves to the appointment of a judge of international standing from outside both jurisdictions to undertake a thorough investigation of allegations of collusion between British and Irish security forces and paramilitaries in six cases. The six cases are the murders of Mr. Pat Finucane, Mr. Robert Hamill, Ms Rosemary Nelson, Mr. Billy Wright, the two RUC officers and Northern Ireland Lord Justice Maurice Gibson and Lady Cecily Gibson. The first four of these cases relate to allegations of collusion by British security forces while the other two cases relate to allegations of collusion by the Garda. Arising from the Weston Park agreement, Mr. Peter Cory, an eminent retired Canadian Supreme Court judge, was asked by the two Governments to investigate and report on the allegations of collusion. Judge Cory was appointed by the Governments in May 2002.

The aim of the inquiry process under Judge Cory was to determine whether there is sufficient evidence of collusion between State security forces and those responsible for the killings in

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each case to warrant a public inquiry. The resultant reports into the six cases were submitted to the Governments by Judge Cory in October 2003. On behalf of the Government, I thank and commend Judge Cory once again for his diligent and painstaking work in producing these reports. In December 2003, following Government approval, I published redacted versions of the two reports to the Government. All the redactions to the two reports were performed with the explicit consent and approval of Judge Cory and occurred solely on the basis of the Government's obligations to ensure justice.

The two reports make grim reading for anyone with even an ounce of humanity. Both Lord Justice and Lady Gibson were cruelly killed in a carefully planned and executed bombing attack on the morning of 25 April 1987. The south Armagh brigade of the Provisional IRA claimed responsibility for the killings. The IRA also issued other public statements indicating that the murders had been planned in advance. Suggestions of collusion related to claims that a member or members of the Garda advised those directly responsible for the killings or members of their organisation of the Gibsons' itinerary on that fateful day.

Judge Cory concluded in his report on this appalling crime that there is no evidence of collusion by the Garda or other Government agency that would warrant the holding of an inquiry. I welcome this finding in that it removes doubt or suspicion that a member or members of the Garda committed a gross act of treachery in colluding in the murder of two innocents. I fully realise that is cold comfort to the victims' families.

The other case relevant to this jurisdiction examined by Judge Cory is different, but it involved an equally horrific act of callous murder. While I appreciate that the detail I am about to relate concerning this appalling act of savagery is distressing, it is worth recalling, if only to demonstrate the sheer depravity of those who perpetrated it. On the afternoon of 20 March 1989, Chief Superintendent Harry Breen and Superintendent Bob Buchanan were shot dead in an ambush just north of the Border as they returned from a prearranged meeting with a senior Garda officer in Dundalk Garda station. The Provisional IRA subsequently claimed responsibility for this double murder. The location of the ambush, on the Edenappa road, was found by Judge Cory to have been well chosen in terms of topography and tree cover with respect to a nearby British army observation post. The ambush involved PIRA members establishing a checkpoint on the road only minutes before the arrival of Superintendent Buchanan's private car carrying the two RUC officers. The two officers were unarmed, as was required at the time, and the perpetrators of this act knew that.

From the available information, it appears that two armed men, dressed in army style fatigues

and with camouflage on their faces, stopped southbound cars and strategically placed them so as to funnel northbound traffic into a single lane. Shortly after the last southbound vehicle was stopped and in place, Superintendent Buchanan's car appeared, driving northwards. It was also flagged down by the armed men in the middle of the road. As the car slowed, a van, which had been following, overtook Superintendent Buchanan's car and pulled into a nearby laneway. Four armed men, wearing camouflage and balaclavas, emerged from the van and started firing immediately. Superintendent Buchanan attempted to reverse his car to escape but the car apparently stalled and he was unsuccessful.

Both Chief Superintendent Harry Breen and Superintendent Bob Buchanan, while still in the car, were hit several times by a hail of bullets. Examination of the vehicle the following day indicated no less than 25 strike marks from bullets along both sides of the car, with the majority aimed at the driver's side. The autopsy performed on Superintendent Buchanan revealed that he had suffered many fragment wounds in the head and upper body, and it is probable that he was dead by the time his car came to a halt. He had also been shot in the head at close range, almost certainly after he had died.

Chief Superintendent Breen had been wounded in the abdomen, the upper right shoulder and the arm, and had sustained wounds to his head. It appears he had left the car after it came to a stop, waving a white handkerchief. It was obvious he had suffered several gunshot wounds before he left the car which, although severe, did not appear to have been fatal. Eyewitness accounts indicated that a member of the Provisional IRA murder squad walked up to him and shot him in the back of the head. It is worth restating that these were two unarmed RUC officers returning from a meeting with their colleagues in an Garda Síochána. They were, in short, two policemen doing their duty and attempting to achieve peace on both sides of the Border.

That, then, is the appalling scene which Judge Cory paints of the last moments of these two men's lives. As he says himself in his report, those shootings were brutal, cowardly and demonstrated a callous insensitivity to both the suffering of individuals and to life itself. Nobody who could describe himself or herself as interested in peace in Ireland, a united Ireland, justice, human rights or any value asserted in the Proclamation of 1916 could have done that to two unarmed policemen in such a cruel and cowardly way. It is a great shame that the Provisional IRA should do such a thing to two men in those circumstances.

I now turn to suggestions of collusion. Those relate to claims that a member of the Garda Síochána, or a civilian employed within the Garda, advised either those directly responsible for the killings or members of their organisation of the visit of the two RUC officers and, in particular, of the time they left Dundalk Garda

station. In his report, Judge Cory examined the known circumstances, the intelligence reports and other matters in drawing conclusions about the case. From a review of the relevant factors, Judge Cory stated that it might be said that the Provisional IRA did not need any assistance from within the Garda to carry out the ambush. Moreover, Judge Cory suggests that the intelligence reports received shortly after the murders, considered by themselves, might be thought to point to a similar conclusion.

However, Judge Cory considered that a statement made by one Kevin Fulton could be found to constitute evidence of collusion on the part of a Garda officer, referred to as Garda B in the report. Kevin Fulton is the pseudonym of a former agent with a British intelligence agency who, in that capacity, is supposed to have become a member of the Provisional IRA. In a statement delivered to Judge Cory, Kevin Fulton claims that, on the day of the ambush of the two RUC officers, his senior IRA commander was told by another member of the IRA that Garda B had informed the Provisional IRA that the two officers were at Dundalk Garda station.

Judge Cory goes on to state that this statement would add credence to two intelligence reports which spoke of a Garda leak. In all this, it should be noted that Judge Cory does not make findings of fact. Rather, he states that if that evidence were accepted by those eventually making the findings of fact, it could be found to constitute collusion. Accordingly, on that basis, Judge Cory concluded that there must be a public inquiry in this case.

As part of the Weston Park agreement, the two Governments committed themselves that, in the event that a public inquiry is recommended in any case, the relevant Government will implement that recommendation. Accordingly, the Government is committed to holding a public inquiry in respect of allegations of Garda collusion in the killings of the two RUC officers. In the light of Judge Cory's recommendations, I secured Government approval to hold a public inquiry into the murders, to take the form of a tribunal of inquiry pursuant to the Tribunals of Inquiry (Evidence) Acts 1921 to 2002. I sought that type of public inquiry because it meets all the essential criteria set down by Judge Cory for a public inquiry. I subsequently secured the authorisation of Government to lay the necessary resolutions before both Houses of the Oireachtas to enable the establishment of the tribunal of inquiry, according to the formulation contained in the motion before the House, which constitutes the tribunal's terms of reference.

I briefly draw the House's attention to some of the more important aspects of the terms of reference. After a straightforward recitation, the main operative section is, of course, that a tribunal shall be established to inquire into suggestions that members of the Garda Síochána or other employees of the State colluded in the fatal shootings of RUC Chief Superintendent Harry

Breen and RUC Superintendent Robert Buchanan on 20 March 1989. By any stretch of the imagination, this is the broadest possible interpretation of the findings of the relevant Cory report, and it delimits in no way whatsoever the tribunal's latitude to inquire into whatever organisations and individuals that it sees fit.

The other notable feature of the terms of reference is paragraph (II), which states that if the tribunal finds that there is insufficient co-operation from any person not compellable to give evidence, that fact should be reported to the Clerk of the Dáil for consideration by the Houses of the Oireachtas, in conjunction with myself, having regard to the public interest. The thinking here is simple: it is a fact that likely key witnesses reside outside the jurisdiction. As with domestic legislation in general, the Tribunals of Inquiry (Evidence) Acts 1921 to 2002 apply only within this jurisdiction. Hence, the statutory provisions relating to compellability to give evidence would not apply to likely key witnesses. Accordingly, it is anticipated that the tribunal of inquiry would be obliged to rely on the goodwill and co-operation of non-compellable persons to make progress with aspects of its work. Paragraph (II) of the terms of reference provides a mechanism by which the tribunal can report back to the Houses of the Oireachtas, should non-compellable persons decline to co-operate with the tribunal.

That is an important element of the terms of reference of the tribunal. In the normal course of events, if co-operation from outside the jurisdiction necessary for the tribunal to complete its work were not forthcoming, we would be left with the prospect of the tribunal reporting in an incomplete way. By virtue of this provision, however, the tribunal can report that fact to the Oireachtas. By that means, the problem of securing co-operation from non-compellable persons can be elevated to the political sphere, where I, the Government and the Members of the Houses of the Oireachtas can determine the best way forward. In particular, it provides an opportunity for formal approaches to be made to the British Government, should the need arise, to seek to secure the co-operation of persons residing in either Britain or Northern Ireland, whether they be British citizens or otherwise. It provides a form of political leverage, grounded in the restated will of the Oireachtas, that can be used, should the need arise, to ensure the tribunal is given every opportunity to secure the cooperation of all those who might be able to shed light on this appalling act of barbarism.

The House will be aware that the sole member of the tribunal will be appointed by the Government, and I hope to be able to announce that person's identity later today. I know this House will join with me in advising everyone involved to co-operate fully with the tribunal. I have full confidence that the Garda Síochána, as well as any other institution of the State, will be forthcoming in its engagement with the tribunal. Nothing less than full co-operation is demanded, and nothing

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less should be expected from the guardians of the State.

There is, however, one organisation that could provide full answers to the tribunal, and that, of course, is the IRA. I challenge that organisation, and Sinn Féin in the House, to state clearly that there will be co-operation with the tribunal. Sinn Féin and the IRA cannot have it both ways: they cannot clamour for justice and truth regarding other barbaric acts that Judge Cory has reported on and in respect of which he has recommended tribunals and not co-operate on this one. Judge Cory's recommendations are not an *à la carte* menu from which one may choose at will. If those who describe themselves as the republican movement have any intention of demanding full co-operation and delivery on Judge Cory's recommendations by the British Government in so far as it lies within its remit in respect of institutions and persons in Northern Ireland in respect of those other inquiries, they must be willing to deliver to this inquiry a full and complete answer regarding whether this act involved collusion on the part of a member of the Garda Síochána. I say that conscious of the fact that testimony given to a tribunal by definition cannot be used in criminal proceedings against a person who so testifies. Persons who testify to the tribunal which I propose should be established will be in the unique position that they will be able to give the tribunal evidence on a very serious crime knowing that their testimony cannot be used to incriminate them.

This tribunal is being established by the will of the people assembled here in the Houses of the Oireachtas and on foot of an all-party understanding at Weston Park. I ask those in particular who describe themselves as the republican movement to remember that fact because it is the will of the people that savage acts such as the brutal murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan by the Provisional IRA in 1989 should have no place in this Republic.

Pursuant to the Weston Park agreement the State is under an obligation to establish a public inquiry into the brutal murders of these two RUC officers. We do so not just out of an obligation imposed morally upon us by Judge Cory's report but out of a genuine desire to see justice done. If there was collusion by officers or an officer of the Garda Síochána in this crime, the least the relatives of those two members of the RUC are entitled to is to have that fact established, just as much as the victims of other alleged acts of collusion are entitled to have justice and the truth established in their cases.

I must tell the House that I considered going down the road of a commission of inquiry but I found it did not match up to the criteria laid down by Judge Cory. The form of public inquiry proposed and its proposed terms of reference constitute the most open, potentially expansive and powerful form of public inquiry available under

our law here or anywhere else to ensure that the full truth emerges. We owe it to the families of the late Chief Superintendent Breen and Superintendent Buchanan, the people of Northern Ireland and the people of this State, given the concerns raised about organs of this State. I commend the motion to the House.

**Mr. J. O'Keeffe:** Fine Gael welcomes the establishment of the tribunal of inquiry into the murders of Chief Superintendent Harry Breen and Superintendent Robert Buchanan by the Provisional IRA in 1989. Like the Minister, we commend Judge Peter Cory for the work he has done on this case and other cases North and South. Fine Gael believes that the Cory model of preliminary investigation has proved to be a very effective one that could be considered in other cases, for example, the Omagh bombing. I ask the Minister to consider that proposal.

While we welcome the establishment of this tribunal, we also must bear in mind that it is part of a package of measures concerning the brutal murders of others, including Robert Hamill, Billy Wright, Rosemary Nelson, the Gibsons and Patrick Finucane. It is important that the full package is delivered on and that the United Kingdom Government in particular keeps its side of the bargain, focusing in particular on the murder of Pat Finucane. Otherwise, it will be difficult to convince people that the UK Government is serious about investigating all allegations of collusion.

If we set aside the formalities and consider what we are examining, it brings home the heinous nature of the criminal act that was committed on Chief Superintendent Breen and Superintendent Buchanan. It is important to bear in mind that these men were travelling unarmed back from a meeting in Dundalk Garda station. They were doing so as part of the normal co-operation with the Garda Síochána in dealing with criminal activity on this island. They were two brave men who travelled unarmed to Dundalk as part of their duty and it is proper that people in this jurisdiction bear that fact in mind. These were two brave Irishmen who were set upon by a gang of murderous thugs and brutally murdered.

Members of this House are justifiably outraged at the suggestion that the killers of Detective Garda Jerry McCabe should be released. In that respect I am glad the Minister for Justice, Equality and Law Reform was denied the happiest day of his life in that he does not have to travel to Limerick to tell Mrs. McCabe that the murderers of her husband would be released. In a similar way let us bear in mind that the late Chief Superintendent Breen and Superintendent Buchanan, two brave Irish policemen, also left widows and children when they were murdered. Chief Superintendent Breen was survived by his wife, June, a daughter, Gillian, and a son, George. Superintendent Buchanan was survived by his wife Catherine, a son, William, and a daughter, Heather. We should bear in mind the human suf-

fering inflicted on those two families as a consequence of this murderous act. We should also relate our outrage at the suffering inflicted on Mrs. Ann McCabe and her family and, correspondingly, record here in the Parliament of this State our outrage at the suffering inflicted on the widows and children of those two brave policemen.

This tribunal of inquiry is part of a package of measures. We want to investigate the killings of others as part of that package and that will be done under the auspices of the UK Government. It is noteworthy that Sinn Féin in particular has been pressing for an examination of collusion between security forces in the North and loyalist elements in respect of some of those murders. The real test for Sinn Féin now is whether it will be interested in securing justice and a full exposé of the facts concerning the murders of Chief Superintendent Breen and Superintendent Buchanan. If Sinn Féin is sincere in its commitment to seek justice for victims of alleged collusion, these two murders must be included, otherwise it will be seen to be phoney. Its members will be the people who will be put to the test in respect of this tribunal. Will they fully co-operate with the tribunal? Will they publicly encourage others who have information about these crimes to submit that information to the tribunal? In this case, by their fruits we shall know them. It will not be sufficient for them to do as they are doing regarding the murder in the Short Strand of Robert McCartney, with open denunciation and silent intimidation. Sinn Féin will be put to the test in terms of the way it deals with the tribunal.

I have some questions about the terms of reference of the tribunal. The first issue was touched on briefly by the Minister in his concluding remarks and I hoped he would deal with them in more detail. Why are we dealing with the Tribunals of Inquiry (Evidence) Act 1921, as amended, instead of setting up a commission of investigation under the recent Act? The purpose of the commission of investigation approach was, to a large degree, to move away from the very expensive approach that applies under the Tribunals of Inquiry (Evidence) Acts. I ask the Minister to deal with this matter in his concluding remarks.

I do not doubt that tribunals are getting a bad name because of the huge expense associated with them. My concern is shared by many Deputies and citizens throughout the State. We need to ensure that the tribunal we are establishing does not degenerate into yet another cash cow for the Law Library set. It would not be acceptable for that to happen. Why was the commission of investigation approach to getting facts into the public domain, which seems to be more direct and less expensive, not adopted by the Government in this instance? When that approach was originally adopted it was intended that commissions of investigation would meet largely in private, but it is also possible for them

to meet in public. I ask the Minister to deal with this aspect of the matter in his reply.

It is important that the Minister spells out how the Government intends to address the issue of large payments being made to lawyers. Mr. Justice Cory touched on this issue in his report when he said:

Time and costs can be reasonably controlled. For example, a maximum allowance could be set for counsel appearing for every party granted standing.

When he touched on this issue, he may have been anticipating the type of concerns I am expressing. In doing so, I think I am speaking on behalf of the public. Judge Cory said he is simply making “suggestions for controlling the unnecessary expenditure of public funds”. It is important that the Minister deals carefully with this aspect of the matter.

I am concerned that the terms of reference merely provide that “the inquiry shall be completed in as economical a manner as possible and at the earliest possible date consistent with a fair examination of the matters referred to it”. That exact formula was used when the Flood and Moriarty tribunals were being established. I do not want to be unfairly critical, but there are significant concerns about the enormous costs and fees which were paid to lawyers during both tribunals. The simple replication of a provision that was used on earlier occasions is not sufficient to allay my concerns about the establishment of what could be regarded as another cash cow for the Law Library. I am not happy in this respect.

I remind the Minister that he accepted an amendment I tabled when the House considered the Commissions of Investigation Bill 2003. I would like that provision, which related to tendering, to be adopted again on this occasion. I heard with interest the comments which were made recently by the former Minister for Finance, Mr. McCreevy, about maximum fees for tribunals. I favour a tendering process that makes it clear that the fees to be paid will have an upper limit, as suggested by Mr. McCreevy. We should ask for fees to be set far below the current thresholds.

I am somewhat unclear and unhappy about another aspect of the terms of reference before the House. I refer to the question of reports. I am disturbed that tribunals which have been established by the House have assumed a life of their own. We have received no reports from such tribunals. I refer in particular to the Moriarty tribunal, which was established approximately eight years ago. I do not know what is happening in the tribunal, other than what I occasionally read in the newspapers. It is absolutely essential that every tribunal that is established by the House report to it regularly.

I am not clear about how to interpret the contents of the terms of reference before the House. I accept that the tribunal should produce an interim report shortly after it has been estab-



[Mr. J. O’Keeffe.]  
 lished — within three months. It is obvious that the tribunal will map out what it intends to do in such a report. I am not sure that the House will receive reports thereafter, however. The terms of reference state that the tribunal will issue a report to the Dáil “as soon as may be after the tenth day of any oral hearings of the Tribunal”. What does that mean? Does it mean it will have to produce a report after every ten sittings? I ask the Minister to clarify this matter or to amend the terms of reference, if necessary. I fully accept that the decision to require the tribunal to produce an initial interim report represents the right approach, but we should receive reports at reasonably regular intervals of three months, or six months at the very most, thereafter.

We have not been given an estimate of how long the work of the tribunal will take. I have no idea how long it will take. The estimates of durations which were made when previous tribunals were being established turned out to be totally for the birds. The work of other tribunals, which were supposed to finish within 12 months, is continuing five years later. The Minister should clarify this aspect of the matter.

It is important for the country that the tribunal being established today work well and effectively. We are fortunate that Judge Cory has done a great deal of the preliminary work so well. The Cory report is a model that I would like to be followed when inquiries are being made into other matters.

It is absolutely essential that the House state clearly that it expects everybody who is in a position to provide information to the tribunal to do so. We expect such people to come forward to provide such information. It is important that all parties in the House — I refer in particular to Sinn Féin — make it clear that they want the full facts to be unearthed. They should send out a message, stating that they want all information to be made available, in a genuine manner rather than speaking from both sides of their mouths. Pressure needs to be brought to bear on those who have information about who committed the murders and about whether such people received information from anyone else to assist them to do so.

It is clear that the murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan were committed by members of the Provisional IRA. Two brave and unarmed policemen who were working in the interests of this country were gunned down by members of the Provisional IRA. The admission of responsibility made by the IRA immediately after the killings contained some of that organisation’s usual lying comments. It claimed that the “IRA volunteers” feared their lives could be in danger and that they took “preventative action” on that basis. How could the lives of people with armalites be in danger, given that they were facing two unarmed policemen in a car that was blocked in by other vehicles?

**Mr. McDowell:** One of the policemen had a white handkerchief in his hand when he was found.

**Mr. J. O’Keeffe:** The white handkerchief, which reminds me of Bishop Daly, did not inspire any reaction on the part of the alleged patriots who carried out the murders, other than to continue their brutal and murderous activity. Will the information required by the tribunal we are establishing be forthcoming? Will those who are in a position to do so encourage and put pressure on those who have information to come forward? If they do not do so, they will be seen to be utterly phoney when they protest that they want allegations of collusion, North and South, to be fully investigated.

I ask the Minister to deal with the issues I have raised. While I have raised concerns about the terms of reference and the costings, I have not done so in a political fashion. I am happy to support the motion before the House.

**Mr. Costello:** I welcome the Minister’s motion to establish a tribunal of inquiry into the killings of Chief Superintendent Harry Breen and Superintendent Robert Buchanan. Judge Cory has done valuable work and recommended a valuable mechanism with which to proceed. He said a senior judge should be appointed to carry out an investigation, on foot of which *prima facie* evidence would indicate whether there was a need for an in-depth investigation resulting in a tribunal of inquiry. In this case, the judge is in no doubt that there must be a tribunal of inquiry. The mechanism recommended constitutes the proper preliminary approach to take to matters of this nature.

The proposed tribunal will be the first in this jurisdiction which relates to the killings which took place during the 30 years of the Troubles in Northern Ireland. It is welcome. We have spent many days, weeks and months examining the two excellent reports produced by Mr. Justice Barron. The cases he examined involved a considerable number of Irish citizens who had been murdered against a background of allegations of collusion. Unfortunately, we have not seen a tribunal of inquiry although we have requested that the British Government establish the Weston Park inquiry in the first instance to determine what the *prima facie* evidence indicates. Contrary to the response here, there has been no response in Britain to the Weston Park proposals. We must redouble our efforts to ensure the initial inquiry process is set in motion to determine whether a tribunal of inquiry can be established in the jurisdiction of Northern Ireland or Great Britain or, for that matter, here.

The motion before us is the result of the Weston Park negotiations in which the British and Irish Governments undertook to examine certain serious assassinations involving allegations of collusion. Of the two incidents affecting this jurisdiction, the one involving Lord

Justice Gibson and his wife was not the subject of a recommendation to hold an inquiry. There has been a recommendation to hold an inquiry into the killings of Mr. Breen and Mr. Buchanan, which is why the motion under discussion is before us. It was also recommended that the British Government should establish inquiries in the cases of Rosemary Nelson, Pat Finucane and Billy Wright. I would have expected a reciprocal approach to have been adopted given that the Weston Park proposals were formulated under the aegis of Judge Cory who recommended each of the inquiries in question. Will the Minister ensure that action is taken on the recommendations as a matter of urgency?

The Weston Park talks took place in 2001 and it took Judge Cory 18 months to produce his recommendations, which he did in September 2003. Having been given Judge Cory's report, it took the Minister a further 18 months to bring forward the motion to establish the inquiry. The delay was unnecessary. Swift action is best. If one establishes a process, it should be ongoing in nature and avoid any hiatus during which it is unclear what approach will be adopted. An early Cabinet decision could have been taken to allow the motion to come before the House 12 months ago. If that had been done, the inquiry could have been completed by now. I would like the Minister to explain when summing up why the initiative to establish a tribunal of inquiry was not taken in the House before now.

The investigation Judge Cory undertook was interesting. There is scope in reading his report to interpret it in two ways and it is difficult to identify which is stronger. Given the high level of Provisional IRA activity on both sides of the Border in the general Dundalk area and the strength of the organisation in the late 1980s, the assassinations of Mr. Breen and Mr. Buchanan could easily have occurred without direct collusion. There may or may not have been a mole within the Garda in Dundalk. However, Judge Cory produced special branch and military intelligence documents which identified individuals who were supposed to have been providing information to the Provisional IRA. The documents outlined specific information said to have been provided on 20 March 1989 from Dundalk Garda station. The man known as Mr. Kevin Fulton made a very precise statement to Judge Cory. Given the totality of the information available to him, I agree with Judge Cory that a full inquiry is appropriate.

The other side of the coin involves trust and confidence in the Garda Síochána. We must be sure of what happened on the day in question and discover whether two senior Northern Ireland police officers were informed on by a member of the Garda or civilians in Dundalk Garda station. We must establish whether there was collusion between a member of the Garda and a member of a paramilitary organisation. If collusion occurred, there will be serious ramifications for the Garda. Until the matter is properly investi-

gated, we will not know. I welcome a full tribunal before which witnesses can be compelled to appear and give evidence. I see no reason that we should not expect all people connected with the matter to give evidence. I hope there is no question of any garda, retired or otherwise, failing to come forward voluntarily.

Equally, I expect the perpetrators of the killing to come forward to give evidence. If they are in this jurisdiction, they should be compelled to appear and, if they are not, I expect them to volunteer. It has not been long since the Bloody Sunday inquiry which involved all sorts of arguments about who should give evidence and in what manner they should provide it. Some British soldiers gave their evidence from behind a screen, their identities being withheld. We must approach the tribunal as one would approach the Bloody Sunday inquiry into the killings of innocent civilians. While Mr. Breen and Mr. Buchanan were, as members of the RUC, in the security forces, they were shot down in cold blood with the *coup de grtce* probably being delivered after they were dead.

This is a serious matter with serious consequences for the rule of law in Ireland and the way we conduct our affairs. I am delighted, therefore, that the motion has been brought forward and that we will be the first to establish a tribunal of inquiry although it may well be that the findings have adverse consequences for the Garda Síochána. There must be full participation by everyone involved. I appeal to Sinn Féin and the IRA to indicate publicly that they are prepared to participate in this inquiry. They are the only ones who know the full extent of information available at the time of the ambush and the killing.

**Caoimhghín Ó Caoláin:** That is not true.

**Mr. Costello:** There are no two ways about it, it is a simple fact. Either they had information from the Garda or they did not. Certain people can conclusively determine the outcome of this tribunal with a factual and definitive response.

Regarding costs, we are all frustrated at how tribunals appear to go on forever and how lawyers are endlessly enriched as legal representatives in tribunals. Judge Cory stated that this tribunal should not be a source of enrichment for senior counsel. We would like the Minister to indicate the measures he will take to ensure this does not happen.

Deputy Jim O'Keeffe made an excellent suggestion regarding the tendering out of the process. Why can it not be done in such a way? Legal representation should be asked to tender their services for this work. To do that it would be necessary to have a clear idea of the aim of the tribunal, its duration and the intensiveness of the representation.

It is necessary to be clear about who is entitled to legal representation. We have the incredible situation in the Morris tribunal where the central

[Mr. Costello.]

figures have no entitlement to legal representation although many other entities are represented. As I understand it, the Minister's legal representative is still on a retainer although he does not attend the tribunal. We cannot allow that to continue. There must be clear guidelines as to how the legal representation is provided and what will be the cost.

We should not continue with *per diem* costings, we should get a costing for the job. *Per diem* costings are a recipe for a tribunal to go on *ad infinitum*, beat around the bushes and ultimately come up with very little. The Minister had promised to amend the Tribunals of Inquiry (Evidence) (Amendment) Acts to provide for the regulation of costs and other matters. Why has that not come before the House so that we can determine the appropriate method of setting costs for future tribunals? I accept that a deadline will be fixed for existing tribunals and that there has been some adjustment in regard to costs, but what will happen with tribunals in future? That legislation should come before the House without delay. It should have been introduced so that we could debate the issue and make decisions in regard to it.

I hope we will have regular referrals back to the House. The motion states that a referral will be made to the House on an interim basis not later than three months from the date of establishment of the tribunal and as soon as may be after the tenth day of any oral hearings of the tribunal. I repeat Deputy Jim O'Keeffe's inquiry as to what is meant by "as soon as may be after the tenth day of any oral hearings". We need to be made aware of what is happening on a regular basis. I do not believe we have ever had a report from the Moriarty tribunal. There needs to be an in-built requirement for a report. However, just because regular reports would issue should not mean that a tribunal would go on for ever. We should definitively tie down where we intend to go from the start.

I compliment the Minister on setting up this tribunal, which should have been set up earlier. There has been a serious miscarriage of justice in regard to the Dean Lyons case. The Minister should announce the setting up of a tribunal into that matter. That case raises a major question mark over the behaviour of the Garda in terms of investigations.

**Acting Chairman (Dr. Cowley):** That is not relevant.

**Mr. Costello:** If the two had come side by side it would go a long way towards dealing with serious questions that still exist in regard to the behaviour of certain gardaí.

**Mr. F. McGrath:** I wish to share time with Deputy Ó Caoláin and Deputy Cuffe.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. F. McGrath:** I am pleased to have an opportunity to speak in the debate on the tribunal of inquiry into the fatal killing of RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan in 1989. I consider this as another part of the peace process. It is essential that truth and justice are the key elements to this inquiry. These horrific deaths, like many others, were terrible events for all the families involved. I offer my deepest sympathy to the victims in this case and to all the victims of the Northern Ireland Troubles.

This issue also raises the question of collusion. It is important that we all face up to these difficulties and I hope we will learn from them so that we can take the gun out of Irish politics and make democratic politics work for all people on this island. It is also important that we treat all victims with the same respect. We must acknowledge the pain and suffering of all the victims of the conflict over the 30-year period. Truth and justice will lead to forgiveness and, I hope, healing in the long term.

Most people on the island want this process to work. It is up to all Members of this House and our colleagues in the North to face up to the major problems related to the conflict. Although in today's climate it may be unpopular, I stand by the architects of the peace process. I am not jumping ship when things get tough. Good political leadership is always difficult and we need it now more than ever. There is no room for the faint-hearted or for people to walk away from the peace process.

**Mr. McDowell:** Hear, hear.

**Mr. F. McGrath:** It is the people's movement and we have to stick with the people through these difficult times. All sides in the conflict perpetrated terrible deeds and we have to face up to this harsh reality. We must listen to and support people like the McCartney and Finucane families and the victims of the Dublin and Monaghan bombings of 1972 and 1974. This must be done in a non-political way.

I challenge those who use victims to score political points. There is no room for such behaviour in any peace process. I urge all Deputies to be measured, calm and caring in their comments. We owe it to the people of Ireland, North and South. Regarding the broader issue of collusion, I hope we can open this can of worms. That is why I welcome and support this debate and this inquiry.

I have a concern regarding public inquiries into Northern-related issues. Many victims, especially the victims of the 1974 Dublin and Monaghan bombings, find it galling that the Government would set up a public inquiry into this incident while turning its back on a similar inquiry into the 1974 Dublin and Monaghan bombings. Many of them are convinced that the political establishment in this State and in the North are not paying attention to their genuine concerns on the issue of collusion. Many of them have questions about

the role of the RUC and the running of Unionist paramilitaries and their activities in regard to bombings and killings. We have to face up to that reality.

Is the Minister for Justice, Equality and Law Reform aware of these serious issues relating to collusion by the RUC and one individual in the context of this inquiry? Is he aware of statements made by John Weir in regard to the same individual referred to in the context of this inquiry? When policemen and members of the security forces become directly involved in acts of violence which includes kidnap, murder and bombing, the same police force does not deserve the trust and respect of the community. It is not a question of a few bad apples, it is a question of collusion in the North going right to the top. It was a stated policy all through the Troubles. We all know what was going on and I would like it to come out in this tribunal of inquiry.

Last night I received a call from a victim of the 1974 Dublin bombing whose father was killed in Parnell Street and he, the caller, is full of shrapnel. This victim is convinced that one of the men named in this inquiry had strong links with Unionist paramilitaries. There is evidence of the Down Orange Welfare, a group of RUC officers who supplied guns to the UVF. There is also strong and credible evidence about senior RUC officers attending meetings with loyalist paramilitaries and that they were up to their necks in collusion and illegal activities. The person who supplied the explosives in the 1974 bombings was best man at the wedding of one of these individuals. I raise these issues to ensure we get a balanced debate and I will not accept lectures from any Minister or Government, either here or in Britain, on these important matters.

On page 51, chapter 12, section 141 of the final report on the Report of the Independent Commission of Inquiry into the Dublin Bombings of 1972 and 1973, it is stated:

The Sub-Committee deplores the fact that it has received no co-operation from the Northern Irish or British authorities. This report has previously pointed out that under the heading Reconciliation and Victims of Violence, the Good Friday Agreement states *"The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation."* It seems impossible to reconcile the stance of the Northern Irish or British Authorities with this element of the Agreement.

I welcome the debate and I will support it. I hope we have broader debates about inquiries that will help us deal with the dark and sinister secrets of the past 30 years. We owe it to all the victims and I stress the last three words.

**Caoimhghín Ó Caoláin:** Sinn Féin does not oppose this motion. We are in favour of a process of truth recovery. The tragic loss of all those who

died in the political conflict on this island should be acknowledged and remembered. The grief of their relatives and friends must be acknowledged also. More than 3,500 died in the conflict. They were men, women, children, civilians, combatants and members of all the armed groups, both state and non-state. All armed forces involved in the conflict inflicted death and injury. They need to acknowledge that. Some have done so while others have not. The British Government has never acknowledged its role in the armed conflict in our country. In particular, it has never admitted its use of collusion throughout the conflict since 1969. No one who has seriously and honestly studied this conflict over the past 36 years doubts that there was systematic collusion between British forces and loyalist paramilitaries.

The most murderous loyalist paramilitary group, the Ulster Defence Association, which operated under the cover name of the Ulster Freedom Fighters, was co-founded in 1971 by Charles Harding-Smith, a self-confessed British intelligence agent. The British Army's military reaction force was established by Brigadier Frank Kitson, the leading counter-insurgency officer, to co-ordinate the British military and the loyalist death squads. Throughout the conflict British forces were guided by the British Army's training manual, Land Operations, Volume III — Counter-insurgency Options, which defines its role as "Liaison with, and organisation, training and control of, friendly guerilla forces operating against the common enemy".

That is the basis of collusion. It is not ancient history, but is relevant right up to the present. The British Government has introduced legislation, the Inquiries Bill, which is designed to prevent any realistic inquiry into the murder of Patrick Finucane or that of any other victim of collusion between British forces and loyalist death squads. That legislation will empower a British minister to order an inquiry to be held behind closed doors. Judge Peter Cory, who recommended the inquiry being established today, has severely criticised this legislation. He has advised his colleague judges in Canada not to participate in any inquiry under such legislation. British ministers and military will still have the controlling hand when it comes to the release of information. We have seen how they have used that power.

Very little attention has been given to the most recent report of the Oireachtas committee established on foot of the Barron report. That committee severely reprimands the British Prime Minister for his refusal to establish an inquiry, as called for by the Oireachtas, into the Dublin and Monaghan bombings. It goes further and states that his action is in breach of the Good Friday Agreement. The British Secretary of State, the Northern Ireland Office and the PSNI refuse to co-operate in any meaningful way with the Barron investigation or with the work of the Oireachtas committee.

[Caoimhghín Ó Caoláin.]

What is the situation now? Today the Oireachtas is establishing a full-blown public inquiry into the alleged collusion of a member or members of the Garda Síochána into the killing of senior RUC officers, Harry Breen and Robert Buchanan, in 1989, yet no public inquiry into the murder of Patrick Finucane has been established. Even more outrageously, we have had no public inquiry in either jurisdiction into the Dublin and Monaghan bombings of nearly 31 years ago or into any of the incidents in which at least 47 people died in the Twenty-six Counties, killed as a result of collusion or directly by British forces. An attempt has been made by the Minister for Justice, Equality and Law Reform, by fellow Unionists and sections of the media to equate an alleged collusion of a garda or gardaí in the killing of these two RUC officers with widespread and systematic collusion between British forces, including the RUC and the loyalist paramilitaries. This is not done out of any desire for truth or justice. It is presented as a debating point and as an attempt to put Sinn Féin in the wrong when we highlight the responsibility of successive British Governments for collusion. That is the blatant and bald truth of it.

Let us make matters clear for the Minister, Deputy Jim O'Keeffe and anyone else who wants to know.

**Mr. J. O'Keeffe:** Does the Deputy support the tribunal of inquiry?

**Caoimhghín Ó Caoláin:** Anyone with relevant information should come forward to assist this inquiry.

**Mr. J. O'Keeffe:** Does the Deputy support the inquiry?

**Caoimhghín Ó Caoláin:** The British Government has never admitted to collusion in any form. It has never acknowledged its responsibility for the many deaths it caused as a result of collusion. This was a major part of its war in Ireland which claimed many lives. The primary responsibility in the search for truth rests with that Government. The IRA has admitted its involvement in the killing of these two RUC officers. It saw this attack as an act of war. These were officers of the British state in Ireland. Both of them played key roles in the conflict. Their deaths were no different from those of senior officers in the RIC who were shot in similar circumstances during the 1919 to 1921 period.

**Mr. J. O'Keeffe:** Rubbish.

**Caoimhghín Ó Caoláin:** Of course the Deputy would say that. It was actions such as that which led directly to the foundation of this State. Except for actions of that type, the Minister's grandfather, Eoin MacNeill, would never have been a Cabinet Minister and neither would there have been an opportunity for this Minister to partici-

pate in an Irish Cabinet. These are, perhaps, unpalatable facts for many Deputies in the House to accept, but they must be acknowledged if this debate is to have any basis in reality. There should be no hierarchy of victims and in all this the focus should be on rebuilding the peace process so that never again will any person die as a result of armed or political conflict in this country. It is probably too much to hope that the Minister might share in the active pursuit of that objective, but I still invite him to join us in this effort.

**Mr. Cuffe:** It is a dangerous precedent to equate the atrocities of 1916 and the early 1920s with those which took place 16 years ago. There is a quantum difference in the level of injustice that occurred on this island at those two different times. The Green Party welcomes the legislation to examine the IRA ambush of RUC Chief Superintendent Harry Breen and Superintendent Robert Buchanan. We are concerned, nonetheless, at the delay in setting up this tribunal which is aimed at investigating allegations of Garda collusion in the murder of two senior RUC officers 16 years ago. It was in 2003 that the Minister announced there was to be a public inquiry into allegations of Garda collusion surrounding the IRA murder of these two senior officers. We have waited two years for this motion to come before the House.

These men were shot dead on 20 March 1989 at an IRA checkpoint near Jonesborough, County Armagh, as they returned from a security meeting with the Garda Síochána in Dundalk. Under the terms of the Weston Park agreement of 2001, the Canadian judge, Peter Cory, was appointed to investigate allegations of collusion between British and Irish security forces and paramilitaries in six cases in Northern Ireland. Judge Cory recommended that an inquiry be held into the deaths of the two men. He said an investigation should be opened to inquire into allegations of Garda collusion into the deaths and, having examined the claims of gardaí based at the Dundalk station, he believed that information was passed on to the provisional IRA on the movements of the two RUC officers after the cross-Border security talks. He believed that this evidence, if accepted, could be found to constitute collusion. We welcome the tribunal and commend the work of Judge Cory, but why was there such a delay in establishing this tribunal when it was agreed at Weston Park in 2001 that the two Governments would implement his recommendations?

We should not look at this incident in isolation, we should look at atrocities on all sides. If we establish separate tribunals of investigation into each of the many atrocities that took place, we will become overburdened with bureaucracy and red tape. We should look at the South African Truth and Reconciliation Commission model, where a single tribunal looked at all atrocities, a clear and quick way of getting to the heart of the injustices and concerns experienced by all sides.

Tribunals are costly and people are becoming cynical about their length and the expense involved.

This is, however, a step in the right direction and we support this proposal. There should be greater feedback to the Houses of the Oireachtas and we ask the Minister to incorporate a system of ongoing progress reports to the Houses.

Given the allegations made about the gardaí, we in the Green Party remain concerned about the level and quality of initial training of gardaí in Templemore and about ongoing in-service training. Concerns were expressed at the weekend that the Garda training college cannot handle the increase in Garda numbers. The allegations arising from this IRA ambush reflect badly on the Garda and demonstrate that there must be root and branch reform of the force. I am not convinced that the Minister's proposals will go to the heart of Garda training. We support this motion.

**Mr. O'Connor:** As a member of the Joint Committee on Justice, Equality, Defence and Women's Rights, I welcome the opportunity to speak on this motion and to compliment the Minister. I have never disguised my admiration for the Minister's work. He is having a difficult week — even as we speak there is a crowd at the gates on Kildare Street chanting his name. He has been under pressure and, like Deputy Curran last night, I compliment him for being in the House. As a result of their busy schedules, Ministers are often unable to be present but the Minister is here and it is good that he hears our contributions.

It is important to note that nearly all parties support this motion, although reservations have been expressed. This business, however, will be warmly welcomed and will enjoy widespread support. The Joint Committee on Justice, Equality, Defence and Women's Rights is very busy. It meets several times every week and deals with many issues. This morning we dealt with submissions on community policing. That is meaningful work where those of us involved make a contribution.

There is a sense that the public want closure on these matters. It has been said that there is no place in Irish politics for the violence, murder and mayhem that we experienced on all sides. I am no apologist for the British establishment and can be critical of the British Government.

There is no question that we must remember all those who were murdered, and those of us who are elected should not be afraid to say that. Particular emphasis has been placed on the cases of Pat Finucane, Robert Hamill, Rosemary Nelson, Billy Wright, Lord Justice Gibson and his wife and the two men about whom we are speaking today, Chief Superintendent Harry Breen and Superintendent Bob Buchanan. The Minister has explained why we are only getting to this business today and it is important that we deal with these issues and move on.

I have a particular interest in the Dublin bombing, an issue that affected many of my constituents. I remember the shock and horror of those events, particularly people not knowing where family members were and waiting for them to arrive back. All those killings sent shock waves through the State and it is right that we do not forget them.

The events we are discussing in this motion took place in 1989 and even those of us who did not know these individuals are entitled to be shocked at the manner in which they died and the manner in which these acts were supposedly perpetrated on behalf of the Irish people. They were not, and everyone in Ireland was deeply shocked by them, as they were by many others.

I commend the Minister for bringing this motion to the House. I hope all parties will support the Minister and allow him to establish the tribunal so it can carry out its business. We should remember the motion refers to events on 20 March 1989, when two serving RUC officers were shot dead in what was described as an ambush just north of the Border. They were returning from a meeting with a senior Garda officer in Dundalk Garda station and the Provisional IRA claimed responsibility for the shooting. Some colleagues have used the word collusion, but there were allegations that a garda or a civilian employed in the force advised those directly responsible for the killing or members of their organisation of the visit of the two RUC officers to Dundalk. There are suggestions the person advised them of the time the RUC men left the Garda station in Dundalk.

As part of the Weston Park agreement, the British and Irish Governments made a commitment that if a public inquiry was recommended in any case, the relevant Government would implement that recommendation. Accordingly, the Irish Government is committed to holding an inquiry into allegations of Garda collusion in the killings of the two RUC officers.

I am critical of the failure of the UK administration, particularly in Northern Ireland, to cooperate with the Oireachtas joint committee dealing with the Barron report. I am not afraid to say as much because at this point in Irish history, given the progress that has been made and the wish to ensure enduring peace on this island, every co-operation should be given to investigations and tribunals. There are still many unresolved issues surrounding the Barron report and I believe that the Minister, like me, would be happy to see progress and, indeed, closure in that regard. There are still issues relating to that matter on the Minister's desk and I wish him well in dealing with them.

On 16 December 2003 the Minister announced that the Government would hold a public inquiry into the murder of these officers. He also announced that the public inquiry would take the form of a tribunal of inquiry, pursuant to the Tribunals of Inquiry (Evidence) (Amendment) Acts, and that he would give the tribunal the scope to

[Mr. O'Connor.]

inquire into the allegations that employees of the State colluded in that fatal shooting. The Minister further announced that the terms of reference of the tribunal would be drafted in consultation with the Attorney General and would be the subject of a Government decision and approval by the Oireachtas. On 6 July last, the Government authorised the Minister to lay the necessary resolutions before the Houses of the Oireachtas to enable the establishment of the tribunal of inquiry according to the formulation contained in the appendix, which constitutes the tribunal's terms of reference.

It is important that this motion has wide support in the House. I appeal to colleagues to support it. It is time these matters were dealt with and we moved on. While people are entitled to make political references and points, we are dealing with serious business and we must make progress. Other colleagues and the Minister have paid tribute to Judge Peter Cory, the retired Canadian Supreme Court judge, and I am happy to agree with them. It is important to recognise the tremendous service he has given in this matter.

The terms of reference given to Judge Cory were to review all the relevant papers in the cases, including the records of earlier investigations; to interview anybody who he believed could assist with the examination; to establish the facts as far as practicable and subject to the law of the various jurisdictions; and to keep the relevant governments informed of progress in a reasonable manner. The judge was asked to submit reports, including in circumstances where there was an insufficient basis to establish the facts in a case. He was further asked to ensure that the reports would include recommendations for further action, including the holding of a public inquiry.

The judge was requested to hear the views of the victims' families and to keep them informed of progress. In all crime, particularly a horrendous crime such as this, the victims are sometimes forgotten. It is important that legislators bear that in mind and continue to stress to the Department the need to bring forward recommendations and proposals which support victims. I am aware of the ongoing issue of the future of Victim Support and I have received a number of representations in that regard. The victims of the incident we are discussing today need closure. They will be watching today's proceedings with great interest and concern. They will be anxious to see progress and the prospect of closure.

Judge Cory delivered six reports to the two governments, two to the Irish Government and four to the British Government, in October 2003. He made the point that his investigation will, in a small measure, contribute to the difficult task of achieving peace and reconciliation in Northern Ireland. It is important, during Easter week, to recall our history and to bear in mind that peace is the issue. All Members have spoken about supporting peace initiatives, the Good Friday Agree-

ment, legitimate politics and legitimate means of achieving one's political aims. That is relevant at any time but it is particularly relevant during Easter week when we recall our history and the origin of this State. I hope today's business will be seen in that positive light.

The Minister has been under much political pressure this week but I hope he is aware of the support he has in introducing this measure today. There is a belief that this matter should progress as quickly and effectively as possible. As other Members have mentioned, with a political motive which I do not share, this tribunal need not go on forever. That is not what the public wants or what the victims and families expect. It is important that the tribunal is established quickly, does its business and is encouraged to report as quickly as possible. The last thing we want is another long-running tribunal.

I look forward to supporting the Government on this motion.

**Mr. Crawford:** I welcome the opportunity to speak on this important motion. Although I do not like delving into history — I believe we should live in the present and not in the past — there must be closure on certain matters. I have in mind the victims of the Dublin and Monaghan bombings — I knew many of the Monaghan victims personally — the situation in Belturbet, Castleblayney and the recent Omagh bombing. These events wreaked havoc on our island home and everybody wants to move forward from them.

The savage death of two policemen doing their daily work cannot be forgotten. The fact that they were ambushed and then blown to bits by gunfire is something we wish to forget. If there is doubt about why and how this happened, it is important there is a full investigation, which is also true of the Pat Finucane case and other cases. These were not just two policemen but two family men. They were simply doing a job. It was a job they undertook when they left school or college. Many people in the police forces North and South joined the forces at a time when other jobs were not plentiful. It was wrong to pinpoint them as criminals or people who should be murdered.

Some people ask me what I have done for the peace process. I did not take part in or support this type of criminal activity. I tried to work behind the scenes through farm organisations, the co-operative movement and other organisations throughout the Thirty-two Counties. I make no apologies for saying that. I try to build bridges between the different communities. Many worked in ways that were not as high flying as others claim. I want to see peace on this island and I want to see the people living and working together.

We must consider how this happened and the Minister spelt it out clearly in his speech. The location of the ambush on the Edenappa road was found by Judge Cory to be well chosen in

terms of topography and tree cover with respect to nearby British army observation posts. This was a well planned ambush and the only intention was to murder these two RUC officers. Many other RUC officers died from cancer and other related illnesses because of the pressure under which they worked at that time. I had relatives in that category.

From a review of the relevant factors, Judge Cory states that there may not be Garda involvement. However, it is important that such an issue be cleared and Fine Gael supports the setting up of this tribunal to that end. Nonetheless, we do not want this to be a gravy train. Too many tribunals have been set up in this House and have become gravy trains for barristers, solicitors and so on. We do not want that and there must be a limitation on funds. Otherwise, tribunals will continue to bring a bad name on this House. If they cost a great amount of money and seem to continue indefinitely, that is no good. We want tribunals tied down to do their job properly at minimum cost.

It is important that we get our thoughts together. There is no point in saying that we will support this unless we make sure that those that have the evidence actually provide it. Other reports and tribunals have been set up in Northern Ireland and some of the people that demanded them refused to give evidence because it did not suit them. The British authorities, the Irish Government and especially the Provisional IRA must give the evidence. Otherwise, there is no point in issuing statements claiming to be opposed to criminality and so on. Now that people have been given the opportunity in this tribunal to come forward and give the evidence on what happened, they must do so. Otherwise, it will be difficult for the tribunal to reach a conclusion. If we do not have a conclusion, then we will not have closure.

Closure is so very important. Over the years, I have dealt with the Coulson family in Clones, where my late colleague, Senator Willie Fox was murdered. The thing that still rankles with that family is the lack of closure and the lack of support from the State. George Coulson's wife passed away this year with cancer. They have lived with a trauma over the past 30 years that no one will ever understand. As I already said, it is not just about the two RUC officers who died in this case, but it is also about what their families have had to endure since then. The Minister mentioned the Gibson case in his speech. As it happens, I know close contacts of that family. They were murdered because of who they were and what they represented.

It is important that we find out why Superintendent Harry Breen and Superintendent Robert Buchanan were murdered in 1989. They were murdered in an ambush that may or may not have been leaked to the Garda Síochána. It is important that the Garda Síochána be cleared of that. I do not know whether the terms of reference of the tribunal are available, but we must

get it right. We must deal with this issue properly so that the victims can have closure. I commend the Minister on setting up the tribunal. As he knows from last night, I do not always agree with him, but that is a different story.

Deputy Ó Caoláin and I have a good relationship on a personal basis and I have nothing against him. However, the Provisional IRA and Sinn Féin must be up front on this, as it is part and parcel of the overall peace process agreed in Weston Park. There is no point in coming out with statements claiming to want to end criminality. Actions speak louder than words. I want to see peace work. At a recent meeting on peace issues, I pointed out that the project to develop the Ulster canal along the border, which has the support of all political parties, is now being held up due to the fact that the Northern Ireland Assembly is not in action. The sooner we can get the peace process going properly, the better for all of us on this island.

**Mr. Glennon:** I fully support this motion. I was anxious to speak on it as I have a vivid and personal recollection of one of the incidents, the subject of Judge Cory's report. This was the incident surrounding the brutal murder of Lord and Lady Gibson. On that morning, I was sitting in a dressing room in Dublin preparing to go to the first rugby world cup. It was a beautiful spring morning and we were shocked to be told that three of our colleagues had been involved in a bombing incident on their way to training. The three colleagues, for whom I continue to have the highest respect, were Nigel Carr, David Irwin and Philip Rainey. They were going about their normal lives as young, athletic men who were considerably younger than myself. They were travelling to Dublin in pursuit of what for each of them was a lifetime's ambition — to represent Ireland on the international sporting field. It was the first ever rugby world cup. These three highly experienced and outstanding athletes had the misfortune to be driving along the road at Killeen in the opposite direction to Lord Justice Gibson and his wife at precisely the wrong instant. When the bomb that killed Lord Justice and Lady Gibson was detonated, the immediate side effect was that the engine of the Gibsons' car was blown approximately 40 feet in the air and landed on the bonnet of the car driven by Nigel Carr. David Irwin, who was in the passenger seat, was able to get out of the car. Nigel Carr was very fortunate in that Irwin was a general practitioner and was able to minimise the injuries involved. If I remember correctly, Philip Rainey was sitting in the back of the car and was relatively unscathed.

Whenever we speak of the consequences of the Troubles in the North, however, everything is always relative. In the overall scheme of things, this incident made a huge impact on me as well as on all my colleagues. These three friends were not of our political persuasion, yet they stood as proudly as we did for Amhrán na bhFiann in Lansdowne Road. At that time, the national



[Mr. Glennon.]

anthem was not played at away venues. They compromised not only that aspect of their lives but several other aspects also in the pursuit of honest and innocent sporting endeavour. I have always been proud that rugby has played an inestimable part in keeping the different parts of our island together. It has done so for many years and long may it continue.

This was a day of embarrassment for us and it is still a matter of embarrassment whenever I meet my sporting colleagues. In fairness to them, I must say that they are probably embarrassed by it also. They saw it as their bad luck to be in the wrong place at the wrong time. They shared that bad luck with so many others on the island over such a long period. It happened to be them on that occasion. I am glad to have the opportunity of referring to that incident in a personal context.

For the purpose of closure and the very necessary purposes of the peace process, it is vital that this inquiry into the tragic deaths of the two RUC officers should take place. It is essential for us all that the tribunal of inquiry be accorded the fullest and most honest co-operation by everybody. Equally, the dignity of the inquiry should not be demeaned by an unseemly squabble over its cost. That is not to say that I believe there should be a blank cheque — far from it. However, if there is anything remotely approaching a blank cheque and the cost of the inquiry becomes an issue, we will be doing a serious disservice to both men at the heart of the inquiry. We will also be doing a serious disservice yet again to ourselves as legislators. I know the Minister has strong views in this regard, so I urge him to implement them as far as he possibly can given the constraints within which he must operate. The gravy train is no longer acceptable in so far as tribunals are concerned. We must not detract from the dignity and integrity of the issues under examination, however, and this case would be a good example of that point if such problems are allowed to arise.

Like the Ceann Comhairle and Deputy Crawford, I am proud to be a member of the British-Irish Inter-Parliamentary Body. While its work is largely unsung, it does a significant amount at political level in the reconciliation process. In the course of our work on that body, we are still seeking means of closure for all victims of the Troubles. That is an essential element of the peace process. Some people say that we must look forward, not back. We should always look forward but, in doing so, we must be conscious of where we come from because that is an integral part of who we are. We must always remember whence we came and the events that shaped us all. The important thing is to do so with dignity and without recrimination. Closure is necessary for all victims of the Troubles in the North. It is certainly necessary for the families of RUC officers Breen and Buchanan. It is also necessary for all the other people who were so badly affected. As a Dubliner, I am thinking partic-

ularly of the victims of the Dublin bombings. It is equally necessary for the families of the disappeared. Jean McConville's name is etched on everybody's mind and will be for a long time but her family have had closure. There are many others who have not, so closure is required for them.

I commend the Minister on his diligence in pursuing this matter. I look forward to a dignified process of inquiry that will not feature any unseemly squabbles over trivial issues but will focus on the tribunal's overall purpose. I commend the motion to the House.

**Mr. Rabbitte:** This debate takes place against a background of commitments made by two Governments but reneged upon by one of them. As long ago as May 2002, the British and Irish Governments announced the joint appointment of a judge of international standing to investigate allegations of collusion between their respective security forces and paramilitary bodies.

As the Minister has said, Judge Peter Cory's investigation covered six cases: the murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan, Pat Finucane, Robert Hamill, Rosemary Nelson, Billy Wright, and Lord Justice and Lady Gibson. Deputy Glennon has vividly described the circumstances surrounding the murders of the last two people. The parts of the Cory report delivered to the Government were published first and with reasonable promptness. They were seen to be clear, simple and accessible. Judge Cory was rightly thanked for his work and a commitment to a public inquiry in this jurisdiction was made.

It is clear from the reports that there are compelling grounds for a public inquiry into the murders of Chief Superintendent Breen and Superintendent Buchanan, along the lines recommended by Judge Cory and with full powers to procure documents and compel witnesses, and into the extremely serious possibility that those murders were facilitated by collusion between some members of the Garda Síochána and the Provisional IRA. As the Minister stated, it is particularly important that anyone who has evidence to give should come forward.

The murders of the two policemen in 1989 were particularly brutal crimes, carried out in a way that betrayed cruelty and callousness. There is a particular onus on those who have demanded public inquiries into other murders, in respect of which reports from Judge Cory are still awaited, to ensure there is no obfuscation about urging their members and supporters to give the Breen and Buchanan inquiry their full co-operation.

It is worth quoting what Judge Cory, an independent judicial figure from Canada, had to say about the two officers who were murdered. He stated:

Chief Superintendent Breen and Superintendent Bob Buchanan demonstrated all the finest attributes required of policemen . . . To murder such men was a blow to their communi-

ties, to the residents of Northern Ireland, to all who believe in a democratic society and to all who understand the important role of the police in a democratic society.

It has been somewhat overlooked that the purpose of the meeting attended by the two officers at the Garda station in Dundalk was not about what is generally regarded as terrorist crime. It was to discuss the problem of cross-Border smuggling. Since 1989 we have learned much about how terrorism and what is called "normal" crime have become interlinked, and we know the extent to which major figures in the Provisional IRA in the south Armagh area in particular have personally benefited from smuggling and other areas of crime. I hope one area that will be examined by the tribunal is whether the two officers were specifically targeted because of their efforts to stamp out smuggling and thus undermine the personal criminal empires built up by the paramilitary godfathers along the Border.

I regret that it has taken 15 months since the publication of the Cory report to bring the appropriate motion before the Dáil to establish the tribunal, but the failures on the part of the British Government to meet its obligations arising from the Weston Park agreement are inexcusable. The British Government dithered and its delay in putting its side of the reports into the public domain created suspicion. It so frustrated Judge Cory that he directly contacted the families of Pat Finucane, Rosemary Nelson, Robert Hamill and Billy Wright to explain his point of view to them, personally, and to let them know he had in each case recommended public inquiries into the deaths.

In March of last year a decision in the Belfast High Court effectively required the British Government to set a date for publication of the then outstanding chapters of the Cory report dealing with the Finucane murder. We must remember that in the Weston Park proposals of 1 August 2001, both Governments committed that "in the event that a Public Inquiry is recommended in any case, the relevant Government will implement that recommendation". It was extraordinary that a judge of international standing, appointed by agreement between two states, felt compelled to go public and speak over the radio of his frustration about inaction on his report, and that the families of Pat Finucane and Billy Wright should unite in a High Court application to quash the British Government's delay in publishing his findings.

At the end of September last, the British Government announced that the long-delayed inquiry into the murder of Pat Finucane and related issues of collusion between the RUC, British army and loyalist paramilitaries may be neither judicial nor public. It would not take place until amending legislation was passed, the effect of which would be effectively to fillet the tribunals of inquiry Act. The hostile reaction to this announcement from Nationalist representatives, human rights bodies and the Finucane

family was understandable and entirely legitimate.

The 1966 report of the Royal Commission of Tribunals of Inquiry in the United Kingdom, otherwise known as the Salmon report, stated:

There are, however, exceptional cases in which [inquisitorial] procedures must be used to preserve the purity and integrity of our public life without which a successful democracy is impossible. It is essential that on the very rare occasions when crises of public confidence occur, the evil, if it exists, shall be exposed so that it may be rooted out; or if it does not exist, the public shall be satisfied that in reality there is no substance in the prevalent rumours and suspicions by which they have been disturbed. We are satisfied that this would be difficult, if not impossible, without public investigation by an inquisitorial tribunal possessing the powers conferred by the Act of 1921.

In the circumstances that Salmon described, namely, when a crisis of public confidence occurs, a public inquiry becomes necessary. That reality was reflected in the Government's response to the ruling of the European Court of Human Rights in Strasbourg on the Pat Finucane case. The court had ruled that the UK Government had failed adequately to investigate allegations that the security forces colluded in the murder of Mr. Finucane. The Taoiseach repeated his previous call for an independent public inquiry.

I joined with the Taoiseach, the Finucane family, the SDLP and others in restating my belief that a public inquiry was required. None of us meant by that a Government appointed, controlled and spencelled inquiry that conducted the bulk of its work in private. Because of its subject matter, a report from a body operating along those lines would fail the essential test. The manner in which the report was compiled and produced would not be conducive to public trust in its findings. As Judge Cory pointed out:

During the Weston Park negotiations, which were an integral part of the implementation of the Good Friday Accord, six cases were selected to be reviewed to determine whether a public inquiry should be held with regard to any of them. . . The failure to do so could be seen as a cynical breach of faith which could have unfortunate consequences for the Peace Accord. . . a speedy resolution is essential if the public confidence in the police and the administration of justice is to be restored. In this case only a public inquiry will suffice. Without public scrutiny, doubts based solely on myth and suspicion will linger long, fester and spread their malignant infection throughout the Republic and the Northern Ireland community... In those cases where such evidence has been found, the holding of a public inquiry as quickly as is reasonably possible is a small price to pay for a lasting peace.

[Mr. Rabbitte.]

Judge Cory also pointed out that at the time of the Weston Park agreement “the parties would have had in mind a public inquiry as that term was known in 2001”.

It is a necessary function of our Government to ensure that its British counterpart complies with its commitments under an international agreement between both states. Following a meeting with Mr. Michael Finucane last January, when he outlined his fears about the new British Inquiries Bill, I wrote to Judge Cory. I outlined to him the concerns of many interested persons, extending well beyond the republican community, that the inquiry into the murder of Pat Finucane which he had recommended would be delayed until new legislation was passed, which is entirely corrosive of public confidence in the integrity of the inquiry process. I enclosed with my letter an analysis by British Irish Rights Watch, an independent non-governmental organisation that has been monitoring the human rights dimension of the conflict and the peace process in Northern Ireland since 1990.

Debate adjourned.

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

## Ceisteanna — Questions (Resumed).

### Priority Questions.

#### Nursing Home Charges.

2. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the cost of adopting a policy involving the repayment in full of all illegal charges to patients who are still alive and invoking the Statute of Limitations in regard to the estates of patients who are deceased, in relation to the illegal charging of long stay patients; if she has received legal advice that such a course of action is sustainable; and if she will make a statement on the matter. [9717/05]

3. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of calls received to date by the national repayments scheme helpline; the information available to her Department regarding the extent of the potential cost to the Exchequer of the illegal charges; the progress made to date by the Government committee considering the question of repayments; if a decision has been made regarding whether the Statute of Limitations will apply; when the committee will produce a report; and if she will make a statement on the matter. [9542/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 2 and 3 together.

My Department is currently studying the Supreme Court judgment with regard to repayment of charges for publicly-funded long term residential care in detail and will take on board all the consequences for policy and law arising from the judgment. A special Cabinet sub-committee comprising the Taoiseach, Deputy Bertie Ahern, the Minister for Finance, Deputy Cowen, the Attorney General, Mr. Brady, and me, has been established to consider the issue of repayment in light of the judgment. Full details of a repayment scheme will be announced as soon as possible and it is the intention to make repayments as automatic as possible.

The Department is currently in discussions with the Health Service Executive, which assumed responsibility for the delivery of health and personal social services on 1 January 2005 regarding the appropriate mechanism of repayment that is efficient and non-contentious and without the requirement for going through a legal process.

The HSE has now provided an estimate of €532 million for the total overall cost of repayments for the six year period 1999-2004. The cost of repayment in full to patients who are still alive and invoking the Statute of Limitations in regard to the estates of patients who are deceased is currently the subject of discussions with the HSE regarding the potential costs to the Exchequer. The HSE has also now provided an estimate of 299,249 persons as being eligible for a refund for the period 1976-2004.

The total number of calls the national repayment scheme helpline dealt with up to 21 March 2005 was 7,044. The national repayment scheme also received 4,263 written correspondences as well as 514 e-mails.

The Supreme Court decision indicated that the State has available to it the Statute of Limitations defence, i.e. a six year limit. The Attorney General has been in touch with me regarding the issue of the Statute of Limitations and I am in continuous discussions with him in this regard.

**Dr. Twomey:** Will the Government return to the Supreme Court to test the legality of invoking the Statute of Limitations? Has the Government considered doing so? The Supreme Court judgment takes into account the rights of the State's limited liabilities by reliance on the Statute of Limitations. Has the Tánaiste received definitive legal advice from the Attorney General on this matter?

The Tánaiste quoted a figure of €532 million to cover all repayments for the six year period. The 2001 legislation was pivotal in reactivating this issue within the Department of Health and Children. Can the Tánaiste give us some idea of how much of the €532 million relates to the 2001 legislation? That is pivotal to what the former Minister for Health and Children, Deputy Martin, said he knew nothing about. Ministers of State in his Department considered it very serious but we were not made aware of the substantial political

importance involved until the Tánaiste made her announcement in the Dáil Chamber.

What is so important about the South Eastern Health Board legal advice that the Tánaiste is now attempting to cover up? Does this cover-up relate to court cases taken by patients in that health board area or does the legal advice relate to court cases pending from health board officials or other State employees in that area? We need clear answers because this issue is quite substantial and the Tánaiste is fudging on it every time we ask about it.

I would also like the Tánaiste to point out from where the figure of €1.15 billion came. This figure was given to the Supreme Court by counsel for the State and relates to charges going back to 1976. The Tánaiste has not given a breakdown of the figures. A Cabinet sub-committee must surely at this stage have some better working figures than merely the figure of €532 million. Can the Tánaiste supply a breakdown of these figures? How much of it relates to public nursing home charges, to long term psychiatric patients, to patients with intellectual disabilities, to patients who cannot represent their own interests? Can the Tánaiste give a more detailed breakdown of the figure of €532 million, which covers the six year period?

Before the Tánaiste leaves the Chamber today, can she clarify the issue regarding the Statute of Limitations and how far the Government has gone in considering invoking it?

**Ms Harney:** Regarding the Statute of Limitations, the period is six years. While I have not got definitive legal advice from the Attorney General, we are still in the process of drawing up a memorandum for Government that I hope to take to the Cabinet meeting on 6 April so that we can make a decision on how to proceed. Trying to assemble all the information and thereby get a definitive opinion from the Attorney General has been a mammoth task. However, I have already put on the record the preliminary advice from the Attorney General that we cannot use the Statute of Limitations against anyone of unsound mind. Furthermore, for anyone now alive to seek to prove that he or she was of unsound mind would be an impossible task, as the Deputies can imagine, and a very unfair task to ask anyone to undertake.

I have been told that there are 22,000 people alive whose estates are affected, so that most of those affected have passed away. Regarding those still alive, the breakdown between those people in what I might call mental health institutions and those in the category of the elderly seems to be 50/50. That is my understanding.

The figure of €1.15 billion was the Department's estimate before the Supreme Court of what we raised since 1976. That seems to be the approximate figure for what was raised by way of charges for the people involved in publicly funded beds, whether in country homes or in psychiatric or mental health institutions.

However, when it comes to repayment, the issue of interest arises. That is why some of the figures we are now discussing are somewhat higher than the figure of €1.15 billion. One has to consider interest and what someone could have earned if he or she had put the money in the post office or somewhere else. They are some of the issues that arise.

I assure Deputy Twomey that from the time I became aware of this matter, the last thing I have done is to fudge. I appointed John Travers because I was not satisfied with the report given to me, which I brought to the Cabinet. I only became aware of the deficiencies in that report 48 hours after I received it. I asked John Travers to look at all the issues and documents and give me a report so that I could establish what has happened and why this matter had not been dealt with in the past. That is what his report sought to do.

I have made many documents available, which were not even in the Travers report. Last week I made available some documents including those from the line division in the Department. I also gave an undertaking to make other documents available. It is very rare for governments to release the legal advice they are given, but I can supply documents of a legal nature only if they do not prejudice any upcoming court cases. There are a number of cases pending. Most of them relate to the nursing home issue, private institutions and nursing home subventions, and they are intertwined in the legal advice the South Eastern Health Board had. That is why the Attorney General has strongly advised me that I could jeopardise the proceedings of this State if I were to put that advice into the public domain. As a responsible Minister I must take that advice.

**Dr. Twomey:** What about the legal advice?

**An Leas-Cheann Comhairle:** I must call Deputy McManus.

**Ms McManus:** Perhaps the question Deputy Twomey wanted to ask is the same as mine. To what cases is the Minister referring? The suspicion is that the legal advice is deliberately being kept hidden, even from the Oireachtas committee charged with the duty of examining the issue in terms of administrative and legislative change. The Minister is giving us a job of work to do without providing the tools to do the job when she refuses to release this information. Will the Minister specify the cases about which she is talking that lead to this difficulty? Until we hear those details she will not convince us 100%.

The Minister knows who these people are because they are in public institutions. Will she describe for us the mechanism for payment? Will she discriminate in favour of people who are alive rather than those who have passed on? Will she publish the legal advices relating to the scheme when it is prepared and has passed through Cabinet? It would be helpful if she provided the

[Ms McManus.] details of the legal back-up. We have had to argue the case about the unconstitutionality of a previous Bill. The Minister must accept that it is important that anything done now is put to the test by publication so that we may all have confidence in it.

With regard to what is available to us in the Travers report, the legal advice of the then South Eastern Health Board is censored and delivered to us in a very truncated form. However, according to the report, that advice clearly states the only conclusive solution is the introduction of a comprehensive legislative framework etc. We know that two Ministers knew what was going on and that the Taoiseach was informed about it. The current cost is considerably higher because the Minister responsible did not live up to his responsibilities.

Does the Minister agree there is a major question mark over her predecessor? What the Travers report said about the legal advice of the then South Eastern Health Board cannot be gainsaid. No Minister could stand over total ignorance when such information is available to him and when advisers, civil servants and Ministers of State were at the meeting. Has this not added to the costs in a manner that raises a question mark over his competence to be in Cabinet?

**Ms Harney:** With regard to the cases to which I referred, there was a lawyer from Cork on the radio a few weeks ago, who may be associated with one of the parties in the House, who has taken on a number of cases on the nursing home and private nursing home issue. That matter was also dealt with in this advice. He is not the only one, but he is on public record as indicating that he was taking cases. I have been told by the Attorney General that there are a large number of other cases pending.

I will abide by and respect the decision of the Supreme Court in the manner in which we will set about making the repayments. However, I must be honest and admit that I am keen to use the statute of limitations if possible because this is an enormous bill. As the Travers report made clear, there was broad support for the concept of charging for shelter and maintenance going back to 1947 and no Government in office since then saw fit to remove the capacity to charge for shelter and maintenance. The tragedy is that this was not legislated for.

On the issue of legal advices, as the report indicates, in 1978 there was clear legal advice from Ronan Keane and Thomas McCann to the then Eastern Health Board which said that legislation was necessary. Even going back that far, it was clear legislation was necessary. It is a shame that the legislation was never passed to make legal a very good principle, which is what we are talking about here.

The meeting in December 2003 made the right decision and the people who attended that meeting cannot carry the can for anything wrong that

happened. The issue was raised by the CEO of the then South Eastern Health Board. Note was taken of his concerns and a commitment was given that legal advice would be sought from the Attorney General. Subsequent to the meeting a group was put together and it drew up a document and a letter to be sent to the Attorney General. That letter never issued. The minutes of the meeting of the following March — when the next meeting took place with the CEOs and the management committee — state that legal advice was being sought, which was untrue. The next meeting was in October 2004 where it was stated that legal options were being explored, which again was untrue. To be honest, the situation is rather bizarre.

If we could have legislated for this matter a number of years ago, the mess we are now in would never have happened. We will seek to make it as easy as possible for people to go through the scheme we will establish rather than pursue the legal route. I want the taxpayers' moneys that we will pay to go to the elderly and their needs, not to the interests of the legal profession, with all due respect to that profession. I want to make it as easy as possible for people to access the scheme. Now that some of the issues are becoming clearer, I hope to be in a position to bring that memorandum to the Government for 6 April so that we can make a decision and a subsequent public announcement.

**Dr. Twomey:** Why is this legal document being withheld from Members when it was widely circulated among the health boards in 2003? It is not Government legal advice but legal advice sought by a health board on an issue with which it was dealing and subsequently circulated to all health boards. The Minister tells us we cannot have this information. With regard to the Minister, Deputy Martin, and the Department of Health and Children, we have seen no political responsibility. We feel we have some political responsibility and that we should have that information if it is so widely available to everybody else.

**Ms Harney:** It is not widely available, but available under privilege. They were all at the same meeting and all facing the same cases. The advice they were getting from the Department for many years, going back to 1978, was that they should not contest. Therefore, if one long-term bed occupant had a lawyer who could help him or her to take a case, he or she would no longer be charged while somebody not so fortunate in the bed beside him or her was charged in all those years. Besides the legal issues involved here, there are significant inequality issues that are unacceptable.

There is no doubt on the reading of the legal advice that the long-term charges issue should have been put on a statutory legal footing. The report makes that clear. However, the legal advice Governments must follow is the legal advice of the Attorney General. It is remarkable that his advice was never sought over almost 30

years. There is no evidence anywhere to suggest, as can be seen from the Travers report and even going back to 1976 when the famous circular was issued, that the Office of the Attorney General was consulted. This is what I find extraordinary. It was almost in the ether that this was fine and the attitude was that because we had always done it, we should continue to do it. If there is a lesson to be learned, it is that we should not ignore legal advice or the need to seek it to cover areas where one is raising substantial amounts of money, as we are doing through this route.

**Ms McManus:** Surely that is not true. If former Minister, John Boland, was able to bring forward a proposal to Cabinet, presumably he had taken advice from the Attorney General in some shape or form. Has the Minister asked the person who took over from John Boland as Minister, the Ceann Comhairle, Deputy O'Hanlon, why the battle was not resolved at that point as the Minister states it should have been?

The Minister mentioned people suffering from mental illness. Are people in long-term care with physical disabilities included in the provisions?

**Ms Harney:** The people included in these provisions are the people to whom the Health Act 1970 applies, people regarded as fully eligible, namely, medical card holders. That is the first time the concept of full eligibility was introduced. Those with physical disabilities may well be included. I am not certain that everybody with a physical disability would incur a maintenance-shelter charge.

I understand that when a memorandum came to John Boland, he stated in his own handwriting that he wanted to include the charges issue. There is no evidence in the Department or elsewhere that advice was given to him to do that. The view was taken that perhaps because of his legal background or his experience on a health board, he was aware there was a problem around this issue. He was only a caretaker Minister for a couple of weeks, which is remarkable. The same memorandum went to the subsequent Government and it made a decision to introduce the elements of the budget which introduced charges for outpatient and inpatient services.

With regard to this issue, which was part of the decision sought, that Government said it would be done as relevant and that the Taoiseach, and the Ministers for Finance and Health and Children would meet to discuss the matter. There is no record of that ever happening but I have not spoken to anyone about that.

### Cancer Screening Programme.

4. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she will initiate a State-wide cervical pre-cancer screening programme; and if she will make a statement on the matter. [9543/05]

**Ms Harney:** I am committed to the national roll-out of a cervical screening programme in line with international best practice. International evidence demonstrates the proven efficacy of programmes that are effectively managed and meet quality assurance standards. Careful planning and consultation with relevant professional and advocacy stakeholders is required before I make policy decisions on a national roll-out.

The former Health Board Executive commissioned an international expert in cervical screening to examine the feasibility and implications of a national roll-out of a cervical screening programme. The examination included an evaluation of the current pilot programme in the mid-western area, quality assurance, laboratory capacity and organisation and the establishment of national governance arrangements. The expert's report was published on 14 December 2004. My Department is consulting the Irish College of General Practitioners, An Bord Altranais, the Academy of Medical Laboratory Science, the Institute of Obstetricians and Gynaecologists of the Royal College of Physicians of Ireland, the faculty of pathology of the Royal College of Physicians of Ireland, the Women's Health Council and the Irish Cancer Society. Consultation with these key stakeholders is well advanced and will be completed shortly.

Approximately 230,000 smear tests are carried out annually which represents an increase of almost 20% in recent years. To meet this increased demand, additional cumulative funding of approximately €14.5 million has been provided by my Department since 2002 to enhance the laboratory and colposcopy services.

The pilot cervical screening programme commenced in October 2000 and is available to eligible women resident in counties Limerick, Clare and Tipperary. Under the programme, cervical screening is offered free of charge at five-year intervals to approximately 74,000 women in the 25 to 60 age group. In addition, my Department allocated a further €1.1 million to the programme on an ongoing basis to complete the transition of the remaining laboratories to new and more effective testing and to support the development of quality assurance and training programmes. These are essential preparatory elements in a national roll-out.

**Caoimhghín Ó Caoláin:** Will the Minister support and act on the unanimous call of the Irish Cancer Society and 24 other organisations, including trade unions, professional bodies and women's networks, on 24 February for a State-wide pre-cancer screening programme? The latest figures I have relate to 2000. There were 1,019 new cases of *in situ* cervical cancer, that is, a pre-cancerous state, 193 cases of invasive cancer and 65 deaths. Does the Minister agree comprehensive screening leading to early detection and treatment can and will dramatically reduce the incidence and development of cervical cancer and the resulting all too terrible death toll? Will she

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therefore roll out a screening programme as soon as possible? Will she offer screening free of charge to all women aged between 25 and 60? Will she prepare a register of all such women to facilitate the roll-out of such a programme?

**Ms Harney:** I would like to have a national roll-out. Professor Prendeville, who is one of our leading experts in this area, recently said an organised roll-out would be more effective than opportunistic screening, which is currently the case, in reducing the incidence of cervical cancer and he believes it could be reduced by 80%. I would like to discuss this issue in the context of the renewal of the contract under the GMS. This programme is being implemented by general practitioners and I would like it to be included as part of a new contract with them.

I do not have current figures on the number of women who die from cervical cancer in Ireland but I have no reason to dispute the figures given by the Deputy. However, population screening in certain areas is successful. Cervical and breast screening highlight that early detection has significant positive effects in preventing the illness or deaths and reducing the seriousness of the illness.

**Caoimhghín Ó Caoláin:** I thank the Minister for her reply. I am obliged to interpret it in the most positive way I can and if it is her wish that such a programme should be included in the programme of work she is undertaking, I welcome and encourage it. Will she take on board that a comprehensive screening programme will save massive resources? There can be no argument on cost in this instance because the health service will save resources through early detection and prevention and, above all, the lives of women will be saved. I hope the Minister will move the project forward with some alacrity.

Will the Minister explore with her Northern counterpart the prospect of an island-wide roll-out of the screening programme because tremendous savings and benefits would be gained by adopting a cross-Border co-operative approach on such issues? I know from all the contact I have had north of the Border, there is no resistance to such co-operation on health matters. It is an area that can demonstrate the great value and importance of co-operation on many levels and in many matters. This is certainly one of them.

**Ms Harney:** That is a good idea. There is potential to do more on an all-island basis in the health care area. Unfortunately, because of the current political vacuum, it has not been possible to have a number of the meetings that might have been held in a different context. Perhaps following the Westminster elections, we might be in a position to discuss this. A number of issues have been raised on which it would make sense to work on an all-island basis. For example, radiotherapy is another issue for people in the north

west and Border counties. If there are health care initiatives on which we can work on an all-island basis, we would be irresponsible not to pursue those options.

#### **Mental Health Services.**

**5. Mr. Neville** asked the Tánaiste and Minister for Health and Children her plans for introducing adequate child and adolescent psychiatric services consisting of multidisciplinary teams. [9716/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** A working group on child and adolescent psychiatry was established by the Minister for Health and Children in June 2000 to make recommendations on how child and adolescent psychiatric services should be developed in the short, medium and long term to meet identified needs.

In its first report, the working group recommended the enhancement and expansion of the overall child and adolescent psychiatric services as the most effective means of providing the required service for children with mental illness. The group found that the internationally acknowledged best practice for the provision of child and adolescent psychiatric services is through the multidisciplinary team and the funding of this area has been a priority for my Department in recent years. Since 1997, additional funding of almost €19 million has been provided to allow for the appointment of additional consultants in child and adolescent psychiatry, the enhancement of existing consultant-led multidisciplinary teams and the establishment of further teams. This has resulted in the funding of a further 19 child and adolescent consultant psychiatrists. Nationally, 52 such psychiatrists are in our complement.

The first report of the working group on child and adolescent psychiatry also recommended that a total of seven child and adolescent inpatient psychiatric units for children ranging from six to 16 years should be developed throughout the country. Project teams have been established to develop child and adolescent inpatient psychiatric units in Cork, Limerick, Galway and the Health Service Executive eastern regional area at St Vincent's Hospital, Fairview. Approval to tender for design teams for the units in Cork, Limerick and Galway was given by my Department recently. Inpatient services for children and adolescents are provided at Warrenstown House, Dublin, and at St Anne's in Galway.

The Health Act 2004 provided for the Health Service Executive which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of mental health services. An additional €15 million has been made available for the further development of mental health services in 2005, bringing the total spend on mental health to approximately €725 million. A portion of this funding, the details of which are yet

to be finalised, will be allocated to child and adolescent mental health services.

The future direction and delivery of all aspects of our mental health services, including child and adolescent psychiatry, will be considered in the context of the work of the expert group on mental health policy, which is due to report this year.

**Mr. Neville:** Does the Minister of State agree there is an urgent need to ensure proper beds and facilities for children under 16? The Irish College of Psychiatrists recommends in the  
3 o'clock report that the Minister of State mentioned that there be 144 beds available for people under 16. However, at present there are approximately 20 in the country. When those between the ages of 16 and 18 are included, it is clear that an extra 80 beds are required, making a total of 224. There are very few or no dedicated services for those aged between 16 and 18. In my area, there are children as young as 13 in adult psychiatric hospitals.

Does the Minister agree that it is totally appropriate, since as many as 18% of children under 16 and 20% of those between 16 and 18 will experience serious psychological or psychiatric problems? One must bear in mind that 11,500 people, mainly young, attended accident and emergency departments having attempted suicide last year. Does the Minister agree that the lack of child and adolescent psychiatric services is a factor in that level of attempted suicide and in successful suicides among young people? It is accepted that early intervention of a psychiatric or psychoanalytical nature among children and adolescents prepares them for difficulties experienced later. The lack of intervention for those in crisis is a major risk factor in levels of suicide and attempted suicide.

The ongoing highlighting by the Irish College of Psychiatrists and others of the lack of services in the context of the level of attempted and successful suicides is a serious issue.

**Mr. B. Lenihan:** I agree in general terms with the Deputy's suggestion that imbalance in mental health can be a factor in the cause of suicide, though it is clear that many factors are involved, and I am not able, as Minister of State with responsibility for policy in the area, to give a diagnosis or clinical assessment, since I do not have the same expertise as the Deputy. However, regarding the general question of the mental health services for children and adolescents, it has been recognised for several years that there are difficulties; that is why the reports were commissioned. On foot of those reports, the decision was recently taken to allow the design teams to go to tender.

The project teams have been established to develop child and adolescent inpatient psychiatric units in Cork, Limerick and Galway. That has now been sanctioned, and that is the key point. The proposed unit in Cork will consist of 20 inpatient beds, the unit at Dooradoyle, County

Limerick, will have 14 in-patient beds, and the child and adolescent unit in Merlin Park Hospital, Galway, will have 20 in-patient beds. There will clearly be an increase in capacity when those plans are implemented.

**Mr. Neville:** The Minister of State announced again that €15 million has been made available for the development of psychiatric services. Bearing in mind that this serious issue will affect one in five people at some stage of their lives and that the development of psychiatric services has been neglected for decades, that €15 million, which is less than the cost of the Punchestown project and only 25% of that of electronic voting, is absolutely unacceptable. It is an absolute disgrace to announce that for the development of psychiatric services when they need a multiple of that sum each year to bring them into line with the standards of the 21st century.

**Mr. B. Lenihan:** As I pointed out, approval has recently been given to tender for the design teams for the units. Regarding the units in Cork, Limerick and Galway, tender for design work does not require that much money. The Deputy rightly identified in his question that there is a lack of capacity in this sector, and we are addressing that.

**Mr. Neville:** I was referring to the €15 million.

**Mr. B. Lenihan:** We have gone on with the expert working group, which has made certain recommendations. On foot of that, we have given approval to tender for design team. One cannot simply double or treble allocations if one does not have the capacity to deliver the service. One must plan for a service, and that is what we are doing on the basis of the report. We are planning an increase in the service's capacity. As the Deputy rightly said, existing in-patient services are inadequate. There is insufficient capacity in Warrenstown House and St. Anne's in Galway for national cohorts. Therefore, we are increasing the capacity. I will not enter into a discussion about expenditure tables, Punchestown or voting machines in this context. I am describing to the Deputy what is being done on this issue. The Government is aware of the problem and is dealing with it.

**Mr. Neville:** The €15 million is intended to cover all psychiatric services rather than simply those for children and adolescents. Is that not inadequate?

**An Leas-Cheann Comhairle:** We must move on.

#### **Precautions against Influenza.**

6. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the action her Department is taking in response to warnings from the World Health Organisation of the



[Mr. Gormley.]  
 danger of a flu pandemic; if there are plans to increase the supply of anti-viral drugs here, which are now only adequate for approximately 45,000 persons; if a meeting has been called of the expert group tasked with updating Ireland's emergency plan and stockpiling anti-viral drugs; and if she will make a statement on the matter. [9541/05]

**Ms Harney:** The influenza pandemic expert group is reviewing and updating Ireland's 2002 influenza pandemic preparedness plan. Once finalised, the updated plan will be published. The 2002 plan was based on the World Health Organisation, or WHO, blueprint for an influenza pandemic plan, published in 1999. It addresses a range of issues, including prevention strategies, scientific and medical issues, and communications. The WHO plan is currently being updated to incorporate new scientific data and experience obtained during recent outbreaks. Our pandemic plan will be modified in line with those recommendations once they are agreed and published by the World Health Organisation.

Vaccination is the principal measure for preventing influenza and reducing the impact of epidemics. It will be the primary public health intervention in the event of an influenza pandemic. However, the production of a vaccine tailored to a pandemic influenza strain could take six to nine months. Developments are under way at international level seeking to expedite that process.

Pending the availability of virus-specific vaccines, anti-viral drugs will be the only influenza-specific medical intervention available for use in the event of a pandemic. Anti-virals can be used for prevention and treatment. The Government has decided that anti-viral drugs should be stockpiled. The expert group reviewed recommendations for the use of anti-virals in line with best international practice at its meeting on 24 February 2005. Following consideration of the expert group's advice, I have directed that 1 million treatment packs of Tamiflu should be stockpiled. That quantity is sufficient to treat 25% of the population and is in line with best international practice. The Health Service Executive has been so advised, and procurement arrangements have been put in train. I am confident that 600,000 packs will have been delivered by the end of this year — sufficient to treat 15% of the population. The remaining 400,000 packs will be delivered in 2006.

A national anti-viral stockpile would be used to treat priority groups. Prioritisation is essential if morbidity and mortality are to be reduced and essential services are to be maintained, thereby minimising as far as possible the disruption to society that might result from a pandemic. The priority groups include, for example, individuals hospitalised with influenza, people who may be more vulnerable to the virus, and key workers in essential services.

It should be noted, however, that pandemic planning is a dynamic process, and the definition

of risk is likely to change over time. That means the recommendations for use of anti-virals must be kept under review and expert opinion always sought. In particular, the expert group will need to review the epidemiological data before final recommendations are decided in the setting of an imminent pandemic. The decision-making process will be guided at all times by relevant expert advice from the European Commission and the World Health Organisation.

**Mr. Gormley:** The Tánaiste stated that the plan would be published once finalised. When does she expect that the document will be finalised, and what has the delay been? We have been told that the consultants refused to meet. Does that continue to hinder the progress of the pandemic expert group? Who are the priority groups? The Tánaiste mentioned those most vulnerable, but are we also talking about emergency staff, the gardaí and so on? Would it include Members and Ministers? How far does it go in the context of getting those extra doses of Tamiflu? Will the ordinary person have to go out and buy it? For what price is it retailing? Does the Tánaiste agree that we simply could not cope with a pandemic, given the major crisis in our accident and emergency units which look like a war zone? Does she agree with the assessment of the pandemic expert group that up to 26,000 people would need treatment and that 11,000 people in the Republic could die? Will she explain to the House the disparity between the figure that 11,000 people in the Republic could die and the statement yesterday by Dr. Lorraine Doherty, senior medical officer in the Northern Ireland health department, that 36,000 people could die in Northern Ireland? Does she agree with me that there is much confusion surrounding the figures we have been given? Does she agree also that co-operation between North and South is required on this issue? What measures has the Tánaiste taken to co-operate with our colleagues in Northern Ireland? If Ireland does not cope with this pandemic, will she consider that a resigning matter?

**Ms Harney:** It is one thing to resign over events that have happened but the Deputy may be Minister for Health and Children by the time we have such a pandemic. I hope we will not have one soon.

**Mr. Gormley:** I would not want the job.

**Ms Harney:** I am surprised to hear that. At least the Deputy is being honest.

**Mr. Gormley:** I am being honest with the Tánaiste.

**Ms Harney:** I will remember that. Is it a case of all advice and no bottle?

**Mr. Gormley:** I have got the bottle.

**Ms Harney:** I will have to ask the other Deputies the same question. Perhaps I will have to stay in the post forever.

**Mr. Neville:** I would love the chance.

**Ms McManus:** Just give me the opportunity.

**Ms Harney:** On the expert group, it was delayed because of the dispute but that dispute is now settled. It is imminent. I have had a number of discussions with the chairman of the group and some of the members and it is imminent. It is the type of expertise that is almost constant in that it is difficult to say that this is the final report because events are changing rapidly, and there is a good deal of co-ordination and co-operation at international level, both at European Union and World Health Organisation level. A very good seminar on this matter was held recently in the O'Reilly Hall in University College Dublin and attended by many international speakers.

The Deputy said our accident and emergency units are like a war zone. I was in Sarajevo last Saturday and Sunday.

**Dr. Twomey:** For the peace and quiet.

**Ms Harney:** The Deputy should go there because he would see——

**Mr. Gormley:** Is the Tánaiste comparing this country to a war zone?

**Ms Harney:**——what a war zone is really like, unfortunately. On the priority groups, I will take advice from the experts on the make-up of those groups. I doubt if we would include politicians in a priority group. I would certainly not want to show any preference to myself or my ministerial colleagues but I am sure best international practice in this area will be followed. The groups include emergency workers and the more vulnerable groups in our society. This is something that has to be done purely on the basis of expertise and advice and not on any other basis. There is much debate about this issue internationally. I hope we do not have a pandemic soon.

**Mr. Gormley:** What about the huge difference between the figures for Northern Ireland and those given for here?

**Ms Harney:** I cannot account for that difference. The Deputy made a good suggestion about having an all-Ireland approach. That is a good idea.

**Mr. Gormley:** We have to do that.

**Ms Harney:** I cannot account for the difference in the figures. The figures did not come from politicians. They came from the experts and I have to accept what the experts say in this area. To be honest, with an issue as serious as this one it is probably difficult to get exact figures. All we can

do is take best advice and approximate because one never knows, as with SARS and other unknown viruses, what might be the impact.

### Other Questions.

**An Leas-Cheann Comhairle:** I remind Members that supplementary questions and answers are limited to one minute.

### Health Service Staff.

7. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the steps she is taking to increase the number of neurologists here; if her attention has been drawn to the considerable strain which the shortage of neurologists is placing on services for persons with neurological disorders as highlighted by, among others, the Irish Motor Neurone Disease Association; and if she will make a statement on the matter. [9410/05]

**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 the provision of neurological services.

In April 2003, Comhairle na nOspidéal published the report of a review of neurology and neurophysiology services. The report recommended significant enhancement of such services, including increases in consultant staffing. It also recognised that aspects of other specialties and services, such as rehabilitation medicine, geriatric medicine and old age psychiatry, are related to and overlap with neurology services. The comhairle recommended that a national multi-disciplinary review of rehabilitation services be undertaken. This would further inform the policy framework on the development of neurology services.

Consistent with this recommendation a draft national action plan for rehabilitation services is under consideration in my Department. The comhairle report and the work undertaken by the Neurological Alliance of Ireland through its publications, together with the rehabilitation action plan, will offer a comprehensive policy framework for the future.

Additional revenue funding has been made available in 2005 to support the development of neurology-neurophysiology services in a number of regions having regard to agreed priorities. The continuing development of the services is a matter for the HSE, having regard to available funding and other competing service priorities.

**Ms McManus:** It is a great pity that the Minister is going back to the tried and trusted formula of referring to plans, reports and strategies. We are aware of the shortfall in terms of the need for neurologists because almost two years ago Comhairle na nOspidéal produced a report which stated that the number of neurologists had to be

[Ms McManus.]

trebled to meet the need. Will the Minister stick to the question? What progress are we making in reaching that target? We are talking about a grossly overloaded service that cannot cope and is often based in very restricted accommodation. For a long time St. James's Hospital, which is a major hospital, had only one neurologist. The tripling of the number of neurologists is the recommendation that the Minister should deal with. How far have we got in reaching that target and when will it be reached?

**Ms Harney:** To be honest, we have not made much progress. The Comhairle na nOspidéal recommendation was to increase from 14 to 39 in the long term and from 14 to 29 in the short term. The report also recommended that the number of consultant neurophysiologist posts be increased from three to nine. This year we have provided additional funding in the different regions for services in this area. As the Deputy is aware, we must increase the number of consultant posts from 1,940 or just below 2,000 to 3,600 and we must have timeframes on the various specialties at national and regional level because there are major discrepancies in this and other areas and very long waiting periods. Best international practice suggests there should be one post per 100,000 people. It is clear that is the target that must be reached. I am not in a position to say how long it will take but I hope that when we have the full complement of staff employed in the HSE and a new chief executive officer to set down targets, we can monitor this and other areas for the recruitment of key consultants.

**Ms McManus:** Will the Minister tell the House if we have a new chief executive officer? It is an issue in which many people would be interested. The Minister of State, Deputy O'Malley, kindly came to the launch of the website of the Irish Motor Neurone Disease Association. There is an issue about funding for that association. Will the Minister examine that?

**Ms Harney:** Yes. I believe the association has submitted an application for funding. I understand the association will celebrate its 20th anniversary in May and I hope we can be supportive of that.

I spoke last night to the chairman of the HSE who told me that the executive has narrowed the competition to three or four candidates. It is doing profile and other checks on those candidates. He hopes his board will be in a position to make a recommendation to me in about two to three weeks; I believe 10 or 12 April is the date. I will be delighted to make that announcement and I will be even more delighted when the person takes up the position. Before the Deputy asks me the question, I do not know any of the candidates, and I did not want to know. Once the best person is selected, I will be happy and I hope he or she will come here and stay.

### Accident and Emergency Services.

8. **Mr. M. Higgins** asked the Tánaiste and Minister for Health and Children her views on the situation in accident and emergency units in view of the decision of the Health and Safety Authority to order a safety inspection of all such units; the steps being taken to ensure that such units comply with relevant safety requirements; and if she will make a statement on the matter. [9406/05]

16. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children her views on the health and safety of staff in hospital accident and emergency departments; and if she will make a statement on the matter. [9447/05]

20. **Mr. G. Murphy** asked the Tánaiste and Minister for Health and Children when the MRI scanner for Beaumont Hospital will be commissioned; and if she will make a statement on the matter. [9525/05]

22. **Mr. M. Higgins** asked the Tánaiste and Minister for Health and Children the measures implemented to date in regard to the package of measures announced in the Estimates for 2005 to improve accident and emergency services; the timetable for the implementation of each other planned measure; and if she will make a statement on the matter. [9405/05]

70. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children her views on the health and safety of patients waiting on trolleys in accident and emergency departments; and if she will make a statement on the matter. [9448/05]

99. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the progress to date on her ten-point plan for alleviating the accident and emergency crisis; and if she will make a statement on the matter. [9486/05]

**Ms Harney:** I propose to take Questions Nos. 8, 16, 20, 22, 70 and 99 together.

The House is aware of my opinion on the problems being experienced in acute hospitals which provide accident and emergency services. I have announced a number of initiatives aimed at improving the delivery of such services. Progress is being made on each of the ten actions I announced earlier this year. The Health Service Executive has given the Department of Health and Children an update on each of the actions. I will outline to the House some of the progress that has been made.

The HSE has had positive discussions with public and private sector providers about the development of additional minor injury facilities in Dublin. It is expected that the second MRI for Beaumont Hospital will be available from August 2005. Planning is continuing on the provision of acute medical units at Tallaght, St. Vincent's and Beaumont hospitals, which have been asked to deliver interim arrangements pending the construction and commissioning of the new units.

The tender process for the provision of high dependency beds in private nursing homes is being examined and is at an advanced stage. The final tenders were opened this week and it is expected that the process will be concluded in the coming weeks, after analysis, evaluation and site visits have taken place. Contracts will be awarded in the coming days for the provision of intermediate private nursing home care for 500 patients per year.

Additional home care packages for patients have been made available in each of the six major acute hospitals in the Dublin area. A steering group of general practitioners, based on the north side of Dublin, is examining the requirements, locations and arrangements for the establishment of an out-of-hours GP service. The director of the National Hospitals Office is finalising arrangements for the establishment of a national audit and an inspection process to measure cleanliness in all acute hospitals. Regarding access for GPs to diagnostic services in the Dublin area, it has been agreed to procure a range of diagnostic services from private hospitals and negotiations are ongoing in that regard.

I welcome the recent intervention of the Health and Safety Authority. We all want to ensure that patients and staff working in hospitals have a safe and healthy environment. The authority asked hospitals to conduct a comprehensive risk assessment of their accident and emergency units. The authority said it is satisfied with the good level of response to its letter. It has decided to pursue a targeted programme of inspections, with visits taking place to 11 units by 8 April. The authority's review is expected to inform priorities for action by the National Hospitals Office on health and safety issues.

The wide-ranging actions to improve the delivery of accident and emergency services are aimed at improving access to accident and emergency services, improving patient flows through accident and emergency units, freeing acute beds and providing appropriate long-term care for patients outside the acute setting. We would like to see more immediate solutions and to that end we are working with hospitals to deliver the measures and to ensure that the investment produces sustainable and long-lasting solutions.

**Ms McManus:** Is the Minister aware of how bad the situation has got? There were 34 people, an unprecedented number, on trolleys at the University College Hospital in Galway last night, even though 68 beds in the hospital were closed. Although the Minister visited the hospital recently, I am not convinced that she is aware of the real situation in Galway. It is symptomatic of the real and persisting accident and emergency crisis, which has led a nursing organisation to decide to embark on a series of protests. There are serious problems in Wexford and an accident and emergency consultant in Cork has described the conditions there as "total bedlam". Following the response of the Minister, who is full of good

intentions, the Irish Nurses Organisation has declared that there is "a terrible inertia" again.

The Minister made it clear many months ago when she made her initial announcement that real improvements would be evident by this month, or by April at the latest, but we have not seen any significant changes. We are seeing the same pattern of chronic overload in accident and emergency departments. People in Galway have threatened to close the service altogether.

The Minister mentioned the war zone in Sarajevo, and the term "walking wounded" has been used by the medical profession, rather than by politicians, when discussing the accident and emergency crisis. The walking wounded are being turned away from accident and emergency units because more severe emergency cases have to be treated. The Minister has not delivered on the commitments she made when she came to the Department of Health and Children. Ten-point plans are all very well, but the product has not been delivered. The crisis is being prolonged unnecessarily, even though it should be abating now that the winter period is over.

**Ms Harney:** I have always made it clear that there are no instant solutions. I did not undertake that all the solutions would be put in place during the first three months of this year.

**Ms McManus:** The Minister said there will be a significant difference.

**Ms Harney:** Yes, there will be a significant difference. I have said that the Department is about to announce that it has succeeded in acquiring intermediate beds for 500 patients, which will greatly alleviate the pressure on accident and emergency services. Facilities for 100 high-dependency patients, who are currently in the acute hospitals system, will be developed in the next week or so. It is clear that such developments will free many beds which can be used for accident and emergency services. The difficulty we face at present is that the controversy about nursing home charges is making it more difficult for the management of hospitals to encourage people to move to more appropriate settings. That is an issue. I understand that the wards in Galway have been closed because of an outbreak of flu in the hospital.

**Ms McManus:** No, that is not the reason.

**Ms Harney:** It is not satisfactory that wards or beds in any public hospital should have to be closed, other than for reasons relating to health care.

**Ms McManus:** That is not why they were closed.

**Ms Harney:** We will spend over €12 billion this year on the delivery of health care to our relatively young population of over 4 million people. We have to do better with that money — that was

[Ms Harney.]  
the purpose of establishing a new unified system. The allocations for this year, which will be made to individual hospitals soon, will be based on performance and results, which was not the way money was allocated in the past.

**Ms McManus:** I understand that the wards in Galway have not been closed because of an outbreak of flu. It would be possible to open a certain number of beds if cleaners were employed to ensure that hygiene standards are maintained to a high level. That would relieve significantly the pressure on the hospital. I do not know whether the Minister has studied the number of hospital beds which have closed throughout the country. It might be interesting to assess the capacity within our key services. The circumstances in Galway are unprecedented. The Minister's comment that the beds will be available at some time in the future is not a sufficient response to a crisis that has caused nurses to take to the streets at a time when they should be caring for their patients.

**Mr. Neville:** Hear, hear.

**Ms Harney:** If health care workers take industrial action of that kind, patients will be the only people to suffer.

**Ms McManus:** They are doing it as a protest.

**Mr. Neville:** They have no choice.

**Ms Harney:** That is the sad reality, as I said to the doctors.

**Ms McManus:** They do not need lectures about their duties.

**Ms Harney:** I remind Deputy McManus that the ratio of nurses to patients is higher in this country than anywhere else in the European Union. I mentioned that fact to the INO.

**Ms McManus:** That is a *non sequitur*.

**Ms Harney:** One of the aspects of the ten-point plan—

**Ms McManus:** That is a total *non sequitur*.

**Ms Harney:** We are trying to ensure that there is a sufficient number of staff to deal with patients.

**Mr. Neville:** The Tánaiste should say that to the Ruddle family.

**Ms Harney:** Hospital cleanliness is one of the matters addressed in the ten-point plan. We are paying the top price to have our hospitals cleaned. Many cleaning contracts have been outsourced to big contractors, who are receiving huge amounts of money. Nobody is supervising

the cleaning work in some cases, but that will change.

**Mr. Gormley:** Hospitals are filthy.

**Ms Harney:** No hospital bed should be closed because of a lack of cleanliness. Everybody is paying big money to have hospitals cleaned. I have asked the director of the National Hospitals Office to introduce a new inspection and audit approach to ensure basic cleanliness in our acute hospitals, which is not too much to expect.

I agree that many more people can be treated if hospital beds are put to better use. Dr. Conor Burke, a respiratory physician at the Mater Hospital, demonstrated in a paper he published recently that if all patients at James Connolly Memorial Hospital in Blanchardstown were discharged when they were medically fit to be discharged, the hospital would have no problems in its accident and emergency department. It is not a question of more beds, nurses or doctors, but of ensuring that those who are fit to go home are moved to an alternative facility. We need to ensure that happens when it should happen. We have to learn the lessons of reports of that kind, produced by experts like Dr. Burke. We need to use our acute hospital system efficiently and effectively.

**Dr. Twomey:** We should always aim to set high standards rather than minimum standards. Is it true that a specified minimum space of approximately 1.62 m should be kept between beds in hospital wards? There is a contradiction in requiring a fixed distance between beds on wards when patients are practically stacked on top of each other in accident and emergency departments while they wait on trolleys. We must examine why there are 20 to 30 trolleys in accident and emergency departments. Something seems to be wrong.

Will the Tánaiste to provide more information on the cleanliness of our hospitals. Patients are very unhappy and persistently complain that facilities are not clean. Will the Tánaiste confirm that 450 cases of MRSA septicemia have occurred? These cases did not involve the infection of people's skin, but of their bloodstreams. Given the mortality and morbidity rates associated with MRSA, it is a very significant number of cases.

Most of the Tánaiste's ten-point plan to address the accident and emergency crisis focuses on the Dublin region in which the incidence of trolley use is highest. However, can she explain why a level one trauma unit which caters to the whole south of the country had to close its accident and emergency department to walk-in casualties last week? Is it not ridiculous that the second largest city had to close its major accident and emergency department to walk-in patients for any period, even if it was only four or five hours?

I presume the MRI scanner at Beaumont Hospital is there to cater for patients who have been transferred from hospitals nationwide out of hours and require emergency scans. Will the Tánaiste explain what she will do about the switching off of CAT scanners throughout Ireland at 4 p.m. or 5 p.m.? Why is there no proposal in her ten-point plan to deal with CAT scan machines throughout the country which are not operational 24 hours per day, seven days per week?

Will the Tánaiste provide more detail on the out-of-hours co-operative on the north side of Dublin city? What is its structure? While the co-operative represents an important, positive move forward, like all such facilities it must be established in a way which ensures it operates with maximum efficiency.

It is disingenuous to say that patients suffer when nurses go on strike as patients are already suffering as a result of our failure to deal with the health service crisis. I worked in the hospital service until ten years ago, including the accident and emergency department in Cork to which I have referred and the Meath Hospital in Dublin. While things were bad then, there were only between ten and 20 patients on trolleys in Dublin city. There are now up to 300 patients on trolleys here. Nurses do not strike because, as the Tánaiste said, there are too many of them. They do so because the service continues to disimprove remarkably. Accident and emergency staff operate in circumstances of significant stress, which the Tánaiste should take on board. She should visit an accident and emergency department on a Saturday night to witness the behaviour of people who have had too much to drink.

**Ms Harney:** There is no doubt that the volume of activity in our hospitals has increased significantly. While we must be fair and acknowledge that there are problems in accident and emergency services, they are part of the wider problem in the health system. Some people access hospitals through accident and emergency departments because they cannot access an appropriate outpatient department. There are many factors which must fit together. Increasing the number of consultant posts, especially in certain specialties and at regional level, is part of the solution in the medium term. The measures being taken are aimed at dealing with the crisis as we see it.

It is not acceptable that people should spend days on trolleys before being admitted to an acute hospital bed. Nobody could be happy with such circumstances. It may have been understandable in the mid-1980s when we had less resources and cutbacks were made in health because the economy was unable to sustain public spending levels but there is no explanation for it today.

I agree with Deputy Twomey about the more efficient use of facilities over longer hours. Part of the difficulty relates to industrial relations issues and the manner in which people are paid. We must therefore ensure greater flexibility in

the way people are paid and facilities are used. It does not make sense for the taxpayers to spend millions of euro to buy equipment for hospitals if it is not used to the maximum capacity. We must deal with the factors which have resulted in the current scenario. As we know, it is often the case that people occupying hospital beds do not need to be there but are admitted while they await particular tests. If greater use were made of existing facilities, people would not have to avail of inpatient services to access appropriate tests. That is a fact.

I understand a number of initiatives are being undertaken on the north side of Dublin. A group called Touchstone has undertaken an initiative to provide general practitioner services in Mulhuddart. I understand doctors on the north side have come together and done very productive work on an out-of-hours facility. They will shortly be in a position to make an announcement. Existing general practitioners wish to provide the service themselves and I would be very supportive of that. They are engaged in intense discussions with Angela Fitzgerald to whom I have given responsibility for the implementation of the ten-point accident and emergency plan.

**Mr. Boyle:** I notice the Tánaiste did not answer Deputy Twomey's question on the closure of the accident and emergency department at Cork University Hospital a fortnight ago. While 30 people were on trolleys in the department, dozens more were turned away. The senior consultant at the department, Mr. Stephen Cusack, described the scenario as one involving the sending away of walking wounded. Does the Tánaiste find it acceptable that not only did this occur, there continues to be great uncertainty about the new accident and emergency facility which has been built on the hospital's grounds and remains unopened despite statements by her party colleagues that it would be opened this very month? Will the Tánaiste provide definite information as to when the accident and emergency problems in the major hospital in the southern region will be alleviated?

**Ms Harney:** I apologise for failing to deal with that aspect of Deputy Twomey's contribution. I visited the new accident and emergency facility in Cork. The reason it has not opened has nothing to do with the failure to make resources available but with logistical issues. A date has been set for the opening of the department to which I will ensure Deputy Boyle is invited. If memory serves me correctly, it will open on the morning of 7 April. I am subject to correction. Clearly, the facility will greatly improve services at Cork University Hospital. I also visited the new day bed unit at the hospital which will greatly enhance elective surgery services and alleviate pressure on the main hospital wards.

As the Deputy is aware, many initiatives are being undertaken at Cork University Hospital. It is not acceptable that as an accident and emer-

[Ms Harney.]

gency service a department should be closed for even half an hour, never mind a number of hours. It is not a sustainable scenario or one over which anybody could stand.

**Ms McManus:** The information to be gathered by the Health and Safety Authority will be ready by 8 April. I presume the Tánaiste will publish the information in which there will be great public interest. Since she abolished the health boards we have had no forum to ensure that information of this type is disseminated. Will she ensure it is?

What is the position on capital projects for hospitals this year? Will they be announced by the Health Service Executive?

**An Leas-Cheann Comhairle:** The Deputy is widening the scope of the question.

**Ms McManus:** It is relevant to accident and emergency services and has direct relevance to my question.

**Ms Harney:** As I do not have responsibility for the Health and Safety Authority, I do not have responsibility for its report. If the report is made available to me, I will have no difficulty publishing it. I am sure it will be obtainable under freedom of information provisions. It is not a matter on which legal advice will need to be taken.

The capital programme is being finalised and will be announced in the next two to three weeks. It is hoped we will be in a position to make an announcement shortly after Easter.

### Hospital Services.

9. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children the number of new patients treated at the oncology unit at Cork University Hospital in 2004; and if she will make a statement on the matter. [9506/05]

13. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children her views on the fact that an oncologist at Cork University Hospital recently tendered his resignation due to the lack of resources at Cork University Hospital; and if she will make a statement on the matter. [9504/05]

18. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the delays in treatment at the oncology unit at Cork University Hospital; and if she will make a statement on the matter. [9507/05]

67. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children her views on the fact that there is only one permanent oncologist at Cork University Hospital; and if she will make a statement on the matter. [9503/05]

79. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children the action she proposes to take to improve cancer services in Cork and Kerry, following the resignation of an oncologist in Cork due to the failure of her Department to provide the necessary funding to create a dedicated cancer ward within Cork University Hospital; and if she will make a statement on the matter. [9383/05]

89. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children if she has satisfied herself that the level of services for cancer treatment at Cork University Hospital is acceptable in light of the fact that numerous reports are considering centralising cancer treatment in the south at this hospital; and if she will make a statement on the matter. [9505/05]

108. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if she will make a statement on the delivery of chemotherapy, oncology and radiation oncology at Cork University Hospital following the recent resignation of a consultant at the hospital. [9511/05]

110. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children when the oncology ward for Cork University Hospital is due to open; and if she will make a statement on the matter. [9502/05]

114. **Mr. Boyle** asked the Tánaiste and Minister for Health and Children her views on the resignation of a consultant oncologist from the staff of Cork University Hospital, ostensibly due to the failure to establish a dedicated cancer ward at the hospital; and if she has satisfied herself that cancer care facilities in the southern region are properly resourced. [9437/05]

118. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the recent resignation of a cancer specialist at Cork University Hospital (details supplied) due to the lack of a dedicated ward for cancer patients and the generally inadequate facilities; the steps being taken to deal with this situation and to avert the loss of such specialists; and if she will make a statement on the matter. [9420/05]

**Ms Harney:** I propose to take Questions Nos. 9, 13, 18, 67, 79, 89, 108, 110, 114, and 118 together.

Mobility of key personnel is a regular feature of the hospital system as demonstrated by the ease with which medical staff transfer from prestigious hospitals abroad to take up positions in Ireland. It is also the case that medical consultants in various oncology disciplines, including medical oncology, radiation oncology, surgery and haematology, transfer within our hospital system. Many of these transfers take place for a combination of professional, career and personal reasons. In regard to the transfer of the medical oncologist referred to by the Deputies, it is important to acknowledge that the hospital

system here has retained his particular expertise for the cure and care of cancer patients.

Considerable investment has been made in the development of cancer services in the southern region in recent years. Since 1997, additional cumulative funding of approximately €76 million has been allocated for the development of appropriate treatment and care services for people with cancer in the region. Cumulative additional funding of approximately €6.5 million has been made available for the development of breast disease services in the region during the period 2001-04. This funding has provided for the recruitment of an additional 11 consultants in key areas of cancer care. The funding has also provided for the appointment of 27 cancer care nurses.

Capital funding of over €4 million has been provided for the development of radiation oncology services at Cork University Hospital and ongoing revenue funding of €3 million is being provided to cater for the expansion of this service. As regards the development of a dedicated oncology ward, the Health Service Executive has advised that this is a priority.

Provisional figures supplied by the Health Service Executive indicate that in 2004 approximately 950 new patients in total were referred to medical oncology services in the region's four main hospitals. This number increases to 3,106 when radiation oncology and haematology service figures are included. I am advised that there are no delays for chemotherapy and haematology services at Cork University Hospital. My Department has asked the chief officer for the executive's southern area to supply to the Deputies a more detailed response to the issues raised, including recruitment of replacement staff.

**Dr. Twomey:** There will be a significant increase in the number of patients requiring treatment for cancer in the south. Does the Tánaiste consider it medically safe that there is only one permanent oncologist in Cork University Hospital and that there is no dedicated medical oncology ward in this hospital, which is providing cancer services in not only the second largest city in Ireland but in the whole of the south? There is no BreastCheck service and no development on the BreastCheck programme in Cork. The Tánaiste is aware of the international trading centre site. I believe there is also a problem in regard to what Hanly had promoted in his report.

There is a move to centralise much of the cancer treatment services in terms of breast cancer and other forms of cancer into the Cork University Hospital site, yet it currently has no dedicated oncology unit and only one permanent oncologist. The only reason chemotherapy is provided on time at present is that the staff are working flat out in the hospital. Is this medically safe? Is it the right way to proceed in an area with a large population where one would expect a higher level of expertise? Cork University Hospital provides a service in the southern part of the country not only to Cork and Kerry but also to Limerick,

south Tipperary and Waterford. Patients from Wexford are even expected to travel to this hospital.

**Mr. Boyle:** Not only is there a delay in the roll-out of the BreastCheck programme but the Tánaiste should be aware of the uncertainty of the future of the children's leukaemia unit at the Mercy University Hospital. These things taken together mean that cancer treatment in the Cork city area and the Cork and Kerry regions is facing a most uncertain future. Will the Tánaiste use the opportunity of her reply to provide some clarity and reassurance on this matter? It would help patients in this area who fear that the quality of their services is being eroded on a daily basis.

**Ms Harney:** The whole intention is to improve the quality of services at regional level. In the case of the dedicated oncology ward, we need such a facility at Cork University Hospital. It is intended that a dedicated oncology ward will be provided when the new day ward is opened. I hope that will happen soon.

A replacement consultant will be sought as quickly as possible. In regard to BreastCheck, I will announce the whole capital programme together rather than in a piecemeal way. It is a priority to roll out BreastCheck in both Cork and Galway. It has been a highly successful programme. We aim to meet the target date of having it in place in 2007.

**Mr. Boyle:** What about the leukaemia unit?

**Ms Harney:** I will come back to the Deputy on that. I am having inquiries made.

*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 Sargent — that the Minister change current Government policy resulting in many special needs education teaching posts being filled by unrecognised and untrained personnel; (2) Deputy Gormley — the need for the Government to implement its commitment in the programme for Government to reduce class sizes; (3) Deputy Pat Breen — that the Minister take steps in line with the Government manifesto to reduce class sizes in primary schools throughout County Clare; (4) Deputy Neville — construction of a new national school at Kilfinane, County Limerick; (5) Deputy Allen — the decision of the Irish Medicines Board to instruct the Mercy University Hospital, Cork, to suspend all clinical trial related activities for the treatment of leukaemia; (6) Deputy Keaveney — to ask the Minister to discuss the possibility of introducing the stingray system into the Republic for the detection of motor tax offences; (7) Deputy Gilmore — the



[An Leas-Cheann Comhairle.]  
 case of a constituent who is suffering from vCJD in a Dublin hospital; (8) Deputy Breeda Moynihan-Cronin — the need for the Minister to address the consequences for cancer patients of the lack of an oncology ward in Cork University Hospital; (9) Deputy Rabbitte — the need for a full investigation into the circumstances of the charging of a person (details supplied) in connection with the murder of two women in Grange-gorman in 1997; (10) Deputy Cowley — to ask the Minister if he agrees that providing a second terminal at Dublin Airport flies in the face of balanced regional development; (11) Deputy Deenihan — the resignation of an oncologist over the lack of cancer services for 900 cancer patients in Cork and Kerry and the need for the Minister to take a more hands-on approach; and (12) Deputy Broughan — the urgent need to order an inquiry into serious complaints made by a citizen (details supplied) on which the Garda Complaints Board and the Garda Commissioner have yet to report.

The matters raised by Deputies Allen, Cowley, Keaveney and Rabbitte have been selected for discussion.

### **Tribunals of Inquiry: Motion (Resumed).**

The following motion was moved by the Minister for Justice, Equality and Law Reform, Deputy McDowell, on Wednesday, 23 March 2005:

That Dáil Éireann:

- noting that following agreement reached between the British and Irish Governments at Weston Park in 2001, retired Canadian Supreme Court Judge Mr. Peter Cory was appointed to undertake a thorough investigation of allegations of collusion between British and Irish security forces and paramilitaries in six incidents;
- noting that the aim of this process was to determine whether there is sufficient evidence of collusion between State security forces and those responsible for the killings in each case to warrant a public inquiry;
- noting that, as part of the Weston Park agreement, the two Governments committed themselves that in the event that a public inquiry is recommended in any case, the relevant Government will implement that recommendation;
- noting that having completed his investigation into the murder of Chief Superintendent Harry Breen and Superintendent Robert Buchanan, both of the Royal Ulster Constabulary RUC, Mr. Peter Cory concluded that evidence was

revealed that, if accepted, could be found to constitute collusion;

- mindful that certain incidents from the past in Northern Ireland giving rise to serious allegations of collusion by security forces in each jurisdiction remain a source of grave public concern;

resolves that it is expedient that a tribunal established under the Tribunals of Inquiry (Evidence) Acts 1921 to 2002 to inquire into the following definite matter of urgent public importance:

- Suggestions that members of the Garda Síochána or other employees of the State colluded in the fatal shootings of RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan on 20 March 1989;

and to report to the Clerk of Dáil Éireann and to make such findings and recommendations as it sees fit in relation to these matters;

and further resolves that:

(I) the tribunal shall report to the Clerk of the Dáil on an interim basis not later than three months from the date of establishment of the tribunal and as soon as may be after the tenth day of any oral hearings of the tribunal on the following matters:

- (a) the number of parties granted representation by the tribunal,
- (b) the progress which will then have been made in the hearings and work of the tribunal,
- (c) the likely duration, so far as might then be capable of being estimated, of the proceedings of the tribunal,
- (d) any other matters that the tribunal considers should be drawn to the attention of the Houses of the Oireachtas at the time of the report, including any matters relating to its terms of reference;

(II) if the tribunal finds that there is insufficient co-operation from a person(s) not compellable to give evidence pursuant to the provisions of the Tribunals of Inquiry (Evidence) Acts 1921 to 2002, to report that fact to the Clerk of the Dáil, including the steps taken by the tribunal to obtain the co-operation of that person(s), for consideration by the Houses of the Oireachtas, in conjunction with the Minister for Justice, Equality and Law Reform, having regard to the public interest; and

(III) the inquiry shall be completed in as economical a manner as possible and at the earliest possible date consistent with a fair examination of the matters referred to it.

**Mr. Rabbitte:** Following a meeting with Mr. Michael Finucane last January, I wrote to Mr. Peter Cory. I set out the purpose of that. I especially want to advert to one paragraph which states: "In the present circumstances, it strikes me that it would be of particular assistance to all concerned if we had the benefit of your own assessment as to whether the Bill published by the British Government satisfies the test set out by you in your report." In the event, although Mr. Cory was initially reluctant to comment until the legislation had been finalised, he made public his position last week.

At this stage, the Bill has passed the House of Lords and is before the House of Commons. Mr. Cory said that any attempt by Britain to limit the scope of the inquiry into the killing of Pat Finucane would make an independent investigation "impossible". He further stated: "I don't know how any self-respecting Canadian judge would be part of it in light of the restrictions on independence it would impose." He confirmed the initial point he made in his report. He stated: "There was only one standard for a public inquiry at the time of the Weston Park accord." That Bill is also opposed by senior members of the British judiciary, including the head of the Bloody Sunday inquiry, Lord Saville, and the Lord Chief Justice, Lord Woolf.

Mr. Mitchell Reiss, the US envoy to Northern Ireland, has expressed concern that the new legislation could potentially reduce the independence and transparency of an investigation into the murder. He stated:

Whatever legislative instrument is used, my concern is that the inquiry has the necessary legal powers to establish the truth of what happened in the Finucane case and that the process has the confidence of the people in Northern Ireland. The chair and other members of the inquiry should be fully satisfied that the terms of reference will provide them with the authority necessary to establish the truth and to examine thoroughly the allegations of collusion highlighted by Judge Cory.

This House must unite in making the same point that has been repeated by the Finucane family, Mr Peter Cory, republican and Nationalist parties in the North, senior British judges, the Bush Administration and other leading Irish American politicians. It is not too late for the British Government to rethink its position on this issue and to live up to the commitments it made at Weston Park.

**Mr. Ferris:** I wish to share time with Deputy Boyle and Deputy Cowley.

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

**Mr. Ferris:** I endorse the request made by Deputy Ó Caoláin that everybody with relevant information ought to make himself or herself

available to this tribunal. The tribunal should be allowed to examine the entire background to the allegations made, particularly in regard to the individual who claims to have persuaded Judge Cory to request that it be established.

Toby Harnden is one of the sources for the claims that there was collusion involving members of the Garda in the killing of Chief Superintendent Breen and Superintendent Buchanan. He has already been castigated by Judge Peter Cory for failing to substantiate that claim. Cory said his interviews with both Harnden and Kevin Myers revealed how little these gentlemen relied on fact and how much on suspicion and hearsay.

Harnden has already been found to have made an unsubstantiated allegation that those killed in Bloody Sunday in Derry had been involved in violence that day. It would appear that Harnden distorted a statement given to him by one of the paratroopers involved in that event. Kevin Myers, who repeated the allegations made by Harnden, has already reacted in his usual manner, by attacking Cory, comparing him to Homer Simpson. There has been speculation that both Myers and Harnden will attempt to avoid giving evidence to the tribunal, further proof of the shallow nature of their claims.

The centre of the allegation is a person named Peter Keely, who uses the name Kevin Fulton. Keely, who claimed to have been a British agent within the IRA, was discredited by Scotland Yard, which claimed his false information cost it £1.5 million in wasted police time. Another source is a person named Martin Ingram, otherwise known as Jack Graham. He claims to have worked for the Force Research Unit and was completely discredited when——

**An Leas-Cheann Comhairle:** The Deputy should refrain from mentioning names.

**Mr. Ferris:** Okay. He was completely discredited when he appeared at the Saville tribunal. It is interesting that both he and the other person mentioned have similar claims and used each other to back up their scurrilous allegations. It would appear that the Garda Síochána has already formed an opinion as regards the reliability of their statements. The Garda also described one of them as an intelligent nuisance and a serial informer who is not to be trusted. Yet they are the people whose claims are to form the basis for the setting up of this tribunal.

We are therefore entitled to ask what really lies behind the tribunal. I do not doubt that Judge Cory was genuine in his belief that the claims made by the aforementioned warranted further investigation, but I contend that he was gravely misled by that individual. A closer examination of his purported evidence would have come to the same conclusion as investigations into other claims concerning Garda collusion in the killing of Justice Gibson. There must surely be a suspicion, therefore, that allegations made are part

[Mr. Ferris.]

of an attempt by British agencies to divert attention from the ongoing investigations of their roles in events in this country.

This also comes at a time when a concerted and possibly successful attempt is being made to ensure that Peter Cory's investigations into those events will be sabotaged in the same manner as previous investigations into the involvement in violence by the British state. It would appear the Taoiseach shares this view as he has come out in support of Peter Cory, who has strongly criticised the Inquiries Bill, which is designed to thwart any meaningful inquiry into the death of Pat Finucane as well as into many other instances where the British state is suspected to have been involved in the killing of those it claims to be its citizens. It is surely convenient at this time, when the spotlight should be on the murky role of British intelligence, that this tribunal has been initiated on the basis of what are generally believed to be baseless allegations made by discredited journalists, who have relied on their own imaginations and the word of discredited informers. If one of the aforementioned informers turns out to be a genuine agent, why did he make the claims, and at whose behest?

Finally, I note the Minister for Justice, Equality and Law Reform, Deputy McDowell, in his remarks did not endorse the Taoiseach's support for Judge Cory's conclusions regarding the efforts to sabotage the Finucane and other inquiries. Neither did he refer to the refusal by the British authorities to co-operate in a meaningful way with the investigation into the Dublin and Monaghan bombings.

**Mr. Boyle:** As my party colleague, Deputy Cuffe, has already stated, the Green Party supports this motion calling for the establishment of a tribunal of inquiry into the deaths of Superintendents Breen and Buchanan and possible Garda collusion. It is somewhat ironic that one of the two murder victims shares the surname of a relatively iconic figure in Irish history who participated in the War of Independence and the Civil War. This is probably one of hundreds of ironies that have bedevilled the history of conflicts on this island in the last century. Of course in moral terms, as much as anything, we have an obligation to investigate crimes of this nature and to ensure the allegations are fully investigated and if proven, acted upon in the most responsible way.

As my colleague also stated, the Green Party has some concerns in terms of the wider aspect of investigating the many instances of outrage that have not been properly investigated in all parts of this island as regards the involvement, in particular, of judicial forces. There are other elements of this conflict which relate to extra-judicial forces that cannot account for themselves in the same way. Those of us who form the apparatus of or man the agencies of the State have a particular democratic responsibility in ensuring

that allegations and practices of this type do not occur. The danger is that there has been a difference in approach as regards many of the necessary investigations and tribunals, depending on the mover of the inquiry. To its credit, the Irish Government has moved more speedily and in a better direction than others involved in satisfying much of the uncertainly surrounding such incidences. Unfortunately that lack of parallel development hinders the full resolution of all these incidences. As a responsible Opposition party, the Green Party intends to play its part in ensuring matters are progressed and in offering the Government any support it can in this regard.

We believe, however, that the wider picture may be better determined if we embrace the South African truth and justice commission model, because of the number of incidences that needs to be properly brought out into the open. There is a need for a proper mechanism which will allow the truth to be told, properly recorded and moved on from. The piecemeal approach is leading us into cul-de-sacs where fingers can be pointed and active and fevered imaginations are given full rein in determining who is working against whom in asking for such tribunals. On all these grounds, while supporting this particular motion for the setting up of a tribunal, we ask the Government to use whatever mechanism it can in the current state of the process between the British Government and other actors, as regards the Northern Ireland peace process, to investigate and promote the model that seems to have worked so well in South Africa. That is probably the best mechanism for overcoming the dozens if not hundreds of incidences that still require proper explanations.

This tribunal of inquiry will only go part of the way towards arriving at some manner of explanation to account for these two needless, yet sadly significant, deaths.

**Dr. Cowley:** It is important to get the truth, where deaths are unaccounted for. People are putting forward the proposition that there has been collusion as regards the deaths of these two RUC officers. Judge Cory was frustrated by the British Government in his attempts to find out what he needed to know in the past. There is a great need to find out whether collusion has taken place.

I have been reading in *Lost Lives* the story of the men, women and children who have died as a result of the Troubles in Northern Ireland. The book describes the killing of Chief Superintendent Breen. As the Minister said, he tried to reverse away, but was unable to do so. The vehicle's back wheel became stuck in a ditch. When security forces went to the scene, they found the car still in reverse gear, with the driver's foot still fully depressed on the accelerator pedal. Chief Superintendent Breen was lying by the roadside. Apparently documents had been taken from the car and the ignition key was in the lock of the

4 o'clock

open boot. The policemen were unarmed, as required by law in the Irish republic. They had been at a meeting in Dundalk that lasted for an hour and the two policemen drove north soon afterwards.

It is important that allegations of collusion are investigated. There is a view, however, that there was also collusion in the Dublin and Monaghan bombings. Mr. Justice Barron suspected as much and Mr. Seán Donlon, the former Secretary General of the Department of Foreign Affairs, appeared convinced that there had been collusion and said so to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights. There is strong evidence of collusion between the British secret service and loyalists in the 1972 bombings, particularly given the background of the debate on the Offences Against the State Act.

The Dublin and Monaghan bombings of May 1974 were the worst single atrocity in the Troubles. Three bombs exploded in Dublin city centre, on Parnell Street, Talbot Street and South Leinster Street, on a busy Friday evening. There was no warning and the explosions killed 26 people, including a pregnant woman. A short time later a bomb exploded in Monaghan town and seven people were killed as a result. There are unanswered questions and a strong suspicion of British army collusion in these attacks. These families, like the families of Chief Superintendent Breen and Superintendent Buchanan, are entitled to the truth.

There have been delays. The British Government said it would treat sympathetically any request put to it by Mr. Justice Barron, but when he requested information on security and other files on the Dublin and Monaghan bombings, he did not get a proper response. The British Government must have files on this. For 12 years the UVF claimed responsibility for the bombs but many relatives believe the UVF was helped by British intelligence services that wanted to warn the Irish Government not to interfere in Northern Ireland. The bombings took place during the Ulster workers' strike and the UVF was blamed for them, but the sophisticated nature of the devices fuelled suspicions that it had British military help.

There are unanswered questions across the board and it is important that the truth comes out. The Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights did victims a service by giving them an opportunity to express their feelings on the situation and recognising the importance of getting to the bottom of the matter. The sub-committee that reported on the findings of the Barron inquiry noted the lack of co-operation Mr. Justice Barron received from the Northern Ireland Office and the British authorities. The Dáil and Seanad committee experienced the same difficulty. Correspondence was sent to current and former office holders in Northern Ireland and Britain and the responses were not adequate. The report clearly states that this caused difficulties and, as a result, it was

unable to say if there had been collusion or who the perpetrators were.

This works both ways. We want the IRA to co-operate in bringing the murderers of Robert McCartney to justice, and rightly so. It is important, therefore, that the British authorities co-operate in bringing forward the truth about the Dublin and Monaghan bombings. It has been noted by the joint committee that the failure to bring forward this information is in breach of the Good Friday Agreement, which states that the participants believe it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. What is sauce for the goose is sauce for the gander. It is impossible to reconcile the stance of the authorities in Northern Ireland and Britain with this element of the agreement, as is stated in the report of the sub-committee into the Barron report.

I brought to the British-Irish Parliamentary Body the question on the need for an inquiry and for an answer from the British authorities. I asked for a public inquiry into the matter and warned that we would, if necessary, take them to the European Court of Human Rights. I was told in a reply:

Prime Minister Blair wrote to the Taoiseach on the Dublin and Monaghan bombings in 1974 and the Dublin bombings of 1972 and 1973 on 10 January 2005. The letter was passed on to the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights. . .

In that letter the British Prime Minister said: "The Government welcomed the establishment of the Barron inquiry and co-operated with it as fully as possible, conducting a thorough search of all government records. . .

The Government notes Mr. Justice Barron's conclusions that, while allegations of collusion between the 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 [British] 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 co-operation with Justice Barron's extended inquiry into the Dublin bombings of 1972 and 1973, it was our [the British Government's] judgment 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 relating to the 1972/73 bombings within the timescale of the inquiry."

This deserves an inquiry and the Irish Government is doing its bit. The British Government

[Dr. Cowley.]  
should also do its bit. I note the response from the Irish Government to my question:

The Government continues to believe that a mechanism should be found that would allow for independent scrutiny and assessment of material and files held by the British authorities. This view was reiterated by the Taoiseach when he met Prime Minister Blair in London on 1 February. The issue was also mentioned by Minister Ahern at his meeting with Secretary of State Murphy on March 2.

Now that the report of the joint committee has been published, it must be considered by Government. In its response to my question, the Government stated:

Recommendations include the proposal that in the event that an inquiry based on the Weston Park proposals failed as a consequence of a lack of co-operation with the Government or the authorities in Great Britain or Northern Ireland, the Irish Government should consider instituting proceedings in the European Court of Human Rights in Strasbourg . . . However, it would be our preference to get an outcome through persuasion and work with the British Government.

We all agree with working with the British Government and that the truth must come out. There is room here for co-operation. Collusion is debatable but so far there is no doubt about non-co-operation.

I have an interest in this because Mr. Thomas Duffy, who was killed by the car bomb that exploded in Sackville Place in Dublin on 1 December 1972, was from Castlebar and was working as a bus conductor in Dublin. He was only 24 years of age. His wife, Mrs. Monica Duffy-Campbell, attended the sub-committee and gave evidence. She was anxious that there be some resolution to this situation because it is difficult to reconcile what has happened with any degree of closure. Time might dull the feeling but it never goes away. There are still unanswered questions and it is vital that we sort out the question of collusion. Mrs. Duffy-Campbell told the joint committee:

I will go on fighting for the next 32 years for some truth. I cannot come to terms with this. I will not find closure and my family will not find closure until somebody stands up and says "OK, we think these people were responsible".

The same was said by the other victims and their relatives. The truth is important and those on both sides of the spectrum deserve no less.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I thank the Deputies who contributed to the debate and supported the Government's motion. Deputy Jim O'Keeffe asked why the Commissions of Investigation Bill was not used on this occasion. Section 8 of that Bill pro-

vides that the proceedings under those inquiries should be held in private as much as possible whereas Judge Cory recommended the opposite, that this inquiry should be held in public as much as possible.

**Mr. J. O'Keeffe:** One is not precluded from holding a commission of inquiry in public.

**Mr. McDowell:** No, but the scheme of the Act is that its proceedings should be held in private as much as possible and, effectively, one must get the permission of the High Court to issue the report. It is not the type of tribunal Judge Cory had in mind. Obviously on grounds of expense it was quite attractive. On the other hand, in the context of the controversy about the inquiries Bill, in which I wholeheartedly support the Taoiseach's position notwithstanding Deputy Ferris's comments, if Ireland is seen to walk away from a public inquiry, it would be regarded as a green light for a different approach to be taken by the United Kingdom and the Government does not accept that.

With regard to expense, remuneration of counsel will be carried out on the basis of the structure for the payment of legal fees agreed by the Government last July, that is, a maximum payment to counsel at the rate of a High Court judge's salary for a year and perhaps less than that. Judge Cory required that the inquiry should be allowed to select its counsel. I am not in a position, therefore, to guarantee that there will be a tendering process. However, there will be strict control and a different approach to finances in the case of this inquiry. That is a firm decision of the Government.

Judge Peter Smithwick has agreed to chair the inquiry and to relinquish his office as President of the District Court and *ex officio* judge of the Circuit Court for that purpose. I am grateful to him for agreeing to do that.

Deputy Ó Caoláin, in an aside that was designed not to attract notice, used the phrase "fellow Unionists" about other Unionist persons immediately following mention of myself. I am an Irish republican and I know what Irish republicanism means. It does not involve in this day and age killing, shooting or bombing anybody, robbing banks, breaking people's legs or extorting money. None of those activities has anything to do with republicanism.

I look forward to the establishment of a united Ireland under a republican constitution as much as any other Member of the House. It is the vocation of Irish republicans to work towards a reconciliation of the green and orange in this country, as our national flag suggests. The Provisional IRA and Sinn Féin have consistently betrayed the republican cause and continue to do so. They have constantly sought to polarise Northern politics, to drive the centre into extinction and to confront, in a face-to-face challenge, the more rejectionist Unionists. That suits their game plan.

Looking at *Magill* magazine the other day, I noticed a photograph of the widow of a German industrialist, Thomas Niedermeyer. She was pictured following her husband's coffin in 1990. His body had been recovered after he was kidnapped, held for ransom and executed by the IRA. He was no more than an industrialist trying to bring prosperity to the people of Northern Ireland. The picture of his wife attending his funeral was accompanied by a laconic note beneath to the effect that, subsequent to the funeral, she returned to Northern Ireland and committed suicide there.

I mention this because it reminded me of the Provisional IRA strategy at the time of trying to wreck the economy of the North and the South. People have forgotten but it might be time to remind them that Galen Weston was the subject of an attempted kidnap by people who have subsequently sought election in this State. Tiede Herrera was the subject of another kidnapping attempt to raise funds for the IRA. Don Tidey was also the subject of a kidnap. These efforts were for the purpose of raising money by kidnapping, demands and extortion for the cause. They were fund-raising efforts of the type we have seen in recent times. The kidnappings were directed by a small Marxist group at the heart of the IRA, some of whose members are now in its leadership, towards destruction of our economic well-being.

We are now told, as a matter of history, that the killing of Chief Superintendent Breen and Superintendent Buchanan was a killing of combatants. It was no such thing. The two men were unarmed and were known to be unarmed. The IRA, as Deputy Jim O'Keefe said, lied immediately afterwards and claimed it had been ambushed and frightened by the two men and had resisted. The truth is that the two men were slaughtered in a premeditated act of butchery. Even when they attempted to surrender they were finished off on the road in a most grotesque manner.

Sometimes the truth about this matter appears to be lost. The Irish people should remember that the robbery of the Northern Bank was part of a piece, as robberies in this city were, in that the IRA has continuously asserted the right to break the criminal law of this State to raise money to further its political project. Those who think that these events are part of a glorious armed struggle to free this island should remember that the real republicans in this House, among whom I count myself, are the people who have built the economic well-being of this State, have sought reconciliation with the Orange tradition in Northern Ireland and fight to implement the Good Friday Agreement in a way that will bring Irish people so close together that political unity will result.

**Mr. J. O'Keefe:** The Minister has not lost his Fine Gael roots.

**Mr. McDowell:** Those who doubt that should look at today's newspapers and see how polarised opinion is. Sometimes we are asked to believe that a sectarian head count in Northern Ireland will decide its political future. It is interesting to note that whereas the provisional movement has alienated and polarised Protestants in Northern Ireland, one third of Catholics are not with the movement on the project for a united Ireland. That is a poor return for a 30-year war of liberation. However, it is an apt reflection of what happens after 30 years of terrorism, thuggery, cowardice and savagery which we hope has now come to an end.

Question put and agreed to.

### Irish Language: Statements.

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tá áthas orm páirt a ghlacadh sa díospóireacht seo agus ba mhaith liom an deis seo a thapú chun achoimre a thabhairt don Teach ar an obair atá ar siúl ag an Rialtas ar son na Gaeilge, na nithe atá bainte amach againn go dtí seo agus na spriocanna a bhfuil mé fhéin ag iarraidh díriú isteach orthu sna blianta amach romhainn.

Agus muid ag caint ar na nithe atá bainte amach againn chun leas na Gaeilge, is dócha go gcaithfear tosnú leis an Acht na dTeangacha Oifigiúla. Cé go bhfuil cáineadh déanta ar an Acht ag roinnt iriseoirí agus polaiteoirí ón lucht Freasúra, is léir nach bhfuileadar ag éisteacht le lucht labhartha na Gaeilge, a déarfadh leo gurb é an tAcht seo an rud is tabhachtaí a tharla ó thaobh chur chun cinn agus chaomhnú na Gaeilge le fada an lá. Is aisteach an rúd é go raibh an bhéim ar fad ag na polaiteoirí uilig ar na heasnamh san Acht agus é ag dul tríd an Dáil agus an Seanad. Bhí daoine á rá ag an am nach ndeachaigh se sách fada. Ar ndóigh, nuair a thosaigh na gearáin, thosaigh daoine a rá go ndeachaigh sé ró-fhada agus go raibh an-iomarca ann. Ach is dócha gur sin an saol, agus sin an chaoi a mbíonn rudaí. Is drochrud é go mbíonn an cáineadh ann. Muna mbeadh cáineadh ann, shílfeá nach raibh tionchar ar bith ag an Acht. Sílim go bhfuil sé tábhachtach achoimre a thabhairt ar an méid atá déanta go dtí seo faoin Acht.

Mar is eol don Teach, achtaíodh Acht na dTeangacha Oifigiúla ar 14 Iúil 2003. I mí Feabhra 2004, ceapadh Seán Ó Cuirreáin mar Choimisinéir Teanga. Cuireadh acmhainní ar fáil don Roinn agus d'Oifig an Choimisinéara. Le gairid, foilsíodh chéad tuarascáil bhliantúil an Choimisinéara le Seán Ó Cuirreáin. Tá plean gnímh na Roinne maidir le cur i bhfeidhm an Achta réitithe agus á chur i bhfeidhm. Tá scéim na Roinne foilsithe agus á feidhmiú. Tá treoirilinte chun cuidiú le comhlachtaí poiblí scéimeanna a ullmhú á bhfoilsíú ó Mheán Fómhair 2004. D'iarr mé ar an gcéad 25 comhlacht — comhlachtaí tábhachtacha poiblí —

[Éamon Ó Cuív.]

scéimeanna a ullmhú i gcomhréir leis na treoirilinte i Meán Fómhair 2004, agus tá súil agam go mbeidh na scéimeanna sin curtha faoi bhráid na Roinne faoi dheireadh na míosa seo; ba é sprioc sé mhí a bhí i gceist. Tá naoi n-ordú logainmneacha déanta, ag cur san áireamh logainmneacha i gceantair Ghaeltachta, a thiocfaidh i bhfeidhm ar 28 Márta 2005.

Chomh maith leis an Acht teanga, i 2000 tugadh aitheantas don Ghaeilge den chéad uair i gcúrsaí planála fisiciúil, agus tugadh aitheantas faoi leith don Ghaeilge san Acht Oideachais. Bunaíodh an grúpa Gaelscolaíochta agus scoileanna Gaeilge. Freisin, i gComhaontú Aoine an Chéasta, tá áit faoi leith i saol an oileáin ag an Ghaeilge.

Tabharfaidh me cur síos ar ball ar na nithe — agus tá siad líonmhar — atá bainte amach againn go dtí seo, ach ba mhaith liom ar dtús na ceithre rud atá tabhachtach ó thaobh na Gaeltachta de a lua. Beidh siad mar phríomhthosaíochtaí do 2005-06, agus aontaíodh iad ag cruinniú de choiste comhairleach na Gaeltachta an Luain seo caite. Is dóigh liom go bhfuil an obair déanta ag coiste comhairleach na Gaeltachta. Nuair a bhreathnaíonn muid ar thuarascáil an Choimisiúin, feiceann muid go bhfuil go leor de na moltaí á gcur i bhfeidhm nó curtha i bhfeidhm.

Ba é an chéad tosaíocht a aontaíodh ná cúrsaí oideachais sa nGaeltacht. Aontaíodh go gcaithfear dul i gcomhairle leis an Roinn Oideachais agus Eolaíochta maidir le céimeanna a ghlacadh mar thosaíochtaí chun torthaí níos fearr don Ghaeilge a fháil ón gcóras oideachais scoile. Tá sé luaite agam go minic cheana féin an ról lárnach atá ag an gcóras oideachais sa nGaeltacht ó thaobh fhorbairt na Gaeilge de. D'ardaigh an Coimisinéir Teanga, Seán Ó Cuirreáin, an cheist seo, ní amháin i gcomhthéacs na Gaeltachta ach i gcomhthéacs náisiúnta. I measc na bhfadhbanna a luaitear tá an curaclam, caighdeán Gaeilge na múinteoirí a thagann amach as na coláistí oiliúna, an t-idirdhealú idir Gaeilge sna scoileanna Gaeltachta agus áiteanna eile, agus téacsleabhair.

Aon uair dá luaitear fadhb sa tír seo, ceanglaítear milleán leis an gceist sin. Ba mhaith linn lua cé ar a bhfuil an milleán faoi rud a bheith mar seo nó mar sin. Go minic, bíonn sé sin mar bhac ar réiteach fadhbanna. B'fhearr liom fadhbanna a aithint agus rud a dhéanamh fúthu. Nárbh fhearr é sin a dhéanamh ná fáil amach cé a bhí freagrach as cibé rud nár tharla san am atá caite? Caithfidh bheith cinnte amach anseo go bhfuil scoileanna Gaeilge ag muintir na Gaeltachta, go bhfuil na háiseanna teagaisc ar fáil dóibh, agus go mbeidh ar a gcumas seirbhís Ghaeilge den scoth a chur ar fáil. Tagann sé seo muid go dtí tosaíocht eile atá thar a bheith tábhachtach. Ní féidir ualach na Gaeilge sa nGaeltacht a fhágáil ar na scoileanna agus na múinteoirí. Rinneadh é sin le ró-fhada, agus b'fhéidir go mbrisfeadh ar fhoighid na múinteoirí dá gceapfaidís gurbh é orthu siúd a thitfeadh an

dualgas ar fad. Mar is eol do na Teachtaí anseo, táim ag cur béime le fada ar an tábhacht a bhaineann le Gaeilge ón gliabhán agus an Ghaeilge a shealbhú nuair a bhíonn na gasúir an-óg. Is dá bharr sin an dara tosaíocht atá ann, ná naíolanna agus crèches, chomh maith le naíoscolaíocht Gaeilge, a chur chun cinn do thuismitheoirí a bhíonn ag labhairt Gaeilge sa mbaile, más rud é go gcaitheann an gasúr sé, seacht nó ocht n-uair i gcrèche ina labhraítear Béarla amháin.

Ar an dtaobh eile den scéal, cad iad na féidearthachtaí atá ann do thuismitheoirí nach bhfuil Gaeilge acu féin ach atá báúil don Ghaeilge, mas rud é go go bhfuil an gasúr ag freastal ar naíolann lán-Ghaeilge? Tá sé aontaithe idir mo Roinn agus Údarás na Gaeltachta go gcuirfidh grúpa oibre beag le chéile le ceisteanna naíolanna Gaeltachta agus Gaeilge a chur chun cinn. Sílim gur rud an-tábhachtach é sin.

Maidir le gníomhaíochtaí eile a bhaineann leis an oige, tá an t-airgead ar fáil don naíoscolaíocht dúbailte. Tá scéim nua gcampaí samhraidh curtha ar bun. D'éirigh thar cinn ar fad leis anuraidh, agus beidh sé ar bun arís i mbliana. Tá tús curtha le scéim píolótach cuairteoirí baile. Is é an smaoineamh atá ann seo ná tacaíocht a thabhairt do thuismitheoirí atá ag tógáil a gclann le Gaeilge. Tá struchtúr nua cúram leanaí bunaithe, mar a dúirt mé. Tá forbairtí idir lámha i láthair na huair maidir le scéim labhairt na Gaeilge, agus tá suil agam go mbeidh éifeacht ag an scéim nua a bheas á fógairt i bhfad níos luaithe i saol an pháiste. Tá struchtúr oige Gaeltachta beartaithe ag Údarás na Gaeltachta, agus tá sé ag dul chun cinn leis sin.

Tá an-obair á déanadh ag na cúntóirí teanga. Bhí sé sin ar bun ar bhonn píolótach ar fad i gCorca Dhuibhne sular ceapadh mar Aire mé, ach tá an scéim sin leathnaithe amach agam mar scéim náisiúnta. Mar a deir siad i mBéarla, tá “mainstreaming” déanta uirthi. Is dóigh liom go bhfuil obair iontach mór déanta leis na coláistí Gaeilge ó thaobh an chaighdeáin de agus an fhaoiseamh cánach a frítheadh anuraidh.

Chomh maith leis sin, cuireadh ardú mór ar an deontas. Tá ceangal anois idir an íocaíocht ón Stát agus an íocaíocht ó na coláistí. Beidh ar na coláistí €1.20 a íoc do chuile euro a íocann an Stát. Beidh an Roinn ag íoc €9 in aghaidh an lae i mbliana, agus dá bharr sin, beidh na coláistí Gaeilge ag íoc íosmhéid de €10.80. Déanann sé sin beagnach scór euro — beidh sé 20 cent gearr de. I go leor casanna, tá an t-airgead os cionn dúbailte le roinnt bheag blianta anuas.

Bunaíodh Acadamh na hOllscoile agus, ar ndóigh, tá Ollscoil na hÉireann, Gaillimh, ag feidhmiú i nGaoth Dóbhair anois chomh maith leis an Cheathrú Rua agus Carna i gConamara. Luaigh mé an Chomhairle um Oideachas Gaelscolaíochta agus Scoileanna Gaeltachta cheana féin. An triú sprioc ná go leanfaimid orainn ag obair ar bhair ar nós an Feachtas Feasachta Teanga, seirbhís raidió don aos óg, cur

i bhfeidhm an Acht Teanga agus eile. Tá an sprioc seo dírithe arís ar an aos óig sa mhéid is go bhfuil muid ag brú ar aghaidh leis an obair thábhachtach a mbeidh tionchar dhíreach aige ar dhaoine óga ar nós an seirbhís raidió don aos óig. Foilseoidh suirbhé raidió le gairid agus tá go leor eolas ansin nach mbaineann go díreach le cúrsaí raidió ach atá thar a bheith úsáideach. Taispeánann sé bá an phobail don Ghaeilge i gcoitinne. Tréaslaím saothar le BCI, a rinne coimisiúnú ar sin, agus a bhí comhshaoinithe ag Foras na Gaeilge agus agam féin. Bhí áthas orm a chloisteáil go bhfuil cinneadh déanta ag Raidió na Gaeltachta seirbhís faoi leith don óige a chur ar bun, le líricí Béarla, idir 9 p.m. agus 1 a.m. Is céim sa treo ceart é seo agus tréaslaím an nualacht le Raidió na Gaeltachta agus RTÉ.

Ní dhéanfaidh seo dóchar ar bith do Raidió na Gaeltachta mar tá margaidh éagsúla ann anois ach an oiread le pobal ar bith eile agus caithfidh freastal ar na margaidh sin. Ní mar an gcéanna an rud a bheinn ag éirí a éisteacht leis agus a bheadh lucht an lae inniu ag éisteacht leis, go speisialta i gcúrsaí ceoil.

Baineann an ceathrú sprioc le planáil sa Ghaeltacht. Ceist achranach í ach ní féidir seasamh siar ag ligint orainn féin nach bhfuil sí ann. Ba mhaith liom na himreoirí a thabhairt le chéile go dtiocfaimis ar thuairim coitianta. Tá mo Roinn fein agus an Roinn Comhshaoil, Oidhreacht agus Rialtais Aitiúil ag obair ar an gceist seo agus tá grúpa oibre, NASC, bunaithe ar a bhfuil Údarás na Gaeltachta, na comhairlí condae Gaeltachta agus Coláiste na hOllscoile i nGaillimh páirteach ann. Tá dréacht-threoirlínte planála réitithe ag NASC do na Gaeltachtaí ar fad. Tá sin feicthe agam — tá iarracht maith déanta ach tá roinnt mhaith le plé. Tuigim ón údarás go mbeidh sé ag reachtáil seimináir faoi chúram NASC chun iad seo a phlé. Beidh mé féin agus mo Roinn ag glacadh páirt dearfach san obair seo le go dtiocfaimis ar threoirlínte ag a mbeidh ceannach isteach ag feidhmeannaigh na gcomhairlí condae agus, níos tábhachtaí, ag na comhairlí tofa ag pobal na Gaeltachta.

Labhair mé faoin mBille teanga agus faoi Choimisiún na Gaeltachta. Is cinnte go bhfuil muid ag leanúint ag cur moltaí an choimisiúin i bhfeidhm. Ceann de na moltaí i dtuarascáil Choimisiúin na Gaeltachta ná stádas oifigiúil don Ghaeilge san Eorap a lorg. An t-am seo anuraidh, ní raibh mórán dóchas ag daoine go ndéanadh mórán dul chun cinn leis an gceist seo. Ghlac an Rialtas cinneadh luath i mí Iúil seo caite go lorgófaí stádas oifigiúil oibre don Gaeilge. Tá na comhráití fós ar bun ach is féidir a rá go bhfuil obair iontach déanta ó shin leis an chás seo a chur chun cinn. Tá sé tábhachtach go leanfar leis an obair le go mbainfear an sprioc sin amach. Tá sé freisin tábhachtach a thuiscint má bhainfear amach é nach féidir linn a bheith ag breathnú ar an Eorap ag tabhairt stádas oifigiúil oibre don Ghaeilge mura a bhfuil sinn sásta an oiread céanna agus níos mó a dhéanamh sa bhaile.

Moltar i dtuarascáil an choimisiúin polasaí Stáit a bheachtú le hathréimniú na Gaeilge mar theanga náisiúnta a dhearbhu. D'fhógair mé ar 1 Márta anuraidh go mbunófaí Fóram na Gaeilge chun aghaidh a thabhairt ar na saincheisteanna éagsúla: inmoltacht plean straitéiseach soiléir sa Stát don Ghaeilge le spriocanna realaíocha ann, go mbeadh na tósáíochtaí straitéise gearrthéarmacha soiléir, go mbeadh na tosáíochtaí maidir le cur i bhfeidhm Acht na dTeangacha Oifigiúla soiléir, go mbeadh na bealaí is fearr agus is praiticiúla ann chun dul chun cinn a bhaint amach.

Bhí roinnt chruinnithe againn den fhóram agus tá cruinniú eile le bheith ann ar an chéad mhí eile agus tá obair ar bun. De bharr an méid rudaí eile atá ar bun sa Roinn, tá an obair ag dul ar aghaidh. B'fhéidir nach bhfuil sé ag tarlú chomh scioptha agus ar mhaith liom, ach an fhadhb atá ann ná acmhainn foirne agus ama. Is soiléir ón méid atá ráite go dtí seo agus an méid atá ar bun go bhfuil muid ag éirí go leor leor a bhrú ar aghaidh ag an am céanna.

Rud eile atá déanta ná tionscnamh maidir le planáil teanga gur fiú €1.56 milliún. Tá seo bunaithe ar an nGaeltacht agus planáil teanga pobail atá i gceist. Tá sé le cur i bhfeidhm i gcomhar le hÚdarás na Gaeltachta, a chaith suas atá €110,000 in aghaidh na bliana ag tabhairt airgid do ghrúpaí pobail éagsúla go reiteoidís agus go bhfeidhmeoidís pleananna ceart pobal teanga.

D'fhógair mé i mí Aibreáin 2003 go mbeidh 20% de bhuiséad caipitil Údarás na Gaeltachta a infheistiú i dtionscail ina bhfuil se soiléir go bhfuil úsáid agus leathadh na Gaeilge mar phríomhmheán cumarsáide sa Ghaeltacht lárnach. Seoladh scéim fiontraíocht Ghaeilge sa Ghaeltacht i mí Meithimh 2003.

I láthair na huaire, tá mé ag déanamh athbhreithniú cuimsitheach ar chumhachtaí agus fheidhmeanna Údarás na Gaeltachta. Mar thoradh ar an athbhreithniú seo, d'iarr an Roinn aighneachtaí an phobail agus tá suas le 70 aighneacht faighte. Scrúdófar go mionn iad sa Roinn ach ní fheicfidh mise iad go dtí tar éis an toghcháin. Tá sé tábhachtach go mbreathnóimid ar an údarás i gcomhthéacs na riachtanas atá ann i láthair na huaire.

Tá staidéar teangeolaíochta tosaithe sa nGaeltacht agus tá gá go mbeidh critéir soiléir ann cad é Gaeltacht agus go bhféadfaidh an rogha le pobal na Gaeltachta féin an dteastaíonn uatha bheith taobh istigh nó amuigh. Níl mórán glacadh agam leis, is cuma cad a deir polaiteoirí. Gaeltacht ina bhfuil daoine míshásta go mbeidh na hainmneacha i nGaeilge nó rianaibh éigin den nGaeilge ann, agus ag an am céanna nach bhfuil ag éirí stádas Gaeltachta a chailleadh, níl aon chiall lena leithéid a bheith mar Ghaeltacht agus caithfidh critéir a leagan síos a rá má thaistíonn stádas Gaeilge ó cheantar, caithfidh sé cloígh leis na critéir sin.

Ba mhaith liom díriú sa bhliain atá romhainn ná ceist foilsitheoireachta sa Ghaeilge. Níl aon



[Éamon Ó Cuív.]

amhras ach go bhfuil líon agus caighdeán na leabhar atá á bhfoilsú ag feabhsú le blianta. Níl nós leitheoireachta na Gaeilge, áfach, chomh tréan agus ar mhaith liom. Tá bord nua Bord na Leabhar Gaeilge ceaptha agam agus tréasláim saothar an seanbhoird. Tá dream nua ann anois i mbun a chúram. Chas mé leis agus rinne mé soiléir gur theastaigh uaim ná go n-éireodh sé gnáthleitheoireacht a chur ar fáil a bheadh tarraingteach don phobal agus go ndéanfaimis iarracht mhór margáíocht a dhéanamh ar leitheoireacht na Gaeilge. Ba bhreá an rud é dá dtiocfadh duine ag an aerfort ar chúpla leabhar eadroma Gaeilge ar nós leabhair Béarla, nach rud don chúlsheomra de na siopaí speisialtóireachta iad agus go bhfeicfí leabhair as Gaeilge agus speis sa phobal iontu.

Tá Foras na Gaeilge ag treabhadh leis. Tá a lán cúisigh áirithe ann de bharr na teipe ar an bhFeidhmeannas ó Thuaidh ach taobh istigh dena cúinsí atá ann, tá obair mhór ar bun ag an bhforas. Tá pianta fáis ann ar ndóigh ach feicfear go bhfuil cur chuige maith ag an bhforas agus ma bheimid beagáinín foighideach, feicimid go dtiocfar ar reiteach ar na fadhbanna atá ann le cúpla mí anuas. Tá a fhios agam go bhfuil caidreamh nua-bhunaithe idir an foras agus na heagraíochtaí Gaeilge, agus is tuar dóchais don am atá le teacht é sin.

An rud deiridh ar mhaith liom a lua ná ceist na Gaeilge sa Teach seo. Luaigh an Coimisinéir nach mbíonn ach 1% den díospóireacht sa Teach seo as Gaeilge, agus glacaim leis gur fadhb é sin. Má tá muid macánta faoin cheist seo, tá cúiseanna ann gur mar sin atá sé. Tá sé scannalach agus is ceann de na fáthanna é nach bhfuil daoine sásta Gaeilge a úsáid sa Teach seo ná go bhfuil a fhios acu nach ndéanfar tuairisciú ar rud ar bith a deirtear i nGaeilge sa Teach seo sna mórmheáin Bhéarla, fiú má bhíonn aistriúchán ar fáil.

Nuair a bhí an tAcht Teangacha Oifigiúla ag dul tríd an Dáil, ó A go Z, ní raibh focal ariamh ar “Today in the Oireachtas” faoi. Choinnigh me súil air, agus fiú go rabhamar anseo gan mórán eile ar bun i dTithí an Oireachtais sna laethanta céanna, níorbh fhiú do na heagarthóirí a bhaineann leis an gclár sin oiread agus focal amháin den díospóireacht bhríomhar a bhí ar an Acht a chraoladh. Má chuirtear ceist cén fáth nach n-úsáideann daoine Gaeilge sa Teach seo, cuirimse síos gur sin é. Ní maith le polaiteoirí seasamh suas muna bhfuil éinne ag éisteach leo. Níl mé á rá nach bhfuil sí tábhachtach, nó an comhghleacaí ar mo chúl, ach táimid ag iarraidh labhairt leis an bpobal. Táimid ag brath ar lucht na nuachta cothrom na féinne a thabhairt dóibh siúd a labhraíonn an Ghaeilge chomh maith le dóibh siúd a labhraíonn an Béarla, agus tá córas aistriúcháin ar fáil.

Mhol mé cheana féin agus molaim arís go smaoinodh TG4 ar chlár Gaeilge leath-uair a dhéanamh a chraolfaí uair sa tseachtain. Thabharfaí tús áite d’óráidí i nGaeilge, ach d’fhéadfaí é a líonadh isteach le hóráidí as Béarla.

Thabharfaí blas den méid a bhí le rá. Táimse cinnte dá mbeadh a leithéid de chlár ann uair sa tseachtain ar an teilifís, agus dá mba rud é go raibh óráidí i nGaeilge ag fáil tús áite ar óráidí i mBéarla ar a leithéid de chlár mar a fhaigheann na hóráidí i mBéarla tús áite ar na hóráidí i nGaeilge i láthair na huaire ar “Today in the Oireachtas”, thiocfadh méadú as cuimse ar úsáid na Gaeilge sa Teach seo. Tar éis na Féile Pádraig, molaim é sin mar ghníomh don bhliain seo. Ní hé an chéad uair dá bhfuilim á mholadh sin, ach dá ndéanfaí an rud beag sin amháin, thiocfadh muid ar ais anseo ar a laghad ag caint 5% nó 10% as Gaeilge i dTithí an Oireachtais, agus b’fhéidir, ní ba mhó. Nach iontach an dul chun cinn dúinne sa Teach dá mbeadh a leithéid d’fheabhas ann in imeacht bliana?

Gabhaim buíochas leis an Cheann Comhairle as ucht an deis cainte agus tá súil agam go mbeimid in ann tuairisciú ag an am seo arís go bhfuil an oiread céanna dul chun cinn déanta agus a rinneadh le cúpla bliain anuas.

**Mr. McGinley:** Tá lúcháir orm an deis seo a bheith agam cúpla focal a rá maidir leis an mhéid a bhí le rá ag an Aire agus mo thuairimí féin. Is dócha gur ócáid bhliantúil é seo anois nuair a thagann an tAire agus Teachtaí cosúil liom féin isteach anseo sa Dáil agus go mbíonn deis againn dearcadh siar ar cad a tharla maidir le ceist na Gaeilge agus na Gaeltachtaí le bliain anuas, agus ag breathnú ar aghaidh amach romhainn sa bhliain atá le teacht. Is rud maith é.

B’fhéidir, ar an lámh eile, go léiríonn sé an pointe a bhí á dhéanamh ag an Aire nach labhraítear an Ghaeilge sa Dáil nó san Oireachtas ach 1% den am. B’shin an pointe a rinne an Coimisinéir Teanga ina thuairisc — an chéad cheann dár cuireadh ar fáil — an tseachtain seo caite. B’fhéidir go mbeadh úsáid na Gaeilge ní ba leithne, nuair a bhíonn muid ag plé le Roinn an Aire nó ar lá mar seo, dá bhféadfaí í a úsáid ar ócáidí eile.

Chuir sé gliondar orm cúpla seachtain ó shin nuair a bhí mé anseo sa Chathaoir ar feadh tamaill. Thug an tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, an Teachta McDowell, Bille isteach agus thug sé a óráid uilig ar an Dara Céim ó thús go deireadh as Gaeilge. Níl a fhios agam ar tugadh aon fhógraíocht dó sin ar an teilifís nó sna meáin chumarsáide eile, ach ar a laghad, tháinig an tAire isteach agus rinne sé óráid fhíorthábhachtach agus shuimiúil sa Ghaeilge. Ba chóir do níos mó Airí an rud céanna a dhéanamh. Tá fhios agam go raibh na daoine ar an taobh seo a raibh orthu freagraí a thabhairt ar an Aire an lá sin ag cuartú treorach agus comhairle maidir leis an Ghaeilge. Tá a fhios agam go ndéanann an tAire é féin a dhícheall i gcónaí. Tá a fhios agam go bhfuil cumas ag go leor de na hAirí eile an Ghaeilge a labhairt agus dá dtabharfadh siad sampla dúinn tríd an teanga a úsáid sa Teach chomh maith le daoine cosúil liom féin, bheadh treoir ansin agus caighdeán leagtha síos.

Is dócha an lá inniu, agus lá na Gaeilge sa Dáil, gur chóir tagairt a dhéanamh do Bhall den Oireachtas atá imithe uainn agus a cuireadh i nDáilcheantar an Aire féin inniu, is é sin, an t-Iar-Sheanadóir agus Ball den Oireachtas, Pól Ó Foighil. Níor rugadh nó tógadh sa Ghaeltacht é, cosúil leis an Aire, ach chuaigh sé siar 40 bliain ó shin agus d'éirigh sé níos Gaelaí ná muintir na Gaeltachta iad féin. Níl sé ach ceart go bhfuileamar in ann cuimhneamh air inniu agus an obair iontach a rinne sé i measc na bpobal thiar ansin ó Bhearna amach go dtí na hoileáin. Tá a fhios agam le cúpla lá gur chuir an pobal thiar ansin an meas a bhí acu ar Phól Ó Foighil in iúl. Bheimis féin thíos ansin inniu ach amháin gur thit an díospóireacht seo ar lá a shochraide.

Nuair a bhí Pól Ó Foighil sa Teach eile, thug sé sampla chomh fada agus a bhain sé leis an Ghaeilge san Oireachtas. Sílim gur dhiúltaigh sé focal Béarla a labhairt ansin agus go ndearna sé a chuid cainteanna agus óráidí go léir i nGaeilge. Chuir sé brú ar na húdaráis i bhfeighil an Tí — agus d'éirigh leis — an córas aistriúchán comhuaineach atá sa Dáil leis na blianta a thabhairt isteach sa Teach eile chomh maith. Ar a laghad, beidh sé sin mar leac cuimhneacháin air anseo san Oireachtas — go ndéana Dia trócaire ar a anam — agus ba mhaith liom mo chomhbhrón a chur in iúl dá bhean chéile, Chrissie, agus dá theaghlach uilig. Is boichte muid dá imeacht.

Rinne an tAire tagairt eile. Agus mé ag éisteacht leis, shíl mé go raibh comharthaí dóchais agus éadóchais ann chomh fada agus a bhaineann sé le staid na Gaeilge i láthair na huair. Ina óráid, thagair an tAire do na rudaí atá déanta le cúpla bliain anuas, mar shampla, an tAcht teanga. Is cinnte gur chéim mhór ar aghaidh é sin, agus thugamar go léir tacaíocht don Bhille sin nuair a bhí sé ag dul tríd an Dáil. Tá an tAcht ar na leabhair anois mar dhlí na tíre, agus is dócha gurb é an dualgas agus an fhreagracht atá orainn ag an bpointe seo ná déanamh cinnte de go gcuirfear na moltaí agus na coinníolacha san Acht sin i bhfeidhm. Tá sé iontach tábhachtach. Is rud amháin é an tAcht a bheith againn ach is rud eile é an tAcht sin a chur i bhfeidhm. Tá an cúram sin ar an Aire agus a Roinn.

Tá comharthaí le feiceáil cheana féin. Nuair a chuirtear tuairiscí amach ó na Ranna agus na comhlachtaí Stáit, bíonn siad dátheangach, agus is céim mhór ar aghaidh é sin. Tá an chomharthaíocht á feabhsú ar fud na tíre agus ar fud na Gaeltachta, agus níl sé ach cúpla seachtain ó bhí an tAire thuas linn féin. Tá siad ag cur na leaganacha cruinn ceart i bhfeidhm. Sin iad na leaganacha oifigiúla a bheas le feiceáil againn sa seo amach.

Is dul chun cinn é Acht na dTeangacha Oifigiúla. Bhí an feachtas ag dul ar aghaidh le bliain nó dhó stádas oifigiúil a bhaint amach don teanga san Eorap. Tá lúcháir orm sa deireadh thiar thall go bhfuil an Rialtas ag glacadh cúram an fheachtais sin air agus ag dul ar aghaidh ag leibhéal na hEorpa. Má éiríonn an stádas a bhaint

amach don teanga, is rud ceart é agus níl sé minadúrtha go bhfuil sin le fáil don chéad teanga oifigiúil atá againn. Mar a dúirt an tAire, áfach, is cuma caidé an stádas a bhainfeas amach don teanga san Eorap nó in áit ar bith eile, tá sé ag brath orainn féin sa bhaile caidé tá i ndán don Ghaeilge. Tá sé ag brath ar mhuintir na hÉireann, ag brath orainne istigh anseo sampla a thabhairt agus ag brath ar an aos óg atá ag teacht chun cinn.

Dúirt mé roimhe agus déarfadh mé arís é gur comhartha dóchais mór iad na Gaelscoltacha ar fud na tíre. Tá fás agus forbairt ag teacht orthu bliain i ndiaidh bliana. Is dócha gurb í an fhadhb is mó atá ag tuismitheoirí agus muintir na tíre anois ná áit a fháil dá gcuid páistí sna scoltacha sin. Tá go leor Baill den Oireachtas go bhfuil a gclann ag freastal ag coláistí mar sin. Nuair a rachaidh siad fríd an chóras bhunscolaíochta, is cinnte go mbeidh an Ghaeilge foghlamtha acu i ngannfhios acu agus go mbeidh sí ar a dtoil acu ar fud a saol.

Tá deacrachtaí ann, áfach, sa Ghaeltacht fiú. Nuair a bhí mé i mbunscoil ansin, ba é an gnáththeanga ag na daltaí uilig, istigh agus amuigh, an Ghaeilge. Má tá duine as an cheantar Gaeltachta anois, go minic bíonn an Béarla le cloisteáil i gcelos na scoile. Níl locht ar na múinteoirí nó ar na daltaí, tá an locht ar an chóras. Tá na meáin agus an teilifís ag teacht isteach agus go bhfuil brú an Bhéarla ag teacht isteach. Na pleananna atá ag an Aire le tabhairt faoi seo agus béim a chur ar na daoine óga agus an teanga, sin an dóigh len é a dhéanamh. Bíim ag caint go rialta le múinteoirí na Gaeltachta agus tá deacrachtaí acu go fóill. Thagair an tAire go bhfuil deacrachtaí maidir le foilseoireacht. Tá deacrachtaí le téacsleabhair — níl ach téacs amháin le hábhair a dhéanamh trí Ghaeilge ach tá réimse de théacsleabhair sa Bhéarla. Níl sé inghlactha ag an am seo go mbeadh ar mhúinteoirí suigh síos roimh an scoil agus aistriúcháin a dhéanamh do na daltaí. Ní obair an mhúinteora í sin, tá an dualgas sin ar an Roinn nó ar an Ghúm nó foilsitheoirí éigin. Ba cheart go mbeadh téacsleabhair den chaighdeán agus éagsúlacht céanna le fáil sa chóras oideachas Gaelach agus atá ar fáil sa chóras trí Bhéarla.

Cúpla bliain ó shin, bhí sin ar intinn ag an Roinn Oideachais agus Eolaíochta féin acadamh a oscailt i ndáilcheantar an Theachta Uí Mhuineacháin i mBaile Bhuirne agus go mbeadh cúram air foilsitheoireacht agus dlúthdhiosca agus ábhair a chur ar fáil a chuideodh go mór le hoideachas trí Ghaeilge. Níl a fhios agam caidé atá ag dul ar aghaidh nó an bhfuil sé ar intinn ag an Rialtas dhul ar aghaidh leis. Déanaim tagairt ar sin mar gur chaith mé féin tréimhse ansin mar mhac léinn agus tá foirgneamh breá ann i gceantar Gaeltachta stairiúil agus tá an Ghaeilge bríomhar beo ansin. Thabharfadh sé tacaíocht agus seasamh don teanga dá mbeadh an t-institiúid ag feidhmiú ansin mar a bhí beartaithe cúpla bliain ó shin.

Is rud nadúrtha é go mbeadh sé i gceantar Gaeltachta. I gceantar s'againne cúpla seachtain

[Mr. McGinley.]

ó shin, bhí an tAire thuas agus anois tá siad ag obair ar An Charraig ar an tionscnamh Gaeilge seo. Beidh seacht bpost ansin in áras nua agus beidh daoine ag obair tré mheán na Gaeilge ar rudaí a bhaineann leis an teanga. Nuair a fheicfidh daoine eile go bhfuil fostaíocht mar sin ar fáil, beidh sé mar spriocadh dóibh dhul ar aghaidh leis.

Rinne an tAire tagairt dona meáin cumarsáide agus Raidió na Gaeltachta. Tá obair mhór déanta aige, tá sé ag craoladh 24 uair sa lá. Is dócha go bhfuil malairt tuairimíochta ag daoine éagsúla fána líricí Béarla. Ní fheicim go bhfuil rud ar bith contráilte leis. Tá muid ag déanamh an comhcheangal tré Ghaeilge agus má bhíonn na líricí i mBéarla, caithfidh glacadh leis — sin an ceol an t-aos óg ag iarraidh éisteacht leis agus má cothaíonn sé lucht éisteachta i measc an aosa óig ó 9 p.m. san oíche go dtí 1 a.m., is rud maith é sin. Bhí mé féin mar bhall na blianta ó shin de chomhairle Raidió na Gaeltachta agus tháinig an cheist sin aníos. Cé go raibh intinn oscailte agam féin san am, bhí an comhairle ag an am sin go huile agus go hiomlán in a éadan. Tá an saol ag athrú, áfach, agus ba mhaith liom rath a ghuí ar an tseirbhís úr. Tá súil agam go n-éireoidh go maith leis agus go meallfaidh sé lucht éisteachta i measc an aosa óig agus iad ag éisteacht lena a chuid achainí ag teacht amach i nGaeilge, má tá na líricí i mBéarla, tá sin páirt dár saol.

Faoin teilifís, léim an rud a bhíonn le rá ag na léirmheastóirí sna nuachtáin gach deireadh seachtaine. Cuireann sé lúcháir orm go bpioctar amach go han-mhinic cláracha TG4 agus moladh a thabhairt dó. Léiríonn sé an tsamhlaíocht atá ag na daoine óga i mbun an staisiúin sin. Tá níos mó déanta acu ardan a thabhairt don Ghaeilge ná cuid mhór a tharla le fada anuas.

Aontaím leis an Aire, áfach, go mbeadh sé go maith dá mbeadh clár air a thabharfadh léargas ar cad a bhíonn ag dul ar aghaidh istigh anseo san Oireachtas ó thaobh na Gaeilge de. Dá mbeadh clár den sort sin, ba leor ceathrú uaire, ní bheadh sé i bhfad go dtí go mbeadh níos mó ná 1% den méid a deirtear istigh anseo trí Gaeilge. Cuireann sé iontas orm na daoine a bhíonn ag amharc ar TG4, daoine a shílfinn nach mbeadh focal Gaeilge acu. Castar daoine orm taobh amuigh den Ghaeltacht ag rá gur chonaic siad ar teilifís mé agus a leithéid. Rud ar bith a bhaineann le polaitíocht nó leis an saol poiblí, tá tarraingt na ndaoine air a bhfuil suim acu ansin. B'fhiú TG4 breathnú air sin agus ní bheadh sé ag iarraidh barraíocht uaidh dá mbeadh sé sásta ceathrú uaire sa tseachtain a chur ar fáil imeachtaí an Oireachtais le béim ar an méid atá ráite trí Ghaeilge. Spreagfadh sin sinn uilig labhairt sa teanga níos minice.

Nuair a bhí mé óg, bhí an t-uafás go deo acu le léamh ar nós *Reics Carlo san Eipt* le Cathal Ó Sandair.

Bhí comórtas uair amháin sa choláiste agus iarradh orainn scéal a scríobh cosúil le sraith *Reics Carlo*. Bhí muid uilig ag scríobh agus

b'iontach an obair a chuir sin ar fáil. Leitheoireacht iontach simplí a bhí sna leabhair, rúndiamhair agus bleachtaireacht, agus bhí sé chomh maith agus chomh suimiúil le rud ar bith a bhí le fáil i dteanga ar bith eile. Bhí comórtas ann nuair a tháinig an leabhar is déanaí *Rex Carlo* amach cé an chéad duine a bhí an leabhar sin léite aige nó aici. Tharla sin cúpla scór bliain ó shin ach níl a fhios agam caidé a tharla dona leabhair sin agus níl a fhios agam an mbeadh suim ag aos óg an lae inniu iontu. Ní raibh an teilifís ag an am sin ach is cinnte gur chuir sé leitheoireacht ar fáil do ghlúin iomlán daoine óga san am sin.

Thagair an tAire d'Fhoras na Gaeilge. Tá deacrachtaí ansin i láthair na huaire. Níl a fhios agam an mbaineann sin le deacrachtaí polaitíochta ó Thuaidh. Bhí sé sna meáin ansin agus tá súil agam go n-éireodh leis an fhoras na deacrachtaí sin a reiteach agus go rachaidh sé ar aghaidh ag comhoibriú leis na heagraíochtaí deonacha a bhfuil an oiread sin déanta acu, cosúil le Conradh na Gaeilge agus Gael Linn. Cuireann sé lúcháir orm go bhfuil Gael Linn ag cur amach na seanamhráin agus céirníní a rinne sé agus go bhfuil deis againn iad a fháil ar dioscaí anois. Cuireann sin uilig — an ceol, an leitheoireacht, an teilifís, an raidió — le stádas na Gaeilge.

Tá dul chun cinn áirithe déanta ach tá deacrachtaí go fóill, go speisialta mar a léirigh an coimisinéir. Sa chéad tuarascáil a chuir sé amach, bhí sé sásta na deacrachtaí a chionn sé a léiriú agus aird a thabhairt orthu agus ár n-aighe a dhíriú orthu. Dúirt sé go bhfuil géar-ghá le hathbreithniú cuimsitheach fuarchúiseach ar gach gné d'fhoghlaim agus de mhúineadh na Gaeilge sa chóras oideachais. Idir seo agus an bhliain seo chugainn, má thugaimid aghaidh ar an phointe sin agus ar na deacrachtaí sa chóras oideachais a reiteach, cé acu caillíochta na múinteoirí nó a gcumas i nGaeilge, nó téacsleabhair, beidh sár-obair déanta againn. Níl sé inglactha go bhfuil daltaí ábalta 12 bliain a chaitheamh ag dul fríd an chóras oideachais agus nach féidir leo comhrá a dhéanamh i ndiaidh an ama sin. Caithfidh an tAire a admháil go bhfuil lúb ar lár éigin sa scéal. Tá saineolaithe agus módhanna nua teangeolaíochta ag rá go bhfuil iomarca béim ar scríobh nó ar léamh agus go bhfoghlaíonn an páiste an teanga a labhairt sula bhfoghlaíonn sé a scríobh nó léamh.

Sin an pointe tábhachtach a rinne an coimisinéir agus idir anois agus an bliain seo chugainn, caithfidh teacht ar reiteach air. Nuair a bheas daltaí in ann an teanga a labhairt go measartha líofa i ndiaidh a chuid ama sa chóras oideachais, beidh éirithe linn. Níl sin ag tarlú anois agus is dóchar é don teanga agus do ghluaiseacht na Gaeilge.

**Mr. O'Shea:** Beidh an chuid is mó den óráid seo as Béarla. Teastaíonn uaim teachtaireacht a chur amach faoin nGaeilge agus tá seans níos fearr agam an teachtaireacht sin a chur os comhair an phobail má labhraim as Béarla. Tá an

teachtaireacht sin simplí — is le gach saoránach an Ghaeilge ar chomhchéim. Tá sé tábhachtach go dtuigeann gach éinne sin agus go dtuigeann siad gur rud taitneamheach í má chuirtear chuige sin ar an módh ceart.

Tá an Ghaeilge timpeall orainn. Tá na logainmneacha againn agus astu siúd tagann eolas ar stair áitiúil chomh maith le leathnú foclóra. Tá cuid mhaith focal Gaeilge a úsáidtear sa ghnáthchaint i mBéarla. Tá seanfhocail againn agus cosúil leis na seanfhocail sa Book of Proverbs sa mbíobla, tá críonnacht ag baint leo, críonnacht éagsúl ó chríonnacht aon tír eile ar an domhain, sin críonnacht na nGael.

The Irish language is an endangered language. The only languages in Europe that are generally known to be in danger of disappearing are the Celtic languages of Britain and Ireland, such as Scottish Gaelic, Irish Gaelic and Welsh. Manx is already extinct and Cornish died out at the end of the 18th century but was artificially revived and now has a number of speakers.

This information is contained in the UNESCO *Atlas of the World's Languages in Danger of Disappearing*, second edition, revised, enlarged and updated, and published in 2001. According to the author's estimate, about 6,000 languages are spoken in the world today. Some 3,000 or more of these languages are, at least, endangered. The Atlas states:

It is important to know that a language which is in danger of disappearing can still be saved, provided that an appropriate language policy is adopted: the case of Hebrew is a good example of the revival of a language that ceased to be a living language thousands of years ago.

There are, however, important aspects to the revival of Hebrew that do not apply to the Irish language. The first is that the Hebrew people throughout the world retained a knowledge of the written Hebrew and when, eventually, the State of Israel was set up people came to settle there from all over the world. There was a need for a language for these people to communicate with one another and the fact that down through the generations a knowledge of the written Hebrew had been retained made it rational for Hebrew to become the language of Israel.

Irish people, on the other hand, do not have the same widespread ability to read the language, nor is there any great communications imperative that would make it the preferred language in the same sense as Hebrew was the preferred language for the people of the new state of Israel.

There are five categories that indicate the degree of endangerment to the language. These are potentially endangered languages, where decreasing numbers of children learn the language; endangered languages, where the youngest speakers are young adults; seriously endangered languages, where the youngest speakers have reached or passed middle age; moribund languages, where only a few elderly speakers are left; and extinct languages, where no speakers are left.

In volume 11 of the 2002 census, which deals with the Irish language, page 68, table 33 deals with Irish speakers aged three years and over, classified by frequency of speaking, age group and sex. Accordingly, I have made the following calculations: in the three to four year age group, 2.6% never use Irish; in the four to nine age group, 3.1% never use Irish; in the ten to 14 age group, 6.5% never use Irish; in the 15 to 19 age group, 19.4% never use Irish; in the 20 to 24 age group, 43% never use Irish; in the 25 to 34 age group, 46% never use Irish; in the 35 to 44 age group, 39% never use Irish; in the 45 to 64 age group, 35% never use Irish; in the 55 to 64 age group, 32% never use Irish; and in the 65 and over age group, 32% never use Irish.

There is a clear pattern here. Non-use of Irish among the 15 to 19 years group is 19.4% but there is a dramatic increase among the 20 to 24 years group. That pattern continues in the 25 to 34 years group whereas there is a reduction in the number of people aged between 35 and 65 who never use Irish. Nonetheless the 32% of 65s and over who never use the Irish language is greater than the 19.4% that never use the Irish language in the 15 to 19 years group. Ability to speak Irish is higher among females at 45.9% than males at 39.7%.

The Minister for Education and Science recently stated: "It is an accepted tenet of linguistic research that a language will struggle where a society does not create an environment for its active everyday use." However, in his inaugural report for 2004, the language commissioner states: "I firmly believe that teachers should not carry all the blame for the absence of fluency in the language on the part of so many people who have come through the educational system." The commissioner is well aware that of the occupational groups with the highest ability to speak Irish, teachers came out on top at 79.3%.

The inaugural report of the language commissioner was presented to the Minister for Community, Rural and Gaeltacht Affairs on 22 February 2005. On Friday, 4 March 2005 the Minister was reported as blaming poor levels of Irish among teachers as one of the main reasons for a shortage of workers competent in the Irish language. He said the standard of Irish among teachers needed to be looked at to help address the problem. He also stated that although there is a combination of factors behind poor levels of Irish, teacher training is a major element. He added:

One of the major problems is the large number of teachers particularly those qualified in recent years who don't have a competency in the language. We are getting a poor return for our investment of time and money in terms of learning Irish.

I invite the commissioner and the Minister to focus on the statistics that in the 15 to 19 years group 19.4% never use Irish, in the 20 to 24 years

[Mr. O'Shea.]

group 43% never use Irish and in the 25 to 34 years group 46% never use Irish.

Both the Minister and the commissioner would be well served to examine the environment of the Irish language, which is, at best, unsupportive and, at worst, quite hostile, rather than lunging into the blame game and singling out teachers for special mention. They have commenced the blame game. They realise that the State has not succeeded in reviving the Irish language, despite massive investment. A group must be to blame and teachers present an easy target. This is, at the very least, a sloppy, shallow and disingenuous analysis, not to mention the patronising tone.

However, I agree with one statement made by the language commissioner in his report, but he does not go far enough. He states that a public debate on this important aspect of Irish life is essential. He alludes to what changes for the better can be made in the education system, which will ensure competency in the language in return for the substantial State investment in this area of education. The commissioner reckons this investment is as much as €500 million annually. He also states the Irish language does not belong exclusively to any one section of the people but to everyone.

This is correct and goes in the right direction but the debate should not be confined to the education system solely. This is to miss the entire point. The language belongs to all the people but too few of them see it that way. Elitism and fanaticism have not helped the cause of the revival of the language. There is an urgent need for a full and frank national debate free from intimidation and elitism so that people can without fear express their views on and attitude to the Irish language. Many people are antagonistic to the Irish language. They should be made to feel that in this democratic society, they should be able to express their opinions on the Irish language or any other subject without accusations of being west Britons or not being truly Nationalist.

Such a debate is not only desirable but essential to cultivate the sense of ownership of the Irish language which will develop a proactive mindset towards the Irish language. The Irish language revival movement has absolutely nothing to fear from such a debate but its absence will contribute to further decline. Many positives relating to the language can be missed, not least the number of Irish words that are used in spoken English. Boreen, sceach, abu, amadan, ciotog, camogie, fado, plus, smithereens, uisce beatha, spring readily to mind. There are many others and, interestingly, many Irish words are used in spoken English in Newfoundland, for example, shebeen, sleaveen, gamogue, tayscaun, galore, piseog. I refer to place names, which are all around us, such as ath, baile, cill, cluain, dun, eaglais, fear, gleann, inis, lios, maigh, moin, paroiste, rath. Not alone do these words enhance our vocabulary but these place names contain much history.

Many proverbs or seanfhochail are in everyday use, for example, ní bhíonn in aon rud ach seal; is fearr an tsláinte na táinte; sceitheann meisce mírú is glasa iad na cnoic i bhfad uainn; nuair a bhíonn an cat amuigh bíonn an luch ag rince; and is binn béal ina thost. Seanfhochail contain the wisdom of the Irish race as well as serving to expand our vocabulary. The basic lesson of this is that learning Irish can be a great, enriching joy. Negativity, like the blame game, is anathema to this. This is an essential truth which is, all too often, overlooked.

We have reached an important juncture in regard to the Irish language but we are losing the battle. I refer to the well known seanfhocal, "Ní neart go cur le chéile — unity is strength." This is not a time for divisiveness, nor is it a time for the blame game. The people are co-owners of the national treasure that is the Irish language, yet not everybody appreciates this. The language should be shared and enjoyed and those of us who appreciate it should go out of our way to communicate this to others in a positive way. We allow a situation to arise by which a minority can monopolise the debate by insisting on abstract rights relating to the Irish language, which are trivial in the overall scheme of things and will only alienate others.

The UNESCO atlas states that the Irish language is endangered. It is not too late to save it. A spirit of generosity is called for and we must not fail in that.

Nuair a bhí an Teachta McGinley ag caint, rinne sé comhbhrón le clann an iar-Sheanadóir, Pól Ó Foighil. Ba mhaith liom chomhbhrón a dhéanamh freisin. Is cuimhin liom nuair a tháinig mé anseo don chéad uair, bhí choiste ann don Ghaeilge, agus bhí Pól ina baill de. Fear ann féin ab ea é. Bhí a chroí sáite sa Ghaeilge agus sa Ghaeltacht. Go ndéanfaí Dia trócaire ar a anam dílis.

Cé go bhfuil an Gaeilge i gcontúirt, tá leigheas ar an scéal. Tá sé níos furasta daoine a mhealladh ná iallach a chur ar daoine. Más rud é go mbíonn gluaiseacht na Gaeilge ró-theibí, chasfaidh daoine sa treo eile. Casfaimid daoine a mhealladh trí léiriú dóibh stair aitiúil, mar shampla. Tá sé furasta aistriú a dhéanamh ar an Trá Mhór i mo cheantar féin, mar shampla. Mar an gcéanna le Dunmore East, Dún Mór, agus Port Láirge. Tá logainmneacha mar sin ar fud na tíre. Sampla eile is ea Baile Átha Cliath, the town of the ford of the hurdles, nó Dublin agus Dubh Linn.

Tá an Ghaeilge agus stair na Gael timpeall orainn. Ní lagaimid i gconáil an béim cheart ar sin. Tá obair mhaith déanta ag lucht teilifíse, ag TG4 agus RTE, chun an saibhris seo a chur os comhair na daoine. Tá lige san Acht teanga, mar a dúirt mé go minic sa dFospóireacht ar an Bhille sin, sé sin go bhfuil sé mar cheart ag daoine dul os comhair na cúirte más rud é nach bhfuil siad sásta le cinneadh éigin den Choimisinéir Teanga. Tá súil agam nach dtarlaíodh a leithéid. Tá súil agam nach mbeidh daoine ag iarraidh cearta nach bhfuil aon ciall ag baint leo agus nach ndéanfaidh

aon mhaitheas dóibh siúd ná don Ghaeilge. Caithfear sin a sheachaint.

Tá an Gaeilge taitneamhach. Tríd an Ghaeilge is féidir daoine a oiliúnt i stair na tíre, oidhreacht na nGael agus ar an slí inar tháinig an teanga aníos chugainn.

**Dr. Cowley:** Tá áthas orm caint mar gheall ar an Ghaeilge. Tá sé an tábhachtach don tír teanga a bheith againn. Ar feadh na mblianta bhí ar na daoine troid chun an Ghaeilge a shabháil, agus tá eolas againn faoin tally stick a bhí á usáid sna blianta chrua.

**An Leas-Cheann Comhairle:** An bhfuil tú ag roinnt do chuid ama?

**Dr. Cowley:** Níl. Tá cultúir an saibhir againn. Is rud náireach é go raibh an Ghaeilge mar colcheathar bocht uair amháin. Inniu tá athrú taghta ar an scéal, tá suim arís sa Gaeilge agus tá daoine ag iarraidh í a chaint i gconaí, rud atá an tábhachtach agus iontach.

Tá an sluaite ag léamh nuachtáin mar *Foinse* agus *Inniu*. Is stáisiún iontach é Raidió na Gaeltachta a craolaíonn cláracha an deas. Plétear gach cheist ar an raidió. Freisin, tháinig athrú mór ar an scéal le TG4. Bíonn na cláracha uilig, an nuacht agus réamhfháinséis na haimsire go breá. Baintear usáid as subtitles, agus tá seans ag gach duine na cláracha a thuiscint.

Tá suim nua ag daoine óga sa Ghaeilge agus sa chultúir. Nuair a bhíonn suim ag daoine sa chultúir, bíonn suim acu sa teanga. Tá sé tábhachtach go mbeadh an teanga níos láidre agus níos mó daoine ag baint úsáid as an Gaeilge.

Bhí mé ag caint cúpla lá ó shin le Máirtín Daibhí, fear iontach a bhfuil ar aithne agam. Tá sé ag obair do Raidió na Gaeltachta. Bhí sé i Mulranny agus bhí an oíche againn san ostán nua ansin. Dúirt sé liom go bhfuil athrú taghta ar an scéal. Bhuail mé le Máirtín don chéad uair nuair a bhí sé ag obair leis an Ollamh Ó Bhrollacháin in Ollscoil na Gaillimhe. Dúirt sé gur féidir le Raidió na Gaeltachta cúpla focal Béarla a úsáid anois. Tá gasúr agam a bhfuil páirteach i rock band a mbíonn ag seinnt ar fud na Gaeltachta. Is rud iontach é do na buachaillí óga. Ní bheadh an seans acu sin a dhéanamh gan cúpla focal Béarla a úsáid.

Is iontach an rud é go bhfuil seans ag daoine an Ghaeilge a labhairt, agus go bhfuil seans acu a bheith páirteach sa chultúir atá againn. Ar feadh na blianta fada do dhein Conradh an Gaeilge, mar shampla, iarracht mhór ar son an teanga. Tá fáinne nua ar fáil.

Tá féile mhór againn in Acla, is é sin Cruinniú Bádóirí Acla agus tá cumann ann a chuireann an chruinniú ar fáil. Tá mé i mo chathaoirleach ar na féile. Is féile an-tábhachtach é don áit. Tagann gach duine san áit le chéile agus baineann siad taitneamh mhór as seoladh na yawl, na báid traidisiúnta. Tá iascaireacht an-tábhachtach san áit, mar a bhfuil an seoladh. Ní raibh aon ghluasteáin ar an oileán, ach bhí na yawl againn.

Glacann áiteanna eile sa cheantar páirt sa féile, mar shampla, An Chorrán, Acaill Mhór, Cliara agus Inis Bigil. Glacann siad go léir páirt i seoladh na yawl. Is seans é chun an Ghaeilge a labhairt.

Is mór an trua agus an náire nach mbíonn seans ag daoine an Ghaeilge a labhairt. Dá mbeadh an seans sin ag daoine, chuirfeadh sé níos mó béime ar an teanga agus bheadh níos mó seans ag daoine cleachtadh a fháil agus bheith níos fearr ag labhairt na teangan.

Táim an-bhuíoch as ucht obair Údarás na Gaeltachta a thugann an-tacaíocht do dreamanna mar Cumann Bádóirí Acla agus Cruinniú Bádóirí Acla. Tá sé an-tábhachtach go bhfaigheann siad an tacaíocht sin. Tuigeann an t-údarás go bhfuil ár gcultúr ceangailte leis an teanga. Táimid an-bhuíoch as Údarás na Gaeltachta. Nuair a bhíonn na daoine go léir ag seoladh na mbádanna, bíonn siad ag iarraidh an Ghaeilge a chuir chun cinn agus baineann siad taitneamh as freisin.

Deirtear go bhfuil 1.6 milliúin daoine in ann an Ghaeilge a labhairt. Tuigim go bhfuil sé sin mar atá sé. Tá daoine ag foghlaim na Gaeilge. Tá a lán ghaelscoileanna ann nach raibh ann roimhe seo. Tá a lán suime ag páistí agus daoine óga sa teanga a bhfuil á fhoghlaim acu. Tá sé sin an-tábhachtach ar fad. An mbeadh an suim céanna acu muna mbeadh scrúdú le dhéanamh acu sa Ghaeilge? Tá sé de dhualgas ag duine scrúdú a dhéanamh sa Ghaeilge. Tá díospóireacht ar siúl mar gheall ar an tuairim go mbeadh an Ghaeilge níos láidre gan an scrúdú. B'fhéidir nach mbeadh sé níos láidre, ach b'fhéidir freisin go mbeadh níos mó grá ag daoine don teanga muna raibh scrúdú Ghaeilge sna scoileanna.

Ní mór don Rialtas gach cabhair agus tacaíocht a thabhairt don Ghaeilge. Ní mór dó tacaíocht a thabhairt do gach duine a bhfuil ag iarraidh an teanga a labhairt, má tá sé nó sí sa Ghaeltacht nó nach bhfuil. Tá sé an-tábhachtach go mbeadh cabhair ar fáil i ngach áit ina bhfuil foghlaimcoirí. Ní mór don Rialtas leanú leis an tacaíocht sin. Is rud an-tábhachtach é dúinn go bhfuil teanga an-saibhir againn. Ní mór dúinn é a mhéadú. Ní mór don Rialtas an tacaíocht céanna a thabhairt do dhaoine atá ina gcónaí sa Ghaeltacht. B'fhéidir gur cheart dúinn na Gaeltachtaí a mhéadú.

Is trua é nach bhfuil níos mó Gaeilge á labhairt sa Dáil. Deirtear nach bhfuil ach 1% dos na díospóireachtaí sa Teach trí mheán na Gaeilge. B'fhéidir go mbeadh níos mó cleachtadh ag Teachtaí agus go labhraidís níos mó Ghaeilge dá mbeadh níos mó béim ar an teanga sa Teach. Ba cheart go mbeadh níos mó seans againn an Ghaeilge a labhairt. Tá seans-mhaith againn inniu chun an Ghaeilge a labhairt sa Dáil agus is rud iontach é sin. Tá suim mór ag daoine sean agus aosta sa Ghaeilge.

Ba mhaith liom rud a rá faoi Pól Ó Foighil, go ndéana Dia trócaire ar a anam dílis. Fear iontach ar fad ab ea é. Bhí aithne agam ar Pól, a fuair bás cúpla lá ó shin. Bhí sé ag obair an-chrua ar son na daoine sa Ghaeltacht. Rinne sé obair an-mhaith ar fad ar son an phobail.

[Dr. Cowley.]

Bhí mé sa Ghaeltacht, i Lochán Beag, nuair a bhí mé i mo ghasúr óg. Bhí mé i mo chónaí i mBéal an Átha ag an am, ach chuaigh me go dtí Lochán Beag i gContae na Gaillimhe, gar le Indreabhán, chun an Ghaeilge a fhoghlaim. Ba mhaith liom scéal a insint faoin am sin. Nuair a bhí mé ar mo rothar lá amháin, agus cailín agam ar mo “handlebars”, bhuaileamar le Pól Ó Foighil, a bhí ina gluaisteáin ar an mbóthar chéanna. Ní raibh focal maith le rá aige mar gheall ar an rud sin. Fear iontach ab ea Pól Ó Foighil. Bhí mo bhean chéile i Lochán Beag nuair a bhí sí óg agus bhí Pól Ó Foighil ann freisin. Dúirt sí go raibh a lán Gaeilge le foghlaim ann.

Ní raibh aon fhaitíos ar Phól an Ghaeilge a labhairt, mar bhí an Ghaeilge an teanga nádúrtha a bhí aige. Ní raibh aon fhaitíos air an chultúir Ghaeilge a chur chun cinn. Is iontach ar fad é go ndearnadh sé iarracht i gcónaí an teanga a labhairt sa tSeanaid. B’fhéidir nach raibh sé in ann é sin a dhéanamh, ach rinne sé a dhícheall chun an Ghaeilge a chur chun barr.

Níl aon amhras ach go bhfuil sé an-tábhachtach ar fad go mbíonn daoine óga ag dul go dtí an Ghaeltacht i gcónaí chun Gaeilge a fhoghlaim. Bíonn daoine óga sásta filleadh chun an Ghaeltacht gach samhradh, bliain in aghaidh bhliain, agus baineann siad an-taitneamh as an Ghaeltacht. Ní mór go mbeadh seans ag daoine níos aosta dul go dtí an Ghaeltacht. B’fhéidir go mbeadh siad in ann feabhas a chur ar a nGaeilge. Ní mór dom féin dul go dtí an Ghaeltacht. Tá mé an-bhródúil labhairt ar an ábhar seo.

**Mr. Carey:** Tá áthas orm seans a fháil chun cúpla focal a rá sna ráitisí ar an Ghaeilge. Cuireann sé díomá orm gur an slua céanna atá anseo is a bhíonn ann gach uair a phléitear ceisteanna sa Teach mar gheall ar an nGaeilge. Ba mhaith liom tréaslú leis an Aire as ucht an beocht atá curtha aige ina Aireacht agus an neart atá aige ann. Ón am a thosaigh sé san oifig seo, tá a lán déanta aige a bhfuil tábhacht ag baint leis. San am atá agam, ba mhaith liom caint mar gheall ar cúpla nithe den méid sin.

Múinteoir bunscoile is ea mise. Chaith mé 30 bliain ag múineadh ábhair éagsúla, chomh maith leis an Ghaeilge. Nuair a bhí mé ag dul ar scoil, d’fhoghlaim mé beagnach gach rud trí mheán na Gaeilge i scoil beag i gContae Chiarraí. Bhí beirt múinteoir sa scoil ar dtús, ach bhí triúr ann ina dhiaidh sin. Bhíodar ar fheabhas i gcás múineadh na Gaeilge. Cé go bhfuil céim agam sa Ghaeilge, caithfidh mé a admháil go bhfuil meirg ar mo chuid líofacht. Tá sé imithe chun donais leis na blianta, ach taithníonn sé liom triail a bhaint as anois is arís trí pháirt a ghlacadh sna díospóireachtaí seo.

Ba mhaith liom labhairt faoi mhúineadh na Ghaeilge. Aontaím le cuid dos na rudaí atá ráite ag an Teachta Kenny, cé nach bhfuil an ráiteas go léir léite agam. Ba cheart dúinn aire a thabhairt ar cuid de na rudaí a dúirt sé. Cad atá imithe chun donais i leith múineadh na Gaeilge sna

gnáthscoileanna? Tá an caighdeán níos ísle anois ná mar a bhí sé riamh sna gnáthscoileanna. Is deacair a rá cén fáth go bhfuil sé mar sin. I mo thuairim, tá na páistí agus na múinteoirí chomh báúil agus a bhí siad i riamh i leith na Gaeilge ach an bhfuil an Roinn Oideachais agus Eolaíochta ag cur na béime cearta ar conas a mba cheart Gaeilge labhartha a mhúineadh? An bhfuil an iomaíocht aimsire a chaitheamh sna bunscoileanna ag cur béime ar scríobh agus léamh na Gaeilge gan an bhéim ar labhairt an teanga? Tá suim agam i scéim labhairt na Gaeilge agus tá súil agam go mbeidh éifeacht ag an scéim feabhsaithe i bhfad níos luaithe i saol an pháiste. Níl aon ghá ann nach mbeadh sé ar chumas an ghnáthpháiste an caighdeán ard céanna a bheith aige sa Ghaeilge agus atá sa Bhéarla. Aontaím leis na múinteoirí a deir go bhfuil sé deacair fiú Béarla a mhúineadh do roinnt pháistí agus atá ag cur na ceiste ansin cén fáth go gcaithfidimid an méid sin ama ag iarraidh Gaeilge a mhúineadh. Is féidir Gaeilge a mhúineadh, áfach, go héifeachtach má tá an tacaíocht ann ón Roinn Oideachais agus Eolaíochta a fhaigheann an Béarla. Tá an t-am tagtha le béim nua a chur ar straitéis le Gaeilge labhartha a mhúineadh sna scoileanna.

Tá sár-obair á dhéanamh ag na scoileanna lán-Ghaelacha. Tá scoil i mo dhúiche féin i mBaile Munna. Cheapfadh duine nach mbeadh seans ag éinne Gaeilge a mhúineadh ná a labhairt san áit sin ach bhí mé ag caint leis an phríomhoide agus roinnt dhaltaí cúpla lá ó shin. Is álainn an rud é dul isteach ansin agus a éisteach leis na páistí a thagann óna harásáin i mBaile Munna, i bhFionnghlas agus Seantrabh agus cumas na Gaeilge acu nach gceapfadh duine a bheadh sé in ann a aimsiú sna háiteanna sin ar chor ar bith. Tá an timpeallacht ann, áfach, a chuireann an Ghaeilge chun cinn. Sin an fáth go bhfuil mé chomh báúil sin do scoileanna lán-Ghaelacha.

Bhí an díospóireacht céanna ann nuair a bhí me i gColáiste Phádraig i nDroim Conrach. Bhí conspóid ann faoi bilingualism in Irish education. Bhí scoilteadh ann idir na daoine a cheap go bhféadfadh córas oideachais éifeachtach a bheith ann trí Ghaeilge agus córas éifeachtach gan í. De bhrí go bhfuil an méadú mór sin tagtha ar líon na Gaelscoileanna, tá an cheist freagráithe. Is féidir an Ghaeilge a leathnú tríd an straitéis sin. Tá an-obair déanta ag an Chumann Lúthchleas Gael agus an FAI agus tá súil agam go leanfaidh siad leis.

Labhair daoine ar na coláistí samhraidh. Ní raibh mé riamh mar dhaltá nó mar mhúinteoir iontu ach tá aithne agam ar a lán páistí a théann ann gach samhradh agus baineann siad an-taitneamh as an trí sheachtain a chaitheann siad ann agus tá timpeallacht Gaeilge ann an t-am ar fad. Tagann siad abhaile agus bá acu don Ghaeilge.

Bhí mé in RTE inniu ag caint ar bhunreacht na hEorpa. Ag deireadh an chláir bhí mé ag labhairt leis an fhoireann agus tháinig teachtaireachtaí isteach ag deireadh an chláir agus an bhéim a bhí iontu ná go bhfuil inní ag a lán daoine cad é a

tharlóidh don fhéiniúlacht Gaelach má chloífimid leis an bhunreacht sin. Beidh níos mo fuinnimh ann má ghlacann muintir na hÉireann leis an bhunreacht sin.

Ón am a tháinig Riverdance chun cinn, tá an beocht agus fairsingeacht i leith na Gaeilge nach raibh ann riamh cheana. Tá scríbhneoireacht den chaighdeán is airde ann anois trí Ghaeilge. Tá cumas ceoil ann i bhfad níos bríomhaire ná mar a bhíodh. Is féidir le Raidió na Gaeltachta agus TG4 bouquet a fháil. Ba cheart dúinn iad a thréaslú as ucht na dea-oibre atá á déanamh acu gach lá. Tá cumas ag daoine an Ghaeilge a thuiscint a bhíonn le féachaint ar TG4 nár cheap go raibh an féidreacht acu sa teanga.

Tá an clár polaitíochta ann ag Eoin Ó Murchú ar Raidió na Gaeltachta gach Aoine agus ba mhaith liom go leathnódh Raidió na Gaeltachta cláranna cosúil leis sin. Níl go leor díofa ann. B'fhéidir go mbeadh sé níos fearr dá mbeadh cláracha áitiúla ann. Tá "Caint sa Chathair" ag Raidió na Gaeltachta agus tá suim ag a lán daoine ann.

Is beag a chloisim, áfach, sna stáisiúin trachtála as Gaeilge. Bíonn cinnlínte nuachta i roinnt acu ach níor chlois mé oiread is alt amháin ar na stáisiúin sa gathair seo. Ba cheart don Broadcasting Commission of Ireland iniúchadh isteach sa gceist sin le fáil amach cén fáth nach bhfuil siad ag cur na Gaeilge chun cinn. Tá mandate acu sin a dhéanamh.

Dúirt an tAire go bhfuil naoi ordú logainmneacha déanta aige, ag cur san áireamh ordú logainmneacha a thiofcaidh i bhfeidhm ar an 20 Márta 2005. Sin ráite, níl a fhios agam cá bhfaigheann a lán daoine na logainmneacha anois sa chathair seo agus ar fud na tíre. Tá sé deacair a thuiscint cén fáth nach bhfuil níos mó béime á cur ag na comhairlí contae agus áitiúla sa treo is go gcuirfeadh sé iachall ar na buíonta tógála úsáid a bhaint as logainmneacha a bhfuil baint acu leis an áit féin agus a bhfuil an stair áitiúil ceangailte leo. B'fhéidir go mbeadh an tAire in ann níos mó brú a chur ar na comhairlí áitiúla chun é sin a fheabhsú.

Bhí díospóireacht i rith na bliana seo caite mar gheall ar stádas na Gaeilge san Eoraip. Tá súil agam anois go bhfuilimid níos gaire aontú a fháil ónár gcomhghleacaithe sa Chomhaontas Eorpach le go mbeadh an stádas céanna ag an Ghaeilge is atá ag na teangacha eile. Tá an argóint déanta, agus tá súil agam gur ghlac gach éinne léi. I rith na seachtaine seo caite, léigh mé áit éigin go raibh gach seans ann anois go mbeadh an stádas céanna ag an Ghaeilge is atá ag na teangacha eile san AE.

Mar fhocal scoir, is dócha gur tábhachtach an rud é go bhfuil am á chur ar leataobh againn anseo chun labhairt ar chúrsaí Gaeilge, ach nach dochrach é nach bhfuil ach cúpla lá sa bhliain curtha in áirithe chun ceisteanna tábhachtacha na Gaeilge a phlé anseo. Tá a fhios agam go bhfuil ceachtanna ar fáil againn anseo chun feabhas a chur ar ár gcuid Gaeilge, agus tá a fhios agam go mbíonn a lán daoine ag freastal ar na ceachtanna

sin. B'fhéidir go bhféadfaimis aontú a fháil ar bhonn traspháirteach.

Nuair a tháing anseo isteach, bhí an Teachta Sargent ann, agus gach uair dár sheas sé suas, bhí alt nó leathalt aige as Gaeilge. Deir a lán daoine gur tokenism é sin, ach ní aontaím leis sin. B'fhéidir go bhféadfaimis go léir úsáid a bhaint as an Gaeilge anois agus aríst, nó gach uair dá bhfuilimid ag labhairt. De ghnáth, cloisim an Teachta Ó Snodaigh ag baint úsáide as an Gaeilge go forleathan, chomh minic agus is féidir leis, ar feadh 20 nóiméad nó mar sin. Is dóigh liom go mb'fhéidir lena lán daoine anseo é sin a dhéanamh dá mbeadh cleachtadh ní b'fhearr acu ar chaint anseo eatarthu féin. Nílimid ag caint eadrainn féin anseo, óir tá gach éinne ag éisteach linn amuigh. Bheadh ní ba mhó beochta sa díospóireacht seo dá dtarlódh sé i bhfad ní ba mhó.

**Mr. Sargent:** Go raibh maith ag an Leas-Cheann Comhairle as an deis seo a thabhairt dom labhairt ar an díospóireacht seo faoin Ghaeilge. Fáiltím roimpi, rud a dhéanann mó pháirtí freisin. Cé nach gceapfadh daoine a bhí ag éisteach leis an Aire go gcuirimid fáilte roimh an Acht teanga, cuireann a lán daoine sa Fhreasúra fáilte roimhe. Chomh maith leis sin, tá áthas orainn maidir leis an dul chun cinn a bheidh ag leanúint ar aghaidh, le cúnaimh Dé, i stádas na teanga san Aontas Eorpach.

Ní mór dom é seo a rá i dtoiseacht báire, mar ó bheith ag éisteach leis an Aire, cheapfaí go raibh an Freasúra ar chúis amháin nó ar chúis eile i goinne an Acht teanga. Tá sé tábhachtach go dtuigeann agus go n-admhaíonn an tAire go bhfuil éagsúlacht tuairimí i measc daoine ina pháirtí féin, i bpáirtithe an Fhreasúra agus i measc na dTeachtaí Neamhspleácha. Tá an éagsúlacht sin mar chroílár na ceiste ó thaobh na Gaeilge de chomh maith. I measc lucht na Gaeilge, tá éagsúlacht ann. Is trua é, mar sin, go ndeir an tAire go gceapann lucht na Gaeilge rud éigin i gcomhthéacs amháin nó i gcomhthéacs eile, mar ní féidir bheith ag caint mar gheall ar dhaoine a bhaineann úsáid as teanga mar ghrúpa a smaoinneann mar a gcéanna agus atá an-chosúil lena chéile.

B'fhéidir gur ceacht é sin san Éirinn nua-aimseartha atá againn. Bhí caint ar dhaoine ag teacht isteach ó thíortha eile, daoine a bhfuil cúlra polaitiúil difriúil acu agus mar sin de. Tá daoine de gach sórt anois ag baint úsáide as an Ghaeilge mar theanga cumarsáide, a bheag nó a mhór. Tá mé ag caint faoi dhaoine atá éagsúil ar bhealaí eile — daoine aeracha agus díreacha, Prostastúnaigh agus Caitlicigh a labhraíonn Gaeilge, daoine gorma, geala agus daoine ó thraidisiúin éagsúla polaitíochta chomh maith. Seans go bhfuil sé seo níos tábhachtaí ná rud ar bith eile: daoine a labhraíonn Gaeilge atá líofa agus daoine a dhéanann iarracht Gaeilge a labhairt atá fós ag foghlaim.

Táimid go léir ag foghlaim, ach tá daoine ann atá amhrasach mar gheall ar an Ghaeilge mar



[Mr. Sargent.]

mhodh cumarsáide do gach aon ócáid. Luaigh mé é seo go pearsanta leis an Aire cheana féin, ach ceapaim gur fiú díospóireacht a spreagadh faoi seo chomh maith. Tá go leor iarrachtaí á ndéanamh cáipéisí a fhoilsiú i nGaeilge agus i mBéarla, mar thoradh ar an Acht teanga, b'fhéidir. D'ainneoin sin, agus mé ag féachaint ar roinnt mhaith de na tuairiscí sin, caithfidh mé a rá go bhfuil díomá orm, ní amháin nach bhfuil an Ghaeilge atá iontu iontach ar fad ach go gcaithfear bheith líofa sa teanga chun iad a léamh.

Muna bhfuiltear líofa, caithfear bheith an-aclaí nó bheith in ann féachaint ar rudaí bun os cionn. Mar shampla, tá cúpla cáipéis agam anseo. Níl ach Béarla ar an leathanach seo: "An Explanatory Guide to the European Constitution, Department of Foreign Affairs". Tá sé as Béarla ar fad go dtí go dtagann an léitheoir go dtí croílár an leabhair, agus ansin, feiceann sé go bhfuil rudaí bun os cionn. Nuair a amharcann sé go géar air, aithníonn sé gur Gaeilge í an teanga atá bun os cionn. Mar sin, bíonn ar dhuine é a chasadh bun os cionn ar fad agus toiseacht ag léamh arís, oiread is dá mbeadh leabhar nua aige.

Mar sin, má tá mé ag ullmhú, mar a bhíonn agus mar a bheidh mé, chun ceist Bhunreacht na hEorpa a phlé, tá orm bheith ag léamh téarmaíochta as Gaeilge atá beagáinín eisceachtúil nó casta. Chun teacht ar an aistriúchán Béarla, tá orm é a chasadh bun os cionn agus dul ag cuardach an leathanaigh ar a bhfuil an leagan Béarla scríofa. I ndáiríre, ní cabhair é sin úsáid na Gaeilge a spreagadh. Bhí daoine ag caint mar gheall ar tokenism, ach i ndáiríre cosnaíonn sé go leor airgead chun an leagan Gaeilge agus Béarla a fhoilsiú. Mura bhfuil siad taobh le taobh, tá sé an dheacair an úsáid is fearr a bhaint as an dá leagan. Deirimse arís le gach duine atá freagrach as, go mórmhór leis an Aire, an Teachta Ó Cuív, gur ceart comhairle a chur ar gach Roinn, áisín-teacht oifigiúil agus duine atá freagrach as na tuairiscí seo a ionadú mar uaireanta bíonn siad scartha óna chéile ar fad. Tá leabhrán amháin ón Roinn Iompair anseo agam atá as Béarla ó bhun go barr. Deireann sé Department of Transport cé go bhfuil An Roinn Iompair scríofa go han-bheag mar aitheantas to bhfuil Gaeilge ann. Road Safety Strategy 2004-2006 atá scríofa air. Ceapfadh duine, agus an an leabhar á léamh, gur beag an meas a bhfuil ag an Roinn aon ábhar a chur ar fáil as Gaeilge. Má théann duine ag cuardach an leagan Gaeilge, tá sé le fáil ceart go leor agus é scríofa go léir as Gaeilge. Ciallaíonn sé seo gan amhras gur cheapann daoine ins an Roinn Iompair go bhfuil dá chineáil duine ann in Éireann: daoine a labhrann Gaeilge amháin and daoine a labhrann Béarla amháin.

Chaithfidh mé a rá arís agus arís nach mar sin a bhfuil an saol ar chor ar bith. Go dtí go dtuigeann na háisín-teachtaí Stáit agus an tAire fhéin go bhfuil sé tabhachtach an Gaeilge agus an

Béarla a chur i láthair, taobh le taobh, ní dhéanfar dul chun cinn le formhór muintir na hÉireann atá ag iarraidh Gaeilge a úsáid agus atá ag lorg cabhair chun í a úsáid. Más féidir foilsiúcháin a chur ar fail ina bhfuil Béarla agus Gaeilge taobh le taobh, is dul chun cinn a bhéas ann.

Tá an Coimisinéir Teanga, Seán Ó Cuirreáin, tar éis tuairisc an-bheomhar agus an-fiúntach a fhoilsiú agus cuirim fáilte roimhe. Níl sé ag iarraidh rudaí a shéanadh, tá sé ag plé ceisteanna atá achrannach ach gur ceart a phlé, mar shampla, úsáid na Gaeilge san Oireachtas. Tá go leor daoine le cumas na Gaeilge acu san Oireachtas ach tá saoirse cainte agam agus ag an Teachta Ó Snodaigh agus Teachtaí sa Ghrúpa Teicniúil inniu, rud nach mbíonn againn de ghnáth. Go minic, ní bhíonn deis againn labhairt chomh fada agus is mian linn de bharr go bhfuil daoine eile ag iarraidh labhairt. An uair seo, áfach, tá ganntannas daoine ag iarraidh labhairt agus tá saoirse agam labhairt le 15 nóiméad agus is iontach an deis dom sin a dhéanamh. Is droch-chomhartha é fosta. Tuigfidh an coimisinéir an chéad uair eile a bheidh sé ag labhairt leis na meáin cumarsáide cé go bhfuil Gaeilge ag go leor daoine sa Teach gur beag an meas atá acu uirthi. Tá siad gnóitheach gan amhras agus ní féidir leo bheith anseo an t-am ar fad, ach is díospóireacht eisceachtúil seo agus cheap mé go mbeadh níos mó daoine ag iarraidh labhairt.

B'fhéidir go gcaithfidh a ghlacadh leis gur mar sin atá sé, cé gur mhaith liom fáilte a chur roimh níos mó daoine anseo ag labhairt as Gaeilge. San Oireachtas féin, ní bheadh an Ghaeilge á labhairt chomh minic agus a bhíonn, fiú nach minic go leor a tharlaíonn, ach amháin go bhfuil meáin cumarsáide a bhíonn ag obair trí Ghaeilge ar nós TG4, *Lá, Foinse* agus daoine sna hirísí éagsúla a bhíonn ann as Béarla an chuid is mó ar nós *Village* agus *The Irish Times* anseo. I ndáiríre tá an dá rud fite fuaite le chéile. Tá na meáin a bhíonn ag tuairiscí agus na daoine a bhíonn ag caint ag féachaint agus ag éisteacht lena chéile. Mura bhfuil fáilte roimh Ghaeilge ag iriseoirí, bíonn sé níos deacra í a úsáid mar tá sé deacair go leor teachtaireacht a chur in iúl don phobal. Mura bhfuil duine ar bith ag éisteacht leis agus ag foilsiú na teachtaireachta sin, is beag an seans atá ag Ball.

Agus sinn ag caint ar seachtain na Gaeilge, ba cheart smaointiú ar conas is féidir níos mó Gaeilge a chur chun cinn san Oireachtas. Tá go leor scoileanna a thugann cuairt ar an áit seo agus go minic na laethanta seo bíonn Gaelscoileanna ina measc. Tagann scolairí isteach go dtí an Gailearaí Poiblí le héisteacht linn. Ba cheart dúinn pleanáil a dhéanamh go mbeadh laethanta Gaeilge ann gach mí agus go mbeadh fáilte roimh scoileanna a bhíonn ag iarraidh éisteacht le díospóireacht trí Ghaeilge ar na laethanta sin. Spreagfadh sin daoine le Gaeilge a úsáid agus chuirfeadh sé fáilte níos Gaelaí rompu siúd as na Gaelscoileanna.

I mo dháilcheantar féin, tá cúrsaí Gaelscolaíochta ag méadú agus tá Gaelscoil le tosú i mBaile Bhríghín roimh i bhfad. Tá sin ag teacht ar bharr Gaelscoileanna eile agus tá go leor meánscoileanna aga bhfuil traidisiúin Ghaeilge láidir acu. Sin comhartha an-mhaith.

Tá sé tábhachtach go ndéanaimid tagairt do chúrsaí sa Ghaeltacht. Tá Údarás na Gaeltachta ag díriú ar chúrsaí fostaíochta ach bíonn go leor caint faoi chúrsaí pleanála. Ba cheart go mbeadh sin lárnach don údarás áitiúil gan é a mheascadh le hÚdarás na Gaeltachta. Sin tuairim atá ag Diarmuid Mulcahy, an t-iarrathóir atá againn i gCona Mara, duine atá ag plé le cúrsaí ceoil chomh maith le cúrsaí teanga i gComhaltas Ceoltóirí Éireann go minic. Tá daoine eile a thagann isteach sa Ghaeltacht, ar nós Brian Ó Flanagan, atá ag seasamh linn i gCondae na Mí sna toghcháin d'Údarás na Gaeltachta. Is as Inis Ceithleann é agus chuir sé iachall air féin Gaeilge a fhoghlaim agus is sampla dúinn go léir é sin.

Mar a luaigh an Teachta Carey, caithfidimid díriú ar chúrsaí logainmneacha. Má ta Gaeilge agus míniú ar na comharthaí timpeall le feiceáil, spreagfaidh sé tuiscint ar an Ghaeilge chomh maith le tuiscint ar an logainm féin.

**Cecilia Keaveney:** Is cúis áthais dom a beith anseo chun cúpla focal a rá ar ráitis maidir leis an nGaeilge. Tá an-suim agam san teanga agus san cheol, rince agus cultúir freisin mar tá siad ceangailte le chéile.

Is as Dún na nGall mé, ach níl mé cosúil lena Teachtaí Coughlan, Gallagher agus McGinley. Is trua ach is fíor nach bhfuil mé in aice na Gaeltachta. Ceapann daoine go bhfuil gach duine as Dún na nGall ón Gaeltacht agus go bhfuil an teanga acu go líofa. Níl Gaeilge maith agam, ach tá cúpla focail agam. Tá mé mar Cateoirleach ar Comhchoiste um Ghnóthaí Ealaíon, Spóirt, Thurasóireachta, Pobail, Tuaithe agus an Gaeltacht agus is mian liom buíochas a gabháil leis an Rialtas as ucht an dispóireacht seo. Is mór an trua nach ndéantar morán phlé ar an Ghaeilge, agus is trua nach bhainimid úsáid as an teanga san Teach gach lá.

Cén fáth atá le sin? An bhfuil Gaeilge againn? An bhfuil suim againn san teanga? An bhfuil sé an deachair? Má bhíonn suim againn tá seans againn dul sa treo cheart.

Cúpla bhlian ó shin bhí mé ag caint faoin seans a bhí ag Teachtaí ranganna Ghaeilge a fháil anseo. Thosaigh siad agus stad siad ach tá siad ar ais arís gach seachtain agus tá sé de chuspóir agam mo chuid Ghaeilge a fháil ar ais. Bhí Gaeilge againn go léir nuair a bhímid ar scoil agus nuair a bhímid óg ach ar mo son féin níor bhain me úsáid as an teanga agus mar sin d'imigh an eolais as mo cheann. Ba mhaith liom tacú leis an tionscanarnh "TD Teanga" agus sílim go raibh sé ar intinn ag cuid de na Teachtaí a chuid obair bhaile a dhéanamh agus an taithí a fháil ar an teanga arís.

Gabhaim buíochas le Maire Ní Breathnach agus an muinteoir eile atá againn. Tá súil agam

go mbeidh cuid mór Gaeilge ins na Tuairisc Oifigiúil as seo amach. Beidh mé sásta an obair a dhéanamh tapaidh go leor agus deis agam caint le gach duine san i Dún na nGall go flúirseach i nGaeilge nó i mBéarla.

Gabhaim buíochas leis na daoine a rinne "Turas Teanga". Tá sé an-mhaith ar fad. Tá an grá faoi glas cosúil le "Big Brother". Tá sé nua-aimseartha agus tá suim agam san clár. Go minic sílim go raibh na cursaí Gaeilge cúpla bhliain ó shin "sean" nó páistiúil, ach anois tá leabhair cosúil le *Sorcha sa Ghailearaí* le Catherine Foley, *Dúnmharu ar an Dart* le Ruaidhrí Ó Baile, *Turas in Eadan na Gaoithe* le Peter Hartling, aistrithe go Gaeilge ag Maire Mhic Eoin, *An Swastica Glas* agus *Abhar Léitheoireachta d'Fhoghlaimoirí Fásta*. Freisin, tá TG4 ag déanarnh a lán cláracha nua, mar a bhfuil Raidió na Gaeltachta.

Tá a lán ar siúil taobh amuigh den Teach. Bhí an Aire Oideachas agus Eolaíochta, Máire Ní Hanafin, i Dún na nGall cúpla seachtain ó shin. I gach áit bhí sí in ann caint le na páistí, na tuismitheoirí agus na múinteoirí as Gaeilge agus Béarla. Ní féidir le gach cuairteoir é sin a dhéanamh. Chan na páistí "Báidín Fheilimí" nó "Beidh Aonach Amárach" no chas siad ceol. Bhí na buachaillí agus na cailíní ag damsha rince Ghaelach. Bhí áthas an domhain orm. Bhí mé an sásta mar bhí na páistí an sásta libh féin agus rinne siad iarracht iontach.

Sna scoileanna tá an Ghaeilge in iomaíocht le béarla, stair etc. Rinne mé agus an Aire cuairt ar Gaelscoil Bun Cranna agus níor labhair aon duine focal Béarla. Bhí na trí r's trí Ghaeilge. Tá sé mar an gcéanna sna Ghaelscoileanna eile agus is deas é a fheacáil ó am go chéile. Bhí cuid de na paistí an óg ach bhí siad in ann na ceisteanna a fhreagairt gan fhadhb. Tá sé mar an gcéanna in áiteanna eile i Carndonagh agus Bun an Phobail. Bhí mé an bhródúil as an obair a dhearna siad ar son an teanga agus an cultúir. Cheap mé ar an lá sin ní amháin go raibh sé go hiontach do gach duine a bhí ann ach go mbeadh sé tairbheach don aois óg amach anseo.

Nuair a smaoiníonn duine ar an teanga, smaoiníonn sé nó sí ar an aos óg. Ina lámha atá todhchaí na Gaeilge. Tá úsáid na teanga ag méadú i mo áit féin. Níl sí ag fáil bháis. Tá suim ag daoine thar lear i rudaí a mbaineann leis an Ghaeilge. Lasann aghaidh duine nuair a deirann tú gur Éireannach tú. Bhí mé i dTokyo an seachtain seo caite leis an Uachtarán ag ceolcoirm "Altan agus a Chairde". Bhí na daoine go léir "ar meisce" leis an ceoil agus an damsha Ghaelach seachas ar uisce beatha. Bhí siad ag lorg CDs nó DVDs tar éis an ceoilcoirm. Ní aon rud nua é sin. Chuir a lán daoine ceisteanna orainn faoi Eyna, Riverdance, Clannad agus U2. Bhí an Uachtarán ag caint agus bhain sí úsáid as an Gaeilge agus cúpla focal Japanese. Bhí suim mhór ag na daoine in aice liom an teanga a chloisint, cuid acu imircigh ón tír seo le fada an lá agus cuid eile ó Japan.

Bhí cósir Americéanach Lá féile Phádraig ar an chlár. D'iarr siad orm caint as Gaeilge. Ní

[Cecilia Keaveney.]

raibh aon duine eile sa seomra as Éireann ach an triúir Teachta Dála ach bhí an teanga Gaeilge de dith ag gach an duine. Rinne mé mo dhícheall agus bhí siad an sásta ach tá aiféala orm nach bhfuil níos mó Gaeilge agam. Tá cultúir na nGaeilge an-suimiúil leis na daoine ó Japan. Bhuaileamar le daoine a raibh a lán eolais acu faoin tír seo ach nach raibh siad riamh anseo, agus le daoine eile atá ag obair ar an fharrage agus a mbíonn i Dún na nGall go minic gach bhlian ag ceannach iasc. Tá aithne mhaith acu ar an cheoil agus an craic agus bhí siad abálta cúpla focal a rá as Gaeilge.

Tá sé cosúil le áiteanna eile a bhí mé roimhe sin. Bhí mé i St. Petersburg cúpla bhlian ó shin. D'oscail mé faculty nua san ollscoil, faculty of Celtic studies. Bhí cuid de na daoine san ollscoil in ann caint as Gaeilge go flúirseach agus bhí a lán eolais acu faoi gach rud a bhaineann leis an Ghaeilge. Fuair siad a lán tacaíocht ón embassy agus bhí mé an bhuíoch as an tacaíocht a fuair siad ón Stát i gcóir leabhair agus rudaí eile. Tá suim san domhain go léir san tír seo. Tá sé an deachair a rá cén fáth atá le sin, ach taitníonn rudaí Ghaelach le daoine ar fud an domhain — an ceoil, an teanga, an Guinness nó an uisce beatha agus ár daoine. Tá sé cosúil le líon an damhain alla — titeann siad isteach agus bíonn siad istigh ansin as sin amach.

When I am abroad, it scares me to see how much Ireland has influenced the world. Táimid in gach áit — hurling clubs in Argentina, faculties of Irish studies in Russia, Riverdance resounding in China, Japanese people discussing the merits of James Joyce's *Ulysses* and asking directions to Enya's house. I am struck by eastern Europe marvelling at our ability to achieve economic success, St. Patrick's Day parades all over the world, Roses of Tralee coming from every art and part and our religious presence felt in most countries going back centuries. People all over the world can say "sláinte". Abroad our language, dancing, singing and culture are thought of in the highest terms. We have opportunities to exploit this through summer schools to teach the Irish language, culture, dance and song. When one thinks of how many countries have Irish dancing taught in them, providing summer schools is a means of keeping the tradition alive here. Anybody who has been in America for St. Patrick's Day will have seen the number of Irish dancers there. Offering summer schools here would be a means of keeping the traditions alive. Those traditions must be kept alive because in places such as Inishowen the traditional singers are literally dying. There is possibly a role in that regard for the new traditional arts officer in the Arts Council, Liz Doherty, cailín maith as Bunrana, Contae Dún na nGall.

Tá na bunscoileanna, gaelscoileanna agus meánscoileanna ag fás go tapaídh, ach tá rudaí mí-heart. It is still considered unusual úsáid a bhaint as Gaeilge nó í a chleachtú taoibh amuigh

den scoil. Only we, as individuals, can alter that practice and open minds.

Leis an Acht na dTeangacha Oifigiúla (Comhionannas) we have opened up the possibility that people will be able to conduct their business in either language. The Bill must be implemented. In addition, every effort should be made in this House and elsewhere to engender the feeling gur maith an rud í an Gaeilge. It should not be unusual to frequent the local Irish language coffee shops agus na siopaí atá in áiteanna nach bhfuil ró-fhada ón Teach ar Shráid Cill Dara agus sráideanna eile.

We must foster among Gaelgóirí, among whom I do not yet number myself, an acceptance that it is good for people to try. Their inaccuracies should not militate against their being encouraged to continue to try and to practice. Too often the snobbery associated by some with an teanga has been its greatest enemy. Let us reach out to help, not hinder, the resurgence, particularly among na daoine óga. We must continue to provide stimulating and attractive materials in terms of highlighting our past. It is a rich past that provides an opportunity for enrichment.

Tá cláracha cosúil le "Turas Teanga" ar fheabhas agus ar TG4 bíonn cláracha cosúil le "Blind Date", a mbíonn suimiúil. We should continue to encourage Irish in this century by making it relevant. Sending children to Irish schools is now trendy but the same cannot be said for speaking Irish in this House. Many people ask us to ensure Irish is an official language of the EU. However, should we not ensure it is part of life here as well as including it on a statute book elsewhere? People should feel comfortable coming to the House to speak in the Irish language, regardless of how fluent they are. We must find a way of giving them that confidence.

Gabhaim buíochas as ucht an deis cúpla focal a rá. Deimhním go ndéanfaidh mé mo dhícheall mo chuid Gaeilge a fheabhsú chomh luath agus is féidir. Tá sé ar intinn agam cabhair a fháil agus cabhair a thabhairt ar an bhealach. An bhfuil an gloine leath lán nó leath follamh? Scríobh mé mo óráid, agus mar sin tá sé speisialta domsa. Ceapaim go bhfuil an gloine leath lán, agus má dhéanann gach duine a dhícheall, beidh seans againn go léir an Gaeilge a feabhsú agus a labhairt.

**Aengus Ó Snodaigh:** Is iontach an rud é go bhfuil an díospóireacht ar siúl. Is trua go bhfuil an ábhar os ár gcóir ró-leathan. Nílimid ag díriú ar cheist áirithe. Déanfaidh mé iarracht díriú isteach ar roinnt rudaí atá tar éis tarlú agus rudaí eile a mholaim tarlú amach anseo.

Cuirim fáilte roimh an dul chun cinn atá tar éis tarlú le blian anuas. Glacam go bhfuil dul chun cinn déanta. Tá *Foinse* agus *Lá* ar fáil, tá Foras na Gaeilge ann, TG4, Raidió na Gaeltachta agus an cuma ar go bhfuil stádas nua ag teacht don teanga — níl se tagtha go fóill. Molaim an tAire agus an Rialtas as an stádas sin a lorg. Mar a dúirt

mé anuraidh, is trua nár dhéanamar iarracht an stádas sin a lorg 30 bliain ó shin.

Anuraidh, bhí mé ag iarraidh go ndíreofar ar leagan Gaeilge ar tascaí comh maith leis an leagan Béarla. Dúirt an tAire Iompair ag an am go ndéantar beart de réir an briathar, agus déanadh é lastuigh de cúpla lá. Tá seans againn dul chun cinn a dhéanamh.

Dul chun cinn eile ná go bhfuil an chéad tuairisc againn ó Choimisinéir na dTeangacha Oifigiúla. Tá sé go hiontach go bhfuil an oiread sin gearáin ann. Gan an méad sin a bheith ann, bheadh gach duine á rá go raibh gach rud i gceart. Tá siúl agam go mbeidh níos mó gearáin ann an bhliain seo chugainn, ach go mbeidh dul chun cinn déanta idir an dá linn ag na Ranna. Tá daoine dáiríre faoin teanga agus ag iarraidh dul i ngleic leis na Ranna agus Gaeilge a úsáid. Ba cheart go mbeidh daoine sásta a chearta a bhaint amach agus gearáin a dhéanamh nuair nach féidir leo seirbhís a fháil trí Gaeilge. B'fhéidir taobh istigh de deich mbliain tiocfaidh laghdú ar leibhéal na gearáin, agus nach mbeidh ghá le coimisinéir.

Roimh an Acht na dTeangacha Oifigiúla, mhol mé féin agus daoine eile sa Teach, mar ba chóir dúinn ar an taobh seo den Teach, agus mhol daoine i Fianna Fáil agus na PDs an rud céanna, go raibh an ghné seo an-thábhachtach. Tá siúl agam go n-éiríodh leis na choimisinéir amach anseo.

Tá fadhbanna fós ann. Luaigh an Teachta O'Shea fadhb amháin nuair a dúirt sé gur minic a bhíonn eagla orainn labhairt i nGaeilge anseo mar go dtógann na meánchumarsáide neamhaird. Sin ghné de saol na tíre, agus caithimid fháil amach conas iompaí ar na meánchumarsáide éist linn nuair a labhraíonn Teachtaí trí Gaeilge, níos forleathana na TG4 agus Raidió na Gaeltachta. Tá an méad atá á rá anseo dírithe ar na meán uilig. Is trua nach bhfuil ach colúin amháin sa seachtan ag déaláil le rudaí a dtarlaíonn sa Teach. Tá colún san *The Irish Times* agus tá ceann i *Daily Ireland* agus i *Village*. Fós, níl colún sa chuid is mó de na páipéar nuachta eile.

Ní chloisim Gaeilge á labhairt ar na stáisiúin raidió sa chathair seo ach go háirithe. Ní chloisim morán ar na stáisiúin taobh amuigh den chathair ach an oiread. Nuair a bhí díospóireacht ar siúl maidir le athrú ó na stáisiúin mídhleathach go chinn áitiúil, mar shampla 98FM, bhí caint ar céadadán cláracha trí Ghaeilge, ach níor thárla sé sin. Níl an riall á chur i bhfeidhm más rud é go bhfuil an céadadán ann.

Tá fadhb ann i leith na Ranna, rud a luaigh Choimisinéir na dTeangacha Oifigiúla. Ní féidir linn ár ghnó a dhéanamh ó tús deireadh trí Gaeilge. Beidh mé ag cuir isteach roinnt gearáin i mbliana mar gheall ar sin. Tá mé sásta seans a thabhairt an Acht a chuir i grích, ach tá bliain imithe agus seo an deis atá agam. Tá sé tábhachtach dúinne, mar is muidinne an pobal. Ní muidinne lucht na Dála amháin ach an pobal Gaeilge lasmuigh. Tá dúshlán ann dúinn. Dúirt sé freisin gur dúshlán é do chomhlachtaí poiblí na tíre. Tugann sé dúshlán don phobal freisin úsáid

rialta a bhaint as na seirbhísí breise a bheidh ar fáil trí mheán na Gaeilge ón Státchóras in imeacht ama de bharr na reachtaíochta nua. In áit deifir a bheith ar Ghaeilgeoirí úsáid a bhaint as an Bhéarla muna bhfuil an fhoirm ar fáil, nó foirm Béarla a líonadh isteach as Gaeilge, cathfimid na foirmeacha a lorg mar Ghaeilgeoirí, iad a líonadh isteach, agus úsáid a bhaint as na seirbhísí. Deir sé ag deireadh an phíosa go bhfuil sé fíor gur mhinic a bhíodh deacracht ag duine aonair a ghnó a dhéanamh go furasta leis an Stát trí Ghaeilge san am atá caite. De réir mar a thiocfaidh méadú ar chumas an Stáit seirbhís a chur ar fáil trí Ghaeilge, beidh dúshlán ann don phobal atá inniúil ar an Ghaeilge an teanga sin a roghnú agus iad i mbun gnó leis an Stát. Sin an dúshlán dúinne, ach tá dúshlán ar an Stát chomh maith.

Ina lán réimsí, níl an Stát ag comhlíonadh a dhualgaisí. Sa Ghaelscolaíocht ach go háirithe, níl an Státchóras ag déanamh tosaíochta den cheist seo. Tá liosta feithimh ina lán Gaelscoileanna sa chathair seo, mar ní féidir leo leathnú. Cén fáth nach bhfuil an Státchóras, an Roinn Oideachais agus Eolaíochta ach go háirithe, ag cur foirgneamh nó suíomhanna nua ar fáil dóibh nó ag tabhairt gach uile thacaíochta dóibh siúd a theastaíonn sí uathu ionas gur féidir leo Gaelscoil nua a thógaint le déileáil leis an chomhartha baoil seo agus an t-éileamh atá ann? I mo cheantar, tá Gaelscoil Inse Chór curtha i mbaol. Tá liosta feithimh an-fhada ag na húdaráis. I mBaile Phamair i mbliana, bhí siad ag lorg suímh nua, ach ní bhfuair siad é, agus dúirt an Roinn leo dul ar aghaidh sa scoil a bhí ann cheana féin in ainneoin go raibh breis agus 30 duine acu don chéad agus don dara bliain sa scoil sin. Tá sé seo fíor i ngach uile áit timpeall na tíre a bhfuil Gaelscoileanna lonnaithe. Bíonn éileamh mór ann dóibh. Is gá dúinn impí ar an Roinn Oideachais agus Eolaíochta tosaíocht a thabhairt sa treo is go mbeadh sí ag moladh Gaelscoileanna agus chun tosaigh ag déanamh cinnte go dtógfaí tuilleadh acu.

Tá tromaíocht á déanamh ar na daltaí a bhíonn ag freastal ar na Gaelscoileanna, mar níl na téacsleabhair ar fáil as Gaeilge go fóill, in ainneoin go bhfuil siad ar fáil i mBéarla. Ba chóir go mbeadh an obair sin ag tarlú ag an am céanna seachas ina dhiaidh. Tá a fhios agam gur thosaigh dream a dhírú isteach ar an cheist seo, ach beidh trí bliana imithe sula mbeidh na téacsleabhair don churaclam nua ar fáil do dhailtaí i nGaelscoileanna lasmuigh agus laistigh den Ghaeltacht. Bhí mé ag labhairt le múinteoir ag an deireadh seachtaine a thaispeáin na cóipeanna dom a úsáideann sé chun an curaclam nua a mhúineadh. Is trua é sin, agus taispeánann sé sin teip an Státchórais déileáil leis an cheist seo.

Bhí daoine ag caitheamh anuas ar an méid airgid a chaitear ar an Ghaeilge agus an méid airgid a chosnódh an tAcht teanga. Ní gá gach uile tuairisc a fhoilsiú as Gaeilge agus as Béarla. Is féidir iad a chur ar fáil ar an Idirlíon. Sin an gléas is fearr chun cuidiú leis an Ghaeilge. Is

[Aengus Ó Snodaigh.]

féidir na foirmeacha a chur ar fáil ar an Idirlíon ionas nach gá do dhuine ach dul isteach in ionad Stáit á rá leis an duine atá taobh thair den chúntar go bhfuil an fhoirm sin á lorg aige. Bualfaidh an duine cnaipe, agus eiseoidh an ríomhaire an fhoirm as Gaeilge. Má tá sé ag lorg ceann de na tuairiscí millteanach móra ar a raibh an Teachta Sargent ag caint, is féidir leis dul ar an Idirlíon i mBéarla nó Gaeilge agus, amach anseo, b'fhéidir i dteanga eile. Sin an tslí ar chóir dúinn dul. Is féidir an costas a chur isteach i réimsí eile a bhaineann leis an teanga seachas é a chaitheamh amú ag foilsíú na mílte cóipeanna de thuairisc nach bhfuil aon duine ag dul a léamh in am ar bith. Gheobhaidh iad siúd ar spéis leo é ar an Idirlíon ar aon chaoi é.

Ba mhaith liom díriú isteach ar an Ghaeltacht féin. Caithfidimid poist a chruthú sa Ghaeltacht a mheallann an t-aos óg fanacht inti. Sin an fhadhb is mó, ach go háirithe i nGaeltacht Thír Chonaill; bíonn an t-aos óg ag imeacht. Téann siad ar choláistí tríú leibhéal, agus ní fhilleann siad ar an Ghaeltacht. Níl na poist chuí ar fáil dóibh. Faigheann siad scoileanna nua sna hollscoileanna, agus cad is fiú dóibh teacht ar ais chun na Gaeltachta muna bhfuil na poist ar fáil in aice leo? Caithfidimid díriú isteach air sin. Caithfidimid ógeagrais a bhunú sna Gaeltachtaí a mheallann ógánaigh an cheantair an méid Gaeilge agus an saibhreas Gaeilge atá acu a úsáid lasmuigh de na scoileanna. Ba cheart dúinn an rud ceannann céanna a dhéanamh sna ceantair sin ar fad a bhfuil Gaelscoileanna iontu, i mBaile Átha Cliath, Luimneach, Tiobraid Árann nó pé áit timpeall na tíre.

Ó thaobh mhúineadh na Gaeilge de, bhí an ceart ag an Teachta Kenny díriú isteach ar an cheist cén fáth nach bhfuil an oiread sin daoine ag teacht amach as na scoileanna le Gaeilge — ní ar bhonn costais. Measaim nach bhfuil go leor airgid á chaitheamh, ach is é an fhadhb atá ann ná conas is féidir linn an úsáid is fearr a bhaint as an airgead sin. Is é ceann de na fadhbanna atá ann faoi láthair ná nach bhfuil airgead curtha ar leataobh chun cuidiú le múineadh na Gaeilge sna scoileanna sa Roinn Oideachais agus Eolaíochta. Cá bhfuil an t-airgead seo? Cá bhfuil an buntáiste ar chóir dó a bheith ann dóibh siúd atá ag cur na príomhtheanga náisiúnta chun cinn sna scoileanna? Tá dearcadh agam maidir le múineadh na Gaeilge. Ba chóir dúinn bheith ag múineadh labhairt na Gaeilge ar dtús agus ansin, ina dhiaidh sin, díriú isteach ar an ghramadach, an litríocht, agus an scríobh. Nuair a d'fhoghlaim mé Béarla agus Gaeilge, d'fhoghlaim mé an fhoclóocht ar dtús, agus tháinig an ghramadach agus mar sin de ina dhiaidh sin.

Ó thaobh an Achta seo, is trua é gur seo an t-aon am a bhíonn díospóireacht againn atá go hiomlán i nGaeilge. Tréaslaím leis an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, an Teachta McDowell, mar is eisean an t-aon Aire i mbliana a thosaigh an Dara Céim de reachtaíocht agus a labhairt go huile is go hiomlán

trí Ghaeilge. Ba chóir go mbeadh na hAíre eile agus muid féin ag tabhairt na ceannasaíochta sin do lucht na Gaeilge. Níl Gaeilge líofa ag an Aire McDowell, agus bím ag síorthroid leis i nGaeilge agus i mBéarla, ach is eisean an duine a léirigh sampla don chuid eile againn gur chóir cur leis an méid Gaeilge a bhíonn á úsáid. Ba chóir dúinn impí ar TG4 agus Raidió na Gaeltachta díriú isteach ar dhíospóireachtaí a chuirimid ar leataobh. Ba chóir go mbeadh Déardaoin, mar shampla, as Gaeilge go huile is go hiomlán. Ba chóir dúinn díriú isteach ar rud éigin mar sin. Chuideodh sé liom agus le gach Teachta eile atá ag iarraidh an Ghaeilge a úsáid agus muid ag déileáil le reachtaíocht dá bhfoilseofaí na Billí i nGaeilge. Tá an fhoclóocht a bhíonn iontu deacair orainne atá líofa sa teanga ach nach bhfuil líofa sa sórt foclóochta sin. Dá mbeadh sé i nGaeilge, bheadh sé i bhfad Éireann ní b'éasca dúinn é sin a dhéanamh.

Tréaslaím leis an Aire aríst, agus le gach duine a chuidigh sa díospóireacht seo. Ba chóir go mbeadh díospóireacht cheart againn go rialta. Mar nóta deiridh, gabhaim comhbhrón le clann an iar-Sheanáid, Pól Ó Foighil. Bhuail mé leis cúpla uair. Fear mór na Gaeilge agus Ghaeltacht Chonamara ab ea é, agus déanamh comhbhrón lena chlann agus a pháirtí.

**Mr. T. Dempsey:** Tá áthas orm seans a fháil labhairt ar cheist na Gaeilge. Tá sé tábhachtach smaoinemh inniu faoin íobairt a rinne ár sinsear nuair nach raibh cead acu Gaeilge a labhairt agus an tréan-iarracht a rinne siad ar dtéanga binn a choimeád beo. Dúirt Pádraig Mac Piarais, “gan teanga, gan tír” agus é ag cur síos ar an dlúthbhaint idir aitheantas náisiúnta agus an teanga. Bímid ag brath go géar ar ár gcultúr leis an aitheantas ceart a chur os comhair an domhain. Níl aon ghné den chultúr níos tábhachtaí ná an teanga. Ba cheart go mbeadh sé mar aidhm ag gach polaiteoir tacaíocht a thabhairt ar gach éinne ar fud na tíre atá ag déanamh iarrachta an Ghaeilge a chur os ár gcomhair agus an Ghaeilge a chur chun cinn. Tá siad ann le fada atá ag rá go bhfuil an Ghaeilge ag fáil báis. Tá áthas orm nach bhfuil sin fíor ar chor ar bith. Tá suim faoi leith ag ár muintir agus ag daoine óga sna Gaelscoileanna, fiú i mBéal Feirste. Bhí mé ag cruinniú in Inis Sciortha mí ó shin agus bhí tuismitheoirí ansin ag déanamh iarrachta an chéad meánscoil lán-Ghaelach a chur ar bun i Loch Garman. Bhí ionadh orm go raibh trian de na tuismitheoirí sin rugtha taobh amuigh den tír. Má tá sin mar aidhm ag daoine nár rugadh anseo go mbeidh a bpáistí in ann Gaeilge a labhairt. Tá sé tábhachtach stádas oifigiúil a bhaint amach don Ghaeilge san Aontas Eorpach. Bhí áthas orm inniu a léigh i The Irish Times an t-alt ag Denis Staunton nuair a deir sé:

Irish has moved a step closer to becoming an official and working language of the European Union after a meeting of EU ambassadors showed broad support for the proposal. Irish officials are now confident of securing within

weeks the unanimous approval of all member states that is needed to change the language's status.

Cabhróidh an stádas oifigiúil sin le daoine atá ag iarraidh athbheochán a chothú. Bhí mé páirteach i ndíospóireacht in Ollscoil Bhaile Átha Cliath cúpla ansin agus bhí mic léinn a rá nár cheart airgead a chaitheamh ar cheist na teanga. Ní ghá a rá nár aontaigh mé leo. Tá sé an tábhachtach níos mó airgead a chaitheamh, ar na meánscoileanna go speisialta. Tá Gaelscoileanna i Loch Garman ach níl aon mheánscoil lán-Ghaelach.

Molaim an sár-obair atá idir lámhe ag TG4. Tuigeann sé go bhfuil suim faoi leith ag muintir na hÉireann i rudaí nár chuir RTÉ speis iontu le fada. Baineann daoine an-taitneamh as bheith ag féachaint ar TG4 ar chluichí a imríodh na blianta ó shin sa CLG.

Bhí suim agam sa mhéid a dúirt an Teachta Ó Snodaigh faoi mhúineadh na Gaeilge. Le fada, cuireadh iomarca béim ar ghramadach agus bhí náire orainn nach raibh compórdach ag labhairt na Gaeilge. Caithfidh an Gaeilge a tabhairt amach ó na scoileanna sa dóigh is nach mbeidh náire ar dhaoine nach bhfuil líofa sa teanga. Tá daoine in Éirinn ag foghlaim teangacha ar nós Fraincise, Spáinnise agus Gearmáinise ach gan bheith líofa iontu.

Tá seanfhocal ann, “mol an óige agus tíocheadh sí”. Tá sé an-tábhachtach an moladh ceart a thabhairt don óige atá ag iarraidh ár dteanga a labhairt agus a chur in iúl dóibh go mbraithreann aitheantas náisiúnta ar an dteanga.

**Mr. J. Higgins:** Tá sé tábhachtach go mbeadh focail le rá ag daoine faoin ábhar tábhachtach seo. Dá mbeadh níos mó ama agam le smaoineamh níos mó ar an scéal atá faoi chaibidil inniu ach tá an-chuid rudaí ag tarlú sa saol polaitíochta agus caithfidh Teachtaí Dála gnóitheacha coimeád suas leo.

Níl aon dabht ach go bhfuil an Ghaeilge mar teanga faoi dian-bhrú i láthair na huair. Is todhchaí na teangan atá i gceist againn. Sí an cheist bunúsach ná an mairfidh an teanga. An mbeidh daoine sa tír seo ag labhairt na Gaeilge i gceann 100 bliana? Níl dabht i m'aigne ná go mbeadh sé mar thragóid uafásach dá gcaillfí an teanga dúchas. Tá mionteangacha ag fáil báis mórthimpeall an domhain. Nuair a deirimid mionteangacha ní chiallaimid nach dteangacha tábhachtacha iad ach go bhfuil mionlach á labhairt. Is tragóid do dhaoine an domhain uile nuair a tharlaíonn sin.

Tá deireadh a chur le nithe tábhachtacha sa nádúr inár bpláinéad i láthair na huair. Tá plandaí sna foraiseacha, míolra agus ainmhithe ag fáil báis mar gheall ar athrú atmaisféir nó na foraoiseacha a bheith gearrtha. Ón gcomhthéacs ina tháinig chun tosaigh sa domhan, tá athraithe chomh mór sin nach féidir leo a mhaireachtáil. Tá siad imithe go deo agus de thoradh air sin tá nithe ag imeacht a bhí beo a thóg na milliún blianta d'eabhlóid chun teacht i gcrích agus ansin tá siad

imithe go deo. Is tragóid sin dár bpláinéad agus don chine daonna.

Is ceist cosúil leis seo í ceist na teanga. Tá teanga agus cumas labhartha a fhorbairt le 2 mhíliúin bliain, de réir saineolaithe, agus tá a fhios acu go bhfuil daoine in inmhe caint le 100,000 bliain. Téann ár dteanga siar chomh fada sin. Is rud an-saibhir é seo gur cheart dúinn a chaomhnú. Tá stair na tréibhe, na tíre agus an daonra gur leo an teanga in achan teanga. Tá traidisiún ag baint leis an teanga. Tá rian na staire sa teanga, agus tá sé deacair i ndáiríre ár stair a thuiscint i gceart gan aitheantas éigin a thabhairt do — nó eolas éigin a bheith ag duine ar — theanga na Gaoluinne. Tá sé níos fusa, dá bhrí sin, tuiscint a bheith againn ar cad as a dtángamar, cén saghas daoine muid, agus cad as a bhfuil muintir na tíre seo déanta suas le heolas ar an teanga.

Nuair atá eolaithe ag déanamh staidéir ar staid fhisiciúil an domhain, féachann siad ar sheachnámhacha, seanfhothrach, seanchaisleáin agus mar sin de, agus foghlaimíonn siad uathu. Sa chuma chéanna, is féidir linn an-chuid a fhoghlaim faoinár staid agus daoine féin trí eolas a bheith againn ar an nGaoluinn agus trí staidéar na Gaoluinne sna meánscoileanna agus a leithéid. Ní theastaíonn uaimse go mbeadh an teanga mar iarsma marbh cosúil le seanfhothrach nó a leithéid ach go mbeadh sí beo agus ag dul ó ghlúin go glúin.

Tógaimis sampla an-simplí ar fad: logainmneacha na tíre. Tagann formhór logainmneacha na tíre seo ón Ghaoluinn, agus tá sé sin fíor ó cheartlár Bhéal Feirste siar go Dún Chaoin. I mo thuairim, tá sé i bhfad níos simplí stair agus traidisiún na háite a thuiscint le tuiscint éigin ar an Ghaoluinn, fiú amháin muna bhfuil líofacht ag duine ach amháin eolas éigin. Bíonn sé in aigne daoine go mór. Teastaíonn uathu go mbeadh an t-eolas seo acu — buneolas ar a laghad — ar an dteanga. B'fhéidir nach mbeidís líofa go leor chun í a labhairt, ach d'fhéadfaidís tuiscint a bheith acu ar stair, logainmneacha agus a leithéid. Cinnte, tá sé soiléir le 20 bliain anuas leis an mborradh a tháinig ar an chóras scolaíochta trí Ghaoluinn — bunscolaíocht agus ansin meánscolaíocht lán-Ghaoluinne — go bhfuil an-éileamh ó thuismitheoirí agus leanaí go mbeidís ábalta dul go dtí a leithéid de scoil agus an teanga a bheith acu ina dhiaidh sin.

Deir an Coimisinéir Teanga go bhfuil infheistíocht an-mhor — b'fhéidir €500 milliún in aghaidh na bliana — á cur isteach sa teanga. Deir sé go mb'fhéidir go gcaitheann scoláirí 1,500 uair trí 13 bliana ag foghlaim na teanga ar scoil gan líofacht bhunúsach a bheith acu i ndiaidh na hinfeistíochta agus an ama úd. Caithfidh iniúchadh a dhéanamh ar an scéal seo, mar tá an toil ann i measc an-chuid daoine an teanga a fhoghlaim. Caithfidh iniúchadh a dhéanamh ar na modhanna a ndéantar scolaíocht agus a múinteoir an Ghaoluinn tríothu. Le hinfeistíocht, achmhainníocht agus am den sórt sin, ba cheart go mbeadh eolas i bhfad ní ba leithne agus ní ba

[Mr. J. Higgins.]

dháingne ag leanáí ag teacht amach as na scoileanna. Tá sé tábhachtach go ndéanfaí é sin.

Cabhraíonn sé seo an-chuid le daoine. Tá mé féin i bhfabhar an rogha a thabhairt do dhaoine agus leanáí chomh maith cé acu an dteastaíonn uathu an Ghaoluinn a fhoghlaim nó nach dteastaíonn uathu. Tá sé mar chabhair an-mhór do leanáí agus daoine óga go bhfuil an Ghaoluinn á foghlaim acu ón am ó bhíodar an-óg le go mbeidís dátheangach. Tá aithne phearsanta agam féin air seo go gcabhraíonn an dátheangachas le duine nuair a tá sé ag iarraidh an tríú agus an ceathrú teanga a fhoghlaim. Má tá dátheangachas ag leanáí inár mbunscoileanna, nuair a thagann siad chun Fraincis, Gearmáinis nó Spáinnis a labhairt, beidh sé i bhfad níos fusa dóibh na teangacha sin a labhairt, mar go mbeidh solúbthacht teanga agus aigne acu.

Is tír dhátheangach í atá againne anseo — Béarla agus Gaoluinn — agus tá sé tábhachtach a rá nach bhfuil daoine a labhraíonn Béarla amháin níos lú in aon slí ná iadsan atá dátheangach. Bhí daoine áirithe a bheadh ag labhairt Gaoluinne le fada a bhfuil meon acu go bhfuil daoine nach bhfuil líofa sa Ghaoluinn saghas leath-Ghaelach in ionad a bheith lán-Ghaelach. Déanann sé sin an-damáiste don teanga féin, agus ba cheart go gcuirfí deireadh lena leithéid de smaoinemh agus, uaireanta, a leithéid de chaint.

Molaim na meáin chumarsáide i nGaoluinn. Dhein Raidió na Gaeltachta éacht leis na blianta fada maidir leis an Ghaoluinn. Rinne foireann Raidió na Gaeltachta éacht leis na modhanna a úsáidtear chun nuacht áitiúil a chur os ár gcomhair amach le go mbeadh fonn orainn — déanaim féin gach lá é, más féidir liom — éisteach isteach ar an stáisiún le haghaidh nuachta, nuacht áitiúil san áireamh, cé acu ó Bhaile Átha Cliath nó ó Chorca Dhuibhne. Tá TG4 mar an gcéanna.

Níl ach cúpla nóiméad fágtha agam. Tá díospóireacht ann anois agus an-chonspóid faoi riail áirithe a thabhairt isteach i gcuid de na Gaeltachtaí go gcuirfí iachall ar dhaoine atá ag ceannacht tithe sna Gaeltachtaí eolas a bheith acu ar an Ghaoluinn. Tá an-fhearg ar dhaoine áirithe agus go mórmhór ar na boic mhóra agus an lucht tógála faoi seo. Táim an-bháúil leis an riail sin. Ba mhaith liom ní ba mhó smaoinimh agus díospóireachta, ach measaim, más rud é go dtógfar an-chuid tithe sa Ghaeltacht agus go gceannófar na tithe sin le daoine nach bhfuil focal Gaoluinne acu, go ndéanann sé sin an-damáiste don chultúr agus do labhairt na Gaoluinne sna ceantair úd. Díreach faoi mar a thagann an t-impiriúlachas stairiúil isteach i dtír agus go loiteann sé an teanga, tá an oiread sin brú anois ar an Ghaoluinn go bhfuil an dáinséar ann go gcaillfear an teanga, agus measaim go bhfuil sé ceart an Ghaoluinn a chaomhnú trí mhodhanna den saghas seo. Ba bhreá liom ní ba mhó díospóireachta faoi sin, mar ní theastaíonn uaim bheith ag caitheamh anuas ar dhaoine nach bhfuil

an Ghaoluinn acu. Mar sin féin, measaim go bhfuil pointe anseo atá an-tábhachtach, agus caithfidimid níos mó díospóireachta a bheith againn faoi conas an Ghaoluinn a choimeád sa Ghaeltacht.

**Acting Chairman (Mr. Sherlock):** Tá nóiméad amháin fágtha ag an Teachta, ach té sé 7 p.m. anois.

Debate adjourned.

### Private Members' Business.

#### Fur Farming (Prohibition) Bill 2004: Second Stage (Resumed).

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

**Minister of State at the Department of Agriculture and Food (Mr. B. Smith):** I wish to share my time with Deputies Moloney and Ellis.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. B. Smith:** Following on from last night's debate on this Private Member's Bill I reiterate the position my colleague Deputy Browne outlined in this House yesterday that the Government is opposed at this time to the introduction of a ban on fur farming. The Minister of State, Deputy Browne, has clearly made the case that fur farming is a legitimate farming activity here and throughout the vast majority of our fellow member states in the European Union, including Sweden. That country was mentioned last night and officials in the Department have confirmed this to be the case with the Swedish authorities today.

**Mr. Boyle:** What about the UK? What about Northern Ireland? They are our nearest neighbours.

**Mr. B. Smith:** I am talking of Sweden. There was some misapprehension last night. There was an indication that Sweden was not in the same position as this country.

**Mr. Boyle:** It has banned fox fur.

**Mr. B. Smith:** Officials in the Department took the opportunity today to check the matter with the Swedish authorities and the position as outlined was confirmed.

We have here a specific requirement under the Musk Rats Act, 1933, and the Musk Rats Act, 1933 (Application to Mink Order) 1965. Under the Musk Rats Act, 1933 (Application to Mink Order) 1965, the keeping of mink is prohibited except under licence from my Department. Licences have a duration of not more than one year at which point they must be renewed.

Licences are issued under this legislation only if the applicant, following an inspection, is found to be fully compliant with a number of key conditions.

In the course of yesterday evening's debate on this matter, some Deputies expressed concern about the potential risks fur farms might pose to the surrounding areas. I reassure Deputies that the terms and conditions for obtaining a licence to operate a mink farm require that mink shall be kept only at the premises specified in the licence; mink shall be kept in cages or other containers of such material and constructed in such a manner as to prevent their escape; buildings or parts of buildings used for the keeping of mink shall be constructed in such a manner or enclosed by such material as would in the opinion of the authorised officer prevent the escape of mink; the licence holder shall ensure that trees, shrubs and undergrowth are not growing or planted in such a position in relation to the guard fence as would in the opinion of the authorised officer render the escape of mink possible; any drainage channels on such licensed premises shall be adequately guarded to prevent the escape of mink; licence holders must inform persons to whom they dispose of mink of the need for a licence to keep them; the Department must be informed if mink cease to be kept at any premises covered by this licence and of any change in ownership; authorised officers must be allowed to inspect the premises at all reasonable times; if any mink escape, the Department must be informed at once; and a licence is issued subject to compliance with all relevant legislation. Failure to comply with all relevant legislation and/or any of the conditions of a licence may result in the licence being revoked.

**Mr. Boyle:** Like Waterville?

**Mr. B. Smith:** Environmental problems arising from wild mink come within the remit of the national park and wildlife services. My Department places the utmost priority on animal health and welfare not alone in relation to animals farmed for their fur but across the entire spectrum. Fur farmers also have a vested interest in keeping their animals healthy and content and I disagree with some suggestions in last night's debate and state my belief that the conditions of an animal's coat is a key indicator of its well-being. The present housing systems used in the rearing of mink have evolved through research and practical experience over many generations of animals on farms.

Mink are generally housed in sheds four metres wide. These sheds are naturally aerated and open-sided with roofing panels.

**Mr. Sargent:** That is wrong. It is incorrect.

**Mr. B. Smith:** It is not incorrect.

**Acting Chairman:** The Minister of State without interruption.

**Mr. B. Smith:** The sheds provide normal temperature and light conditions while protecting against direct sunlight, wind and rain. Wire cages are placed in rows in the sheds. The cages are raised off the ground to ensure good hygiene. In mink farming, year-round nest boxes bedded with straw or wood shavings are located adjacent to each holding cage.

**Mr. Boyle:** Sounds like Heaven.

**Mr. B. Smith:** The nest boxes are provided for breeding purposes and to ensure that farmed mink can sleep and rest in comfortable conditions. Research has shown that the provision of a nesting box, which is now standard in mink production, is of great importance to the welfare of farmed mink.

Mink kits remain in the same cage as their mothers until weaned at the age of seven to eight weeks. After that the female breeding mink are kept singly in their cages from January until early May when the kits are born while the weaned animals are housed in little groups of two or three through their growth period, and only breeding males, selected among the mature animals late in the autumn, are housed separately. Non-breeding mature animals are killed quickly and humanely in compliance with the Sixth Schedule of the European Communities (Protection of Animals at time of Slaughter) Regulations, 1995. Slaughter is carried out on farm, thereby minimising the need for stressful transport. The diet fed to mink on fur farms is high in nutrients and may have added mineral and vitamin supplements to ensure ideal nutrition levels are provided to maintain good health and well-being. Clean water is available to the mink at all times.

The majority of European fur is sold through the two largest auction houses in Copenhagen in Denmark and Helsinki in Finland. There, supply and demand meet and try to strike a balance. Fur farmers must operate and compete within a global free market setting. The fur market is not protected by government intervention. Important markets for fur garments include North America, China, Germany, Italy, Japan, Korea, Russia, Scandinavia and Spain.

Last night Deputies made a number of specific points and I will refer briefly to some of the issues raised. Deputy Boyle made the point that fur farming is a nascent industry in Ireland. I could not agree with this assessment.

**Mr. Boyle:** There are just six farms.

**Mr. B. Smith:** Fur farming is a long established industry and in its present structure has existed in Ireland for nearly 40 years. Deputy Cuffe commented, as did Deputy Ferris, that the legislation governing this area is 70 years old. While the Musk Rats Act dates from 1933, the application of that Act to mink, on which the licensing system is based, is in place since 1965. Other important



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legislation governing this area from the welfare point of view is much more recent.

Deputy Ferris and others referred to mink escaping from farms and causing considerable damage to the environment. The situation in mink farming establishments is significantly different than it was in the past.

**Mr. Boyle:** It has happened. It happened in Waterville.

**Mr. B. Smith:** Deputy Boyle had his opportunity to contribute last night. I want to make my contribution. There should be such democracy in this House that people are allowed to make their contribution.

**Mr. Boyle:** The Minister of State should refer to the escapes that occurred.

**An Leas-Cheann Comhairle:** The Minister of State, without interruption.

**Mr. B. Smith:** I do not think Deputy Boyle has control of the House to decide who will speak. Deputy Ferris and others referred to mink escaping from farms and causing considerable damage to the environment. The situation in mink farming establishments is significantly different than it was in the past. The current operations are modern which are largely escape proof units which developed following the introduction of the 1965 order are in marked contrast to the small scale units which were the norm until the industry was brought under statutory control.

There is no evidence to support the claim made by Deputy Cowley that following the introduction of the ban on fur farming in the UK, the industry had moved over here. There were no such farms in Northern Ireland at the time the ban was introduced and there is no evidence of UK fur farms setting up operations here.

I do not agree either with the comments made by Deputy Twomey that this is an alternative industry that has failed here. These farms have been operating for up to 40 years in some cases, trading profitably and providing employment in some of the most disadvantaged areas of the country.

Coming, as I do, from an area in the Border, midlands and west region, I cannot agree with some speakers who suggested that the contribution of fur farming is insignificant. On the contrary, all forms of legitimate economic activity, no matter how small, are important to this small open economy. There is a body of opinion that suggests that enterprises such as fur farms, which receive no subsidy from the State and have invested significant amounts of capital in their internal infrastructure and facilities, are very important.

Small industry is the lifeblood of rural Ireland. It must be recognised that these fur farms provide valuable full-time, part-time and seasonal

employment. My information indicates much more significant levels of employment than those mentioned by some Opposition Deputies in last night's debate, although numbers vary according to the time of the year. While Central Statistics Office figures indicate exports of fur pelts amounting to a value of €1.9 million in 2004, Deputies must also consider that these enterprises would be significant purchasers of consumables such as meal, transport, engineering and construction.

The Department of Agriculture and Food has statutory responsibility for the welfare and protection of farmed animals through the Protection of Animals kept for Farming Purposes Act 1984 and the European Communities (Protection of Animals kept for Farming Purposes) Regulations 2000, SI 127 of 2000. In addition, the Council of Europe has made recommendations regarding animals kept for fur farming. The regulations protecting animals kept for farming purposes are a general part of animal welfare legislation and apply to many types of farming systems, including cattle, sheep and pigs as well as the animals kept on fur farms.

The on-farm welfare inspections carried out by the Department veterinary inspectors include assessment of the animals, the facilities provided and the management practices employed. Officials from my Department carry out ongoing veterinary inspections at fur farms. In the course of these inspections they carry out a limited random examination of cage sizes which indicate that the fur farms are generally complying with the Council of Europe recommendations for minimum space allowances for fur animals. The farms are engaged in a process of achieving the targets required by 2010. With regard to mink, the current Council of Europe recommended minimum space allowance is a free area of more than 1600 cm<sup>2</sup> and a height greater than 35 cm. These must be replaced with a system involving new enhanced space dimensions by 31 December 2010.

It is the obligation of the owner or person in charge of the animals to ensure that the slaughter of fur animals is carried out in accordance with national and European legislation. The methods that can be used for slaughtering fur animals on these farms are laid down in SI 114 of 1995, protection of animals at time of slaughter regulations. The slaughter methods employed in the fur farming industry in Ireland include inhalation by gas, electrocution and lethal injection. The specific technical parameters for these methods are detailed in the legislation.

The Council of Europe has made recommendations indicating an awareness of the basic requirements for the health and welfare of farmed fur animals at European level. These have focused primarily on good husbandry and stockmanship and protection against adverse climatic conditions, injury, infestation and disease or behavioural disorders.

The recommendations acknowledge the necessity to encourage further research on the welfare of fur animals and that these recommendations should be reviewed in the light of new scientific research. In addition, recommendations are laid down which include stockmanship, housing, management, slaughter methods and research requirements.

I am satisfied that there is an appropriate regulatory regime in place to ensure the welfare and protection of animals farmed for their fur. I also believe that Irish fur farmers are committed to ensuring the well-being of the animals under their care, as well they might. As entrepreneurs, they are acutely aware that to thrive and succeed they must adhere to best practice in the industry. Irish fur breeders are members of the European Fur Breeders Association, EFBA, an umbrella group for fur breeders in 15 countries. The EFBA has introduced a code of practice for the handling of farmed mink. This reflects the recommendation from the Council of Europe. Irish fur breeders have committed themselves to follow these conditions although they have not yet been adopted into law. Fur is a commodity that Irish fur breeders can produce under conditions which meet national and EU requirements and for which there is clearly an international demand.

The contribution by Deputy Hayes demonstrates clearly the significant divergence of views among some of the Opposition parties. We heard from two parties that aspire to participating in a multi-party Government. Deputy Hayes outlined clearly his alarm and concern about what he termed the agenda behind this debate.

**Mr. Moloney:** I support the Minister of State on the basis of first-hand observations of the industry in my home county. These observations reflect the operation of the industry on other farms throughout the country. The industry is well regulated locally and nationally and undergoes regular departmental inspections.

Local opinion is the best record of the running of such farms. Heffernan's of Vicarstown in Laois employs 26 full-time people. People living in the locality, many of whom are interested in animal welfare, have attested to me, during phone calls I have made over recent days to find out local opinion, that the regulations are applied on this farm and it is always open to inspection. They are prepared to go on the record and say the regulations apply in Ireland and they are always open to inspection. If that is the case, we should recognise the industry for what is it. It is also important to recognise the value of the industry not only to local economies but to the national economy. The industry's turnover is approximately €4 million annually.

**Mr. Boyle:** It is €1.9 million, according to the Minister of State.

**Mr. Moloney:** This issue excites the Deputy but it does not excite me. I only wish to acknowledge the legislation.

**Mr. Boyle:** The Deputy should quote the correct figure.

**Mr. Moloney:** I stand over €4 million. Is there a farm near Deputy Boyle's home?

**Mr. Boyle:** One-third of my constituency is rural.

**Mr. Moloney:** I am satisfied there is no point building up a head to steam to denigrate the industry, given what is happening on the ground on farms.

I refer to the basic economic precepts of the laws of supply and demand. There is strong evidence to support the argument that there is a strong, increasing demand for fur as a fashion item worldwide. A vibrant fur production industry in Europe seeks to meet this demand and that cannot be contradicted.

**Mr. Sargent:** There is also demand for slavery.

**Mr. Moloney:** Slavery was abolished in Ireland years ago.

**Mr. Sargent:** No, it was not.

**Mr. Moloney:** The two issues cannot be compared.

I cannot understand why we, as legislators, would seek to prohibit Irish fur farmers from seizing on the business opportunity that exists for them on the world stage, particularly when they comply with the Department's regulations. The domestic fur industry is well regulated. The Minister outlined that officials from her Department regularly inspect licensed fur farms and she referred to the willingness demonstrated by the management of these farms to comply with all the regulations.

All fur farm operators are members of the Irish Fur Breeders Association, which, in turn, is affiliated to the European Fur Breeders Association, EFBA, an umbrella organisation for fur breeders in 15 European countries. These organisations consistently advocate and promote the adoption of best practice within the industry by their members. The EFBA has introduced its own code of practice for care and handling of farmed mink in Europe. All members of the EFBA have adopted this code and Irish fur breeders have committed themselves to follow these conditions.

The conditions under which fur animals are reared have continually been improved through ongoing research. The EFBA and its member countries have a long history of encouraging scientific research into animal welfare related to fur breeding. The EFBA seeks to secure a future for farming by matching human, animal, environmental and societal needs in a sustainable way, thus strengthening the position of European fur

[Mr. Moloney.]  
farmers as world leaders in this respect. Irish fur breeders are world leaders——

**Mr. Boyle:** One-thirtieth of 1% is tiny.

**Mr. Moloney:** If Deputy Boyle had his way, we would lead in absolutely nothing. We are back to the issue of live exports and the detrimental effect of Green Party policy if its members had their way. Thankfully, the party is not in power and it is not heading in that direction.

Domestic fur breeders have every incentive to look after their animals by applying the best animal husbandry and welfare standards. Animals farmed for their fur in Ireland are selectively bred, well nourished, housed and cared for.

**Mr. Sargent:** They are privileged.

**Mr. Moloney:** Unlike Green Party Members, they are also well mannered. Why on earth would we wish to prohibit these people from earning a living? Fur farmers do not seek a subsidy or other form of financial assistance and we should not stand in their way.

The Bill must be voted down because to do otherwise is tantamount to transferring this economically viable industry to other fur producing countries with less stringent regulatory systems. This would take place at great cost to the animals, the entrepreneurs who operate these businesses in Ireland, their hard working and experienced employees and, last but not least, the economy. There is no rush on the part of animal welfare groupings to establish replacement industries to fill the void resulting from this legislation to close all fur farms. The Bill is not needed and it should be voted down because it serves no useful purpose.

**Mr. Ellis:** I wish to correct the record. The Minister of State said the value of pelts exported is €1.9 million.

**Mr. Boyle:** That is the industry's turnover.

**Mr. Ellis:** The Deputy tried to shout down Deputy Moloney on the basis that he was telling lies.

**Mr. Boyle:** I can be louder.

**Mr. Ellis:** Deputy Moloney is correct, the industry's annual turnover is €4 million.

**Mr. Boyle:** That is not the CSO figure.

**Mr. Ellis:** It is time Members took a reality check. There is much misinformation in circulation about the topic of fur farming, that all of us receive regularly in the post. The use of emotive language and the subjectivity employed when discussing this topic detract from the facts and the discussion. It has been alleged during the debate that cruel practices are employed in the fur farm-

ing sector. However, I am satisfied this is not the case. Two Ministers have stated this is a well regulated sector, which is welcome. If the industry was not properly regulated, the Department would not support it.

Fur is a globally traded product. Six licensed fur farms operate in Ireland under the ongoing supervision of the Department of Agriculture and Food. Can Deputy Boyle and his colleagues who tabled the motion inform the House about conditions in the fur farming industry in other parts of the world, particularly those that are less well off?

**Mr. Boyle:** There is no fur farming in the UK.

**Mr. Ellis:** Both Ministers of State at the Department have outlined how the licensing system administered by the Department of Agriculture and Food involves annual inspections covering animal health and welfare, inspections of the facilities and compliance with slaughter criteria. Deputy Brendan Smith stated the methods used to slaughter animals are most humane and are comparable to those used by veterinary practitioners when they put down farm animals. They often use lethal injection to do so.

We have also received reassurances that the Department inspects fur farms to ensure they are sufficiently secured to guard against the escape of mink, thereby, defending the interest of contiguous agricultural enterprises. There is a problem in a number of areas where mink were let go from farms in Northern Ireland.

**Mr. Boyle:** What about Waterville, County Kerry?

**Mr. Ellis:** I am not worried about County Kerry but mink, which escaped from a farm in Northern Ireland a few years ago, are creating havoc on the Shannon-Erne waterway.

**Mr. Boyle:** They are banned in Northern Ireland.

**Mr. Ellis:** There were fur farms in the North but the Deputy has not been around long enough to know that.

Every Member will agree the deliberate release of mink from a licensed mink farm is an illegal action, which cannot be condoned on any basis. I have outlined why such farms should be controlled. However, it must be remembered fur farms are engaged in a legitimate enterprise. The operators must be allowed to earn a living and to provide much needed employment in rural areas. For example, Deputy Moloney stated one fur farm provides 20 jobs in his constituency, which is important to the local economy.

Farmed mink have adapted to their environment and farming systems have evolved to meet the animal's needs. These systems provide high standards of animal welfare, housing, husbandry methods and disease control. If proper disease control was not in place, the finances of fur

farms would be out the door. Research results have been incorporated into farm practices to benefit animals farmed for their fur through improvements in housing, disease prevention, nutrition, husbandry, breeding and selection. We must have a reality check and realise that fur farming is a business. If that business were to be ended by way of legislation passed in this House, I have no doubt the next legislation the Green Party would bring forward would be to ban live cattle shipping, which it has said it wants to introduce.

**Mr. Sargent:** We will not do that.

**Mr. Ellis:** Deputy Boyle is shaking his head. I regularly get letters, tapes and books from Mary-Anne Bartlett, who wants an end to live cattle shipping.

**Mr. Boyle:** That is not the Green Party. That is another organisation.

**Mr. Ellis:** What the Green Party proposes is the thin end of the wedge because it has no interest in fur farming, other than to try to create a mechanism by which it can bring legislation before the House to prevent the shipping of live cattle from this country. This Bill should be voted down because it will have a detrimental effect on the farming industry.

**Dr. Upton:** I welcome the opportunity to speak on this Private Members' Bill. I support the Bill.

I am intrigued by the response from all the Government speakers. They addressed this issue entirely on economic grounds. Those economic grounds are of the order of approximately €4 million. The figure went from €1.5 million to €2 million to €4 million—

**Mr. Naughten:** Inflation.

**Dr. Upton:** It happens overnight; I understand that. We are still talking about a relatively small amount of money, so small that the income from fur farming does not appear in the agricultural statistics. It does not reach the scale of being considered important in the agricultural statistics.

Fur farming is the intensive breeding of essentially wild animals and because the animals have to be bred intensively, they are kept in relatively small cages and are unable to exhibit their natural behaviour. Every Member who spoke about this issue agrees on that. These animals are essentially wild and are now confined. They live relatively short lives in some distress prior to being slaughtered for their fur. That is a realistic summary of what fur farming is about.

The European Union's Scientific Committee on Animal Health and Animal Welfare, in December 2001 published the most comprehensive study of the subject. This prestigious group of scientists and veterinarians included a senior member of staff of the Veterinary Research Laboratory, part of the Department of Agriculture,

Food and Rural Development in Ireland. Its conclusions could not have been clearer. Current husbandry systems cause serious problems for all species of animals reared for fur. That is unequivocal in terms of its commentary on the animal welfare aspects of this practice.

Against that background I was very disappointed to hear the Minister of State last night vigorously defend the intensive farming of animals for their fur, and he outlined in some detail the various Acts that refer. The Minister acknowledged that there is no legislation to oversee fox farming. Admittedly, it appears there is only one fox farm in the country but since there is no need for licensing, I am not sure we can have confidence in that statistic. While I believe it to be the case, the fact that no licensing is required for fox farming is interesting.

The Minister also stated that animals must be cared for by a sufficient number of staff who possess the appropriate ability, knowledge and professional competence. What criteria are in place to monitor the knowledge and ability of those who run fur farms? It was mentioned a number of times in the debate that the inspections are carried out on a regular basis but what does "regular basis" mean?

The Bill before the House seeks to prohibit the cruel exploitation of what are essentially wild animals for an unnecessary luxury item. The objective is straightforward and simple. It is to prevent unnecessary cruelty to animals. Our current law permits farming of mink and fox for their fur or their pelt in the case of rabbits. None of the products derived from the animals farmed under restricted space are necessary for our well-being and they have only a very limited impact on our economy, an issue we addressed already. The figure has increased from €1.5 million to €4 million.

Fur farming has been illegal in Northern Ireland and Britain since January 2003. Other European countries, for example, Austria, have banned fur farming. Fox farming is being phased out in Sweden and other countries are also considering a ban, including Italy and the Netherlands. It is a matter for each country within the EU to introduce its own laws to permit or prevent fur farming as long as they operate within the EU guidelines.

The Minister referred to compliance with the Council of Europe recommendations concerning fur animals and the Council directive on keeping animals for farming purposes. The slaughter methods are also permitted under the Sixth Schedule of the European Communities' regulations of 1995. I have no argument with the accuracy of any of that but it gives me some cause for concern when I examine the methods outlined earlier by the Minister. They are gaseous inhalation — for that we can substitute smothering; electrocution — a very unpleasant thought; and lethal injection, which would appear to be the most humane of those methods. The facilities allowed for slaughtering of the animals, legal or

[Dr. Upton.]

otherwise, do not appear to be an attractive option for animals that should be left in the wild.

Commissioner Byrne on placing responsibility for animal welfare with the EU said it is regularly the case that member states want to “pass the buck” on this issue. He said: “The public should be in a position where they can be confident that animals are treated humanely and that their elected representatives take the issue seriously”. He further stated:

The Commission’s role relates only to its legal powers and competence. We cannot ensure that animals are treated humanely throughout the EU. For a number of reasons — we do not have the resources, the powers or the legitimacy to do so.

Mink are essentially wild animals, not domesticated. They prefer to live alone in the wild and they are territorial. They are semi-aquatic animals with semi-webbed feet and therefore they like to spend their time in the water. It is impossible for mink to be housed humanely in the conditions that have been described and for them to be given the opportunity to display their natural behaviour.

The Bill also takes account of the fact that breeding the animals and selling on the progeny with the intention of slaughter is also an offence. Basically, housing these animals under the conditions that are normally associated with farming would be considered an offence.

The EU Scientific Committee on Animal Health and Animal Welfare states:

With respect to the welfare of mink, the report concluded that there is an average kit mortality of about 20% and a yearly adult mortality of about 2-5%. Stereotypes, largely locomotor in nature, are widespread on mink farms. In one study the number of affected animals varied between 31 and 85% of the females on different farms. The report concluded that the typical mink cage impairs mink welfare because it does not provide for important needs.

That is a European study that was set up with representatives from the then Department of Agriculture, Food and Rural Development.

With respect to the welfare of foxes, the report concluded that there is an annual mortality rate for juvenile and adult foxes on fox farms of about 5%. The report concluded that the typical fox cage does not provide for the important needs of foxes. In particular, it imposes monotony of the physical environment, restricts physical exercise and specific behaviour such as digging. I am happy to say that in suburban Dublin, where I live, I can vouch for the need for foxes to dig. They have burrowed a number of very interesting holes in my back garden but they are very attractive wildlife, and they are very welcome. That indicates, however, that having such animals in a cage is totally inappropriate. The three foxes in my

area are alive and well and report in for duty every now and again.

If the conditions and mortality rates described previously for both mink and foxes applied to large domestic animals such as cattle there would be public outcry, and rightly so.

One argument against the banning of fur farming is the possible loss of employment and income. We have identified the number of farms, which appears to be relatively small — six mink farms and one fox farm. I understand the economic turnover from that is quite small. Some consideration should be given to those engaged in the industry who would accrue losses if fur farming is banned. When Deputy Boyle referred to such people last night, he accepted that it would be reasonable and sensible to compensate them. It would be more practical to phase out the practice of fur farming than to immediately impose closure orders.

I would like to discuss aspects of this debate which do not relate to economics. The Minister of State last evening and other speakers this evening showed little concern about mink escaping into the wild. As someone who comes from a rural background, I am aware that mink have done a great deal of damage in certain parts of the country, such as the west.

As a Deputy said last night, it is important for legislators to set standards for ourselves and for the animals for which we are responsible. It is unacceptable to keep an animal in a small and barren cage simply to obtain an unnecessary luxury item. The conditions in which mink are farmed are influenced by the fashion market. The Bill deals with the cruel nature of the farming of wild animals, which are the victims of fashion, simply for their fur. Anybody who has seen the many video tapes and photographs which are available will accept that mink farming is not a pleasant method of producing an unnecessary fashion item to which many alternatives are available. This industry does not produce any winners, other than those who aspire to fashion for fashion’s sake without any concern for animals which suffer in the making of fashion items.

It was mentioned last evening that the fur coat has historically been seen as a status symbol. I do not wish to take from those who were lucky enough to have owned and worn fur coats in the past, when they were considered glamour items. Many people are unaware of the origins of such coats — they do not know about the conditions under which animals were housed while their fashion items were being produced. I do not suggest that such people should dump their expensive fur coats, if they happen to have such garments. However, I ask them to reflect and to lend their voices to the prohibition of the infliction of further cruelty on innocent animals.

It is interesting that the practice of breeding and farming animals for their fur, which is a luxury item, was condemned in recent days by one of Ireland’s leading fashion designers, Paul Costelloe. Mr. Costelloe, who is a successful rep-

representative of Irish fashion at home and abroad, sees no reason for this country to continue to allow people to engage in such activity. I found it interesting that he took the view that fur is an unnecessary fashion item.

The term “fur farming” might give the impression that animals are allowed to roam over open fields, but it might be more appropriate to refer to “fur farms” as “fur factories”. It is important to differentiate between the intensive rearing of caged animals in cramped spaces in which they cannot follow their natural instincts for the purposes of acquiring a fashion item and the accessing of a product such as leather that is a by-product of food production. That distinction needs to be emphasised. One might reasonably ask whether it is appropriate to rear chickens for food in battery conditions, but that is a separate debate. We should revisit the conditions in which poultry is intensively farmed so that we ensure that they are as humane as possible. I do not doubt that there is a strong economic argument in favour of the farming of poultry for food. Although that is a different argument, the conditions should be as humane as possible.

I do not think it is acceptable to state that fur farmers should be given the opportunity to provide more humane conditions for farming mink, for example. If that argument were valid, the provision of such facilities could and should have been done a long time ago. If it were acceptable to keep animals which are essentially wild in cages, the conditions for that could and would have been put in place some time ago. Fur farming is simply a business in which producers aim to generate the highest possible profit.

The Bill is important for a reason other than the specific issue it addresses. It highlights the need to raise awareness of animal welfare issues in general. We have had long and relatively fruitful discussions in the recent past on the conditions required for the transport of farm animals. Serious issues need to be raised about humane means of transport. There is a need for an intensive debate about how such transport should be managed. It is a separate matter that relates to an economic product that is of significant importance to this country's economy.

Another issue that has received some attention recently — I intend to address it at a later stage — is the cruel and inhumane practice of so-called puppy farming. Many parallels can be drawn between the practices of fur farming and puppy farming. Horrific photographs of neglected and suffering animals have been produced. Those who break the law by treating animals inhumanely, whose only motive is greed, should be suitably penalised. I do not draw an exact parallel between fur farming and puppy farming, but it is important that we should be aware in the context of a Bill that deals with matters of animal welfare that other practices, some of which are illegal, are escaping the tax net and are simply cruel to animals. That should be addressed.

I referred to the methods of killing animals, which were set out in detail by the Minister in his speech. It is interesting that no qualification or training seems to be required by those who slaughter animals. The presence of a veterinary practitioner is not required.

I have concerns about the attitude of the Government and the Department of Agriculture and Food in this regard. Parliamentary questions have been asked and letters have been written by various groups about fur farming, but unsatisfactory responses have been received. The Government has stated clearly that it does not plan to ban fur farming in Ireland. It has strongly reiterated that stance over the last two evenings. The Department of Agriculture and Food has said that the expansion of fur farms is acceptable. It has indicated that there is just one fox farm in this country, as I said earlier. The lack of a requirement that fox farms be licensed indicates that there is a lack of concern about what is going on. I welcome the comment last night by the Minister of State, Deputy Browne, that he will address and examine this issue. That is a move in the right direction.

The Minister of State argued last night that a ban on fur farming would lead to Ireland's share of the fur market being assumed by another fur-producing country. He said that the ban would not serve any practical purpose for that reason. As legislators, however, we have a responsibility to ensure that the animal welfare standards and conditions in this country are above reproach. We cannot speak for or anticipate what other countries might do, but we can make a strong statement on animal welfare and fur farming by giving a lead, even now, by prohibiting fur farming and setting out the animal welfare conditions which concern us.

There is no good reason to continue the practice of fur farming in Ireland. It does not contribute significantly to the economy, it does not feature in agricultural statistics and it provides a relatively small number of jobs. All the products developed as a result of fur farming are exported and no value is added to them. Animals are suffering because fashion-conscious people want to indulge their whims. When the opinion of the public was sought in this respect, 64% of people stated that they were opposed to fur farming. That is not an insignificant proportion of people.

I thank Deputy Boyle for introducing this Bill and I thank Compassion in World Farming for taking proactive action to make Deputies aware of some of the unpleasant and inhumane conditions in which animals are bred and managed during the production of a fashion product.

**Mr. Gregory:** I propose to share my time with Deputies Joe Higgins and Morgan.

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

**Mr. Gregory:** Ba mhaith liom tacaíocht a thabhairt don Dara Céim den Bhille um Fheirmeoireacht Fionnaidh (Toirmeasc) 2004, de chuid an Comhaontas Glas. Cuirim fáilte roimh an Bhille agus gabhaim comhghairdeas leis an Teachta Ó Baoill, a ullmhaigh an Bhille. Is mór an trua é nach bhfuil an Rialtas sásta glacadh leis an Bhille.

I welcome this Bill and congratulate Deputy Boyle of the Green Party, who is responsible for bringing it before the House. It is not often that the House debates issues of animal welfare or rights. Such matters have been raised infrequently during the 23 years I have spent as a Member of the House. I deplore that, but I think there were many reasons for the failure to raise this issue.

During last night's debate, at least one Member who spoke on the Bill was concerned that it might represent the tip of an iceberg. Nevertheless, I think he will support it, perhaps for party political reasons. He was concerned that, while we are dealing with fur farming tonight, it could be hare coursing next and heaven knows what after that, and he was right. Ireland is infamous for its cruel practices to animals which are increasingly being outlawed in Britain, other EU countries and countries throughout the world.

While the Green Party is on the side of animal rights, it is in a regrettably tiny minority in Dáil Éireann, with a handful of Independents and Deputy Joe Higgins of the Socialist Party, whom I always mistake as an Independent Deputy.

**Mr. F. McGrath:** He might join us yet.

**Mr. Gregory:** Some time ago I introduced a Private Members' Bill on hare coursing and found myself in a very small minority indeed. While I am afraid to say it did not surprise me, bringing the Bill forward focused national attention on animal welfare. To my great delight, I found that while I was in a very small minority in the House, the number of letters, phone calls and expressions of support I received from people in each of the Thirty-two Counties indicated that I was part of a very large majority among the public. The same is true in this case. While the Bill will be defeated by a Government majority, I have no doubt that it would be supported by the majority of people outside the House who are in favour of banning fur farming.

The House is politically out of touch on animal welfare and animal rights, which are becoming increasingly significant issues internationally. It would have been a significant step forward to end at least one form of the unnecessary animal cruelty which blights society and offends public morality. There is no justification on economic or other grounds for fur farming in today's world. There are plenty of other products which meet clothing and fashion demands and do not involve animal suffering. Factory fur farming is inherently cruel. The most comprehensive study on the subject was carried out by the EU's scientific committee on animal health and welfare, among

whose members are leading scientists and veterinarians, including a member of staff of the veterinary research laboratory of the Department of Agriculture and Food. The committee concluded that fur farming systems cause serious problems for all species of animals reared for fur. It maintained that the problems are so serious that they cannot be resolved by altering the conditions in which animals are kept. Only a ban on fur farming can address the matter.

To keep mink and fox under intensive factory conditions in tiny, barren wire cages is inherently cruel and results in stereotyped behaviour and even self-mutilation. No modern society should tolerate this form of ill-treatment of animals. Many states have taken action to ban fur farming or are in the process of doing so. Fur farming is already banned in the North of Ireland, Britain and Austria. Fur farming is an issue under the general umbrella of animal rights and welfare, which will not go away. I applaud Compassion in World Farming Ireland and all those associated with the organisation who have led the campaign against fur farming, as they have on many other animal welfare issues here.

I wish to relate the issue of fur farming to the wider context of the various forms of cruelty to animals which are regrettably tolerated in the State. The State has an appalling record of official disregard for animal welfare. In the background masquerading as traditional country pursuits is a sub-culture of cruelty to animals which resists the changes inevitable in a modern society. Some months ago, so-called puppy farms were exposed on RTE television. They are not unlike fur farms with their dreadful conditions. Puppy farms operate here without any legislative restraint despite being another form of activity which is not tolerated in Britain and other member states.

Despite claims that Ireland is the European capital of this type of animal degradation, the exposures on RTE failed to result in tough legislative action. Indeed, there has been no action other than a ministerial response to the effect that discussions are taking place with interested parties. The Government's could-not-care-less approach is mirrored in a range of cruel practices which inflict unnecessary suffering on animals. The State continues to tolerate the barbaric treatment of timid animals in live hare coursing which was recently outlawed in the North. The responsible Minister here refuses to even countenance the humane alternative of drag coursing using a mechanical lure. The hunting of foxes with packs of hounds, which was recently banned in Britain, continues unrestricted in Ireland when drag hunting with a scented lure could easily remove the cruelty aspect of the practice.

The action of the British Labour Party in banning the use of packs of hounds to hunt has not been reciprocated even slightly here. There is a genuine fear among Irish animal welfare and rights activists that moves against cruel practices in Britain and other member states will make Ireland an even greater haven for such activities.

Fur farming was banned in Britain, but it flourishes here.

I could provide many other examples of cruelty to animals which occurs in the State. I take this opportunity to draw attention to such practices as they form the context in which I support the Green Party's Bill. I am delighted that the opportunity has been afforded to Members to state their views on cruelty to animals. I hope we will see the day when measures such as those proposed by the Green Party are met with support from all sides of the House. In this area at least, we must join the modern world.

**Mr. J. Higgins:** I support the proposal to ban fur farming and, therefore, the Bill submitted in the name of Deputy Boyle. My opposition to fur farming relates primarily to the conditions in which wild animals are kept to make the industry possible. The animals affected for the most part are mink and foxes.

A number of Fianna Fáil opponents of the Bill paraded their farming and rural credentials. As a supporter of the Bill I would like to do likewise.

*8 o'clock* I was brought up on a small farm in Corca Dhuibhne in west Kerry. In the 1950s, before the words were known or certainly popularised, most of our farming activity was organic and animals were reared free-range. Chickens and turkeys ranged freely across the fields. The pigs also roamed freely, happy as pigs in open fields. Admittedly the methods of killing of those times in rural Ireland were cruel, not because people wanted to be cruel but because the humane alternatives were not in existence.

In general, because of the free range nature of animal husbandry, it was the antithesis of what is necessary to produce fur for the fashion industry. The mass production methods of some farms are horrific. It is revolting to see thousands of chickens cooped up together on battery farms. It is appalling. I would not eat an egg from a chicken, or a chicken that was reared in such conditions.

Mink and foxes are wild creatures. In their habitat in the wild, mink spend most of their time on land but also some time in the water. Let us contrast that to the conditions in which they are kept on these farms where they are confined to tiny cages with no access to water. The conditions in which foxes are reared is possibly worse because in the wild, arctic foxes and other species of fox, migrate tens of miles and, in some cases, up to 70 miles.

It is inordinately cruel to have these creatures caged in spaces that are one to two metres square. None of the Fianna Fáil Deputies referred to or attempted to deal with these conditions. We have all seen footage from animal rights groups and others of the type of behaviour that this kind of stress and cruelty evokes in these animals. It is horrific to see. I do not see how it is possible to stand over that so that some privileged don or

diva can have an accessory that makes them look chic, smug and prosperous.

A Fianna Fáil Deputy who knows a thing or two about cattle, and about other people's cattle as well, referred to the live export of cattle. Surely the live export of cattle should be stopped in favour of having the meat processed here where significant additional value could be added. The product could then be exported in different ways.

I take the jobs question seriously but job substitution is the way to deal with the matter. This matter is akin to the armaments industry which we do not support simply to keep jobs. I accept it is on a different scale. We must deal with the issue itself.

**Mr. Morgan:** I query some of the statistics referred to by the Minister of State, Deputy Browne. He claimed that 80 people are employed full-time by fur farms with a further 85 seasonal workers. I am curious as to the source of those figures which do not appear to be accurate. I say that in the gentlest way possible.

The most recent figure for the value of fur exports from the CSO was €1.6 million. If these employees were all on the minimum wage, the wage bill, including tax for 80 full-time employees, would amount to around €1.5 million. That does not take into account the wages of the 85 so-called seasonal workers or the capital costs involved. Are we to take it that these fur farms are being run at a loss or that they are some class of charitable foundation set up to employ people and provide warm homes for poor old foxes and mink or even poor young foxes and mink? I do not think so. I humbly suggest that the overall figure for full and part-time workers is around 85 people and that the majority of these are seasonal workers employed for a week or two at most to kill the animals and harvest their pelts. Those with a good knowledge of the sector estimate that two or three full-time employees is the average for the size of farms in this country. At most we are talking about perhaps 20 people employed on a full-time basis.

The Minister of State and his Government colleagues referred to the kindly manner in which the poor creatures are cared for and that every step will be taken to ensure that this is maintained and improved upon. How touching.

**Mary Coughlan:** The Deputy's party does not display the same respect for human beings.

**An Ceann Comhairle:** Deputy Morgan should be allowed to speak without interruption.

**Mr. Morgan:** I will come back to that at the end if I have time.

Let us look briefly at the economics of this issue. On the basis of export value, a single animal pelt is sold for €14. The animals are killed



[Mr. Morgan.]

after seven months. That means that fur farmers, assuming that they extract no profit from the whole business, spend 6.6 cent per day on the animals in their loving care. There is not much scope there for luxuries. There are no days out to the beach for the mink and foxes or no treats for birthdays or bank holidays. In fact, it would be impossible to provide any type of decent existence for any living creature for just over 6 cent a day.

A colleague of mine who works here asked his young daughter, Ciara, to work out how much it costs to feed and house one of her guinea pigs. This was a most interesting survey. A bag of dried food lasts for six months and costs €7. Bedding for the same period costs €8. In addition to that, she feeds the animal with carrots and broccoli that cost approximately €2 a week. That works out at 36 cent per day. I humbly suggest that the economics of this business to supply fur coats and hats for the idle rich can only mean one thing for the animals who are the real fashion victims: a short, nasty, crowded, poorly fed existence that ends in being gassed or electrocuted. When I was preparing my script I was tempted to say that the “short, nasty, crowded” part was just like a Fianna Fáil parliamentary party meeting. However, I resisted. I did not include that in my script.

**Mary Coughlan:** Deputy Morgan is always welcome to come and see how we work.

**Mr. Morgan:** I, therefore, urge all Deputies to support this Bill and bring this marginal barbaric business to an end.

I wish to deal with the jibes from the Minister, Deputy Coughlan. When I come to the House, I expect that the Minister and her colleagues will equate everything that a Sinn Féin Deputy says with the Irish freedom struggle. That will not stop me and my colleagues from having our say on issues like this. If the Minister wishes to debate the Irish freedom struggle, I will happily accommodate her in any forum she chooses. She should not try to distort the argument presented in this Bill by trying to mix it up and stir it around. That will not work.

I am delighted that there is considerable unanimity on the issue on this side of the House on this issue. I understand that all the Opposition parties will support the Bill.

**Minister for Agriculture and Food (Mary Coughlan):** I am delighted to see that we have sensitivities across the way. I am sorely attempted to deviate from my script and I will do so to respond to a number of political points to reacquaint some Members of the House who inadvertently referred to a number of issues, particularly hare coursing, which is not under my jurisdiction but comes under the remit of the Minister for

Arts, Sport and Tourism. Puppy farms, which we do not have, come under the remit of the Minister for the Environment, Heritage and Local Government.

I have concerns about one matter which I would like to put to some Members of the Opposition, namely, that we must now slavishly follow the British Labour Party. I am surprised. How are we, the people of rural Ireland, going to live?

**A Deputy:** The Minister should deal with the issue.

**An Ceann Comhairle:** Allow the Minister speak without interruption, please.

**Mary Coughlan:** We will deal with the issue of the Bill proposed, but I hear that a man who survived on live exports is now of the opinion that they should be removed. That does not reflect the reality of the situation. I am equally surprised Fine Gael Deputies have not read between the lines as to where we are going. One Deputy read between the lines and saw exactly where we are going because——

**Mr. Boyle:** How about Austria?

**Mr. Sargent:** Where is the Minister going?

**Mr. Boyle:** We are going beyond the Bill.

**Mr. Naughten:** What about our shooting and fishing industries?

**An Ceann Comhairle:** Deputies must allow the Minister to continue.

**Mary Coughlan:** ——the members of the Fine Gael Party are at least pragmatic in reflecting the realities of agriculture and have been very supportive in addressing a number of these issues. If we want to have a countryside where the people who do not live outside the M50 can come and involve themselves for the weekend and go home, that is fine, but it is not the way it is going to be. If that is the way Deputies want to go forward, I am surprised.

**Mr. Gormley:** This has nothing to do with the Bill.

**Mary Coughlan:** I am equally surprised that we are now going to have a proposed coalition of romantics on the other side of this House. I am glad to see——

**Mr. Boyle:** The Minister is a cold woman.

**Mary Coughlan:** ——that we have the opportunity to discuss this. I am opposed to the introduction of a ban on fur farming. Instead, I believe the correct approach is to apply appropriate licensing and control procedures to ensure both

the security of the farms and acceptable welfare conditions. I have reached this view for a number of reasons. In particular, fur farming is a legitimate activity and it is permitted in almost all other member states, including Sweden and Denmark, which would consider themselves to be to the forefront on animal welfare issues. Any market opportunities resulting from a ban here would be immediately exploited by producers elsewhere. Thus, a unilateral ban here would not make any contribution to overall animal welfare.

Fur farming is subject to general and specific legislative requirements. At a general level, the welfare and protection of farmed animals is subject to the Protection of Animals kept for Farming Purposes Act 1984 and the European Communities (Protection of Animals kept for Farming Purposes) Regulations 2000. In addition, the Council of Europe has made recommendations regarding animals kept for fur farming. The 2000 regulations apply to many types of farming systems, including cattle, sheep and pigs as well as the animals kept on fur farms.

As regards specific measures, legislation is in place relating to the licensing of mink farms in the Musk Rats Act 1933 and the Musk Rats Act 1933 (Application to Mink) Order 1965. Under the latter, the keeping of mink is prohibited except under licence from my Department. Licences, which must be renewed annually, are issued under this legislation only if the applicant, following an inspection, is found to be fully compliant with a number of key conditions. In addition, in common with all agricultural enterprises, licensed farms must comply with the animal health and welfare requirements pertaining to their particular sphere of activity.

Licensed fur farms are inspected by the Department to assess compliance with the Council of Europe recommendations concerning fur animals and also Council Directive 98/58/EC on the keeping of animals for farming purposes. These inspections have to date found that all the licensed fur farms in this country have operated in compliance with current legislation. Inspections by the Department have also found that the slaughter methods employed by the licensed fur farms are permitted under the Sixth Schedule of the European Communities (Protection of Animals at Time of Slaughter) Regulations 1995.

Since becoming Minister for Agriculture and Food, I have sought to build on the progress already made in animal welfare. Primary responsibility for caring for animals resides with the farmers and the keepers who have demonstrated their commitment in this regard over the years. We also have a raft of EU and national legislation which has succeeded in raising standards across all species and activities. This is part of an ongoing process and the recent reform of EU support arrangements will further strengthen

animal welfare in the wider agricultural policy of the EU.

As regards fur farming, I am aware that the Scientific Committee on Animal Health and Animal Welfare produced a report recently on the welfare of animals kept for farming purposes which contains recommendations on how this area can be improved. It also proposes a list of areas where future research is desirable. While there is recognition in the European context that there is room for improvements in certain areas, ongoing research is required. The Department will fulfil its role in monitoring the implementation of these advances and expects the industry to play its part in moving forward and meeting its obligations.

Fur farming is relatively small-scale in Ireland in comparison with other EU member states, but nonetheless it is important. I have always taken the view that animal welfare, not just for fur farming but for farming enterprises in general, is very important. We will certainly be led by European and national legislation. This legislation is not the way forward and an all-out ban on fur farming will not be progressive.

**Mr. Gogarty:** I would like to share time with Deputies Gormley and Sargent.

The first matter I want to address is the broader agenda issue about the fabric of rural society being destroyed by Green Party policies. If one considers post office closures and farm incomes declining, it is Fianna Fáil which, by and large, has presided over the latter.

**Mr. B. Smith:** Farm incomes are not declining.

**Mary Coughlan:** They are not.

**An Ceann Comhairle:** Allow Deputy Gogarty to speak without interruption.

**Mr. Gogarty:** Which party is proposing alternatives in terms of stipends for farmers who act as custodians of the land? It is the Green Party.

**Mr. B. Smith:** The Green Party has been attacking the farmers. That has been its contribution.

**An Ceann Comhairle:** Allow Deputy Gogarty to speak without interruption.

**Mr. Gogarty:** Deputy Twomey rightfully pointed out the potential of this sector and the lack of Government support in terms of using rapeseed oil to produce fuel. Our party's deputy leader, Ms Mary White, has engaged in a campaign to save Carlow jobs and protect farm incomes by using the Irish Sugar factory to produce biofuel. The Government is standing in the way—

**Mary Coughlan:** The Deputy never raised the question in a debate.

**An Ceann Comhairle:** Deputy Gogarty, without interruption.

**Mr. Gogarty:** There are so many alternatives to fur farming. It comprises a very small amount — €4 million — as Deputy Moloney said, yet Luddite thinking continues to hold sway.

**Mr. B. Smith:** The Deputy should apply the term “Luddite thinking” to himself.

**Mr. Gogarty:** Fianna Fáil Deputies talk about the market and supply and demand in all seriousness as if the economy means everything and society and morality mean nothing. There are other and better ways of providing farm jobs such as the initiatives the Green Party, not the Government, puts forward. Compensation could and should certainly be paid to those involved in fur farming were it to be outlawed, as it should be. It is a moral, not an economic issue about growing demand.

The argument that we could lose out is mere rubber ducking. There is growing demand globally for legalised hard core pornography, but no one suggests that Ardmore Studios should be used to earn extra revenue. We could make billions of euro by setting up a dedicated arms factory to export weapons of mass destruction to corrupt regimes, but is anyone using the economic excuse for bringing such industries to Ireland? No, there is enormous demand and we are losing out to other countries by not entering this market, but morality comes into it.

Thousands of unfortunate women travel to England every year for abortions, but no one is arguing to allow abortions in Ireland because we are losing out in terms of revenue. As Deputy Gregory said, the mistreatment of animals for the production of fur is inherently cruel. Animals used to make fur include dogs, cats, pumas, seals, badgers, foxes, otters, mink and squirrels. It might be just foxes and mink in this country, but let us consider this. It takes 30 to 70 mink to produce one fur coat. That is 30 to 70 mink brought into the world and stripped of their fur to produce an item of fashion for this global market the Minister is so happy to talk about.

It might take 30 to 70 dumb animals to make one fur coat; it takes one dumb animal to wear it. It takes no dumb animal to introduce legislation to abolish fur farming; it takes six Green Party Deputies.

**Mary Coughlan:** The Deputy should give way on that issue.

**An Ceann Comhairle:** Allow Deputy Gogarty to continue.

**Mr. Gogarty:** However, it will take 84 dumb Deputies to reject this progressive legislation.

*(Interruptions).*

**An Ceann Comhairle:** Allow Deputy Gogarty, without interruption.

**Mr. Gogarty:** I have spoken in favour of maintaining the fabric of rural communities and there was no greater champion of this than myself as tourist spokesman, with my Green Party colleagues. We are the party trying to save farm incomes and rural communities.

**An Ceann Comhairle:** Allow Deputy Gogarty to continue without interruption.

**Mr. B. Smith:** The Deputy would be very welcome in rural communities.

**Mr. Gogarty:** I oppose the murder of innocent civilians in Iraq, Tel Aviv, Madrid, New York and other jurisdictions, but that does not mean that I have no right to oppose the morally wrong and inherently cruel killing of innocent animals, brought into this world for no other reason than its fur is a fashion item. Fur is not like leather, a by-product of the meat industry. We must take a courageous moral stand rather than use the economic argument, otherwise we may see in Ireland abortion clinics and weapons factories for revenue.

**Mary Coughlan:** I hope not.

**Mr. Gogarty:** Does the Minister want us to copy other countries and use dogs and cats for fur? This a moral prerogative, nothing else. Morality wins over economics in this debate. I ask Members to make a moral decision when casting their votes on the Bill.

**An Ceann Comhairle:** It is not appropriate to applaud in the gallery.

**Mr. Gormley:** I had not even started to speak.

**Mr. Naughten:** They must be the Deputy's constituents.

**Mr. Gormley:** The Green Party's Private Members' Bill to ban fur farming in Ireland is a modest and sensible proposal. While it does not strike a major blow for animal rights, it is a step in the right direction for basic animal welfare. It is disappointing and regrettable that the Government has seen fit to shoot it down without proper consideration of its merits.

**Mr. Boyle:** None whatsoever.

**Mr. Gormley:** We should not be surprised as this is a cold, calculating, hard-hearted Govern-

ment, one that is wedded to expediency. The Government has no compassion for the less well-off, for those with a disability or young immigrants snatched from school and deported.

**Mr. F. McGrath:** Hear, hear. It is disgraceful.

**Mr. Gormley:** It would be extraordinary if Fianna Fáil or the Progressive Democrats could be stirred to pity for animals which have to endure such terrible suffering.

**Mr. Boyle:** Where are the Progressive Democrats?

**Mr. Gormley:** Will any Member on the Government benches empathise with the plight and suffering of these caged animals? I will not go into the gruesome details of how these animals are killed. However, those who can justify such cruelty must be very sick indeed. No amount of regulation can make this practice more acceptable or less cruel.

One can judge how civilised a society is by how it treats its animals. By rejecting this enlightened legislation, Fianna Fáil and the Progressive Democrats are happy for this barbaric practice to continue. These animals are not suffering because they provide food for people. They are being mistreated and tortured for nothing more than status and vanity.

The Minister and others have suggested this legislation would have a negative impact on rural Ireland. That is absolute nonsense and she knows it.

**Mary Coughlan:** That is the Green Party's agenda for rural Ireland.

**An Ceann Comhairle:** Allow Deputy Gormley to continue without interruption.

**Mr. F. McGrath:** The Minister will show us what to do.

**Mr. Gormley:** This legislation would help rural Ireland. There are only six fur farms in Ireland, some of which are causing serious problems in their localities. Yesterday, I received an e-mail from an individual living close to a fur farm in County Kerry. He stated:

In the last two years the neighbourhood has been tormented with an infestation of flies. No household can open their windows from May on to September/October. As you can imagine with children this is near impossible. This is a serious health concern and the health and safety depart. of the council are aware that the root problem lies with the Mink farm. They have requested certain measures be taken by the mink farm, but I have been told by a neighbour that they are now being brought to court by the council. This is welcome news for us, but

I still feel that we will have the problem again this Summer. There is also a problem with the waste effluent of the farm entering Lough Currane. During the late Spring, Summer and early Autumn flocks of seagulls will be seen at the mouth of the river passing the Mink farm into the lake. These seagulls are feeding on the effluent from the farm and are also feeding on the food and offal associated with the caged minks.

I am in full support of a ban on mink farming. I feel it is not regulated as the pro lobby claim. The department of Agriculture seems to have no input into the running of mink farms in the state and it is only the local councils that seem to have any powers to regulate them. At that, those powers are governed by antiquated Acts of law going back many years and offering only small penalties for any irregularities. I wish you success in bringing this before the Dáil.

This e-mail is from a dweller in rural Ireland. The Minister must be aware of the damage caused by escaped mink, a non-native species, in certain areas to local wildlife. The Minister must not underestimate the amount of public support for this legislation. Most people have a sense of justice and are aware of the cruelty involved in fur farming. Most people, therefore, will accept this legislation. The Minister is out of touch with ordinary people. I commend the Bill to the House.

**Mary Coughlan:** I am delighted the Deputy has told me that. He must think I know nothing.

**Mr. Sargent:** Ar dtús báire ba mhaith liom mo bhuíochas a gabháil leis na Teachtaí as Fine Gael, Páirtí an Lucht Oibre, Sinn Féin agus An Páirtí Sóisialach agus leis na Teachtaí Neamhspleácha a labhair ar son an Bille seo agus a thug tacaíocht don Bhille. Even if this Bill needs to be amended, those parties are supporting it. That is in the spirit of the legislation introduced by Deputy Boyle, who I thank.

No fur breeders must have contributed to the Progressive Democrats' funds, as no party member has shown up to voice an opinion on the subject. It is ironic to hear Fianna Fáil Deputies claim to be the farmers' friends, particularly Deputy Ellis. When he makes such a claim, I am sure many of those farmers looking for payment for their produce would take a jaundiced view. Under the Government, farmers cannot survive with the prices they receive for their produce.

**Mary Coughlan:** The Deputy has not a clue. Beef prices have never been so good.

**Mr. Sargent:** Any cant about representing farming is hollow and hypocritical.

**Mary Coughlan:** The Green Party are the hypocrites.

**Mr. B. Smith:** The Deputy is not giving the facts.

**Mr. Sargent:** Licensing for fur farms in Ireland was only introduced in 1965, yet ranching of American mink began 55 years ago, unlicensed. It still has a culture of non-regulation. This is shown by the evidence from localities where mink have escaped. In 1969 mink were sighted in 11 of the Thirty-two Counties. American mink was breeding in the wild in County Tyrone, causing havoc among the native wildlife. It now breeds in many counties. As fur farming is banned in Northern Ireland, and if we are serious about the Good Friday Agreement, we should harmonise our legislation to those high standards.

**Mary Coughlan:** There are no fur farms in Northern Ireland.

**Mr. Sargent:** It is banned, that is my point. Logic dictates that if it is banned there are no farms.

**Mr. B. Smith:** Like Deputy Morgan, the Deputy wants us to follow the British.

**Mr. Sargent:** Wild mink also badly affect poultry farms.

**Mr. B. Smith:** We are unfortunate to become a Thirty-two County jurisdiction.

**Mr. Sargent:** What about the effects of fur farming on the type of society we are trying to foster? Gandhi claimed “the greatness of a nation and its moral progress can be judged by the way its animals are treated”. Where does this stand with the morals of the Government? George Bernard Shaw said “The worst sin toward our fellow creatures is not to hate them, but to be indifferent to them: that is the essence of inhumanity.” When animal welfare was debated in the British House of Lords, the then Bishop of Manchester pointed out, which I as a Christian take seriously: “My Lords, I once heard it said — and the saying has haunted me ever since — that if animals

believed in the devil he would look remarkably like a human being.” In this case the devil would look like a Minister, the person standing over this cruelty.

The Minister of State at the Department of Agriculture and Food, Deputy Browne, claimed fur farming provided employment for 80 full-time and 85 seasonal workers. I am interested in hearing where the Minister received his figures. They must be corrected. They do not add up. Even if the €1.9 million export figure for raw fur skins from Ireland was devoted to paying wages, which it is not, each of the full-time workers would earn less than €20,000 per year and there would be no money left for seasonal workers, maintenance and feeding of the animals, the general running of the business or for profit.

There are better alternatives. Look at Perthshire in Scotland. Alternative industries in farming can and should be developed. In Scotland a fur farm has been transformed into a major exporter of strawberries, an enterprise which employs more people in farming. If the Minister was serious about employment in rural Ireland and supporting farming, that is the example she should follow. That is where the potential lies in terms of exports, employment and providing a livelihood for people in rural areas. Instead, the Minister stands over a deplorable persecution of rural communities in terms of health hazards, cruelty, the flies infestation and the smells.

The Government does not give a damn for rural Ireland or animal welfare. Effectively, it is standing over the death camps this industry represents. When the German people elected Hitler, they did not know about the extermination camps. When people vote on this Bill, they know about the cruelty, the death camps and what is involved.

**Mary Coughlan:** That is preposterous. I am surprised at the Deputy.

**Mr. B. Smith:** The Deputy should be ashamed of his comments.

**Mr. Sargent:** I urge people to vote with their conscience and vote for the Bill.

Question put.

The Dáil divided: Tá, 50; Níl, 67.

Tá

Allen, Bernard.  
Boyle, Dan.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Costello, Joe.  
Coveney, Simon.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.

Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Gilmore, Eamon.  
Gogarty, Paul.  
Gormley, John.  
Gregory, Tony.  
Harkin, Marian.  
Higgins, Joe.  
Hogan, Phil.

## Tá—continued

Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Kathleen.  
 McGrath, Finian.  
 McHugh, Paddy.  
 McManus, Liz.  
 Mitchell, Gay.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Murphy, Catherine.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.

O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Perry, John.  
 Rabbitte, Pat.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Twomey, Liam.  
 Upton, Mary.  
 Wall, Jack.

## Níl

Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Brady, Johnny.  
 Brady, Martin.  
 Breen, James.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Collins, Michael.  
 Cooper-Flynn, Beverley.  
 Coughlan, Mary.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.

Kelleher, Billy.  
 Kelly, Peter.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McEllistrim, Thomas.  
 McGuinness, John.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keeffe, Batt.  
 O'Keeffe, Ned.  
 O'Malley, Fiona.  
 Power, Peter.  
 Roche, Dick.  
 Smith, Brendan.  
 Wallace, Dan.  
 Wallace, Mary.  
 Wilkinson, Ollie.  
 Woods, Michael.  
 Wright, G. V.

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

Question declared lost.

### Adjournment Debate.

#### Hospital Services.

**Mr. Allen:** I would like to give one minute of my time to Deputy Lynch.

I pay tribute to the leukemia unit of the Mercy Hospital in Cork for the great work done for sick children in Cork city, county and surrounding counties. I also pay tribute to the Mercy order, which set up the unit, as well as to those people who helped to fund the unit through the years. I ask the Minister for Health and Children to make

a statement on the decision of the Irish Medicines Board instructing the hospital to suspend all clinical trial related activities for the treatment of child leukemia with effect from 15 March, because consultants at Our Lady's Hospital in Crumlin were unwilling to sign a document outlining the Mercy Hospital's responsibilities under a shared care programme forwarded by the Mercy Hospital to Our Lady's Hospital. This will have serious implications for the treatment of sick children in the greater Cork area, who will be forced to travel to Dublin several times a week in some cases.

I also ask for a statement on the failure of the Department of Health and Children to sanction a replacement consultant haematologist for the children's leukemia unit. There are difficulties

[Mr. Allen.]

arising as a result of the retirement of a consultant next May, but whose retirement has been well known for 12 months by the Southern Health Board and the Department of Health and Children. As a consequence of the imminent retirement of the consultant, the children's leukemia unit in the Mercy Hospital can no longer take on new cases of childhood cancers and leukemia. All such cases in the Cork region are being treated in Our Lady's Hospital for Sick Children and only existing patients are being treated in the children's leukemia unit in the Mercy Hospital.

The cancer treatment of children is protracted and the children and at least one family member are being forced to travel long distances for essential treatment, sometimes on public transport. This has a traumatic effect on children, on their immediate families and often on their extended families, who may provide necessary support and assistance to family members left at home. Therefore, the appointment of the new post of consultant haematologist with an interest in child haematology should be made as quickly as possible to allow the children's leukaemia unit again to take on new cases of child cancers, including leukaemia, in the region.

I am aware that earlier this year the Tánaiste was contacted about this matter but the affected parents have not yet received a response. The families I have met are extremely distressed and concerned about what is happening. Some of them make long journeys to Dublin with sick children who must often fast before treatment. They must also make the long return journey to Cork after receiving treatment. The parents and their children are distressed and upset by the uncertainty of the situation and the extensive travel involved. It is essential for these issues to be resolved as quickly as possible. It will be a scandal if bureaucratic barriers affecting the operation of the unit cannot be set aside quickly and effectively.

**Ms Lynch:** I thank Deputy Allen for allowing me to share his time slot. I am also grateful to the Ceann Comhairle's office for allowing this issue to be raised on the Adjournment. When one considers the statistics, it is clear that Ireland is one of the wealthiest nations in Europe. However, if we cannot provide the type of treatment necessary for children who are critically ill, that wealth is worth nothing to us. Over the years, the leukaemia unit in the Mercy Hospital has done Trojan work. As a testament to that work, the hospital has a committee which includes the parents of children who have been treated and cured in that unit. They still work on behalf of the unit and now work on behalf of the 50 families of children who are treated there.

Can the Minister of State imagine their shock when they were informed that the person who

oversees the treatment of their children was retiring? His retirement has been known about for almost a year. As a result of changes in the health services system, the Health Service Executive is now demanding that the application process for that post should recommence. In the meantime, no new cases of child leukaemia diagnosed in Cork and the surrounding areas will be treated by the leukaemia unit in the Mercy Hospital. Therefore, new patients will have to travel to Our Lady's Hospital in Crumlin. Very sick children may have to travel to Dublin weekly all because the Government refuses to put in place the necessary personnel to ensure that the unit can continue to render the sterling service it has provided for many years.

**Minister of State at the Department of Transport (Mr. Callely):** I would like to be associated with the tributes paid by Deputy Allen to the service providers. I know the Tánaiste and Minister for Health and Children, Deputy Harney, would also like to be associated with those tributes. I thank Deputy Allen and Deputy Lynch for raising this matter on the Adjournment which I am answering on behalf of the Tánaiste and Minister for Health and Children.

I have good news to convey and wish to correct the record as regards some of the information that has been provided in this regard. The Irish Medicines Board is the statutory body responsible for the regulation of human medicinal products in Ireland. This includes the regulation of clinical trials. The Tánaiste understands that activities related to the conduct of clinical trials were suspended in the Mercy Hospital, Cork, on 15 March 2005 due to issues requiring clarification under the terms of a shared care agreement between Our Lady's Hospital, Crumlin, and the Mercy Hospital.

The purpose of the shared care agreement is to ensure that clinical trial related activities are carried out to the same high standards at all locations. I am pleased to inform the House the Tánaiste has been advised that these issues have now been resolved and that all the parties involved have signed up to the shared care agreement. The Irish Medicines Board today lifted the suspension and the Mercy Hospital has been notified of this. The unit was not closed down and there were no implications for children who are undergoing clinical trials for leukaemia treatment at the unit.

**Mr. Allen:** Nobody ever said the unit was being closed down.

**An Ceann Comhairle:** Please allow the Minister of State to continue without interruption.

**Mr. Callely:** As regards the appointment of a consultant paediatrician, the Department of Health and Children is not responsible for the

advertising of individual consultant posts. It is, therefore, incorrect to state that the Department failed to advertise for a replacement consultant paediatrician for the Mercy University Hospital. 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 acute hospital services and the appointment of new or replacement consultant posts. As such, the Department of Health and Children no longer has a role in the funding arrangements for individual consultant posts.

**Mr. Allen:** That is only since January.

**Mr. Callely:** As regards cancer services in the southern region, a professor of paediatrics is employed for three sessions at the Mercy University Hospital to provide paediatric care for children attending the hospital. The professor is due to retire at the end of May 2005. As to the continuation of these services, the hospital is to submit a proposal for a locum consultant to the Health Service Executive, as a matter of priority. This proposal is for an appointment for a 12-month period with a sessional commitment of 5.5 sessions to the Mercy University Hospital.

Considerable investment has been made in recent years in the development of cancer services in the southern region. Since 1997, the HSE's 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 delivery.

The funding has also provided for the appointment of 27 cancer care nurse specialists throughout the region. Additional revenue funding of €1.55 million is being allocated from national cancer strategy funding in 2005 to address increased regional pressures. A number of southern region hospitals are benefiting to the value of approximately €1 million for colorectal and plastic surgery, while the Mercy University Hospital will benefit to the extent of €300,000 for oncology service pressures. The South Infirmary-Victoria Hospital will receive an additional €250,000 for cancer related services.

Capital funding of more than €4 million has been provided for the development of radiation oncology services at Cork University Hospital and ongoing revenue funding of €3 million is being provided to cater for the expansion of these services. I hope that reply has been informative and helpful for the Deputies who raised the question.

**Ms Lynch:** I thank the Minister of State for his reply.

### Airport Development Projects.

**Dr. Cowley:** I am grateful for the opportunity to raise this important matter on the Adjournment and thank the Ceann Comhairle for allowing me to do so. Knock is Ireland's fourth international airport serving up to 13 counties. Some 21 million passengers a year travel through airports in the south and east. Six million passengers travel through airports in Northern Ireland, which has almost the same population as the Border, midlands and west region. Knock Airport, however, with a projected figure of 500,000 passengers this year, is the starkest example of the failure to develop the BMW region. It is an example of unbalanced regional development and we are paying for it.

Knock Airport has a longer runway than Cork, yet it has been the poor relation for Government investments. The problem with Government funding to Knock International Airport is that it is tied to safety and security developments there. In the south and east, however, airport investment is directed to expanding the existing airports rather than just airport safety and security.

For years, Dublin has benefited from public sector support and is now capable of supporting substantial investment in other airports, such as Cork and Shannon. Knock has no such relationship with a large cash cow. Between now and 2007, an investment of €18 million is required at Knock to provide the airport with category 2 status which would greatly reduce any chance of plane diversions. It would also provide an expanded airport apron so there would be adequate space for large aircraft, such as the Airbus, which now use Knock Airport. This apron ensures aeroplanes with a fast turnaround time are not delayed, and, therefore, schedules are kept.

Geographically, Knock is strategically placed. It is less than a one hour drive from nine regional urban centres or gateways and is the only effective international airport for most of them. Traffic numbers at Knock Airport in January and February last year grew by 101% compared to the same period last year. In the past six months two new Gatwick routes, a Liverpool route and a second Birmingham route have been added to the existing routes at the airport.

Despite this, the Government intends to provide a second terminal at Dublin Airport at a cost of €150 million, which is projected to suck in 38 million passengers by 2025 and will further congest Dublin, where traffic is already reduced to the pace of an ass and cart. Getting in and out of Dublin Airport will continue to be a total nightmare. This is madness while an international airport at Knock lies underdeveloped and underutilised, with one 40th of the passenger numbers

9 o'clock



[Dr. Cowley.]

of Dublin Airport. It beggars belief and flies in the face of common sense, as well as contradicting Government policy on balanced regional development and the national development plan. Just to the north, Northern Ireland, of a similar size and population to the west, has six million passengers compared to 500,000 at Knock. It is estimated that 5,000 new jobs will be created due to the building of the second terminal. They should be located at Knock and in the BMW region, where net industrial output grew by only 3.7% annually between 1990 and 1997 compared to 12.7% gross nationally.

Bed nights in tourist accommodation are down by 20% in the west although tourist numbers rose by 6% nationally, a point confirmed in the House yesterday by the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, who suggested the drop was due to poor access. It is past time to end this madness. The development of Knock Airport is the answer to poor access and would do the congested Dublin Airport and its hinterland a favour. As new infrastructure would need to be put in place throughout Dublin to cope with increasing passenger numbers, rather than helping the situation a second terminal would only add to the imbalance and congestion that already exists. It is time to pull the plug and go for Knock.

**Mr. Callely:** I am not sure I can agree with the wording of the motion from my good friend and colleague, Deputy Cowley, in regard to Dublin Airport. Proposals on the development of Dublin Airport are in the first instance a matter for the Dublin Airport Authority, which has statutory responsibility to manage, operate and develop the airport and to provide such facilities and services as it considers necessary for aircraft and passengers.

Dublin Airport will rightly remain the country's main airport serving the needs not just of the travelling public in our capital city and the surrounding counties but of the country's tourism, business and freight sectors generally. Notwithstanding the greatly welcome increase over recent years in traffic at Shannon and Cork airports and at the regional airports, including Knock Airport, Dublin Airport will remain crucial to the national economy. In this regard, passenger traffic through Dublin Airport is expected to grow from more than 17 million last year to an estimated 23 million in 2009 and is forecast to increase to 30 million by around 2017. It is also noteworthy that the national spatial strategy has acknowledged that the expansion of the level of air services from Dublin Airport to a wider range of destinations is essential in the interests of underpinning Ireland's future international competitiveness.

The Minister for Transport is aware of the suggestion that the growth of Dublin Airport should be effectively capped and that further growth in Dublin-based air traffic should be catered for by a new airport on a green field site or

through increased utilisation of the regional airports. The Minister, Deputy Cullen and I do not believe this suggestion is either feasible or practicable. As the economy grows, our infrastructure development must keep pace so that new bottlenecks do not emerge in the transport system. Dublin Airport has considerable scope and capacity to expand to cater for future growth in air traffic for the foreseeable future and, accordingly, Knock Airport could be expected to service the needs of Dublin Airport's natural hinterland.

The Department of Transport is also committed to continuing enhancement of the contribution of the country's network of regional airports, including Knock Airport, to balanced regional development. I am acutely aware of the good services emanating from Knock Airport and recently had the opportunity to meet the chief executive officer and chairman of the Knock Airport Authority. I congratulate them on the manner in which they have progressed the airport.

In the past five years, Knock Airport has received more funding than any other airport through NDP capital grants and assistance with marketing, safety and security initiatives. My Department provided €2.334 million in Exchequer grants towards essential infrastructure at the airport between 2001 and 2003 under the BMW operational programme of the NDP. The most significant project supported under the measure was an impressive new departures hall, which was supported with grant-aid of approximately €1.38 million. The Minister for Transport recently announced a further allocation to the airport under the next round of this scheme and an additional €2.3 million will be available for investment in the airport between 2005 and 2007. The Department of Transport also provides funding towards current expenditure on marketing, safety and security measures and more than €2.37 million has been allocated to the airport for this purpose since 2000.

Air access to the region is also directly facilitated through the daily public service obligation, PSO, service linking the airport to Dublin. The subvention paid by my Department to the contracted PSO airline is in the region of €200 per passenger per one-way trip. The existing PSO contract expires in July 2005 and I am pleased to advise there will be an extension of PSO for the three years commencing 22 July 2005. An EU procurement process for renewal of all PSO contracts is currently under way, in accordance with EU regulations for PSO air services.

My Department will continue to assist Knock Airport in the interests of the economic development of the BMW region. However, the level of financial support would have to be carefully evaluated in line with the general scale of operations at the airport and wider transport and aviation policy. The recent growth in business at Knock Airport is encouraging. I congratulate all those involved in the management and provision of services emanating from Knock. It will help to ensure the long-term future viability of the air-

port as it responds to the many challenges and opportunities currently facing all airports in the increasingly competitive and liberalised aviation sector.

### Road Traffic Offences.

**Cecilia Keaveney:** I am glad the Minister for Justice, Equality and Law Reform, Deputy McDowell, is present given that this is a road traffic issue and there has recently been a tragic double fatality on the roads of Inishowen. I extend my sympathies to the Doherty and Mullen families on the immensely sad loss of their two young daughters. Alice Mullen worked for the Minister's Department in the refugee appeals tribunal section.

In many parts of the country, issues arise in regard to untaxed cars on the roads. The non-payment of car tax is unfair on other road users given that the funding ring-fenced within county councils assists directly with the standard of road provision. A car that is not taxed illustrates that some people want roads but do not want to contribute to them, leaving an added burden on other road users. It is an issue that must be addressed given that the real number of road users in any given area can mean better services for that area; for example, a national car testing centre was sought for my area but the community was told not enough vehicles were registered to warrant the centre.

Many wonder whether a different picture would emerge, should the true number of vehicles be discovered and if all vehicles that should be taxed in the jurisdiction were taxed. In the Six Counties, there is already a system of roadside surveys of unlicensed vehicles. A study in 1998 revealed that at that time there was a level of evasion of about 10% which equated to 79,000 vehicles, and to £12 million sterling being lost to the Exchequer. Have we any idea of our rate of unlicensed vehicles? Have we done any surveys?

The Northern excise duty wheel clamping campaign in September 2001 led to 28,000 motorists voluntarily re-licensing their vehicles so that £3.2 million sterling that would otherwise have been lost was regained. To know we have a problem is one thing; to do something about it is another. It would be possible to have small campaigns or surveys carried out at local authority level if the authorities were funded to do so. In this age of cross-Border co-operation we should surely examine the system in operation for three years in Northern Ireland and learn from that experience.

In 2002, Sam Foster introduced the Stingray system in Belfast. It consisted of a new automatic number plate reading camera to detect unlicensed vehicles. It is secure and tamper-proof, can work day and night and can detect vehicles travelling in excess of 100 mph. The speed camera technology it employs works in the same manner as the speed detection vans in that the cameras are located in special vans. They are

mobile and can operate from hard shoulders, bridges and so on. The camera reads the licence plate of the car and automatically and simultaneously checks it against the licensing records of the driver of the vehicle. It stores images of the cars found to be unlicensed. This photographic evidence can be presented in court in support of prosecutions.

This resource, if deployed in the Republic, would have the potential to detect road tax dodgers. It is not merely a question of the tax disc. I assume that our records can deal with the retention and recovery of information in the same way as happens in Northern Ireland. However, given that in the Republic insurance and national car test discs are also displayed on windscreens, the system has even more potential if deployed on the spot, with the unlicensed car, when detected, followed either by motorcycle or by the van itself. This could lead to the discovery of non-display of insurance details or of motorists not being insured or not in compliance with NCT requirements.

This is a different issue from the controversy we heard of this morning in which gardaí themselves said some people are picked on as soft options, namely, people driving at 35 mph being caught in a 30 mph zone, and that real road safety issues needed to be dealt with. Untaxed cars are possibly also uninsured and may not have passed the NCT, so they are a safety hazard not only to themselves but to other road users.

When I raised this issue in August 2004 with the Minister for Transport, he put the matter firmly back in the area of the Department of Justice, Equality and Law Reform because, as he said, the enforcement of road traffic legislation was a matter for the Garda and it would be up to it if it wanted to employ such a system. He said that if it decided to do so, it would seek an amendment to the Road Traffic Act. Accordingly, I raise this issue with the Minister for Justice, Equality and Law Reform and not the Minister for Transport as the matter has already been passed back and forth between the two Departments.

North-South reciprocal arrangements need to be developed in regard to the collection of fines for all road traffic offences, particularly if Northern car owners commit offences in the Republic and *vice versa*. I would appreciate it if the Minister would consider my thoughts on this issue and do his best with regard to introducing a system similar to the one working successfully in Northern Ireland. There may even be a more effective system of detecting people driving on our roads untaxed, possibly uninsured and possibly not fulfilling NCT requirements. Those people might accordingly be in very dangerous vehicles, creating hazards to themselves and, just as importantly, to those they meet on the roads.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am grateful to Deputy Keaveney for raising this matter. I share her con-

[Mr. McDowell.]

cern at the presence of untaxed vehicles on our roads. As she points out, honest motorists are fed up with the small hardcore who continually evade paying their road taxes. The Exchequer loses millions in revenue each year to those evaders.

I was interested to hear the Deputy say that she had raised this issue in the past with the Department of Transport and was told it was the responsibility of the Department of Justice, Equality and Law Reform. If I were circulating a script tonight, it might give the opposite impression, so I am not circulating a script. I will confine myself to taking a positive view of what the Deputy said.

Essentially, this is a number plate recognition system. I believe that in the United Kingdom it is operated by non-police personnel. It can be left deployed merely to record that a particular car passed a particular place. The fact that a car is on the road can then be relayed either for immediate or subsequent evaluation to decide whether the car was taxed. Such equipment can clearly be useful but it would depend on the equipment being interoperable with the computerised motor vehicle file system of the Department of the Environment, Heritage and Local Government. It would also have to be interoperable with the summoning method being used in the points system for speeding offences and so on.

Three Departments have a responsibility for this issue which is contiguous and which should be managed in a co-ordinated way. Rather than trying to pass the buck back, I will call on my colleagues in the Departments of Transport and the Environment, Heritage and Local Government to attempt to ensure that technology of this kind is available to the Garda Síochána.

As the Deputy knows, we are increasing Garda numbers, currently by 2,000 extra recruits. The road traffic corps will be increased from about 500 to 1,200 so that on a cumulative basis, 700 of the new recruits will be allocated to road traffic duties over the next three years. I want to ensure that those additional gardaí are on frontline policing duties and not spending their time dealing with paper work in back offices. The Garda Commissioner is in full agreement with me on this.

To get compliance in areas such as this and to save valuable Garda resources, a computerised system which is interoperable with the databases to which I referred is the appropriate way forward. I thank the Deputy for raising the matter and I intend to discuss it with the Minister for Transport, Deputy Cullen, and the Minister for the Environment, Heritage and Local Government, Deputy Roche. I will then give the Deputy a considered response regarding the logistical implications of mirroring in this State the system which operates in Northern Ireland and in other parts of the United Kingdom. I hope that the initiative the Deputy has taken in drawing this technological possibility to my attention will not be wasted for want of co-ordination between the three responsible Departments.

### Garda Investigations.

**Mr. Rabbitte:** I am obliged to the Ceann Comhairle for permitting me yet again to raise the Dean Lyons case, the facts of which are well known.

In July 1997, Dean Lyons, a homeless heroin addict, was arrested and questioned in connection with the brutal killing of two vulnerable women in sheltered health board accommodation in Grangegorman. He was questioned by detective gardaí in a video and tape recording suite and, as was his wont, admitted to every charge put to him. His parents said he was completely disoriented and was swaying and slurring his words. After they left him he was questioned again but this time there was no video or audio taping. As a result, he made a written statement containing a chronologically correct narrative about the murders in clear grammatical English and with vivid and chilling accuracy he described the murder scene. On the basis of his confession he was charged with the murders. If his trial had proceeded, it would have been impossible for him to withdraw a confession that contained such accurate and unpublished detail. We know now that Dean Lyons did not commit the Grangegorman murders and the Garda Commissioner has apologised to his family.

A number of questions arise, fundamental questions that so far neither the Garda nor the Minister for Justice, Equality and Law Reform has answered. How did it transpire that a strung-out heroin addict confessed in such a manner and in such accurate and unpublished detail when he did not commit the murders? Only the real killer and the investigating gardaí could have known the detail in his statement.

There is no need for me to spell out the only reasonable inference to be drawn. It is, unless it can somehow be explained, a profoundly disturbing inference for the administration of justice in this democracy. Why was Dean Lyons held in custody for eight months and then released without explanation? Why was another man who confessed to the Grangegorman murders never brought to trial?

The internal inquiry conducted by the Garda Síochána has been kept secret and up to now the Minister, Deputy McDowell, has demonstrated little public interest in confronting the implications of this case or in allaying public disquiet. This was a particularly unequal confrontation between the forces of the State and one of its more inadequate citizens. Law-abiding citizens cannot avoid the conclusion that Dean Lyons, for whatever reason, was stitched up by a member or members of the Garda Síochána for a crime he did not commit.

Two vulnerable women have been murdered and the murder remains unsolved. Could it happen again? The Minister must confront the implications of this case made in my submission. He must cause these extraordinary events to be properly investigated and report the outcome and conclusions to this House together with whatever

recommendations are necessary to protect against a recurrence.

**Mr. McDowell:** I thank Deputy Rabbitte for raising this matter. The facts of this case have been outlined to the House on a number of occasions. I do not propose to set them out again in full, but a brief summary may be helpful.

The main facts, as notified to me by the Garda authorities, are as follows. Sylvia Shiels and Mary Callinan were murdered on the night of 6-7 March 1997 as they were sleeping. Public reaction to the murders and the reaction of the House were ones of strong condemnation. In July of that year, the late Mr. Dean Lyons apparently made a full confession to investigating Garda officers of his alleged guilt in the double murder. This confession was recorded on audio-video tape. Later the same day he apparently signed a further detailed written admission of his alleged involvement in the murders. It is claimed that at his request this second interview was not audio-visually recorded.

Following consultation between the Garda Síochána and the Office of the Director of Public Prosecutions, Dean Lyons was charged with one of the murders at Grangegorman. In August 1997, another person, who had been arrested and detained during the investigation of another double murder, made a confession with regard to the Grangegorman murders. However, that person later retracted those admissions. This all happened before the change of Government.

As a result of the admissions made by the second person, the Garda Commissioner appointed an Assistant Commissioner to review all available evidence on these murders. The Garda authorities state that this investigation indicated that Mr. Lyons did not commit the murders in question. The Assistant Commissioner was also of the view that the inquiry established that the manner in which Mr. Lyons had been interviewed with regard to the case was in compliance with the regulations that had come into effect a short time earlier on 1 March.

Following completion of this review, the assistant commissioner submitted a report 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 should be discontinued. In July 1999, Mr. Lyons, at his solicitor's offices, presented a signed and witnessed statement denying any involvement in the Grangegorman murders. Having considered the file submitted to him by the Garda on the second individual, who had confessed to the murders and later retracted the confession, the DPP decided that no prosecution should take place against any person.

As the House is aware, 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 has stated that it is not his policy to disclose this infor-

mation otherwise. The Supreme Court has upheld this policy. The function with regard to the prosecution of alleged offences is the responsibility of the Director of Public Prosecutions who is independent in the exercise of his functions. It would, therefore, not be appropriate to intervene or comment on his decisions.

As the Deputy stated, the Garda Síochána press and public relations office published on 24 February on behalf of the Garda Commissioner a notice in a number of newspapers in which it stated that it is satisfied that Dean Lyons had no participation in the murders and that the Garda appreciate the embarrassment suffered by his family as a result of criminal charges preferred against him and subsequently withdrawn. The Garda Síochána regret and apologise to the family of Mr. Lyons for any embarrassment caused. I have already expressed the hope that this apology will bring closure for the Lyons family.

The Deputy nonetheless requests a full investigation into the circumstances of the charging of Mr. Lyons. Consideration of his request would have to be in conjunction with consideration of representations received by me from solicitors representing the sister of one of the victims which request that there be an independent public inquiry into the Garda investigation of the murder. The request is grounded on the protections afforded by the European Convention on Human Rights.

I indicated to the House previously that I am not satisfied that the Garda investigation has fallen short of the standard required by the European Convention on Human Rights or of the potential effectiveness of a full public tribunal of inquiry. However, in view of the matters raised, and to assist me in my consideration of the request, I asked the solicitor to whom I have already referred 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 referred the correspondence to the Attorney General. In addition, I expect to receive a detailed report, which I requested from the Garda authorities on matters arising in this case. I will consider the matter further, taking into account any further submissions made to me, advice from the Attorney General and the further report from the Garda authorities.

As I previously indicated to the House, the Deputy will appreciate that the criminal investigation into these two murders is not closed and this would have clear implications for what further action, if any, I may consider. As a general principle, the release into the public domain of any existing report on the conduct of an investigation which is not closed, the holding of an inquiry or the issuing of an explanation of events, all of which have been suggested in this case, may be prejudicial to any prosecution with regard to crimes which might be commenced in the future. Therefore, I would also have to consult with the

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DPP as to whether any publication of a new report would tend to prejudice the live possibility of a prosecution.

A statutory provision exists under section 12 of the Dublin Police Act 1924, as amended recently and updated by section 15(4) of the Garda Síoch-

ána Complaints Act 1986, for me to appoint a person to conduct a sworn inquiry into any allegation of misuse of powers by a member of the Garda Síochána. I will inform the House when I have completed my consideration of the matter.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 24 March 2004.

## Written Answers

**The following are questions tabled by Members for written response and the ministerial replies received from the Departments (unrevised).**

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

### Independent Review.

10. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children the action she intends to take arising from the report of the independent review into the circumstances of the death of Róisín Ruddle on 1 July 2003; and if she will make a statement on the matter. [9418/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The report of the panel established by the former Minister for Health and Children to carry out an independent review of the circumstances surrounding the death of Róisín Ruddle was submitted to me on 7 February 2005 and it was published on my Department's website on Thursday, 10 February.

The panel's principal finding was that if Róisín's operation had gone ahead as planned on 30 June 2003, the likelihood of her survival would have been greater, and that the fundamental reason behind the deferral of her surgery was the inability of Our Lady's Hospital to recruit-retain experienced specialist nursing staff.

I have already told the House that one of the recommendations of the report of the expert group on midwifery and children's nursing education, the introduction of a direct entry undergraduate programme for combined children's and general nursing, must be implemented. I have also stated that it will be necessary to reduce the length of the existing post-registration programme for qualification as a children's nurse. I will shortly be announcing how the report of the expert group on midwifery and children's nursing education can best be implemented.

I understand that a number of key recommendations in the report have already been acted upon by Our Lady's Hospital. These include the appointment of a clinical bed manager, the appointment of a full-time nurse manager to manage nursing recruitment and retention, and the establishment of links with similar institutions internationally. Some of the other recommendations, such as the recommendation that the hospital should consider ways to avoid patients having to undertake two journeys in quick succession — the first for pre-operative care and the second for the surgery itself — are currently being considered by the hospital. The hospital has told my Department it will be forwarding its official response to the report shortly.

### Health Services.

11. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children when the 32 local health

offices of the HSE will be put in place; and if she will make a statement on the matter. [9496/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** As indicated in the Health Service Executive's organisational design, the local health offices will be key units of delivery for its primary community and continuing care directorate. Each local health office will be located within the existing 32 community care offices. At present there is a general manager assigned with responsibility for managing all community based services from these offices. Following the filling of the local health office manager positions these roles will be expanded to reflect the design of the local health office in delivering all non-acute services in the respective functional areas.

The process for filling the position of manager of each of the local health offices is underway. The agreement reached between the Health Service Executive and IMPACT on the re-assignment of senior managers in December 2004, provides that appointments are to be made to the following positions: director regional health office — four posts; national hospitals office assistant director — four posts; hospital network manager — ten posts; local health office manager — 32 posts; primary community and continuing care assistant director — six posts; primary community and continuing care national care group manager — seven posts; and population health assistant director — two posts.

The Health Service Executive has informed me that the Public Appointments Service has been engaged to conduct the filling of these positions and the recruitment process is now underway. Eligible candidates were invited to apply for the relevant post(s) before 28 February 2005.

Interviews have commenced for some posts while others, including the local health office manager posts, are currently being scheduled. As the Deputy will appreciate with candidate pools ranging from 50 to over 100 for certain posts, this process will take some time. However, it is intended to complete the interview process by the end of May 2005.

### National Cancer Strategy.

12. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when she will publish the new cancer strategy; and if she will make a statement on the matter. [9469/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The national cancer forum is currently finalising a new national cancer strategy which is expected to be completed in the summer. The national cancer forum, a multi-disciplinary group of experts in cancer care, has conducted an extensive consultation process with professional bodies, voluntary organisations and the general public. In developing an organisational model for the delivery of cancer treatment services, the forum's considerations have been informed by the broad strategic context in which the cancer strategy exists, a review of the current status of

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cancer care, a review of the literature evidence concerning key aspects of the organisation of cancer services and a review of international models of care.

The forum has concluded that the current fragmented arrangements for the delivery of cancer services cannot be recommended to deliver best quality cancer care. Cancer care is a dynamic process involving the interaction of many different elements of the health system. Although they are often considered separately, the overall quality and performance of services as delivered to patients is dependent in a very significant way on how well each of these elements integrate and coordinate with each other. They must be planned and organised in a manner which facilitates integration so that, from the perspective of the user, the whole system operates in a complimentary and efficient manner.

The new strategy will have regard to the multifaceted aspects of cancer control. The key priority in the development of improved cancer care is that cancer patients will have access to multi-disciplinary care to ensure optimum treatment and best outcomes in line with international best practice. The strategy will set out the key priorities for the development of cancer services over the coming years and will make recommendations in relation to health promotion, screening and early detection, cancer treatment services, genetics, supportive care, research and survivorship. This is especially important as more people are living longer with cancer than in previous years.

Oncology services nationally have experience significant development and expansion in recent years. The key goal of the national cancer strategy 1996 was to achieve a 15% decrease in mortality from cancer in the under 65 year age group in the ten year period from 1994. An external evaluation of the extent to which the objectives of the national cancer strategy 1996 have been met demonstrated that this figure was achieved in 2001, which was three years ahead of target. The Government is committed to making the full range of cancer services available and accessible to cancer patients nationally.

*Question No. 13 answered with Question No. 9.*

#### **Debt Collection.**

14. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that publicly funded hospitals spent more than €300,000 on the employment of debt collectors during 2004; the amount of unpaid debts collected by such agencies on behalf of these hospitals; if she has undertaken any value for money assessment of the use of such debt collectors; and if she will make a statement on the matter. [9412/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The management and control of

the application of patient charges, together with the collection of outstanding debts, is a matter for individual hospitals, including voluntary hospitals, and for the Health Service Executive in its role in managing and delivering health and personal social services. My Department has, therefore, passed the Deputy's question to the chief officer of each of Health Service Executive's regional areas to reply to her directly in the matter.

#### **Cancer Screening Programme.**

15. **Mr. Noonan** asked the Tánaiste and Minister for Health and Children the steps she is taking to roll out the national cervical screening programme; and if she will make a statement on the matter. [9465/05]

101. **Ms Enright** asked the Tánaiste and Minister for Health and Children when the national cervical screening programme will be rolled out nationally; and if she will make a statement on the matter. [9462/05]

111. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Health and Children if, in view of Ireland's high rate of invasive cervical cancer, she plans to act on the report commissioned by the Health Board Executive (details supplied) which recommends that in order to achieve an 80% reduction in cervical cancer in the Irish population, there is a need for an organised population health-based programme rather than continuance with opportunistic screening. [9444/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 15, 101 and 111 together.

I am committed to the national roll out of a cervical screening programme in line with international best practise. International evidence demonstrates the proven efficacy of programmes that are effectively managed and meet quality assurance standards. Careful planning and consultation with relevant professional and advocacy stakeholders is required before I make definite policy decisions on a national roll out.

The former Health Board Executive commissioned an international expert in cervical screening to examine the feasibility and implications of a national roll out of a cervical screening programme. The examination included an evaluation of the current pilot programme in the mid western area, quality assurance, laboratory capacity and organisation and the establishment of national governance arrangements. The expert's report was published on 14 December 2004. My Department is now consulting the Irish College of General Practitioners, An Bord Altranais, the Academy of Medical Laboratory Science, the Institute of Obstetricians and Gynaecologists of the Royal College of Physicians of Ireland, the faculty of pathology of the Royal College of Physicians of Ireland, the Women's Health Council and the Irish Cancer Society. The consultation

with these key stakeholders is well advanced and will be completed in a matter of weeks.

The number of smear tests carried out annually is approximately 230,000 and represents an increase of almost 20% in recent years. To meet this increased demand additional cumulative funding of approximately €14.5 million has been provided by my Department since 2002 to enhance the laboratory and colposcopy services.

The pilot cervical screening programme commenced in October 2000 and is available to eligible women resident in Counties Limerick, Clare and Tipperary North. Under the programme cervical screening is being offered free of charge to approximately 74,000 women in the 25 to 60 age group, at five year intervals.

In addition, my Department allocated a further €1.1 million to the programme on an ongoing basis to complete the transition of the remaining laboratories to new and more effective testing and to support the development of quality assurance and training programmes. These are essential preparatory elements in a national roll out.

*Question No. 16 answered with Question No. 8.*

#### **Hospital Inquiry.**

17. **Ms Burton** asked the Tánaiste and Minister for Health and Children the expected completion date of the inquiry to be chaired by Judge Maureen Harding-Clarke into the activities of a person (details supplied); if her attention has been drawn to the call made by a number of victims for the establishment of a redress board; if she intends to act on this suggestion; if she has held the promised meeting on this matter from Patient Focus; and if she will make a statement on the matter. [9400/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** On 9 March last I met representatives of Patient Focus, an advocacy group which represents, *inter alia*, former patients of Dr. Michael Neary. The group has requested the establishment of a redress board to process complaints relating to the provision of services at Our Lady of Lourdes Hospital to a number of its members.

I advised the group that I was sympathetic in principle to the proposal but that I would await the report of the Lourdes Hospital inquiry before consulting with Government in the matter. I also advised the group that I intend to meet it again at an early date following completion of the inquiry. I recently met the chairperson of the inquiry. The work of the inquiry is continuing and I look forward to early receipt of its report.

*Question No. 18 answered with Question No. 9.*

#### **Cancer Screening Programme.**

19. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children when BreastCheck

will be rolled out nationally; and if she will make a statement on the matter. [9458/05]

30. **Ms Enright** asked the Tánaiste and Minister for Health and Children when BreastCheck will be available to women in the west and southern area; and if she will make a statement on the matter. [9460/05]

61. **Mr. Cuffe** asked the Tánaiste and Minister for Health and Children the date on which the BreastCheck screening programme will be extended throughout the country; and if she will make a statement on the matter. [9439/05]

133. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to continue the roll out of BreastCheck; and if she will make a statement on the matter. [9550/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 19, 30, 61 and 133 together.

I am confident that the target date of 2007 for the expansion of BreastCheck nationally will be met. The national breast screening programme commenced in 2000 and currently covers the eastern, north eastern, midland and parts of the south eastern areas of the country. Screening is being offered free of charge to all women in those areas in the target age group of 50 to 64 years. Since the programme commenced in 2000 cumulative revenue funding of approximately €60 million and capital funding of €12 million has been allocated to support the programme.

The national roll out of the programme is now a major priority in the development of cancer services. This will ensure that all women in the relevant age group in every county will have access to breast screening and follow up treatment where appropriate. The national roll out of the programme required detailed planning for the development of infrastructure to provide for two static clinical units, one in Cork and the other in Galway.

A capital investment of approximately €21 million has been approved to construct and equip the two clinical units and to ensure that mobile units are available to screen women in the relevant age group throughout the country. Additional capital funding of €3 million has been approved for the relocation and development of the symptomatic breast disease unit, in tandem with the BreastCheck development at University College Hospital, Galway. Design briefs in respect of the capital projects have been completed. It is intended to progress the developments at Cork and Galway simultaneously and it is anticipated that the advertisement for the appointment of a design team will be placed in the *EU Journal* shortly.

Any woman, irrespective of her age or residence, who has immediate concerns or symptoms should consult her GP who, where appropriate, will refer her to the symptomatic services in her area.



*Question No. 20 answered with Question No. 8.*

### Ministerial Appointments.

21. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the progress made with regard to the recruitment of a chief executive officer for the Health Service Executive; when it is expected that an appointment will be made; and if she will make a statement on the matter. [9404/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Interim Health Service Executive, iHSE, awarded a contract to Price-waterhouseCoopers, PWC, following a tendering process, to manage the recruitment of the chief executive officer of the health service executive.

In September 2004, Professor Aidan Halligan — deputy chief medical officer in the UK — was announced as the first chief executive officer of the Health Service Executive. In November 2004 Professor Halligan announced his withdrawal from the process due to personal reasons.

Following a recommendation from the board of the iHSE, I appointed the executive chairman of the iHSE as interim chief executive of the Health Service Executive with effect from 1 January 2005. The interim chief executive officer will remain in this position until a chief executive officer is appointed.

PWC has continued as the recruitment agency to manage the recruitment of the permanent chief executive officer for the Health Service Executive, HSE, and this recruitment process has been underway since early December 2004.

A recruitment subcommittee of the board of the HSE is responsible for the selection of a CEO. The subcommittee is chaired by Mr. Liam Downey, the chairperson of the board. The recruitment subcommittee met on the 18 February to assess progress and decide on a suitable shortlist of potential candidates. Formal interviews were held on 8 and 9 March 2005 and the process remains ongoing. When the recruitment process is complete, the board will recommend a person to me for appointment as CEO of the HSE.

*Question No. 22 answered with Question No. 8.*

### Hospital Services.

23. **Mr. Howlin** asked the Tánaiste and Minister for Health and Children the average number of patients on trolleys or chairs awaiting treatment or assessment in accident and emergency units for each day since 1 January 2005; her views on whether such numbers are satisfactory; and if she will make a statement on the matter. [9408/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department does not collate data on the number of patients reported to be

waiting in accident and emergency departments for admission to hospital on a daily basis. However, the Health Service Executive has commenced providing daily data on accident and emergency activity on their web site. My Department has asked the director of the national hospitals office-HSE to forward available information to the Deputy directly.

### MRSA Incidence.

24. **Mr. Wall** asked the Tánaiste and Minister for Health and Children her views on whether it is inappropriate that MRSA patients are nursed in open wards with a huge risk for other patients, particularly those patients on chemotherapy who are unable to fight infection; and if she will make a statement on the matter. [9434/05]

138. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her views on whether the MRSA epidemic in hospitals here is contributed to by overcrowding and lack of proper facilities for cancer patients; and if she will make a statement on the matter. [9555/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 24 and 138 together.

In 1995, a Department of Health committee comprising representatives from the Department of Health, consultant microbiologists, specialists in public health medicine and general practice and a representative from the Association of Infection Control Nurses produced a set of guidelines for the management of MRSA in acute hospital wards, including specialist units. The implementation and operation of these guidelines in acute hospitals is a matter for those hospitals in the first instance.

An infection control sub-committee of the National Committee for Strategy for the Control of Antimicrobial Resistance in Ireland, SARI, has now prepared a draft revised set of guidelines. These guidelines are still at the consultation stage and cover a number of areas including physical cleanliness of the environment, hand hygiene, antibiotic stewardship programmes, and availability of isolation facilities as well as screening and detection protocols.

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. The implications of the revised guidelines for the health system and issues around their implementation will be a matter for the HSE to consider.

### Hospital Services.

25. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her plans to provide radiotherapy services for patients in the south east; and if she will make a statement on the matter. [9432/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Government is committed to making the full range of cancer services available and accessible to cancer patients throughout Ireland. To this end, we will provide considerable investment in radiation oncology facilities in the coming years.

The Government in its decision on radiotherapy services remained open to the provision of a satellite radiation oncology unit in Waterford. We are determined to deliver enhanced services for the whole population as soon as possible. There is unanimity about the urgent need for significantly enhanced services in the major population centres of Dublin, Cork and Galway. I will keep the question of networked satellite locations under active review.

The immediate developments in Cork and Galway will result in the provision of an additional five linear accelerators. Five additional consultant radiation oncologists are being recruited for this service. These developments will significantly improve access to radiotherapy for patients in the south east and throughout the country.

As recommended in the report on the development of radiation oncology services in Ireland, the national radiation oncology co-ordinating group, NROCG, has been established. The group comprises clinical, technical, managerial, academic and nursing expertise from different geographic regions. The group's remit encompasses recommending measures to facilitate improved access to existing and planned services, including transport and accommodation. The group is expected to develop proposals in these important areas. The group will also advise on quality assurance protocols and guidelines for the referral of public patients to private facilities.

The NROCG is currently developing a National Telesynergy® Network for radiation oncology services. Arrangements are being made to install this technology at Waterford Regional Hospital which will enable the hospital to develop improved linkages with Cork University Hospital and St. Luke's Hospital, Dublin and reduce patient and consultant travel time.

#### **Cancer Screening Programme.**

26. **Mr. Coveney** asked the Tánaiste and Minister for Health and Children if over 200 lives per annum would be saved in the south and west if the BreastCheck programme was up and running; and if she will make a statement on the matter. [9518/05]

131. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her views on reports that failure to roll out BreastCheck in the south and west may result in the deaths of up to 400 women; the steps she is taking to address this situation; and if she will make a statement on the matter. [9548/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 26 and 131 together.

Any woman, irrespective of her age or residence, who has concerns about breast cancer should contact her GP who, where appropriate, will refer her to the symptomatic services in her area. More than €60 million has been invested in the development of symptomatic breast disease services since 2000. This investment has enabled the appointment of additional surgeons with an interest in breast disease, histopathologists and radiologists to enhance the delivery of breast cancer services nationally.

Data supplied by the national cancer registry show that the overall survival rate from cancer has increased between the periods 1995-97 and 1998-2000 with the five year survival rate from breast cancer increasing from 73% to 79% over the period.

The full implementation of BreastCheck requires significant capital and human resources, including two static clinical units, mobile screening units, multi-disciplinary consultant teams and radiographers together with technical and administrative support. A capital investment of €21 million has been approved to construct and equip the two clinical units, one in Cork and the other in Galway, and to provide for mobile units. The investment will ensure that breast screening and follow up treatment, where appropriate, is available to all women in the target group throughout the country. Additional capital funding of €3 million has been approved for the relocation and development of the symptomatic breast disease unit, in tandem with the BreastCheck development, at University College Hospital, Galway.

The design briefs in respect of the capital projects have been completed. It is anticipated that the advertisement for the appointment of a design team will be placed in the EU journal shortly. I am confident that the target of date of 2007 for the expansion of BreastCheck nationally will be met.

#### **Convention on Human Rights and Biomedicine.**

27. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children the reason Ireland has failed to join 31 other European states in ratifying the Council of Europe's 1997 Convention on Human Rights and Biomedicine; and if she will make a statement on the matter. [9445/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Ireland is not a signatory to the Council of Europe Convention on Human Rights and Biomedicine as there are difficulties with some articles that have implications for the destruction of human embryos. The question of our signing the convention with formal reservations in respect of articles with which we have difficulty has been kept under review.

I expect the report of the Commission on Assisted Human Reproduction very shortly. Cloning and embryo research are among a

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number of issues that are currently being examined by the commission in the context of its preparation of a report on the possible approaches to the regulation of all aspects of assisted human reproduction and the social, ethical and legal factors to be taken into account in determining public policy in this area. When completed, the commission's report will provide the basis for informing public debate prior to the finalisation of any policy proposals. The question of ratifying the convention will be examined in the light of the outcome of that debate.

### General Medical Service Review.

28. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if she intends to implement any recommendations made in a report (details supplied), if so, if she will report on the recommendations she intends to implement; and if she will make a statement on the matter. [9485/05]

58. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if, as recommended by a report (details supplied), she intends to radically review the expenditure under the medical card and other State medical schemes, including the long-term illness and drug refund schemes; if so, when she intends to carry out such a review; and if she will make a statement on the matter. [9484/05]

105. **Mr. Costello** asked the Tánaiste and Minister for Health and Children her views on the recently published Review of Governance and Accountability Mechanisms in the General Medical Service (details supplied), particularly in regard to its findings on the issuing of medical cards to the over 70's; the action, she intends to take on foot of the report's findings; and if she will make a statement on the matter. [9402/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 28, 58 and 105 together.

The review was commissioned by my Department with a view to analysing governance and accountability mechanisms in the General Medical Service, GMS, schemes, the respective roles of the Department, former health boards and the former GMS Payments Board in the operation of the schemes, and issues relating to the increasing cost trends in the GMS generally. Since the review was completed a number of important reforms have taken place in the health sector to give effect to a number of its recommendations.

The establishment of the Health Service Executive on 1 January 2005 has given a practical effect to the recommendations in relation to governance and financing of the GMS schemes, through the creation of a unified management structure for the General Medical Service. All aspects of the management and operation of the schemes will now be through the primary, com-

munity and continuing care and shared services directorates of the executive.

Specific recommendations of Deloitte & Touche which are being advanced under the auspices of the HSE include: a programme to introduce a national client index. This index will avoid the data integrity issues which came to light at the time of the extension of medical card eligibility to all over 70s; and a programme to standardise the business processes around the medical card scheme and to examine the ICT and technical requirements for the modernisation of this scheme. This will also be extended to the community drugs schemes.

The HSE will provide a unified structure to standardise the business processes and provide the necessary technical support structures. Both programmes are being led by a dedicated team of HSE officials under the auspices of the national schemes modernisation group.

In response to the recommendations regarding the need for improved financial forecasting procedures for the GMS schemes, the forecasting model has been adapted by the HSE shared services — primary care reimbursement service to allow for three-year forecasting.

In the light of the recommendations regarding the cost of the GMS, further detailed ongoing analysis is being carried out by my Department in conjunction with the Department of Finance, and with the assistance of the former GMS (Payments) Board, now the HSE shared services — primary care reimbursement service to identify policy options for managing the unsustainable growth in expenditure recorded in the schemes, including the cost implications of the decision to extend medical card eligibility to all over 70s.

In addition, the then Minister for Health and Children in February 2004 established a national drugs prescribing group to evaluate proposals in relation to the control of drugs costs contained in the review and other reports, for example, Brennan, to determine their feasibility and early delivery as part of the health reform agenda.

These exercises will form the basis for initiatives to control costs in the context of the overall care strategy. All aspects of the drug delivery system from the manufacturer to the patient are currently under review. This, along with the two reports mentioned above, will form an important ongoing input into the determination of policy priorities for the GMS schemes and for their cost-effective management by the HSE.

### Pharmacy Review Group.

29. **Ms Shortall** asked the Tánaiste and Minister for Health and Children the position regarding her consideration of the report of the pharmacy review group; and if she will make a statement on the matter. [9426/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The pharmacy review group submitted its report to the previous Minister for Health and Children on 31 January 2003 and it

was published in February 2004. The Deputy will appreciate the complex issues which the review group's report raised and the need for careful and considered deliberations on its recommendations. I intend to bring proposals to Government on the development of a modern framework for pharmacy in the near future.

*Question No. 30 answered with Question No. 19.*

#### **Diabetes Incidence.**

31. **Mr. McCormack** asked the Tánaiste and Minister for Health and Children the steps she intends to introduce to prevent and to treat diabetes in view of the fact that the incidence of diabetes in Ireland is set to double by the year 2020; and if she will make a statement on the matter. [9452/05]

65. **Mr. McCormack** asked the Tánaiste and Minister for Health and Children her views on whether the prevention and treatment of diabetes here is up to international standards; and if she will make a statement on the matter. [9455/05]

74. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children her views on whether there is an adequate number of doctors, nurses and dieticians in the health system to deal with diabetes patients; if she has plans to improve this area; and if she will make a statement on the matter. [9451/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 31, 65 and 74 together.

Diabetes Mellitus is an important public health condition which has become more common in developed countries over recent years due to an ageing population and lifestyle factors. There is, however, scope for prevention where good integration between primary and secondary care services and multi-disciplinary working is considered key to enhancing the quality of life of individuals with diabetes.

In 2004, the Minister for Health and Children established a national diabetes group chaired by the chief medical officer to review diabetes and make recommendations for future service needs including preventive initiatives. The group has received a number of submissions and reviewed the international experiences relating to the prevention and management of diabetes. People with diabetes are diagnosed and treated in a number of different settings within our health services. A key requirement is a patient-centred model in which diabetes services are planned and delivered across the traditional, professional and organisational boundaries to focus on meeting patients' needs. This also applies to the prevention of diabetes and its complications. The diabetes strategy will provide a framework for the delivery of diabetes services within the HSE and it is proposed to enter into consultation with the executive as to the most appropriate way to progress this issue.

#### **Hospital Charges.**

32. **Ms Lynch** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to recent figures produced by the Central Statistics Office showing that hospital service charges have risen by almost 60% in three years, more than ten times the rate of inflation; if her attention has further been drawn to the hardship that can be created by such huge increases in charges; the steps she intends to take to address this situation; and if she will make a statement on the matter. [9409/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** On 1 January 2005, the public hospital statutory inpatient charge was increased by €10 to €55 per night, subject to a maximum of €550 in any 12 consecutive months. The charge for a visit to an accident and emergency department was also increased by €10 to €55. This increase in the accident and emergency charge will facilitate more appropriate attendances at accident and emergency units by reducing an incentive for people to attend accident and emergency when they might appropriately receive services from general practitioners.

The charges do not apply to a number of categories of person, including those with full eligibility, women receiving services in respect of motherhood, children up to the age of six weeks and children suffering from prescribed long-term diseases. Additionally, the accident and emergency charge does not apply in circumstances where the person has been referred by a medical practitioner or where the attendance results in a hospital admission.

The daily cost of private and semi-private accommodation in public hospitals was also increased by 25% with effect from 1 January 2005. This income goes towards supporting services in public hospitals. In the interests of equity, it is Government policy to gradually eliminate the effective subsidy for private stays in public hospital beds and relieve the general taxpayers of the burden of carrying these costs. Even with this increase, the cost of providing services to private patients in the major hospitals remains significantly greater than the income from the private insurance companies, in many cases. The increase being implemented is aimed at closing that gap.

Under the Health Act, 1970, determination of eligibility for health services is the responsibility of the Health Service Executive, HSE. It should be noted that where exemptions do not apply and cases of exceptional need arise, the chief officer of the relevant HSE area has discretion to waive the charge where undue hardship would otherwise be caused. It is open to all persons to apply to the Health Service Executive for health services if they are unable to provide these services for themselves or their dependents without hardship.

#### **Hospital Accommodation.**

33. **Ms O'Sullivan** asked the Tánaiste and

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Minister for Health and Children the number of beds provided to date in regard to the commitment given in the national health strategy to provide an additional 3000 hospital beds; the hospitals in each case; the projected number that will be provided before the end of 2005; the number of beds lost since 1997 in each such hospital; and if she will make a statement on the matter. [9416/05]

**Tánaiste and Minister for Health and Children**

**(Ms Harney):** The health strategy contains a commitment that over ten years a total of 3,000 acute beds will be added to the system. In this context funding has already been provided for an additional 900 beds in acute hospitals throughout the country, 700 of which were in place at the end of January 2005. It is envisaged that the remaining 200 beds will open before the end of 2005.

There has been no overall diminution in the number of beds since 1997 in the hospitals mentioned with the exception of orthopaedic beds having been transferred from Our Lady's Hospital, Navan, to Our Lady of Lourdes Hospital, Drogheda, and from Kilcreene Orthopaedic Hospital to Waterford Regional Hospital. It is important to note that the numbers of beds available in any hospital may fluctuate over time depending on service demands and other factors such as seasonal closures and refurbishment. My Department will provide details separately to the Deputy.

In addition extra beds will be provided in the new acute medical units which I announced as part of the accident and emergency services package on the publication of the Estimates for 2005.

**Political Leadership.**

34. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children her views on the failure of political leadership in her Department between 2000 and 2004. [9517/05]

**Tánaiste and Minister for Health and Children**

**(Ms Harney):** I take it the Deputy is referring to the subject matter of the Travers report, but I believe his question prejudices any answer I may give. It is a function of the Oireachtas to hold Ministers to account. The House considered the report for two hours on 10 March, including a half an hour of questions to me and to my predecessor as Minister for Health and Children. The Joint Oireachtas Committee on Health and Children has also been asked by Dáil Éireann to consider the report over the next three months. I have given my views already extensively to the House and I remain fully willing to assist the joint Oireachtas committee in its detailed considerations.

**Health Service Executive.**

35. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she will hold the HSE

board meetings in public; and if she will make a statement on the matter. [9495/05]

**Tánaiste and Minister for Health and Children**

**(Ms Harney):** The Health Act 2004 sets out the legislative framework within which the Health Service Executive must operate. It is a matter for the board of the executive to regulate its own procedures and this would include whether its meetings are to be held in public. I have discussed this issue with the chairperson of the board of the executive and he has advised me that, while it is not intended to hold public board meetings, it is intended that the agenda and minutes of board meetings will be made available publicly via the website of the HSE.

The HSE is mindful that access to information and communications generally, in an open and transparent manner, is an important component of best practice in management and governance of the health services. In this context, the Health Act 2004 provides that all statutory reports of the HSE, such as the corporate plan, the national service plan and the executive's annual report must be published on the internet after having been laid before the Houses of the Oireachtas. The executive is also required to prepare a code of governance for ministerial approval, and must arrange for publication of the approved code.

It is appropriate to point out here that the Act includes a provision relating to attendance by the chief executive officer of the executive before an Oireachtas committee, to give an account of the general administration of the executive. The Act also provides that up to four regional health forums shall be established by the Minister. Each forum has the function of making representations to the executive on the range and operation of health and personal social services provided within its functional area. Details relating to the establishment, composition and operation of the regional health forums will be set out in regulations which are currently in the course of preparation in my Department.

Pursuant to section 79 of the Health Act 2004, my Department is currently preparing regulations relating to the supply by the executive of specified documents or information to, and correspondence with, Members of either House of the Oireachtas.

**Health Services.**

36. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if the Government has delivered on the 800 additional extended care and community nursing unit places per annum as promised in the national health strategy 2001; and if she will make a statement on the matter. [9491/05]

55. **Mr. English** asked the Tánaiste and Minister for Health and Children the number of the 600 additional day hospital beds with facilities encompassing specialist areas such as falls, osteoporosis treatment, fracture prevention, Parkinson's disease, stroke prevention, heart failure and

continence promotion clinics, as promised in the national health strategy 2001, which have been delivered; and if she will make a statement on the matter. [9492/05]

86. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the number of the 700 day care places for the elderly which have been delivered, as promised in the national health strategy 2001; and if she will make a statement on the matter. [9494/05]

102. **Mr. English** asked the Tánaiste and Minister for Health and Children the number of the 1,370 additional assessment and rehabilitation beds which have been delivered, as promised in the national health strategy 2001; and if she will make a statement on the matter. [9493/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 36, 55, 102 and 86 together.

As the Deputy will be aware, the Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

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.

The Health Service Executive's national service plan is being examined by my Department in consultation with the HSE at present. The information requested by the Deputies is not normally collated in my Department. Accordingly, my Department has requested the national director of primary, community and continuing care of the Health Service Executive to investigate the matters raised and to reply direct to the Deputies.

#### **Children in Care.**

37. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children if there is a review planned, following the taking into State care by the Health Service Executive of five children (details supplied) with disabilities and the reversal of that order by the District Court a week later; and if she will make a statement on the matter. [9436/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** It is not appropriate to comment on individual cases. 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 welfare and protection of children and for dis-

ability services. My Department, however, has asked the Health Service Executive if they propose to carry out a review of this case and to advise me on the matter.

#### **Health Services.**

38. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children when the Health Service Executive working group on cystic fibrosis services, which was set up after a report labelled CF services as dangerous will report to her; her views on whether the analysis of the initial report is accurate; and if, in the meantime, she intends to act on the recommendations of the initial report. [9446/05]

96. **Mr. Neville** asked the Tánaiste and Minister for Health and Children her views on the Pollock report into services for cystic fibrosis patients; and if she has examined the need for urgent action to correct the dangerously inadequate staffing levels (details supplied). [9303/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 38 and 96 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 health services for patients with cystic fibrosis.

The Cystic Fibrosis Association of Ireland commissioned Dr. Ronnie Pollock to review the existing hospital services for people with cystic fibrosis in the context of accepted international standards. Dr. Pollock's report was officially launched earlier this year.

The report provides an assessment of need for current and future cystic fibrosis patients and makes a number of recommendations with regard to the numbers and categories of staff that are appropriate for a modern, multi-disciplinary cystic fibrosis service. The report concluded that cystic fibrosis care should be provided in fewer units of a more significant size so that viable staffing levels can be maintained and to ensure that staff have a sufficient workload to enable them to maintain their skills level.

Following the publication of the Pollock report the Health Service Executive met the Cystic Fibrosis Association of Ireland and agreed to the latter's request to establish a working group to consider the report's recommendations. The group, which includes representatives from the Cystic Fibrosis Association of Ireland and the Health Service Executive, as well as relevant clinicians, will review the current configuration and delivery of services to cystic fibrosis patients, across hospital and community, and make recommendations for improvement and development of services. I understand that the group will hold its first meeting in April.

[Ms Harney.]

I also understand that the Health Service Executive is pursuing with St. Vincent's Hospital, which is designated as the national adult cystic fibrosis centre, proposals for improvement to the physical infrastructure of the centre.

39. **Ms Shortall** asked the Tánaiste and Minister for Health and Children when a decision will be made on the location of new radiotherapy units in Dublin; and if she will make a statement on the matter. [9425/05]

123. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the two centres in Dublin which are to provide radiotherapy services in the eastern region; and if she will make a statement on the matter. [9471/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 39 and 123 together.

The Government's policy on radiation oncology is based on the report on the development of radiation oncology services in Ireland. The report recommends that there should be two radiotherapy treatment centres located in the eastern region, one serving the southern part of the region and adjacent catchment areas and one serving the northern part of the region and adjacent catchment areas. The international panel established to advise on the optimum locations for radiation oncology services in the eastern region submitted its advice to me on 28 January last. I intend to reach an early decision in relation to this matter.

40. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Health and Children if she plans to promote breastfeeding and enhance breastfeeding support services; and if she will make a statement on the matter. [9443/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The health promotion unit of my Department is committed to the promotion, protection and support of breastfeeding and has undertaken and supported a number of initiatives in this regard.

A national committee on breastfeeding has been established and is currently in the final stages of developing a national strategic action plan on breastfeeding. This plan aims to create a supportive culture for breastfeeding in Ireland and emphasises the importance of partnership working with all relevant stakeholders. The plan also emphasises the importance of breastfeeding support services and recognises the valuable work being undertaken by voluntary and statutory organisations. An extensive consultation process has taken place and it is hoped to publish the action plan later this year.

#### **Hospital Staff.**

41. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children the number of nurs-

ing posts unfilled at the latest date for which figures are available; the number of qualified nurses who were offered permanent posts in the acute hospital service during 2004; if her attention has been drawn to warnings from the INO that the number of vacancies would rise to 2,000 over the next 18 months; the number of vacancies of ICU nurses; the hospitals in which these vacancies exist; the number of nursing vacancies in accident and emergency departments and the hospitals in which they exist; the steps being taken to deal with the shortage of nurses; and if she will make a statement on the matter. [9423/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** According to the most recent Health Service Executive — employer representative division — survey of nursing resources, recruitment remains well ahead of resignations and retirements. Employers reported that 765 vacancies existed at 31 December 2004. The vacancy rate now stands at 2.25%. This could be considered to be a normal frictional rate, given that there will always be some level of movement due to resignations, retirements and nurses availing of opportunities to change employment and locations.

The survey does not collect data on vacancies in individual hospital departments such as accident and emergency or intensive care. Data on the number of nurses offered permanent contracts in acute hospitals is not available, however, the survey found that in the year ending 31 December 2004 a total of 3,949 staff nurses were recruited by health service executive areas, voluntary hospitals and intellectual disability agencies. During the same year 3,131 staff nurses resigned, retired or moved to another employer. An extra 819 nurses were employed in the health service in the year ending 31 December 2004.

The recruitment and retention of adequate numbers of nursing staff has been a concern of this Government for some time. A number of substantial measures have been introduced in recent years. The number of nursing training places has been increased by 70% since 1998 to 1,640 from 2002 onwards. In excess of €90 million revenue funding is being provided in 2005 for undergraduate nurse training. Nursing continues to be regarded as an attractive career. Provisional data indicate that overall CAO applications for nursing in autumn 2005 are 8,155 with 4,869 first preferences — an increase of 3.5% over 2004.

A comprehensive range of financial supports have been introduced to support nurses in pursuing part-time degrees and specialist courses, including back to practice courses. The cost of these supports will be €10 million in 2005.

My Department introduced a scheme of flexible working arrangements for nurses and midwives in February 2001. Under the scheme, individual nurses and midwives may apply to work between eight and 39 hours per week on a permanent, part-time basis. Almost a quarter of all nurses now job share or work part-time hours. Since 1998 nurses have been paid for overtime.

Previously, they had been given time off in lieu and the introduction of payment represents a further significant financial incentive for nurses.

The promotional structure within nursing, including the introduction of a clinical career pathway, has been substantially improved on foot of the recommendations of the Commission on Nursing and the 1999 nurses' pay settlement. The National Council for the Professional Development of Nursing and Midwifery has been especially active in this area and, to date, over 1,600 clinical nurse specialist and advanced nurse practitioner posts have been created.

Ensuring that there are sufficient nursing resources in 2005-06 is a priority for the Health Service Executive. This will be the transition year between the diploma and the degree programmes. The final group of diploma students recently graduated with the first group of degree students graduating in 2006. A steering group inclusive of nurse managers and human resources specialists has been established by the HSE to manage recruitment in this period. My Department is also represented on this group. This group will oversee the work of a project office tasked with running local and overseas recruitment campaigns. Work is well underway on the tender process for overseas recruitment. The group is also looking at recruitment practices, including the issue of temporary contracts, and retention initiatives. Additional funding has been provided to the HSE for nursing recruitment in 2005.

### **Carcinogenic Products.**

42. **Dr. Upton** asked the Tánaiste and Minister for Health and Children if she intends to undertake a review of food safety procedures in view of the fact that so many products on sale here have been found to contain the carcinogenic, Sudan Red 1; and if she will make a statement on the matter. [6952/05]

59. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the steps being taken to ensure that all food products containing the banned carcinogenic, Sudan Red 1, are removed from all shops and that consumers are alerted to the dangers from products they may have in their homes containing the substance; and if she will make a statement on the matter. [7052/05]

129. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children if she will make a statement on the recent food scare caused by the use of Sudan Red 1 in a variety of foods; and the measures which have been introduced to safeguard against these types of incidents. [6983/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 42, 59 and 129 together.

Sudan Red 1 is a synthetically produced red dye normally used for colouring solvents, oils, waxes, petrol and shoe and floor polishes. In May 2003, through the European rapid alert system,

authorities across the EU became aware that Sudan Red 1 had been used illegally to enhance the colour of chilli powder and thereby increase its commercial value. The use of colourants in foods is strictly regulated and only those on an approved list can be used and then only under restricted circumstances. Sudan Red 1 is not on an approved list and therefore its use in foodstuffs is banned.

Following the detection of the dye, a risk analysis was conducted and this led to new EU rules which were introduced in July 2003. These rules require that chilli powder imported into the EU must be tested and certified to be free of Sudan Red 1. In addition to the import checks, member states are required to carry out testing of products on the market. The developments at EU level from May to July 2003 had the effect of introducing a more rigorous monitoring system for a dye that was already banned.

The batch of contaminated chilli powder at the centre of the recent food recalls was imported into the UK from India in 2002, prior to the introduction of the protective measures. The contaminated batch was used in the production of Worcester sauce which, in turn, was sold to almost 200 food businesses and used as an ingredient in about 470 food products. Contaminated food products were then distributed to at least 15 countries around the world, including Ireland, and this led to the series of product recalls that we have seen recently.

Following the receipt of information from the Food Standards Agency in the UK regarding the detection of the dye in Worcester Sauce, the Food Safety Authority of Ireland, FSAI, worked with Irish food manufacturers, distributors and retailers in order to ensure the immediate removal of any contaminated products from the market. The FSAI is satisfied that in all cases contaminated products were removed from shelves as soon as they were identified. A major media campaign was undertaken by the FSAI to ensure that consumers were informed of the products identified and advised to throw out contaminated products or return them to the shop where they had been purchased. A press release containing the full list of identified products was issued and the FSAI updated the list as further information was received. A measure of the success of this publicity campaign can be seen in the fact that almost 22,000 hits were recorded in a single day on the FSAI website and the consumer help line dealt with in excess of 1,300 phone calls over the period.

I am satisfied that the FSAI acted rapidly and responsibly in the interests of consumers by providing full information and by working with other agencies and the food industry to ensure that affected products were speedily removed from the market. The scale of this recall and withdrawal is unprecedented and, in these circumstances, I believe that the comprehensive and timely response by all concerned, provides clear evidence that our food control systems are sound.



[Ms Harney.]

I can confirm that the effectiveness of our food control measures will be kept under continuing review and to this end the FSAI has been asked to undertake an appraisal of the Irish response to the Sudan Red 1 problem to ascertain the lessons, if any, which can be learned.

#### Ministerial Appointments.

43. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the progress to date on filling the offices of chief executive officer of the HSE and Secretary General of her Department; and if she will make a statement on the matter. [9500/05]

122. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children the procedures for the appointment of a new chief executive officer for the HSE and a new Secretary General for her Department; and if she will make a statement on the matter. [9521/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 43 and 122 together.

The Interim Health Service Executive, iHSE, awarded a contract to PricewaterhouseCoopers, PWC, following a tendering process, to manage the recruitment of the chief executive officer of the Health Service Executive.

In September 2004, Professor Aidan Halligan — deputy chief medical Officer in the UK — was announced as the first chief executive officer of the Health Service Executive. In November 2004 Professor Halligan announced his withdrawal from the process due to personal reasons.

Following a recommendation from the board of the iHSE, the Tánaiste and Minister for Health and Children appointed the executive chairman of the iHSE as interim chief executive of the Health Service Executive with effect from 1 January 2005. The interim chief executive officer will remain in this position until a chief executive officer is appointed.

PWC has continued as the recruitment agency to manage the recruitment of the permanent chief executive officer for the Health Service Executive, HSE, and this recruitment process has been underway since early December 2004.

A recruitment subcommittee of the board of the HSE is responsible for the selection of a CEO. The subcommittee is chaired by Mr. Liam Downey, the chairperson of the board. The recruitment subcommittee met on 18 February to assess progress and decide on a suitable shortlist of potential candidates. Formal interviews were held on 8 and 9 March 2005 and the process remains ongoing. When the recruitment process is complete, the board will recommend a person to me for appointment as CEO of the HSE.

The post of Secretary General in my Department is being filled through a competition process organised by the Top Level Appointments Committee. Final interviews for the post are scheduled to take place on Monday, 4 April 2005.

#### Hospital Charges.

44. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if her Department has records of representations by or on behalf of persons in long-term care who challenged or queried the system of charging between 1976 and 2004 which was found to have no legal basis; the number of such representations and the number for whom charges were discontinued following those representations; and if she will make a statement on the matter. [9302/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the information required by the Deputy covers a period of 28 years, the information requested is not readily available in my Department. I am having the necessary inquiries made in this matter and My Department will revert to the Deputy as soon as possible.

#### Hospital Services.

45. **Mr. Boyle** asked the Tánaiste and Minister for Health and Children her views on the recent turning away of many patients from the accident and emergency department of Cork University Hospital, in conditions that the senior accident and emergency consultant described as the walking wounded; and when new accident and emergency facilities will be resourced and come fully into use. [9438/05]

46. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Health and Children the services which were affected by the recent closure of the accident and emergency department at Cork University Hospital; and if she will make a statement on the matter. [9509/05]

63. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Health and Children the reason a level one trauma centre for the south was recently closed one Friday morning; and if she will make a statement on the matter. [9510/05]

98. **Mr. Howlin** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the serious situation in Cork University Hospital at which patients had to be turned away due to the fact that there were more than 30 patients awaiting treatment on trolleys or chairs; the steps she intends to take to address this situation; and if she will make a statement on the matter. [9407/05]

100. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children if she will make a statement on the recent closure of the accident and emergency department at Cork University Hospital for four hours. [9508/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 45, 46, 63, 98 and 100 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 services at Cork University Hospital. Accordingly, my Department has requested the chief officer for the executive's southern area to reply to the Deputies directly with the information requested.

#### **Sunbed Usage.**

47. **Mr. Rabbitte** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the call from the Environmental Health Officers Association for the introduction of controls governing the use of sunbeds in view of the established link with skin cancer; if she intends to introduce any such control; and if she will make a statement on the matter. [9422/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** While my Department has not received any formal contact from the Environmental Health Officers' Association, EHOA, in relation to the issue referred to by the Deputy, I am aware of an article in the EHOA's yearbook 2004-05 raising the issue of whether sunbeds and tanning facilities should be regulated.

My Department supports a range of initiatives organised by the Irish Cancer Society which impact on awareness of the risk factors associated with many cancers, including melanomas. A Sunsmart campaign is organised each year by the society to increase awareness of risk factors for skin cancer. With regard to sunbeds, the society advises that they are not a safe way to tan. In particular, the society advises that people should not use sunbeds if they: have skin which always sunburns with no ability to tan or sunburns quite easily with only an ability to develop a light tan; are less than 18 years of age; have large numbers of moles; tend to freckle; have a history of frequent childhood sunburn; have pre-malignant or malignant skin lesions; have sun damaged skin; are wearing cosmetics as this may increase sensitivity to UV exposure; and are taking medication. In this case, persons should seek advice from their doctor to determine if the medication will make them UV radiation sensitive. This advice is in line with the World Health Organisation recommendations for the management of sunbed operations which incorporate the recommendations of the International Commission on Non-Ionising Radiation Protection.

In January 1996 the Society of Applied Cosmetology, now known as the Irish Beauty Professional Association, issued guidelines on the use of sunbeds. These guidelines incorporated the then advice of the Irish Cancer Society. The association has advised that these guidelines are currently being updated and should be finalised shortly. I have no plans at present to introduce legislative controls in relation to this issue.

#### **Ministerial Responsibilities.**

48. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children the responsibilities of a

Minister for State in her Department; the nature of the accountability of same for their special responsibility; and if she will make a statement on the matter. [9522/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Under the Health and Children (Delegation of Ministerial Functions) Order 2004, I have assigned and delegated certain departmental functions to my Ministers of State. Such functions reflect their areas of responsibility.

The following functions have been assigned to the Minister of State, Deputy Brian Lenihan, with special responsibility for child care and children's policy: the Adoption Acts 1952 to 1998; the Children Acts 1908 to 1989; the Child Care Act 1991, No. 17 of 1991; the Protections for Persons reporting Child Abuse Act 1998, No. 49 of 1998; the Children Act 2001, No. 24 of 2001; and the Ombudsman for Children Act 2002, No. 22 of 2002.

The following functions have been assigned to the Minister of State, Deputy Tim O'Malley, with special responsibility for mental health, physical, sensory and intellectual disabilities: Part VII of the Mental Treatment Act 1945, No. 19 of 1945; section 41 of the Mental Treatment Act 1961, No. 7 of 1961; section 4 of the Health (Miscellaneous Provisions) Act 2001, No. 14 of 2001; the Mental Health Act 2001, No. 25 of 2001; section 65 of the Health Act 1953, No. 26 of 1953; section 26, 59, 61, 69, 71 and 72 of the Health Act 1970, No. 1 of 1970.

The following functions have been assigned to the Minister of State, Deputy Seán Power, with special responsibility for public health — food safety, medicines and tobacco, health promotion and services for older people: the Irish Medicines Board Act 1995, No. 29 of 1995; section 5, 20 and 51 of the Food Safety Authority of Ireland Act 1998, No. 29 of 1998; the Food Standards Act 1974, No. 11 of 1974; the Sale of Food and Drugs Acts 1875 to 1936; the Milk and Dairies Acts 1935 to 1988; the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978; the Tobacco (Health Promotion and Protection) Act 1988; the Public Health (Tobacco) Acts 2002 and 2004; and sections 6, 7 and 10 of the Health (Nursing Home) Act 1990.

I have also delegated to the Minister of State, Deputy Seán Power, additional responsibilities on an administrative basis as follows: health promotion, including cardiovascular strategy and women's health; drug misuse and HIV/AIDS; contingency planning — health protection; matters relating to the development of services for older people throughout the country; and matters relating to the development of palliative care services throughout the country.

In accordance with section 3 of the Public Service Management Act, 1997 I have overall responsibility for the performance of the functions of my Department.

### Nursing Home Charges.

49. **Ms McManus** asked the Tánaiste and Minister for Health and Children if, arising from the Travers report, there was any record in her Department regarding the reason the new Minister for Health who took over in March 1987 decided not to proceed with legislation that had been prepared by his predecessor, Mr. John Boland, aimed at regularising the situation in regard to the charging of long stay patients; and if she will make a statement on the matter. [9385/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** No record has been found in my Department which indicates clearly why the legislative proposals to address the issue of charging of long stay patients put to Government while John Boland was Minister for Health were not proceeded with.

As reported in the Travers report, the Government decision in relation to this matter stated that the proposals concerned were to be addressed “on the basis in so far as is now relevant.” Mr. Travers has reported that “at the time of the Government decision, provision was made for further discussion on the matter by the then Taoiseach, the Minister for Health and the Minister for Finance. No record of the content or the outcome of these discussions was made available to me by the Departments of Health and Children, Finance or An Taoiseach and I was informed that no such record exists on their files.”.

### Ministerial Meetings.

50. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she will report on each and all of the meetings which have taken place between her immediate predecessor and the then Secretary General of her Department; if her attention has been drawn to the nature of the discussions as alleged in a recent Sunday newspaper article just prior to her appointment as Minister; if she has been briefed on the nature of these discussions; and if she will make a statement on the matter. [9490/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I regret to inform the Deputy that I cannot report on each and every meeting held between my predecessor as Minister for Health and Children and the Secretary General of my Department. Such meetings would be too numerous to recount and report on, and I have not asked to be briefed on them. It is not uncommon for Secretaries General to talk to previous Ministers in their Department.

I understand that the meeting referred to took place on Monday, 13 December 2004 at the request of the Secretary General who was in the course of preparing a report to me on the issue of public long stay charges for consideration by the Government the next morning. I was briefed

about the conversation at this meeting on the following Wednesday.

The terms of reference for the report by Mr. Travers focused on events between 1976 and October 2004, when I sought legal advice from the Attorney General on the public long stay charges. Mr. Travers’s report sets out the information which he judged to be relevant to, and within, the terms of reference. I was not party to interviewees’ conversations with Mr. Travers other than my own. I cannot say what he was told apart from the information contained in his report.

### Nursing Home Charges.

51. **Ms McManus** asked the Tánaiste and Minister for Health and Children if, arising from the Travers report, any investigation has been held in her Department to determine the location of the file prepared by the Secretary General for submission to the Attorney General, but which was never received in the Attorney General’s office, in regard to the illegal charging of long stay patients and, to determine the reason the file was not sent; and if she will make a statement on the matter. [9386/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The letter and briefing documents in the file the Deputy refers to were sent to the Attorney General last October at my request following the issue being raised in the House. The original file drawn up in January 2004 containing these documents was not found in the Department despite an extensive search undertaken in January and February this year to facilitate the work of Mr. John Travers on the report I requested. A further search now would not be likely to produce a different result. The reasons the file was not sent are the subject of detailed comment in the Travers report. I have stated to the House that I accept Mr. Travers’s assessments wholly and entirely.

### Health Services.

52. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children when work will commence on the community nursing unit on the grounds of Kerry General Hospital, Tralee, County Kerry; and if she will make a statement on the matter. [9384/05]

**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. The Health Service Executive's national service plan is being examined by my Department in consultation with the HSE at present.

### Children in Care.

53. **Mr. Murphy** asked the Tánaiste and Minister for Health and Children the number of families with children who have autistic behaviour that had care orders issued by health boards or the HSE in the past 12 months; the number who are still in care; and if she will make a statement on the matter. [9524/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services, including services for the welfare and protection of children and for disability services. Accordingly, my Department has asked the national director for primary, community and continuing care of the Health Service Executive to investigate the matter and to reply directly to the Deputy as soon as possible.

### Influenza Outbreak.

54. **Mr. Neville** asked the Tánaiste and Minister for Health and Children her plans to deal with a possible outbreak of avian flu. [9249/05]

83. **Ms Burton** asked the Tánaiste and Minister for Health and Children the stock of flu vaccines available to deal with any flu pandemic; if it is intended to increase these stocks; when this will be done; if she has satisfied herself that all appropriate steps are in place to deal with any such pandemic; and if she will make a statement on the matter. [9389/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 54 and 83 together.

The overall aims of pandemic influenza preparedness planning are to reduce morbidity and mortality, and to minimise the resulting disruption to society. However, the consequences of a global pandemic are still likely to be serious. Pandemic planning can only mitigate the effects.

The influenza pandemic expert group which is reviewing and updating Ireland's 2002 influenza pandemic preparedness plan has been reconvened. At its first reconvened meeting, the expert group agreed a programme of work to progress the updating of the pandemic plan. Once finalised the updated plan will be published.

Our 2002 plan was based on the World Health Organisation, WHO, blueprint for an influenza pandemic plan published in 1999. It addresses a range of issues including prevention strategies, scientific and medical issues, and communi-

cations. The WHO plan is currently being updated to incorporate new scientific data and experience obtained during recent outbreaks. Our pandemic plan will be modified in line with these recommendations once they are agreed and published by the World Health Organisation.

Vaccination is the principal measure for preventing influenza and reducing the impact of epidemics. It will be the primary public health intervention in the event of an influenza pandemic. However, the production of a vaccine tailored to a pandemic influenza strain could take six to nine months. Developments are underway at international level seeking to expedite this process.

Pending the availability of virus specific vaccines, antiviral drugs will be the only influenza specific medical intervention available for use in a pandemic. Antivirals can be used for prophylaxis — prevention — and for treatment.

The Government has decided that antiviral drugs should be stockpiled. The expert group reviewed recommendations for the use of antivirals in line with international guidance at its meeting on 24 February 2005. Following consideration of the expert group's advice, I have directed that 1 million treatment packs of oseltamivir — Tamiflu — should be stockpiled. This quantity is sufficient to treat 25% of the population and is in line with international trends. The Health Service Executive has been so advised and procurement arrangements are underway. I am confident that 600,000 packs will have been delivered by the end of this year — this is sufficient to treat 15% of the population. The remaining 400,000 packs will be delivered in 2006.

A national antiviral stockpile would be used to treat priority groups. Prioritisation is essential if both morbidity and mortality are to be reduced, and essential services are to be maintained thereby minimising as far as possible the disruption to society which might result from a pandemic. The priority groups include, for example, individuals who are hospitalised with influenza, people who may be more vulnerable to the virus, and key workers in essential services.

It should be noted, however, that pandemic planning is a dynamic process and the definition of risk is likely to change over time. This means that the recommendations for use of antivirals must be kept under review. In particular, the expert group will need to review the epidemiological data before final recommendations are decided in the setting of an imminent pandemic. The decision making process will be guided at all times by relevant expert advice from the European Commission and the World Health Organisation.

*Question No. 55 answered with Question No. 36.*

### Nursing Home Charges.

56. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children her proposals for the

[Mr. Durkan.]  
 repayment of the moneys illegally taken from old age pensioners while in various health board institutions over the past number of years; and if she will make a statement on the matter.  
 [9489/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is currently studying the Supreme Court judgment in relation to repayment of charges for publicly-funded long term residential care in detail and will take on board all the consequences for policy and law arising from the judgment. A special Cabinet sub-committee comprising the Taoiseach, Deputy Bertie Ahern, the Minister for Finance, Deputy Cowen, the Attorney General, Mr. Brady, and myself has been established to consider the issue of repayment in light of the judgement. Full details of a repayment scheme will be announced as soon as possible and it is the intention to make repayments as automatic as possible.

Any person who considers that they or a family member may be eligible for repayment may register their interest in advance with the Health Service Executive, by writing to the National Refund Scheme, HSE Midland Area, Arden Road, Tullamore, Co Offaly; by e-mailing refundscheme@mailq.hse.ie; or by calling the helpline 1800 777737 during office hours.

#### **National Treatment Purchase Fund.**

57. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if the treatment purchase fund will be used to allow women in the south and west of the country to have mammograms and have them processed through the already functioning symptomatic breast units; and if she will make a statement on the matter.  
 [9431/05]

60. **Mr. Rabbitte** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the statement made by a person (details supplied) that the absence of breast screening services in the western regions was leading to a high number of mastectomies among women whose cancer is being detected too late; the steps she is taking to address this situation; when it is expected that the BreastCheck service will be extended to the entire country; and if she will make a statement on the matter. [9421/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 57 and 60 together.

I am aware of the benefits of an organised screening programme to detect breast cancer in women. The early detection of breast cancer results in less radical medical and surgical interventions. In that regard, I am confident that the target date of 2007 for the expansion of BreastCheck nationally will be met.

Any woman irrespective of her age or residence who has concerns about breast cancer should contact her GP who, where appropriate,

will refer her to the symptomatic services in her area. More than €60 million has been invested in the development of symptomatic breast disease services since 2000. This investment has enabled the appointment of additional surgeons with an interest in breast disease, histopathologists and radiologists to enhance the delivery of breast cancer services nationally.

BreastCheck, having considered a number of options, has advised my Department that the full implementation of the national breast screening programme is the best approach to ensuring that a quality screening programme is available to all women in the target age group throughout the country. The roll out of this programme is a major priority in the development of cancer services. The roll out requires significant capital and human resources, including two static clinical units, mobile screening units, multi-disciplinary consultant teams and radiographers together with technical and administrative support.

A capital investment of €21 million has been approved to construct and equip the two clinical units and to provide for mobile units. The investment will ensure that breast screening and follow up treatment, where appropriate, is available to all women in the target group throughout the country. Pending the provision of the necessary facilities and staff, the national treatment purchase fund would be in a position to source providers who could provide a service along the lines suggested by the Deputy.

*Question No. 58 answered with Question No. 28.*

*Question No. 59 answered with Question No. 42.*

*Question No. 60 answered with Question No. 57.*

*Question No. 61 answered with Question No. 19.*

#### **Hospital Accommodation.**

62. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children her views on reports (details supplied) that Beaumont hospital has less than 15% of the beds it needs for kidney and pancreatic transplant patients; and if she will make a statement on the matter. [9487/05]

106. **Mr. Ring** asked the Tánaiste and Minister for Health and Children her views on reports (details supplied) that a massive bed, staffing and facility deficit at the country's kidney transplant unit is forcing patients abroad for treatment; and if she will make a statement on the matter.  
 [9488/05]

**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 transplantation services. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to examine the issues raised and to reply to the Deputies directly.

*Question No. 63 answered with Question No. 45.*

#### **Hospital Services.**

64. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the grave shortfall in services for rheumatology patients; if adequate funds will be provided for early diagnosis and treatment of this condition; and if she will make a statement on the matter. [9411/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The number of consultant rheumatologists has increased by one third in the last three years from 16 to 21.5 whole-time equivalents. However, I am aware that difficulties are still being experienced in accessing rheumatology services. At the beginning of February I had a very useful meeting with Arthritis Ireland and representatives of the Irish Society for Rheumatologists when we discussed a range of issues, including the delivery of rheumatology services.

The Health Act 2004 provided for the Health Service Executive, HSE, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver or arrange to be delivered on its behalf, health and personal social services. The continued expansion of rheumatology services is now a matter for the HSE — national hospitals office. My Department will continue to work closely with the executive to ensure that there is a continued focus on improving the delivery of services for rheumatology patients.

*Question No. 65 answered with Question No. 31.*

#### **Hospital Staff.**

66. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the further action she has taken with respect to the inter-related and ongoing problems of services and staffing at Monaghan General Hospital and Cavan General Hospital; and if she will make a statement on the matter. [9301/05]

78. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the steps she has taken with the Health Service Executive dealing with Monaghan General Hospital regarding the unsatisfactory situation and lack of clarification regarding the surgical services which are available and will be provided in the hospital; and if she will make a statement on the matter. [9427/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 66 and 78 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. Accordingly, my Department has requested the director of the national hospitals office at the Health Service Executive to reply directly to the Deputies in relation to the issues raised.

Following the preparation of a report by the Royal College of Surgeons in Ireland, RCSI, regarding surgical services at Cavan General Hospital, my Department recently facilitated a meeting with representatives of the college and the director of the national hospitals office. The issues arising from the RCSI report and other issues relevant to the reconfiguration of services across the Cavan-Monaghan hospital group are being progressed by the director of the national hospitals office.

*Question No. 67 answered with Question No. 9.*

#### **Medical Cards.**

68. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children further to the findings of the Supreme Court of 16 February 2005, the cost of the over 70s medical card for each of the years 2001, 2002, 2003, 2004; and if she will make a statement on the matter. [9449/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I understand the Deputy is referring to the amounts deducted from persons aged 70 and over in relation to charges in publicly funded long stay care institutions. The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under this Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Accordingly, my Department has requested the HSE to reply directly to the Deputy outlining the amounts deducted from persons aged 70 and over in relation to charges in publicly funded long stay care institutions for the years 2001, 2002, 2003 and 2004.

#### **Cancer Screening Programme.**

69. **Mr. Cuffe** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the European Parliament resolution on breast cancer, 2003, the third edition of the European code against cancer, 2003, and the European Commission recommendation of 2003 adopted by the Council of Ministers, all calling for the extension of breast cancer screening to all women up to the age of at least 69; if her Department will be extending breast cancer screening to those

[Mr. Cuffe.]  
over 65; if so, the timescale for same; and if she will make a statement on the matter. [9440/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I am aware of the recommendations on breast screening contained in the documents referred to by the Deputy. The national breast screening programme currently covers the eastern, north eastern, midland and parts of the south eastern areas of the country. Screening is being offered free of charge to all women in those areas in the target age group 50 to 64 years of age.

The current priority of BreastCheck and my Department is to progress the roll out of breast screening to women in the target age group in the rest of the country. Following the national roll out and when the programme is sufficiently developed and quality assured, consideration will be given to extending the upper age limit.

Any woman, irrespective of her age or residence, who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her region.

*Question No. 70 answered with Question No. 8.*

#### **Health Service Reform.**

71. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children if she is satisfied with the progress of the structural reform programme to date; and if she will make a statement on the matter. [9498/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** On taking up my current office, as Minister for Health and Children, I have identified the implementation of the Government's health service reform programme among my priorities.

On 11 November 2004, the interim Health Service Executive announced a high level organisational design and structure for the executive. This process is very well advanced and the HSE is currently engaged in completing arrangements for the recruitment of further key personnel at an early date.

Also, in November, I published the Health Bill 2004, which was enacted last December. Arising from this, the executive was established under ministerial order with effect from 1 January 2005. The executive took over responsibility for the management and delivery of health services from the Eastern Regional Health Authority and the health boards. From its establishment day, the functions of the Health Boards Executive, the Health Service Employers Agency, the Office for Health Management, Comhairle na nOspidéal, the National Disease Surveillance Centre, the GMS Payments Board and the interim Health Service Executive were also subsumed into the executive.

I recently approved a framework for corporate and financial governance for the Health Service

Executive. The executive will be required to draft its own code of governance in keeping with this framework which will require ministerial approval. I also recently approved the executive's first ever national service plan for the Irish health system. This plan will be laid before the Houses of the Oireachtas in accordance with the provisions of the Health Act 2004.

Another key element of the structural reforms to be implemented involves the establishment of a health information and quality authority. I recently made a statutory instrument establishing an interim authority whose members will be responsible for making the necessary operational preparations for the authority to be established under primary legislation. It is my intention to bring a Bill before the House before the end of the year to provide for the establishment of the health information and quality authority.

The Hanly report sets out the changes needed in non-consultant hospital doctors, NCHDs, work patterns; a series of reforms in medical education and training; the number of additional consultants needed and how they should work under a significantly revised contract. Implementation of the report's recommendations regarding acute hospital reorganisation had been hampered by the dispute relating to medical indemnity.

While the acute hospitals review group which had been appointed to progress the Hanly proposals will not now proceed, I will continue the planned investment in new hospital facilities, new consultant posts in a team-based system and the organisation of services around hospital networks.

A further important dimension of the reform programme involves the completion of a new organisation design for the Department of Health and Children. The Department will devolve a range of functions to the executive. The restructuring of the Department to implement the organisational design will be carried out in the current year in tandem with the hand-over of agreed functions to the executive.

Work is currently ongoing in my Department in relation to the preparation of separate regulations, pursuant to the Health Act 2004, for the establishment of up to four regional health forums and to cover dealings between the Health Service Executive and members of the Houses of the Oireachtas.

My Department is also working on the preparation of regulations to be made under the Health Act 2004 which will deal with the establishment of a statutory complaints framework. I am satisfied that the achievements and ongoing work referred to represent satisfactory progress in the structural reform programme to date.

#### **Hospital Waiting Lists.**

72. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children the steps she has taken to address the ongoing problem of lengthy waiting lists for new diabetes patients; and if

she will make a statement on the matter. [9450/05]

**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 diabetes services. Accordingly, my Department has requested the director of the national hospitals office at the Health Service Executive to investigate the matter raised and to reply to the Deputy directly.

#### Task Force on Alcohol.

73. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children if she plans to implement fully the recommendations in the second report of the strategic task force on alcohol; the way in which she plans to do so; and if she will make a statement on the matter. [9441/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Strategic Task Force on Alcohol was established in January 2002. Its remit is to provide specific evidence based measures to Government to prevent and reduce alcohol related harm. The task force published an interim report in May 2002 and a second report in September 2004. Together, the two reports provide approximately 100 evidenced based recommendations which aim to tackle alcohol related harm in this country and are framed on the ten strategy areas for alcohol action outlined in the World Health Organisation European charter on alcohol. I intend to bring the second task force report to Government shortly.

*Question No. 74 answered with Question No. 31.*

#### Nursing Home Charges.

75. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the role of the Minister for Health and Children and the Ministers of State at the meeting in December 2003 on the nursing home pensions issue. [7473/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Ministers accepted an invitation to attend a joint meeting on 16 December 2003 of the management advisory committee of the Department of Health and Children and health board chief executive offices in order to hear and take part in the exchange of views on the range of issues on the agenda for the meeting and thereby assist them in the discharge of their ministerial functions.

#### Hospital Services.

76. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the reason she or her

predecessors have not appeared before the Oireachtas Joint Committee on Health and Children to discuss radiotherapy services; and if she will make a statement on the matter. [9515/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I am pleased to inform the Deputy that I appeared before the Oireachtas Joint Committee on Health and Children on 3 February last at which a range of cancer related issues, including radiation oncology services, were discussed.

#### Hospital Accommodation.

77. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the outstanding difficulties being experienced in Letterkenny General Hospital due to an increase in specialisms but no increase in bed capacity; and if she will make a statement on the matter. [9236/05]

113. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the lack of beds in Letterkenny General Hospital, both at the accident and emergency department and in the main hospital, due largely to the rising population and demography of the county; and if she will make a statement on the matter. [9235/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 77 and 113 together.

The Health Act 2004 provided for the Health Service Executive, HSE, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for services at Letterkenny General Hospital. Accordingly, my Department has requested the chief officer for the executive's north western area to investigate the matters raised and to reply directly to the Deputy.

*Question No. 78 answered with Question No. 66.*

*Question No. 79 answered with Question No. 9.*

#### Health Services.

80. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the number of social workers or health sector personal social services professionals in each regional health area that are employed to assess children for the crèche supplement; and if she will make a statement on the matter. [6020/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The information requested by the Deputy is not available in my Department as the staffing information collected through the health service personnel census is done on the basis of grade and employing agency only. The chief officer of each Health Service Executive area has



[Ms Harney.]  
been requested by my Department to investigate the matter raised by the Deputy and to reply directly to him in relation to it.

### Hospital Accommodation.

81. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children the number of long stay public beds available throughout the country on a county basis; and if she will make a statement on the matter. [9429/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** As the Deputy will be aware, the Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the number of public 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.

### Food Dispensers.

82. **Mr. Coveney** asked the Tánaiste and Minister for Health and Children her views on banning soft drinks and snack food dispensers from State run health institutions; and if she will make a statement on the matter. [9519/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** I have no current plans to ban soft drinks and snack food dispensers from State run health institutions. The report of the national task force on obesity is due for publication shortly and I await its recommendations.

*Question No. 83 answered with Question No. 54.*

### Health Services.

84. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 125 of 17 June 2004 if she has satisfied herself that guidelines which were issued in 1985 which prioritise cases based on treatment needed for orthodontic services, have a basis in law; the section of the Act that gives legal underpinning to these guidelines; and if she will make a statement on the matter. [9279/05]

**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.

The aim of my Department is to promote the development of the treatment capacity of orthodontics in a sustainable way over the longer term.

Given the potential level of demand for orthodontic services, the provision of those services will continue to be based on prioritisation of cases based on treatment need, as happens under the existing guidelines. These guidelines were issued in 1985 and are intended to enable health boards, now the Health Service Executive, to identify in a consistent way those in greatest need and to commence timely treatment for them. As such guidelines are issued in the manner of advice to the health boards-authority they do not have a specific statutory basis nor do they require same.

### Organ Retention.

85. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children the basis of her decision to close down the Dunne inquiry into the retention of organs of deceased children; her proposals for the completion of the work; if an application for additional resources for the inquiry had been received from the chairman; the Government's response to this; the date on which she expects the final report to be published; if it is intended to introduce legislation to regulate organ retention and transplants; and if she will make a statement on the matter. [9415/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** On 1 September 2004 the Government decided that the post mortem inquiry should furnish its final report not later than the 31 March 2005 and that the inquiry would then cease to exist. The chairman of the inquiry has been so advised and I expect to have her final report on or before that date. The chairman had sought approval to appoint additional legal staff to the inquiry team, but approval was not given.

The European Commission is currently considering the question of a directive in respect of organ transplantation, including the issue of consent, and proposes to conduct a thorough scientific evaluation of the situation. It will present a report on its analysis to the Council of the European Union as soon as possible. It is hoped that this will provide the framework for the development of legislation in this area.

In the meantime, it is intended to review organ donation, procurement and utilization policy in Ireland. This work will inform Ireland's contribution to the discussions in relation to the proposed directive on organs.

*Question No. 86 answered with Question No. 36.*

### Hospital Services.

87. **Mr. Noonan** asked the Tánaiste and Minister for Health and Children her views on a media report (details supplied) which claimed that she may recommend that a number of provincial hospital satellite centres be established for the provision of radiotherapy, as part of a major reorganisation of services; and if she will make a statement on the matter. [9467/05]

95. **Mr. Wall** asked the Tánaiste and Minister for Health and Children when she will be making an announcement regarding the provision of appropriate transport arrangements for cancer patients requiring radiotherapy; and if she will make a statement on the matter. [9433/05]

119. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the recommendations of the Radiotherapy Report which have been implemented; and if she will make a statement on the matter. [9516/05]

137. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the provision she has made to provide radiotherapy for terminally ill cancer patients in the last weeks of life who cannot travel and who need it for relief from pain, in view of the fact that these patients make up half of all patients needing radiotherapy; and if she will make a statement on the matter. [9554/05]

143. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children her plans to provide access to radiotherapy services for persons in the north west, in particular in Inishowen, County Donegal. [9563/05]

144. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children her plans to provide access to palliative radiotherapy services for persons in the north west, in particular in Inishowen. [9564/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 87, 95, 119, 137, 143 and 144 together.

The Government's policy on radiation oncology is based on the report on the development of radiation oncology services in Ireland. The report was prepared by a multi-disciplinary group of experts in radiation oncology, medical oncology, public health and palliative care, including representatives of bodies such as the Irish College of General Practitioners, the Irish Cancer Society and Aid Cancer Treatment. The report has had significant international endorsement from such bodies as the US National Cancer Institute and the American Cancer Society.

The Government is determined to ensure access by cancer patients throughout the country to high quality radiation oncology in line with best international standard. Significant progress is being made in implementing the report's recommendations. The short term developments in Cork and Galway will significantly improve access by cancer patients to radiotherapy treatment, including for palliative purposes.

Two additional linear accelerators are being provided at the supra-regional centre at Cork University Hospital, CUH, at a capital cost of over €4 million. The first of these linear accelerators has been installed and the second is expected to be commissioned by the autumn. 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 CUH 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.

The supra-regional centre at University College Hospital Galway commenced treatments for radiotherapy last week. Last year, approval issued for the appointment of 102 staff for this unit, together with ongoing revenue funding of €12 million to cater for this expansion. Approval issued for the appointment of an additional consultant medical oncologist and three consultant radiation oncologists, two of whom have significant sessional commitments to the north-western and the mid-western areas. Key staffing is in place. The first consultant radiation oncologist has already started and the second is due to take up post on 29 March.

The report recommends that there should be two radiotherapy treatment centres located in the eastern region, one serving the southern part of the region and adjacent catchment areas and one serving the northern part of the region and adjacent catchment areas. The international panel established to advise on the optimum locations for radiation oncology services in the eastern region submitted its advice to me on 28 January last. I intend to reach an early decision in relation to this matter. While the immediate priority is to provide significantly enhanced services in the major population centres of Dublin, Cork and Galway, I will keep the question of networked satellite locations under active review.

The Health Services Executive has significant dedicated transport arrangements in place for radiotherapy patients. The remit of the national radiation oncology coordinating group encompasses recommending measures to facilitate improved access to existing and planned services, including transport and accommodation. The group comprises clinical, technical, managerial, academic and nursing expertise from different geographic regions. The group will also advise on quality assurance protocols and guidelines for the referral of public patients to private facilities.

#### **Pharmacy Regulations.**

88. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the number of trained pharmacists from abroad who cannot practice here although eligible to practice in other EU countries; if she will consider amending the Pharmaceutical Acts in order to deal with this anomaly; and if she will make a statement on the matter. [9413/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Council Directive 85/433/EEC provides for the free movement of pharmacists within the European Economic Area, EEA. Under EU Directives 85/432/EEC and 85/433/EEC, any EU/EEA national holding a

[Ms Harney.] recognised pharmacy qualification from such a state is entitled to register as a pharmacist in Ireland, in accordance with free movement provisions.

Ireland avails of a derogation under Article 2.2 of 85/433/EEC which gives member states the option of not recognising the qualification of any national of an EU-EEA state who is qualified as a pharmacist in relation to the ownership, management or supervision of a pharmacy that is less than three years old or for the establishment of a new pharmacy. This means that a pharmacist who qualified in another EU-EEA state, and who is a national of such a state, may not own in their own right, operate or manage a pharmacy that is less than three years old.

As recommended by the pharmacy review group I am examining the continued use of the derogation in the context of new pharmacy legislation which will consolidate and modernise the practice of pharmacy in Ireland. This will provide a more comprehensive framework for the supervision and management of pharmacy services.

*Question No. 89 answered with Question No. 9*

#### Ministerial Staff.

90. **Mr. Broughan** asked the Tánaiste and Minister for Health and Children the role and responsibilities of her special advisers, in particular their role in relation to briefing her on issues arising at meetings they attend on her behalf; and if she will make a statement on the matter. [9387/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provisions for the appointment and role of special advisers are clearly set out in section 11 of the Public Service Management Act 1997.

In accordance with that Act, the special advisers in my Department are appointed, *inter alia*, to assist me in the discharge of my functions as Minister for Health and Children. They are also available to assist me in relation to my role in Government as Tánaiste. It is clear from the Public Service Management Act 1997 that special advisers are not part of the Civil Service line management.

My special advisers brief me on any issues that will come to me for decision arising out of any meetings they attend, whether in the civil service or elsewhere. They do so, not as an alternative to briefing on these issues by civil servants. This has been the practice in relation to special advisers over the life of many governments.

#### Medical Cards.

91. **Mr. Costello** asked the Tánaiste and Minister for Health and Children the number of medical cards issued at 30 September 2004 and at the latest date for which figures are available; the reason the number of medical card holders con-

tinues to decline having regard to the pledge in An Agreed Programme for Government to extend eligibility to bring in another 200,000 persons and the commitment given on the publication of the Estimates for 2005 that 30,000 additional medical cards would be issued from 1 January 2005; the number of the promised 30,000 new medical cards that have been issued since 1 January 2005; and if she will make a statement on the matter. [9401/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** In September 2004, the number of current medical cards in circulation was 768,895 providing services for 1,151,106 persons, or 29.39% of the population of 3,917,203, from the 2002 census. In March 2005, there were 768,316 current cards providing services for 1,144,578 persons or, 28.3% of the population of 4,043,800, the official estimate of population at September 2004, which represents a net increase of 1,963 medical cards since February 2005.

Variations in medical card coverage can be attributed to the continued economic success of the country and also to results of the cleansing of medical card databases during 2003 and 2004, in which approximately 104,000 medical card records were removed. Many of the deletions from the database would have been due to normal reviews but a number would have been duplicate or expired records. Regular periodic reviews of eligibility are undertaken by the Health Service Executive to ensure that its medical card databases are accurate.

The implications of my decision to extend medical card coverage, as announced in November, will become apparent as the year progresses. New income guidelines, as agreed by the chief officers of the Health Service Executive, are being used by the local area offices for the determination of eligibility to an additional 30,000 full eligibility medical cards since January 2005. The additional 200,000 doctor visit cards will be introduced progressively from April 2005, once administrative arrangements are in place.

#### Health Service Reform.

92. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if the Government plans to implement the recommendations of the Hanly report; and if she will make a statement on the matter. [9417/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I regard the report of the national task force on medical staffing as a significant contribution to the development of acute hospitals services and to the organisation of medical staffing.

The report makes important proposals for reducing the working hours of non-consultant hospital doctors, NCHDs, in line with the European working time directive. It highlights the need to implement changes in medical staffing to ensure safety and quality of patient care, and to

reduce significantly the unacceptably long working hours of NCHDs.

Hanly recommends a significant increase in the total number of consultants, working in a consultant-provided, team-based system, so that patients can receive faster access to senior clinical decision making. The Hanly report deals also with medical education and training with particular reference to the changes that will be needed in the context of a 48-hour working week for NCHDs.

In relation to the organisation of hospital services, I consider that the report proposes an appropriate way forward in terms of regional self-sufficiency, investment in hospital services and the organisation of those services around hospital networks. In line with these recommendations, I will continue the Government's planned investment in new hospital facilities and additional consultant posts. I believe that this approach will be to the benefit of all patients.

I believe that the national hospitals office is best placed to build on the recommendations of the Hanly report in relation to hospital services and have asked my officials to progress the issue with officials of the national hospitals office. Mr. David Hanly who chaired the report of the national task force on medical staffing will continue to be available for advice on the reform process.

Implementation of the other recommendations of the report is proceeding. My Department is working closely with the Health Services Executive and other health agencies to implement the measures set out in the report to reduce the average weekly working hours of junior doctors. Negotiations with the Irish Medical Organisation on the reduction in hours are continuing and local implementation groups have been established in nine hospitals as part of an agreed pilot process.

While consultant contract negotiations are paused pending resolution of issues related to medical indemnity arrangements, significant preparatory work has been undertaken on a draft consultant contract and management position paper.

The implications of the required changes for post-graduate medical education and training are being examined by the medical education and training group that was originally established as part of the National Task Force on Medical Staffing

### Hospital Charges.

93. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to recent figures produced by the Central Statistics Office showing that hospital charges have risen by 59.9% in three years, more than six times the rate of inflation; her views on whether such a level of increase is justified; if her attention has been drawn to the hardship that such a level of increase has created; the action she intends to take to address this situation; and if she will make a statement on the matter. [9403/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** On 1 January 2005, the public hospital statutory inpatient charge was increased by €10 to €55 per night, subject to a maximum of €550 in any 12 consecutive months. The charge for a visit to an accident and emergency department was also increased by €10 to €55. This increase in the accident and emergency charge will facilitate more appropriate attendances at accident and emergency units by reducing an incentive for people to attend accident and emergency when they might appropriately receive services from general practitioners.

The charges do not apply to a number of categories of person, including those with full eligibility, women receiving services in respect of motherhood, children up to the age of six weeks and children suffering from prescribed long term diseases. Additionally, the accident and emergency charge does not apply in circumstances where the person has been referred by a medical practitioner or where the attendance results in a hospital admission.

The daily cost of private and semi-private accommodation in public hospitals was also increased by 25%, with effect from 1 January 2005. This income goes towards supporting services in public hospitals. In the interests of equity, it is Government policy to gradually eliminate the effective subsidy for private stays in public hospital beds and relieve the general taxpayers of the burden of carrying these costs. Even with this increase, the cost of providing services to private patients in the major hospitals remains significantly greater than the income from the private insurance companies, in many cases. The increase being implemented is aimed at closing that gap.

Under the Health Act, 1970, determination of eligibility for health services is the responsibility of the Health Service Executive, HSE. It should be noted that where exemptions do not apply and cases of exceptional need arise, the chief officer of the relevant HSE area has discretion to waive the charge where undue hardship would otherwise be caused. It is open to all persons to apply to the Health Service Executive for health services if they are unable to provide these services for themselves or their dependants without hardship.

### Health Services.

94. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children the number of cases of mumps reported to date in 2005; the way in which this compares with the same period in 2004; if she is satisfied that appropriate procedures are in place to prevent the spread of this condition; and if she will make a statement on the matter. [9424/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The MMR vaccine protects against measles, mumps and rubella and, in accordance with the recommendations of the immunisation advisory committee of the Royal College of Phys-

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icians of Ireland, can be administered to children between 12 to 15 months. A vaccine uptake rate of 95% is required in order to protect children from the diseases concerned and to stop the spread of the diseases in the community.

Mumps data provided by the health protection surveillance centre of the Health Service Executive, formerly the national disease surveillance centre, indicate that 190 mumps cases were reported for weeks one to ten of 2005, that is, up until 12 March 2005. Six cases were reported for the same period in 2004. There has been increased mumps activity throughout the country since October 2004.

A national outbreak control team, OCT, was convened at the beginning of the outbreak on 3 November 2004. Members of the OCT include representatives from the health protection surveillance centre, HPSC, Health Service Executive areas, department of public health, and the programme for action for children, PAC, and my Department. The strategies agreed by the OCT to ensure the protection of all children and young persons up to the age of 23 years against mumps are as follows: to raise awareness and improve case reporting, by laboratories and clinicians; to improve information available on reported mumps cases through enhanced reporting, laboratory confirmation, hospitalisation data, complications, vaccinations status, contact with a case; to provide bi-weekly detailed reports on the extent of the outbreak, number of cases reported, risk factors for infection, vaccination status, and laboratory confirmation of disease. This information is disseminated to all HSE areas, members of OCT and my Department. To encourage vaccination against mumps among all children as part of routine immunisation programme — two doses of MMR are recommended for all children at ages 12 to 15 months and at four to five years. In areas where mumps cases are identified contact tracing is undertaken by local HSE area staff. Identified contacts of mumps cases, who are considered likely to be at risk of infection, due to age of non-vaccination, are recommended MMR vaccine. Dependent on HSE area, when mumps cases are linked to educational settings local strategies for vaccination of at risk students are identified, either through vaccination teams, GPs or student health services. Students in schools, or colleges where outbreaks are occurring are informed about the risk of mumps if they are non-immunised or incompletely immunised and are recommended MMR vaccine. HSE area staff work with the involved institutions to provide information and advice to the student population; and additional MMR has been provided to services requiring it for vaccination programmes.

I take this opportunity to urge all parents to have their children immunised against the diseases covered by the childhood immunisation programme in order to ensure that both their children and the population generally have

maximum protection against the diseases concerned.

*Question No. 95 answered with Question No. 87.*

*Question No. 96 answered with Question No. 38.*

#### **Health Service Reform.**

97. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if she has read the report of the Irish Society of Medical Oncologists which was submitted to the working group of the Hollywood report; and if she will make a statement on the matter. [9514/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The submission referred to by the Deputy was made by the Irish Society of Medical Oncologists to the national cancer forum in the context of the development of a new national cancer strategy and was discussed by the forum at its meeting in May 2003. The working group which prepared the report on the development of radiation oncology services in Ireland, the Hollywood report, completed its deliberations in April 2003. The national cancer forum is the national advisory body on cancer services and is a multi-disciplinary group of experts and includes representatives of all modalities of cancer care. The Hollywood report was discussed and unanimously endorsed by the national cancer forum at its meeting on 17 September 2004 as the framework for the future development of radiation oncology services in this country.

*Question No. 98 answered with Question No. 45.*

*Question No. 99 answered with Question No. 8.*

*Question No. 100 answered with Question No. 45.*

*Question No. 101 answered with Question No. 15.*

*Question No. 102 answered with Question No. 36.*

#### **Health Service Staff.**

103. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the progress to date on the implementation of the European working time directive; and if she will make a statement on the matter. [9499/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the Deputy will be aware, the provisions of the European working time directive as it relates to the working hours of doctors in training came into force on 1 August 2004. The relevant provisions were transposed into Irish law by way of the European Communi-

ties (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004.

Employers and the Irish Medical Organisation have been engaged in discussions for some time under the auspices of the Labour Relations Commission, LRC, in order to advance proposals to effect a reduction in the working hours of non-consultant hospital doctors, to conform with the provisions of the European working time directive, EWTD. While some progress has been made, much remains to be resolved. The LRC has requested that both parties refrain from engaging in any form of unilateral action for the duration of the negotiation process. As a result, health employers have not acted unilaterally in order to achieve full compliance with the EWTD. In many sites around the country, the introduction of new rosters would facilitate significant progress towards EWTD compliance while maintaining safe patient care and existing levels of service provision. However, health employers, in response to the request of the LRC, are at present awaiting agreement between management and the IMO at national level before proceeding.

The ability of the Health Service Executive to effectively implement the European working time directive for the benefit of all NCHDs is dependent on the full cooperation of the Irish Medical Organisation at both national and local level. This process was delayed for some time in the absence of agreement by the IMO to the establishment of local implementation groups in each hospital and a national implementation group to coordinate and direct the work of the local groups.

Agreement was finally reached with the IMO in late 2004 to the establishment of nine pilot sites. The work by the local groups at these sites is progressing with a view to developing plans for the full implementation of the directive.

Local implementation groups at nine pilot sites are examining local implementation issues and developing plans for the full implementation of the directive. Each local implementation group includes consultants, local representatives of training bodies, NCHDs, nurses, management and other grades. The work of the groups is well underway and it is intended that they will document how measures to reduce or reorganise NCHD hours can best be implemented. Action can then be taken on foot of this information when the industrial relations issues have been resolved. At the current time each group is engaged in or beginning a comprehensive analysis of hospital activity. The data gathered from this exercise will help determine how we begin to reorganise services over a 24 hour day to maintain high quality patient care while achieving compliance with the directive.

In the UK, a similar project, the Hospital at Night project, allowed health employers, the British Medical Association and the training bodies to redefine how medical cover is provided in hospitals during the out-of-hours period, includ-

ing evenings, weekends and holidays. The project identified the core competencies required to staff the hospitals during the out-of-hours period and used these to develop EWTD compliant staffing models which are clinically sound and acceptable to patients, the public and staff.

Further negotiations on issues relating to industrial relations matters will take place under the auspices of the LRC, aided and informed by the information compiled by these pilot local hospital groups.

In addition, both sides have accepted a proposal made by the LRC on 7 February 2005 for the establishment of a national implementation group, whose membership will include the Department of Health and Children, the Health Service Executive, the Irish Medical Organisation, the Irish Hospital Consultants Association, the Postgraduate Medical and Dental Board, the Medical Council, the postgraduate medical training colleges and representatives of nurses and other healthcare professions. This group will coordinate the work of the existing nine pilot hospital local implementation groups, issue agreed guidance on matters related to the implementation of the EWTD and assist in the development of local implementation plans.

Finally, management and the IMO have also agreed to recommence substantive negotiations on the NCHD contract. A meeting in this regard took place on 16 March at the LRC and a further meeting has been arranged by the LRC for 11 April 2005. In this context, I am hopeful that early progress can be made in resolving outstanding issues, so that full implementation of the directive's requirements can proceed without further delay.

#### **Irish Blood Transfusion Service.**

104. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the recent survey which showed serious morale problems within the Irish Blood Transfusion Service with approximately one third of the staff having concerns regarding the way in which the organisation is being run; if she is satisfied that all appropriate steps are being taken to deal with this situation having regard to the importance of the IBTS; and if she will make a statement on the matter. [9419/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I have been informed by the Irish Blood Transfusion Service, IBTS, that the it has implemented a number of initiatives in recent years to improve its human resources — HR — policies. In 2003, a professional organisation was commissioned to review HR structures, policies and procedures. Arising from the review, the IBTS appointed a number of HR professionals including a HR director, employee relations manager and a training and development manager. The review also highlighted a deficiency in policies and procedures and to a great extent this has

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been addressed with the launch of a HR staff manual in April 2004.

Another initiative was the employee climate survey referred to by the Deputy. This survey of staff attitudes and opinions covered eight subject areas and over seventy issues. The objective of the survey was to identify the strengths, development needs and the areas requiring immediate improvement. The survey was carried out in October 2004. There was a 68% response rate from staff, with half of the respondents adding further comments to the survey forms.

As would be expected with any employee survey, there were positive and negative comments in employees' responses. However, the IBTS were committed to effective and timely follow up to this survey and to taking appropriate measures to deal with the issues highlighted. Accordingly, 14 focus groups were set up, which were led by members of the senior management team with over 60 staff from all grades and locations throughout the organisation participating. These focus groups made 47 recommendations which have been reviewed by a sub group of the senior management team together with members of the IBTS partnership steering group. An action plan has been agreed with the partnership steering group and signed off by the senior management team with set timelines for implementation. The action plan will be monitored on a monthly basis to ensure that the recommendations are being implemented. The IBTS has informed my officials that a copy of the recommendations and action plan will be sent to all staff over the next two weeks.

The results of the survey and the other HR initiatives which I have referred to above will assist the IBTS in meeting the needs and aspirations of employees, giving greater job satisfaction, more thorough communications and reinforcing the belief that they carry out an essential service within the health system.

*Question No. 105 answered with Question No. 28.*

*Question No. 106 answered with Question No. 62.*

#### **Health Service Staff.**

107. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children if she has had discussions with the HSE on any health staff ceilings for 2005; the outcome of those discussions; and if she will make a statement on the matter. [9497/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I wrote to the interim chief executive officer of the Health Service Executive on 15 February 2005 regarding the employment ceiling for the health service and highlighting the requirement for the executive to ensure compliance with approved employment levels. The

letter requested detailed proposals from the executive for securing such compliance consistent with safeguarding front line service delivery and achieving an appropriate balance between clinical and non-clinical employment levels in the health service. I am awaiting receipt of the executive's proposals in this regard.

The need to achieve compliance with approved employment levels has also been underlined by my Department in direct discussions with the HSE's senior management team in the context of the finalisation of the executive's national service plan for 2005.

*Question No. 108 answered with Question No. 9.*

#### **Hospital Waiting Lists.**

109. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the details of the recent hospitals' progress report on patient waiting times published by the national treatment purchase fund; the way in which this compares with the previous report; and if she will make a statement on the matter. [9414/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the collation and publishing of waiting list and waiting time data now rests with the national treatment purchase fund, NTPF. The NTPF, which is a statutory body, was established as one of the key actions for dealing with public hospital waiting lists arising from the health strategy.

My Department has therefore asked the chief executive of the NTPF to reply to the Deputy directly regarding the information requested.

*Question No. 110 answered with Question No. 9.*

*Question No. 111 answered with Question No. 15.*

#### **Medical Cards.**

112. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the number of medical cards which were available to persons in each of Counties Cavan, Monaghan, Louth and Meath in January 1997; the number available in January 2005; the number of medical cards available in County Cork in January 1997; the number available in January 2005; if she has satisfied herself that all means tests have been dealt with in a similar way; and if she will make a statement on the matter. [9428/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The number of medical cards which were available to persons in January 1997 and January 2005 is as follows:

County	January 1997	January 2005
Cavan	22,030	18,564

County	January 1997	January 2005
Monaghan	22,497	16,308
Louth	39,821	34,493
Meath	38,645	29,867
Cork	139,370	130,863

Persons are entitled to a medical card where they are unable without undue hardship to arrange for the provision of medical services for themselves or their dependants. In determining eligibility the local area of the Health Service Executive will have regard to the financial circumstances and medical needs of the applicant. Medical cards may be made available by the Health Service Executive where the guidelines are exceeded, for example, in circumstances where there is heavy demand for medical services. However, in all cases the decision is a matter for the chief officer of the relevant area of the Health Service Executive. In assessing a person's eligibility, every aspect of an individual's financial means and medical expenses are carefully examined to ensure that no financial hardship is caused by the Health Service Executive's refusal to grant a medical card in any particular case.

*Question No. 113 answered with Question No. 77.*

*Question No. 114 answered with Question No. 9.*

#### **Clinical Indemnity Scheme.**

115. **Mr. Broughan** asked the Tánaiste and Minister for Health and Children the position of negotiations with hospital consultants on the indemnity scheme; and if she will make a statement on the matter. [9388/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The principal concern of hospital consultants arising from the clinical indemnity scheme, CIS, has been the risk that some consultants could be left without indemnity cover for claims arising from events which occurred before the inception date of the scheme. In agreeing to establish the CIS the Government decided that the scheme should not cover claims arising from events which preceded its establishment. The justification for this decision was the fact that health boards and hospitals had purchased insurance cover for these events and consultants had paid substantial subscriptions to the Medical Defence Union, MDU, and the Medical Protection Society, MPS, to cover claims against them arising from the same period. In practice the vast bulk of the cost of both forms of indemnity cover was borne by the Exchequer. The Government's position on historic liabilities has been accepted by all of the insurance companies which operated in this market and by the MPS. The only organisation which contested this decision was the MDU which argued that the State should take over some of its historic liabilities. In an attempt to

force the Government to alter its position, the MDU has decided to withhold or withdraw indemnity cover from between 25 and 30 of its Irish members. These decisions have caused understandable worry and distress to the doctors concerned, several of whom are retired.

The Government believes that these liabilities are the responsibility of the MDU. The doctors concerned paid the subscriptions set by the MDU. They are not at fault if the MDU did not charge the correct level of subscriptions. It would also be unjust if patients were to be left without compensation because of the unreasonable and unjustifiable behaviour of the MDU. Accordingly in October 2004 I gave an assurance to the Irish Hospital Consultants Association, IHCA, and the Irish Medical Organisation, IMO, that no person who has suffered from a medical mishap in Ireland would be left without compensation and that no consultant would be left without cover in all reasonable circumstances and in accordance with law. In February the Government formally endorsed this assurance and this decision was conveyed to the IHCA and IMO by the Secretary General to the Government. Following receipt of this information the IHCA decided to suspend its threatened industrial action. The IMO has deferred its threatened action for two months. A small number of residual issues relating to the operation of the scheme will be the subject of discussions between my Department, the State Claims Agency and the medical organisations.

I should point out that the granting of these assurances does not in any way imply that the Government has changed its view that these liabilities are the responsibility of the MDU. This view is shared by the IHCA and the IMO. The Government and the medical organisations are determined to ensure that the MDU will not be allowed to walk away from its obligations to its Irish members. For that reason the assurances given to the consultants cannot be legally binding. I have also given an assurance that the State is willing to support consultants who decide to challenge MDU decisions to leave them without assistance in dealing with personal injury claims. The intention is to exert the maximum pressure on the MDU to honour its obligations to its Irish members and former members.

#### **Hospital Building Programme.**

116. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the stage of development of the old international trading centre site; when the BreastCheck programme for the south is due to be operational from this site; and if she will make a statement on the matter. [9501/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The roll out of the national breast screening programme to the remaining counties is a major priority in the development of cancer services. This will ensure that all women in the relevant age group in every county have access to



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breast screening and follow up treatment where appropriate.

A capital investment of approximately €21 million has been approved to construct and equip two static clinical units in the South Infirmery, Victoria Hospital, Cork and in University College Hospital, Galway. Design briefs for the capital projects have been completed. It is anticipated that the advertisement for the appointment of a design team will be placed in the *EU Journal* shortly. I am confident that the target date of 2007 for the expansion of the breast check programme nationally will be met.

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 capital developments at acute hospitals. Accordingly my Department has requested the chief officer for the executive's southern area to investigate the matters raised about progress on overall developments on the site referred to and to reply directly to the Deputy.

#### **Hospital Accommodation.**

117. **Mr. S. Ryan** asked the Minister of State at the Department of Health and Children his proposals to increase the number of public long stay beds; the projected timetable for implementation of the proposals; if the necessary finance to fund these proposals has been approved; and if he will make a statement on the matter. [9430/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** As the Deputy may be aware there is a commitment in the national health strategy to provide 1,370 additional assessment and rehabilitation beds and 600 additional day hospital beds with facilities encompassing specialist areas such as falls, osteoporosis treatment, fracture prevention, Parkinson's disease, stroke prevention, heart failure and continence promotion clinics. In addition the strategy proposed the provision of an extra 5,600 extended care community nursing unit places over a seven year period which will include provision for people with dementia. Provision of the above facilities was contingent on the allocation of the necessary resources.

On the publication of the Estimates for 2005 the Tánaiste and Minister for Health and Children announced a ten point plan to relieve ongoing pressure on acute hospital beds and accident and emergency services. Under this plan there are three specific proposals relating to services for older people: an additional 500 older people are to receive intermediate care for up to six weeks in the private sector; 100 high dependency patients are to be transferred from the acute hospitals to private nursing home care; and the home care package scheme is to be expanded to support 500 additional older people who have

been discharged from the acute hospital sector to their own home.

The HSE has advertised and invited tenders from interested parties to provide the above services and these are currently being evaluated.

*Question No. 118 answered with Question No. 9.*

*Question No. 119 answered with Question No. 87.*

#### **Nursing Home Charges.**

120. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children to clarify the circumstances surrounding the meeting last December of the then Secretary General of the Department of Health, Mr. Michael Kelly, with the former Minister for Health and Children, Mr. Martin, to discuss the nursing home charges issue; when or whether she was briefed about this meeting; if Mr. John Travers was made aware of this meeting before finalising his report on the issue; and if she will make a statement on the matter. [9435/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I understand that the meeting referred to took place on Monday, 13 December 2004 at the request of the Secretary General who was in the course of preparing a report to me on the issue of public long stay charges for consideration by the Government the next morning. I was briefed about the conversation at this meeting on the following Wednesday.

The terms of reference for the report by Mr. Travers focused on events between 1976 and October 2004 when I sought legal advice from the Attorney General on the public long stay charges. Mr. Travers's report sets out the information which he judged to be relevant to and within the terms of reference.

I was not party to interviewees' conversations with Mr. Travers other than my own. I cannot say what he was told apart from the information contained in his report.

121. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children her views on her Secretary General referring a letter and briefing documents to the Attorney General; her further views on whether it would have been prudent to view this letter before it was sent, if matters of important legal, financial and political consequence could result from it; and if she will make a statement on the matter. [9526/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The subject of the Deputy's question is dealt with extensively in the Travers report. I said in my statement to the House on 10 March last that I accept the report's assessments wholly and entirely.

The letter and briefing documents were sent to the Attorney General last October at my request, following the issue being raised in the House.

Whenever there is a question mark over the legal basis for any public charge, there are important legal, political and financial issues involved.

From my experience of these instances, officials will seek the Attorney General's advice and brief the Minister to that effect either before or after seeking the advice. In either case important matters such as these should be dealt with quickly and Ministers kept informed.

*Question No. 122 answered with Question No. 43.*

*Question No. 123 answered with Question No. 39.*

### **Organ Retention.**

124. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children if she will report on the problems that have led to the Dunne inquiry's repeated failure to meet deadlines; and if she will make a statement on the matter. [9442/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The terms of reference of the post mortem inquiry are very broad, requiring it to review post mortem policy, practice and procedure in all hospitals in the State since 1970 with particular reference to organ removal, retention, storage and disposal. The inquiry is also mandated to examine any arrangements with pharmaceutical companies in relation to retained organs including pituitary glands.

The chairman has confirmed that the inquiry has received considerable co-operation from each of the hospitals with which it is dealing and that the inquiry's non-statutory nature has not thus far significantly hampered its substantive work.

Given the scope of the work the chairman has only produced progress reports rather than a substantive report on any aspect of her work. However, in accordance with a Government decision of 1 September 2004 the chairman has confirmed that she will provide her final report on or before 31 March.

### **Care of the Elderly.**

125. **Mr. Stanton** asked the Minister of State at the Department of Health and Children the progress to date on a policy or framework for the future funding of long term care of the elderly; and if he will make a statement on the matter. [6048/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The policy of my Department on the care of older people is to maintain them in dignity and independence in their own home for as long as possible in accordance with their wishes, to restore to independence at home those older people who become ill or dependent, to encourage and support the care of older people in their own community by family, neighbours and voluntary bodies and to provide a high quality of hospital and residential care for

older people when they can no longer be maintained in dignity and independence at home. Numerous research studies have shown that the vast majority of older people have a preference to remain living in their own home for as long as possible rather than moving into long-stay residential care.

My Department has been encouraging the Health Service Executive to develop personal care packages for older people as an alternative to long-stay residential care. Personal care packages are specifically designed for the individual concerned and could possibly include the provision of a home help service, home subvention payments, arrangements for attendance at a day centre or day hospital and other services such as twilight nursing. Personal care packages allow older persons the option of remaining living in their own home rather than going into long-stay residential care. In addition the HSE provide respite care for older people and this service is seen as an integral part of community support services which are being developed to support older people living in the community.

My Department has established a working group comprising all stakeholders to review the operation and administration of the nursing home subvention scheme following on from the publication of the O'Shea report. The purpose of the review is to develop a scheme which will be transparent, offer a high standard of care for clients, provide equity within the system to include standardised dependency and means testing, be less discretionary, provide both home and nursing home subvention depending on need, be consistent in implementation throughout the country and draw on experience of the operation of the old scheme.

As the Deputy will be aware, the Mercer report on the future financing of long-term care in Ireland, which was commissioned by the Department of Social and Family Affairs, examined issues surrounding the financing of long-term care. A working group chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs has been established following on from the publication of the report. The objective of this group is to identify the policy options for a financially sustainable system of long-term care taking account of the Mercer report, the views of the consultation that was undertaken on that report and the review of the nursing home subvention scheme by Professor Eamon O'Shea. This group has been requested to report to both the Minister for Social and Family Affairs and the Tánaiste by mid 2005. Following this process it is intended that there will be discussions with relevant interest groups on the proposals for the future financing of long-term care for older people.

### **Health Services.**

126. **Mr. Deenihan** asked the Tánaiste and

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Minister for Health and Children the measures she proposes to take to alleviate the financial difficulties experienced by rape crisis centres such as that at Tralee, County Kerry; and if she will make a statement on the matter. [5078/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** Moneys are made available each year, formerly through the health boards and now through the Health Service Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now over €12 million is provided annually for the provision of such services. The distribution of this funding is now a matter for the Health Service Executive. My Department does not directly fund or co-ordinate health and personal social services to victims of abuse.

I have asked my Department, together with the Health Service Executive, to undertake an analysis of the current level of service provision in this area with a view to planning future service needs.

#### EU Presidency.

127. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the work carried out by her Department before and during the EU presidency; and if she will make a statement on the matter. [9520/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I will set out the work carried out by my predecessor and my Department in regard to the EU Presidency over the period from early 2001 to the end of the Presidency itself. The Government and my Department, in parallel with the other Departments, placed a high priority on achieving a successful EU Presidency for Ireland.

In late 2001, to prepare for the Irish Presidency, interdepartmental co-ordinating committees were established by the Department of Foreign Affairs, and my Department was represented in these fora by the Department's international unit. The information emerging from the various interdepartmental fora was analysed and circulated by the international unit to a range of units within the Department. Also, at this stage consideration was given to the likely staffing and other resource requirements necessary to manage a Presidency programme.

In early 2002, a round table discussion involving the Department's senior managers agreed to the establishment of a Presidency working group, PWG, chaired by the Secretary General and attended by the Minister, senior managers across the Department, both directly and indirectly involved, and the EU section of the international unit. The PWG met monthly at first and then more regularly as required as the Presidency approached. My Department was also involved over this period in ongoing contacts and meetings with the relevant EU Commission directorates-general, Italian and Dutch counterparts, as well

as in bilateral meetings at ministerial and official levels whenever requested.

In late 2003, staff and other resources were redeployed or assigned to the Presidency programme then agreed for the health sector. The Department, in co-operation with the CMOD, Department of Finance, addressed the training needs of staff who were identified as being involved in EU business over the course of the Presidency. The Department, as a whole, delivered on releasing additional staff resources when required to Presidency business and events, with this commitment covering the preparatory phase as well as execution phase for events.

Close links were maintained between the international unit and line divisions and the permanent representation, PRB, to the EU in Brussels on an ongoing basis, regarding the scheduling, chairing and participation in working groups and other meetings in Brussels, Luxembourg, Geneva and so forth, as appropriate, in the lead into, and during, the Presidency. This work included close contacts with the Council secretariat and Commission. The relevant line divisions in my Department were responsible for the preparation and management of events specific to their areas, with the international unit and the PRB having a general co-ordination function in addition to managing particular events.

During the Presidency itself, the Minister briefed the European Parliament Committee on the Environment, Public Health and Consumer Policy on 21 January 2004 on the health programme of the Irish Presidency. The major theme of the promotion of cardiovascular health attracted a considerable focus of attention as a Presidency priority. An evidence based expert conference, based on extensive preparatory work by experts, took place in Cork on 24 to 26 February. A second cardiology conference took place on 10 and 11 May on the Agreement of Cardiology Data Standards.

Patient mobility was identified as a priority matter on which to advance deliberations between Health Ministers during the period of the Irish Presidency. The Irish Presidency also contributed on the public health aspects of the Commission's environment and health action plan. An expert workshop led by the Joint Research Centre of the European Commission took place on 22 and 23 April and informed Council conclusions on childhood asthma. An e-health conference, focusing on citizen friendly applications of information and technology in health, with related exhibition and awards and associated closely with the eEurope action plan of the Community, took place on 5 and 6 May.

The Irish Presidency convened a special meeting of EU Health Ministers in Brussels on 12 February to consider the threats to public health in the EU posed by outbreaks of avian flu in the Far East. An informal meeting of Health Ministers was held on 12 May. Ministers followed up on discussions held at the special Ministers meet-

ing on 12 February about improving Community preparedness for dealing with communicable disease threats, including biological events, and held an important discussion on EU patient mobility issues. The Secretary of Health and Human Services in the USA attended and made a presentation to the EU Ministers on the US approach to prevention of cardiovascular diseases and obesity, particularly in young children.

The successful Health Council on 2 June 2004 had an extensive discussion on EU patient mobility and related issues and Council conclusions were adopted on promoting heart health, e-health, influenza pandemic preparedness planning, patient mobility, alcohol and young people and childhood asthma. The Ministers also received reports on progress on Council discussions on proposals on health claims and food fortification.

Ministers agreed at the Health Council on 2 June 2004 to the adaptation of the negotiating mandate of the European Commission regarding the international health regulations of the World Health Organisation. As the EU Presidency, Ireland achieved agreement on a Council decision to allow the Community and its member states ratify the WHO convention on tobacco control. Agreement was achieved under the Irish Presidency on the European Centre for Disease Prevention and Control, an important EU public health proposal. The centre will be located in Stockholm, Sweden.

Other Presidency events included: a tobacco control conference in Limerick on 17 and 18 June to review tobacco control policies in the European Union; the 13th meeting of EU competent authorities for medical devices met under the Irish Presidency in Dublin on 12 and 13 January; the Irish Medicines Board hosted a number of meetings of EU experts and competent authorities; an international food safety conference, under the auspices of the FSAI, on the issue of the harmonisation of official food controls took place on 11 and 12 March; EU chief medical officers met in Dublin on 11 and 12 March where they discussed recent developments in the area of public health in the EU; a meeting of governmental chief nurses took place on 16 April, which facilitated an exchange of views among the participants regarding recent developments; the high level committee on health, which is a body comprised of high level officials from Health Ministries in member states, accession states and EFTA countries, and which advises the European Commission on public health matters, met in Dublin on 26 and 27 April; a conference on workplace health promotion, WHP, Networking Workplace Health in Europe, took place in June; on 17-18 June the final meeting and conference to launch the outcome of the EU Commission funded project to draw up a European blueprint for action on breastfeeding took place.

The National Children's Office hosted a successful meeting of the intergovernmental group,

L'Europe de L'Enfance, on 22 April 2004 in Dublin Castle. Under the auspices of the Irish Presidency, the European social network organised the 12th European social services conference from 16 to 18 June 2004 with the theme of Delivering Quality and Access to Social Care and Health in an Enlarged Europe. The European health insurance card was introduced as and from 1 June 2004 during the Irish Presidency.

#### **Hospital Staff.**

128. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the number of positions of personnel working in public hospitals here which are funded by pharmaceutical companies; and if she will make a statement on the matter. [9523/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The information requested by the Deputy is not available in my Department. Accordingly, my Department has asked the interim chief executive of the Health Service Executive to ascertain the number of positions in public hospitals which are funded by pharmaceutical companies. Once I have received this information I will revert to the Deputy on the matter as quickly as possible.

*Question No. 129 answered with Question No. 42.*

#### **Nursing Home Subventions.**

130. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if the €2,000 *ex gratia* payment agreed to be made to persons in publicly funded long stay nursing homes will not affect their long-term entitlement to moneys owing in accordance with the Supreme Court decision; if the duration of payment will be backdated to the date on which these persons first entered long-term stay; and if she will make a statement on the matter. [9547/05]

151. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children if a person who accepts the *ex gratia* payment of €2,000 being offered by the Health Executive Office will be entitled to claim for additional compensation under the national repayment scheme; and if she will make a statement on the matter. [9665/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 130 and 151 together.

The *ex gratia* payment scheme refunded fully eligible persons, who paid for inpatient services in long stay care institutions and who were alive on 9 December 2004, up to €2,000 and payments made under this scheme will be incorporated into the repayment under the national scheme. Full details of the scheme will be announced as soon as possible and it is the intention to make repayments as automatic as possible.

[Ms Harney.]

Any person who considers that they or a family member may be eligible for repayment may register their interest in advance with the Health Service Executive by writing to the National Refund Scheme, HSE Midland Area, Arden Road, Tullamore, County Offaly, or e-mail to refundscheme@mailq.hse.ie or by calling the helpline 1800 777737 during office hours.

*Question No. 131 answered with Question No. 26.*

### Hospital Services.

132. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if her Department's guidelines for the administration of chemotherapy are being breached due to the failure of her Department to adequately resource oncology services in regard to adequate day wards and designated oncology wards; and if she will make a statement on the matter. [9549/05]

**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 delivery of hospital services, including the application of guidelines for the use of cytotoxic medical preparations in the treatment of patients with cancer. The principal element in the implementation of guidelines is the provision of services by medical consultants with appropriate training in cancer chemotherapy.

Since 1997, cumulative additional investment of approximately €720 million in cancer care has led to the appointment of an additional 109 consultants, including 18 medical oncologists, 12 haematologists and over 250 cancer nurse specialists. This investment has ensured that there has been a significant improvement in the range and quality of cancer services generally and in particular in medical oncology and in the provision of oncology drugs.

*Question No. 133 answered with Question No. 19.*

### Cancer Screening Programme.

134. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if she will make available mammograms for women in Waterford on the basis that there is the capacity to treat them in the symptomatic unit pending the implementation of BreastCheck in Cork; and if she will make a statement on the matter. [9551/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Any woman, irrespective of her age or residence, who has concerns about breast cancer should contact her GP who, where appro-

priate, will refer her to the symptomatic services in her area. More than €60 million has been invested in the development of symptomatic breast disease services since 2000. This investment has enabled the appointment of additional surgeons with an interest in breast disease, histopathologists and radiologists to enhance the delivery of breast cancer services nationally.

BreastCheck, having considered a number of options, has advised my Department that the full implementation of the national breast screening programme is the best approach to ensuring that a quality screening programme is available to all women in the target age group throughout the country. The roll out of this programme is a major priority in the development of cancer services. The roll out requires significant capital and human resources, including two static clinical units, mobile screening units, multi-disciplinary consultant teams and radiographers together with technical and administrative support.

A capital investment of €21 million has been approved to construct and equip the two clinical units and to provide for mobile units. The investment will ensure that breast screening and follow up treatment, where appropriate, is available to all women in the target group throughout the country. I am confident that the target date of 2007 for the expansion of BreastCheck nationally will be met.

### Hospital Services.

135. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the additional services which have been provided in each of the HSE areas for the development of cancer services in 2005; and if she will make a statement on the matter. [9552/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the issues raised by the Deputy. Accordingly, my Department has requested the director of the national hospitals office to investigate the matters raised and to reply directly to the Deputy.

136. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her views on whether the provision of a regional cancer care centre is an absolute priority in the south eastern area; and if she will make a statement on the matter. [9553/05]

**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 cancer services. 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.

*Question No. 137 answered with Question No. 87.*

*Question No. 138 answered with Question No. 24.*

### **Community Nursing Units.**

139. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if she will continue with plans to provide beds in CNU's through public private partnership as announced in July 2002; the reason the southern and eastern regions were chosen for the plan; her estimated costs of the project; and if she will make a statement on the matter. [9556/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** There have been discussions between my Department and the Department of Finance on the proposal to deliver 850 community nursing unit beds through a public private partnership and the work that has been done so far has helped to clarify a number of issues. The public sector benchmarks prepared for the projects provide a detailed risk adjusted costing of the PPP projects in the southern and eastern regions, where the shortage of long-stay beds is most acute. In accordance with Department of Finance policy the estimated cost of a PPP project is not made available until the preferred bidder has been selected and the contract signed.

It is important that appropriate step down services are available to match the needs of patients who are ready to be discharged from hospital. Following the health Estimates for 2005, I announced that patients awaiting discharge would be accommodated in private nursing home beds for up to six weeks. On discharge from the private nursing home they would go to a nursing home of their choice or to their own home with the support of a home care package. In addition, the home care packages will be extended to support 500 additional older people at home and 100 high dependency patients will transfer to suitable private nursing home care. The provision of additional long stay capacity is required to relieve pressure on the acute hospital and community care programme and I am pursuing the need to deliver such capacity with the Minister for Finance as a matter of high priority.

### **Health Service Staff.**

140. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 182 of 15 February 2005, the way in which a person (details supplied) in County Mayo can achieve five years work

experience if they are unable to obtain employment in the first place with the western area of the Health Service Executive; and if she will make a statement on the matter. [9557/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Following the settlement of a High Court action, a revised mechanism for the assessment of chiropodists who wished to practise in the public health service was finalised in early 2003. The High Court settlement laid down the eligibility requirements for access to this revised assessment. These were that an applicant should have at least five years practice in chiropody at the date of application during which period such practice constituted the applicant's principal source of income. The closing date for applications for the assessment process, conducted under the aegis of my Department, was 31 May 2003. In order to be eligible to apply for the assessment, a chiropodist would have had to be in practice at end May 1998. The majority of applicants who were eligible to apply for assessment obtained the requisite five years' experience in private practice. The assessment process concluded early this year. Two significant developments have taken place in recent months that will impact on the assessment of chiropodists wishing to practise in the public health service going forward.

The Health and Social Care Professionals Bill 2004, which provides for the establishment of a system of statutory registration for health and social care professionals, including chiropodists, was published on 27 October 2004 and has commenced its passage through the Houses of the Oireachtas. Under the legislation, the Chiropodists Registration Board will be legally responsible for establishing and maintaining a register of chiropodists going forward.

The Health Act 2004, which provides for the establishment of the Health Service Executive, repealed section 18 of the Health Act 1970 which provided that qualifications for appointment as an officer under a health board had to be approved of or directed by the Minister for Health and Children. Under the 2004 Act, the executive now has responsibility for the appointment of staff, including the determination of eligibility for employment in terms of the assessment of qualifications, skills, knowledge and competence to perform the role required of any particular post.

### **Health Services.**

141. **Ms Shortall** asked the Tánaiste and Minister for Health and Children the reason for the inordinate delay in providing a full drug treatment facility in the Finglas area of Dublin as promised nearly ten years ago; the steps being taken to provide this much needed facility; and the timescale involved; and if she will make a statement on the matter. [9561/05]

**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 drug treatment services. Accordingly, my Department has requested the chief officer of the northern area to investigate the matter raised and to reply directly to the Deputy.

142. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the position regarding an application by a person (details supplied) in County Kildare in regard to treatment for an optical problem; and if she will make a statement on the matter. [9562/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. As the person in question resides in County Kildare, 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.

*Questions Nos. 143 and 144 answered with Question No. 87.*

#### **Nursing Home Subventions.**

145. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the position regarding the refund of nursing home charges to patients or their estates; the situation for elderly persons who held or hold medical cards, but who occupy private beds; and if she will make a statement on the matter. [9565/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is currently studying the Supreme Court judgment on the repayment of charges for publicly-funded long-term residential care in detail and will take on board all the consequences for policy and law arising from the judgment. A special Cabinet sub-committee, comprising the Taoiseach, the Minister for Finance, the Attorney General and myself, has been established to consider the issue of repayment in light of the judgment. Full details of a repayment scheme will be announced as soon as possible and it is the intention to make repayments as automatic as possible. Any person who considers that he or she or a family member may be eligible for repayment may register their interest in advance with the Health Service Executive, by writing to the national refund scheme, HSE midland area, Arden Road, Tullamore, County Offaly, or by e-mail to refund-

scheme@mailq.hse.ie, or by calling the helpline 1800 777737 during office hours. 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.

146. **Dr. Upton** asked the Tánaiste and Minister for Health and Children if the estate of a person (details supplied) will receive a refund following the imposition of nursing home charges during the person's lifetime. [9566/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** 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, the Minister for Finance, the Attorney General and the Minister for Health and Children has been established to consider the issue of repayment in the light of the judgement.

#### **Residential Home Charges.**

147. **Dr. Upton** asked the Tánaiste and Minister for Health and Children if she will review the current practice of residential homes, such as St. Michael's House and St. John of God taking half of their client's weekly disability allowance; and if she will make a statement on the matter. [9567/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The practice of charging or seeking a contribution from clients with a disability in residential care who had income which may include a disability benefit or allowance had been a feature of the health services for many years. Following the Attorney General's advice that there was no legal basis for such charges the health agencies were instructed to stop charging for long-stay care on 9 December 2004. The situation regarding contributions sought, for rent or otherwise, was further clarified by my Department in a letter issued on 23 December 2004. The Health Service Executive has obtained legal advice on these practices which supports the Department's decision in December to cease charging or requiring contributions by eligible persons. My Department is considering the extent to which these practices are affected by the Supreme Court decision of 16 February 2005 and this will be taken into account in the detailed operation of the repayments scheme which I expect to put in place shortly.

#### **Medical Cards.**

148. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will review an application for a medical card which was refused in the name of a person (details supplied) in County Kilkenny with a view to granting the card on the grounds of hardship; and if she will expedite the appeal. [9568/05]

**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.

#### Hospital Services.

149. **Ms McManus** asked the Tánaiste and Minister for Health and Children if she has a responsibility to provide maternity services to all women here who need them; and the provision which is made for a woman who cannot reach a maternity hospital in time due to distance; and if she will make a statement on the matter. [9610/05]

**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 maternity services. Accordingly, my Department has requested the director of the national hospitals office at the Health Service Executive to investigate the matter raised and to reply to the Deputy directly.

#### Ambulance Service.

150. **Mr. Davern** asked the Tánaiste and Minister for Health and Children the position regarding the charges by health boards for the use of ambulances in all instances including emergencies; and if she will make a statement on the matter. [9611/05]

**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. Responsibility for the issue raised by the Deputy rests with the national hospitals office of the Health Service Executive. Accordingly, my Department has requested the director of the national hospitals office to investigate the matter raised and to reply directly to the Deputy.

*Question No. 151 answered with Question No. 130.*

#### Health Services.

152. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the details of the membership of the working group set up to con-

sider the recommendations of the Pollock report on the treatment of cystic fibrosis here; when and the frequency with which this group will meet; the timescales for completing the work of this group; and if she will make a statement on the matter. [9703/05]

**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 health services for patients with cystic fibrosis.

The Cystic Fibrosis Association of Ireland commissioned Dr. Ronnie Pollock to review the existing hospital services for people with cystic fibrosis in the context of accepted international standards. Dr. Pollock's report was officially launched earlier this year.

The report provides an assessment of need for current and future cystic fibrosis patients and makes a number of recommendations with regard to the numbers and categories of staff that are appropriate for a modern, multi-disciplinary cystic fibrosis service. The report concluded that cystic fibrosis care should be provided in fewer units of a more significant size so that viable staffing levels can be maintained and to ensure that staff have a sufficient workload to enable them to maintain their skills level.

Following the publication of the Pollock report, the Health Service Executive met the Cystic Fibrosis Association and agreed to the latter's request to establish a working group to consider the report's recommendations. The composition of the working group, and other related issues such as the timescale for completion of its report, are matters for the HSE. Accordingly, my Department has requested the executive to reply directly to the Deputy in relation to these matters.

#### Medical Cards.

153. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of medical cards in use; the extent to which this number is expected to increase in the near future; and if she will make a statement on the matter. [9727/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** On 1 March 2005, there were 768,316 current medical cards providing services for 1,144,578 persons, or 28.3% of the population of 4,043,800 — based on the official estimate of population as at September 2004. The medical card income guidelines were increased from 1 January 2005 and it is estimated that this will increase the numbers eligible for medical cards by approximately 30,000 in a year.

Free access to general practitioner visits under the GMS scheme will be provided to individuals



[Ms Harney.] and families based on income guidelines, which may be up to 25% in excess of the new medical card income guidelines. It is estimated that 200,000 persons will become eligible for free GP services under this initiative. The additional 200,000 doctor visit cards will be introduced progressively from April 2005, once the administrative arrangements are in place.

#### Health Service Staff.

154. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of consultancy posts at medical or surgical level vacant throughout the health service; her plans to fill these posts; and if she will make a statement on the matter. [9728/05]

155. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of staff required at medical, surgical and nursing levels throughout the entire health service; her plans to meet such requirements in full; and if she will make a statement on the matter. [9729/05]

158. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of nursing, medical and surgical vacancies awaiting to be filled; when she expects to be in a position to meet this requirement in full; and if she will make a statement on the matter. [9732/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 154, 155 and 158 together.

As regards hospital consultant posts, the national hospitals office-comhairle has informed me that on 22 March 2005 the number of approved consultant posts was 1,947 of which 278 were approved and unfilled on a permanent basis. While waiting to be filled on a permanent basis over 50% of these posts are filled by approved temporary appointments. Furthermore, of these 278 posts unfilled on a permanent basis, 238 have been advertised and for these, 79 candidates have been selected to date. This number of 1,947 approved posts shows an increase of 655 since 1997 — a 50% increase in eight years — which is, by any standards, a significant demonstration of this Government's investment in consultants in recent years. The number of unfilled posts is constantly changing due mainly to retirements, replacement and additional posts being approved and the necessarily complex procedure of filling these posts with doctors of the required high standards of qualification and experience.

With regard to nursing posts, according to the most recent Health Service Executive — employer representative division, HSE-ERD, survey of nursing resources, recruitment remains well ahead of resignations and retirements. Employers reported that 765 vacancies existed as at 31 December 2004, a vacancy rate of 2.25%. This could be considered to be a normal rate, given that there will always be some level of movement due to resignations, retirements and

nurses availing of opportunities to change employment and locations. Nurse recruitment is a priority for the Government. The HSE-ERD reported that in the year ending 30 September 2004 an additional 561 nurses were employed in the health service and since 1997 over 6,300 additional nurses have been recruited.

The situation with regard to non-consultant hospital doctor, NCHD, posts, based on the most recent HSE-ERD survey of these, is that employers reported that 35 vacancies out of a total of 4,041 posts existed at 15 March 2005, a vacancy rate of less than 1%.

As I have indicated previously to the Deputy, the responsibility for the management of the workforce in a given Health Service Executive, HSE, area lies exclusively with the chief officer of that area. However, in order to improve recruitment and retention prospects my Department has put in place a number of important initiatives to meet the human resource needs of the health services.

Specific human resources initiatives in key areas such as pay rates, improvements in career structure and enhanced opportunities for professional and career development have and will play a part in increasing staffing levels. Overseas recruitment by health agencies has, over recent years, also contributed significantly to meeting the workforce needs of the health services, particularly in the medical, surgical and nursing professions.

The Irish healthcare service is moving towards a system where there is greater skill mix and grade mix involved in the delivery of healthcare services, therefore the ratio of nurses to patients will be lower. In coming years there will be a higher proportion of support workers including healthcare assistants involved in the delivery of care, freeing up nurses and midwives to concentrate more of their time on higher level duties and expanding the scope of their practice.

It is Government policy to substantially increase the number of consultants throughout the next decade. All non-consultant hospital doctors are given the opportunity of proper skills development on the basis that many in this category will become the consultants of tomorrow.

Given the large numbers of staff employed and the unique nature of the services being delivered, a coherent, strategic approach to workforce and human resource planning needs to be developed further. This should be aligned closely with strategic objectives and the service planning process. Planning for the development of new and existing services in the future must be soundly based on a robust and realistic assessment of the skill and human resource needs to deliver these services. Enhanced skills mix by matching skills to service needs benefits patients and empowers health personnel to reach their full potential. This optimises their contribution to quality care.

The continued implementation of the action plan for people management has a crucial role

to play in improving retention and reducing the turnover of skilled staff. In addition, the Health Service Executive will be centrally involved in the development of an integrated workforce planning strategy for the health sector.

#### **Cancer Incidence.**

156. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which she has evaluated trends in respect of the various forms of cancer on a county basis; if she has considered the cause or causes for higher levels in certain areas and regions; and if she will make a statement on the matter. [9730/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The national cancer registry has statutory responsibility for the collation and analysis of information on incidence and prevalence of cancer in Ireland. Reports of the registry have examined variations in incidence of cancer among counties and former health-board areas during the period from 1994 onwards. Variations in case numbers, overall or for particular cancers, obviously reflect variations in population size or in population age-structure. Age-standardized rates show less variation, but nevertheless some variation is evident, although for most counties or Health Service Executive areas, rates do not show statistically significant variation from the national average. The main exception is Dublin and the eastern regional area, where incidence rates are higher than the national average for cancers as a whole, and for a number of individual cancers, including lung, breast and prostate cancers. For lung and a number of other cancers, variation is strongly influenced by smoking, which tends to be most prevalent in urban, particularly deprived urban, areas. For breast and prostate cancer, incidence rates may be increased in areas where there are higher levels of screening, for example, breast screening. In general, cancers not strongly influenced by smoking, socio-economic or screening-related factors show less marked variation within Ireland, and any such variation cannot readily be attributed to specific factors without further research into specific cancers. Distinguishing true geographic variation from random or chance variation is also a problem given the small numbers of cases involved at county level for most cancers.

Statistical and epidemiological protocols have been devised to help evaluate small area clusters where higher than normal incidences of cancer are believed to exist. Responsibility for examining such clusters rests with the Health Service Executive in the area.

#### **Hospital Accommodation.**

157. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which beds or hospital wards are idle or unoccupied at present; and if she will make a statement on the matter. [9731/05]

**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 use of hospital wards and beds. Accordingly, my Department has requested the Health Services Executive-National Hospitals Office to investigate the matter raised and to reply directly to the Deputy.

*Question No. 158 answered with Question No. 154.*

#### **National Treatment Purchase Fund.**

159. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the position in regard to waiting lists in respect of hip, heart or eye surgery; and if she will make a statement on the matter. [9733/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the collation and publishing of waiting list and waiting time data now rests with the national treatment purchase fund, NTPF. The NTPF, which is a statutory body, was established as one of the key actions for dealing with public hospital waiting lists arising from the health strategy. My Department has, therefore, asked the chief executive of the NTPF to reply to the Deputy directly with regard to the information requested.

#### **Health Services.**

160. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent of child support services available to parents of children with serious behavioural problems; and if she will make a statement on the matter. [9734/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Responsibility for the provision of child support services to parents of children with serious behavioural problems rests with the executive. My Department has requested the primary, community and continuing care directorate of the Health Service Executive to investigate the matter raised and to reply directly to the Deputy.

161. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children her plans to provide enhanced support for the parents of autistic children; and if she will make a statement on the matter. [9735/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Health Act 2004 provided for the Health Service Executive,

[Mr. T. O'Malley.]

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 disability services.

As the Deputy may be aware, my colleague, the Minister for Finance, in his 2005 budget made available additional funding in the sum of €55 million for services to persons with an intellectual, physical or sensory disability and those with autism. Additional capital funding of €34 million has also been provided in 2005.

Furthermore, when launching the national disability strategy, the Taoiseach announced the Government's commitment to a multi-annual investment programme for disability specific services over the next five years, details of which were announced on budget day. The investment programme for disability specific services will have a total cumulative value of €900 million for the period 2006-2009. It will be a matter for the Health Service Executive to allocate this funding.

162. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children her plans or the directions she has given to the Health Service Executive to assist parents of children with mild to severe behavioural problems; and if she will make a statement on the matter. [9736/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to plan, manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Responsibility for the planning and provision of services for children with mild to severe behavioural problems rests with the executive. No ministerial directions have been issued in relation to this matter.

### Hospital Services.

163. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the full extent of the respiratory and tuberculosis services previously available at Peamount Hospital, Newcastle, County Dublin; the current locations of such services; the replacement services provided at Peamount; and if she will make a statement on the matter. [9737/05]

**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 Peamount Hospital are provided under an arrangement with the executive. My Department has requested the chief officer for

the executive's eastern regional area to examine the issues raised and to reply to the Deputy directly.

### Health Services.

164. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the method for assessment in respect of orthodontic requirements; the average number deemed to require such services in a single year; the number expected to receive treatment in the same year; and if she will make a statement on the matter. [9738/05]

**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.

The aim of my Department is to develop the treatment capacity of orthodontics in a sustainable way over the longer term. Given the potential level of demand for orthodontic services, the provision of those services will continue to be based on prioritisation of cases based on treatment need, as happens under the existing orthodontic guidelines.

Under the Health Act 1970, a child is eligible for orthodontic treatment on the basis of defects noted at a school health examination carried out while the child is attending national school. Entitlement to orthodontic treatment is determined by reference to orthodontic guidelines, a set of objective clinical criteria applied by HSE orthodontists when assessing children's priority of need for treatment.

The guidelines were issued by my Department in 1985; they are intended to enable HSE areas to identify in a consistent way those in greatest need and to commence timely treatment for them. Patients in category A require immediate treatment and include those with congenital abnormalities of the jaws such as cleft lip and palate, and patients with major skeletal discrepancies between the sizes of the jaws; patients in category B have less severe problems than category A patients and are placed on the orthodontic treatment waiting list. Patients in category C have less severe problems than in category B. The number of cases treated is dependent on the level of resources available, in terms of qualified staff, in the area, and this is reflected in the treatment waiting list. In fact, the provision of orthodontic services for patients in category C is currently severely restricted due to the limited availability of trained specialist clinical staff to assess and treat patients. Consequently, a category C waiting list may not be maintained in some HSE areas.

The chief officers of the HSE areas have informed my Department that at the end of the December 2004 quarter there were 9,954 children awaiting orthodontic assessment, 10,953 children

awaiting orthodontic treatment and 23,572 children receiving orthodontic treatment in the public orthodontic service.

### **Nursing Home Subventions.**

165. **Ms Shortall** asked the Tánaiste and Minister for Health and Children the legal entitlement to nursing home care of a person with a medical card; and the legal basis on which health authorities may refuse a subvention in cases in which a medical card holder has an asset such as a home. [9755/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The legal position surrounding long-stay charges in health board institutions is based on a succession of provisions in the Health Acts 1947-2001, various sets of regulations made under those Acts and interpretation of those provisions arising from judgments on particular cases in the courts. Under the current system of eligibility as set down in section 45 of the Health Act 1970, anyone ordinarily resident in the State has either full eligibility, that is, a medical card holder, or limited eligibility regardless of means or financial contribution to the exchequer. Other than for persons over the age of seventy who have full eligibility automatically regardless of means since 1 July 2001, full eligibility is granted on hardship grounds — usually on the basis of low income but sometimes for medical reasons.

The Department has long held the view, based on legal advice, that the Health Act 1970, as amended, distinguished between eligibility and entitlement although the two terms are often used interchangeably. To be eligible means that a person qualifies to avail of services, either without charge — full eligibility — or subject to prescribed charges — limited eligibility. Section 52 of the 1970 Act requires health boards to make available inpatient services for persons with full eligibility and persons with limited eligibility; however the manner and extent to which inpatient services are to be made available and the nature and extent of the inpatient services to be provided are not specified.

The placing of a person in a private nursing home is a private matter between the person or his or her representatives and the nursing home proprietor, as are the fees charged in these facilities. The Health (Nursing Homes) Act 1990 allows for the payment of a subvention towards the cost of such care based on a medical and means assessment. The process used in determining a person's eligibility for subvention is set out in the nursing homes regulations 1993.

Under the regulations the Health Service Executive when considering an application for subvention carries out a means test which takes into account the means of the applicant and his or her spouse-cohabiting partner, where appropriate and the assets of the applicant. The means test is usually carried out by the local community welfare officer and involves looking at the applicant's

income for the previous 12 months. Income from all sources is taken into account, including wages, salary, pension, allowances, payments for part-time and seasonal work, income from rentals, investments and savings and all contributions from all sources. Income is assessed net of PRSI, income tax and the health contribution and the income of a married or cohabiting person is taken to be half the total income of the couple. In assessing an applicant's assets the first €7,618 of such assets is disregarded and if their assets, excluding their principal residence exceed €25,740, an application may be refused.

An application for subvention may be refused under section 22 of the Second Schedule of the Nursing Homes (Subvention) Regulations 1993 if the value of the applicant's principal residence is in excess of €95,230 and the residence is not occupied by a spouse, a son or daughter aged less than twenty one years or in full time education or a relative in receipt of the disabled person's maintenance allowance, blind person's pension, disability benefit, invalidity pension, or old age non-contributory pension and the person's income is greater than €6,350 per annum. If the house is not occupied by one of the above listed, then the HSE may impute an annual income equivalent to 5% of the estimated market value of the principal residence. If an applicant's spouse is still resident in their home at the time of application, then that house may not be assessed for subvention purposes.

In the case of the HSE eastern area the practice is to carry out a full financial assessment on the applicant and to assess the value of the property as part of this assessment. If an adult son or daughter aged 21 years or more and not in full-time education only is resident in the house at the time of application and is not in receipt of one of the above listed payments from the Department of Social and Family Affairs, then the house may be assessed for subvention purposes. The HSE may assess the value of any asset or assets transferred from the ownership of the person in the five years prior to the application in assessing the means of the person.

### **Flood Relief.**

166. **Mr. N. O'Keeffe** asked the Minister for Finance the position regarding the flood relief plans to be put in place in two areas (details supplied) in County Cork. [9622/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Deputy will be aware that the Office of Public Works commissioned consultants in 2002 to carry out feasibility studies to assess flood risk and to develop flood alleviation schemes in the towns of Mallow and Fermoy in County Cork. Engineering reports were completed in late 2003 for both areas. Public information days were held in the spring of 2004 where the proposed works and the phased methods of implementation were outlined for the elected members and the general public.

[Mr. Parlon.]

The proposed scheme in Mallow includes the construction of new walls and embankments, new culverts, lowering of ground levels around Mallow bridge, and some use of demountable structures. The scheme will have flood protection against a one in 100 flood. Phase 1 of the scheme, involving the construction of new culverts in the town and road works on the Park Road, which will be funded by the Office of Public Works and executed by the local authority, is expected to commence in late April of this year. The contractor for these works will be appointed very shortly.

Full public exhibition of the scheme, as required under the Arterial Drainage Acts, is programmed to take place in early June 2005 at which point the public may make observations and comment which will have to be considered before moving to the next stage of the scheme.

The proposed scheme in Fermoy involves the construction of permanent walls and embankments along with the use of extensive demountable structures. The scheme will have flood protection against a one in 100 year flood. Before the Fermoy scheme is built it is essential to have an effective flood warning system in operation and the OPW has commenced this development as part of phase 1 of the scheme. The formal public exhibition of the scheme, as required under the Arterial Drainage Acts, is expected to take place in the autumn of 2005, which is slightly later than anticipated before, but is due to the need to review the hydrological and hydraulic analyses following the severe nationwide flooding in October 2004. Progress of the scheme will depend on the observations received during exhibition.

The timetable for completing all phases of these schemes will depend on the availability of funds and prioritisation of the large number of schemes that are required in various locations.

#### **National Lottery.**

167. **Mr. Murphy** asked the Minister for Finance the amount of revenue taken in sales by the national lottery on lotto and lottery tickets in County Tipperary for the years 2003 to 2005. [9752/05]

**Minister for Finance (Mr. Cowen):** It is not the policy of An Post National Lottery Company to release sales figures for its games at a county or other disaggregated level. However, for most general purposes, it is possible to statistically estimate sales in any county by reference to proportional population in that county. Total national lottery ticket sales in 2003 were €559 million, and in 2004 were €578 million.

#### **Flood Relief.**

168. **Mr. N. O'Keefe** asked the Minister for Finance when payment of moneys will be issued to business people (details supplied) in County Cork whose premises were damaged by flood

waters and who have been waiting for a number of months for such payment. [9605/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The humanitarian aid scheme approved by the Government following the serious flooding which affected various locations around the country in late October 2004 was for the relief of hardship arising from the flooding of people's homes. The cases to which the Deputy refers are among a small number of outstanding cases, which are the subject of ongoing consultation with the Irish Red Cross Society.

#### **Ministerial Staff.**

169. **Mr. Bruton** asked the Minister for Finance the roles and functions carried out by any special advisers attached to his Department; if any circulars or instructions have been issued within his Department concerning special advisers, and if so, if he will provide a copy of any such circular. [9606/05]

172. **Mr. Bruton** asked the Minister for Finance if the special advisers attached to his Department are part of the line management system of his Department. [9650/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 169 and 172 together.

By Government order, SI No. 665 of 19 October 2004, Mr. Gerry Steadman has been appointed as my special adviser. Section 11(2)(a) and (b) of the Public Service Management Act 1997 sets out the roles, functions and accountability of special advisers, which include the provision of advice to me on a range of issues, contributing to the achievement of Government objectives relating to my Department and such other functions as I may direct from time to time, in accordance with the Act.

No circulars or instructions have been issued within my Department concerning special advisers. Mr. Steadman is not part of the line management system of my Department.

#### **EU Cohesion Policy.**

170. **Mr. Quinn** asked the Minister for Finance if his attention has been drawn to the Dublin-Merseyside declaration which proposes to bring the Dublin Regional Authority and the Merseyside region, with its Liverpool headquarters, closer together; the steps he will take to ensure that the two regions working in partnership can maximise their entitlement to financial, administrative and political support within European regional policy; the operational programmes to which joint applications can be made by both authorities within the context of EU cohesion policy 2007-13; the sections of his Department which are responsible for monitoring these developments; the relations they have with the Dublin Regional Authority; and if he will make a statement on the matter. [9648/05]

**Minister for Finance (Mr. Cowen):** I am aware of the declaration of intent by the Dublin-Merseyside regions regarding their desire to establish a programme of mutually beneficial co-operation, and particularly in the context of European Union financing for structural actions during the 2007-2013 period. The Minister of State at the Department of Finance, Deputy Parlon, has already met the Dublin Regional Authority to discuss future EU regional development programmes and contact is ongoing.

The Deputy should be aware that current European Commission proposals on future cohesion policy include provision for a general regulation laying down a common set of rules for structural funds during the 2007-2103 period, and also a proposal for a completely new regulation allowing for the creation of a cross-border cooperation structure. My Department is representing Ireland at these negotiations. Agreement on the financial perspectives for the 2007-2013 period and the structural funds regulations is expected by June of this year.

The proposals provide for three new structural objectives. The first of these is a convergence objective that will be aimed at the less-developed regions and is expected to play a vital role in the new member states. The second proposal is for a regional competitiveness and employment objective that is intended to strengthen regional competitiveness by anticipating economic and social change and supporting innovation.

The third proposal is for a European territorial co-operation objective that it is intended will focus on the levels of cross-border and transnational co-operation, and also for networks for co-operation and the exchange of experiences throughout the Union. In this case the EU Commission will adopt the list of eligible cross-border regions and of transnational co-operation zones, and this will be published when the regulation is agreed.

The whole of the European Union territory is eligible for financing of European co-operation and exchange networks. It is intended that the programming will take account of specific territorial characteristics including those of cities and towns whose role in regional development will be boosted with aid for urban regeneration drawing on the experience of the URBAN community initiative. It should be stressed, however, that the amount of funding proposed by the European Commission for the European territorial co-operation objective is €13.2 billion and that this represents roughly 4% of the total amount of €336 billion proposed for all structural actions during the 2007-2103 period.

My Department will continue to monitor the developments as they unfold in the area of future EU structural policy. However, until such time as the current proposals have been agreed, and the areas of eligibility defined, it will not be possible to make specific proposals in regard to any future structural funds. The concerns of the Dublin

region in the context of the Dublin/Merseyside declaration of intent will be taken into consideration in the framing of any future programming proposals.

#### **Ministerial Responsibilities.**

171. **Mr. Bruton** asked the Minister for Finance if he is responsible for the performance of the functions of his Department in accordance with section 3 of the Public Service Management Act 1997. [9649/05]

**Minister for Finance (Mr. Cowen):** All members of the Government are Ministers having charge of a Department, and are responsible for the performance of functions that are assigned to the Department, pursuant to the Ministers and Secretaries Acts 1924 to 1995. This is confirmed in section 3 of the Public Service Management Act 1997. As I said in a written reply to Parliamentary Question No. 184 on 9 March 2005, there is also a framework in place in my Department for the assignment of functions under section 4 of the Public Service Management Act 1997.

*Question No. 172 answered with Question No. 169.*

#### **Communications Masts.**

173. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources if her attention has been drawn to any health hazard presented by 3G mobile masts; if she has been consulted by the Minister for Finance regarding the erection of such masts on Government owned property; and if he will make a statement on the matter. [9319/05]

174. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources if her Department has carried out research or acquired information regarding health risks attached to working in a building on which a 3G mobile phone mast has been erected particularly in the context of a decision to allow these masts on Government buildings; and if he will make a statement on the matter. [9337/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 173 and 174 together.

The erection of masts on Government property is a matter for the Minister for Finance together with the public sector organisation which is the direct owner of the property concerned. There is no scientific medical evidence that mobile telephone masts, which include 3G mobile phone masts, are injurious to health. Over recent years, more than 25,000 peer-reviewed studies into possible health effects of non-ionising radiation, the class of electromagnetic emissions associated with mobile phone technology, have been published. No definite causal link has been proven between the emissions and any adverse health effect.

[Mr. N. Dempsey.]

Notwithstanding the overwhelmingly clean bill of health given to these technologies compared to other environmental risks which our society willingly accepts, many countries, including Ireland, have adopted a precautionary approach of absence of proof of harm is not proof of absence of harm. By consensus amongst many countries, guidelines are established for safe levels of exposure to various kinds of electromagnetic emissions. These guidelines are set at levels which are many times less than the experimental levels at which no adverse effects have been established. Ireland has adopted the guidelines established by the International Commission on Non-Ionising Radiation Protection, ICNIRP, and participates in the work of the international committee on electromagnetic safety, which sets standards in this area.

All licensed telecommunications operators in Ireland are required by the terms of their licences to observe the ICNIRP guidelines for limiting exposure of the public to electromagnetic emissions from their facilities. The Commission for Communications Regulation, ComReg, the regulator, conducts audit measurements to verify compliance with these limits. Ireland maintains continuous relevant activity to ensure that public authorities have access to the most up-to-date and relevant information in this area and steps have been taken to ensure that these masts operate within limits which respected international bodies have deemed to provide protection for the public. The siting of individual mobile phone masts is a matter for the relevant planning authorities and my Department has no function in this matter.

The Deputies should be aware that the latest statistics from the Commission for Communications Regulation, ComReg, indicate that the Irish mobile penetration rate now stands at 94%.

175. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources his views on an anomaly in the planning and development regulations 2001, whereby mobile phone base stations may not be installed on educational facilities, child care facilities or hospitals without planning permission, but may be installed on public or commercial buildings directly adjacent to such facilities without any planning permission; if his attention has been drawn to the fact that this is inconsistent not only with the latest recommendations of the UK independent expert group on mobile phones, but with his own advice to Dáil Éireann in 2004 (details supplied); and if he will make a statement on the matter. [9545/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The drafting of planning and development regulations is a matter for the Minister for Environment, Heritage and Local Government. I am not aware of any national or international health advisory

authority which has recommended that the siting of telecommunications masts should result in no direct beam falling on school property. It may be that some paper somewhere may have made such a recommendation and if the Deputy can identify any such work I shall have my experts study it and I will make a further statement.

If any of the relevant international bodies to which Ireland belongs were to make such a recommendation, my Department would have to consider an appropriate response. However, to date, no such recommendation has been made. This is because, in the continuing opinion of all the relevant international bodies, radiofrequency fields around such masts are not considered a health risk.

The siting of individual mobile phone masts is a matter for the relevant planning authorities and my Department has no function in the matter. I acknowledge that real fears exist amongst certain parts of the community about the health impacts of these masts. I am sympathetic and understanding of these fears and the concerns that underpin them. However, I must point out that I have no scientific data which as yet supports the contention that these masts damage human health. Our policy is to abide by the internationally accepted scientific guidelines that specify maximum acceptable levels of radiation.

The Deputy may be aware that the latest statistics from the Commission for Communications Regulation, ComReg, indicate that the Irish mobile penetration rate now stands at 94%.

#### **Pension Provisions.**

176. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources the reason for the delay by his Department in completing its consideration of a case submitted by a person (details supplied) in Dublin 5 regarding their pension; and if he will make a statement on the matter. [9558/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** An appeals process is underway regarding the issues raised by the pensioner concerned. Legal advice has been sought from the Attorney General's office. Once the advice has been received, the matter can be determined as quickly as possible.

177. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources the reason for the delay in responding to a case submitted in respect of a person (details supplied) in regard to pension entitlements; and if he will make a statement on the matter. [9559/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My Department is currently examining the pension entitlements in this case and will contact the person shortly to confirm the position. I will advise the Deputy when a reply has issued.

### Inland Fisheries.

178. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if he will amend the Control of Fishing for Salmon Order 2005 to provide that a licence holder, when applying for the annual licence, can nominate another person to be authorised and named to operate that licence only in the absence of the licence holder due to their being required as a full-time carer; and if he will make a statement on the matter. [9560/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Control of Fishing for Salmon Order 2005, SI No. 72 of 2005, which I signed on 16 February last, authorises the issue of commercial salmon fishing licences by regional fisheries boards and prescribes the criteria under which those licences may be issued. The provisions of this order, which replaces the Control of Fishing for Salmon Order 1980 and subsequent amendments, implement, in as far as possible from a legal perspective, the recommendations made by a joint National Salmon Commission, NSC-National Fisheries Management Executive, NFME, working group aimed at updating and improving the qualifying criteria under which licence applications would be prioritised and assessed by the regional fisheries boards. In this regard, the new order, which was endorsed by the NSC following consultation with the stakeholders whom they represent, reflects best practice in the context of the current management of a licensing system.

The order provides that a licence holder, when applying for the annual licence, can nominate another person to be authorised and named to operate that licence only in the absence of the licence holder due to illness or injury. This provision was a specific recommendation of the joint NSC-NFME working group and, as such, I have no proposals to amend the order further in this regard.

When introducing the Control of Fishing for Salmon Order 2005, I specifically requested that the regional fisheries boards, in implementing the revised licensing regime this year, should report back to me on the operation of the system once the 2005 salmon fishing season has finished. In this context, I intend to keep the Control of Fishing for Salmon Order under review and would be prepared to consider other amendments, aimed at updating and improving the licensing system further, should they be recommended by the regional fisheries boards and the NSC.

### Offshore Exploration.

179. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources his views on whether a person (details supplied) would contradict their earlier opinion and so expose their work to the charge of negligence. [9601/05]

181. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources his views on whether it is a credible response on his part, to ask a person (details supplied) to review a non-technical version of a QRA they have already passed as being adequate for the requirements of his Department. [9608/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 179 and 181 together.

I understand from Shell E&P Ireland Limited that the proposed non-technical summary of the quantified risk assessment, QRA, is intended to provide the general public with a self-explanatory layman's understanding and interpretation. It will not be subject to any assessment by me in the context of Shell's application for consent to install its onshore pipeline.

As I have already stated my Department is at present considering an application for consent to install the onshore pipeline. Both the QRA and the Johnston report to which I have referred previously will form part of this process. In so far as there may be issues in the QRA that need further clarification, elaboration or even additional material, Mr. Andrew Johnston and other independent consultants, will be providing the necessary advice to my Department.

On 21 February 2005, Shell reactivated its application for consent to install and commission phase 3 — onshore pipeline and umbilical originally submitted in June 2002. On 24 February 2005, my Department wrote to Shell requesting the clarification and elaboration of certain information and studies provided in the 2002 application. Officials from my Department met Shell on Friday, 4 March 2005 to discuss these issues further. In the course of this meeting Shell advised that the company had appointed Shell Global Solutions to carry out a peer review on the QRA and any associated reports-studies submitted to my Department by the then operator Enterprise Energy Ireland Limited. Shell has agreed to submit these reports to my Department by early April of this year. It is my intention to appoint a consultant, who is an expert in quantified risk assessment, to review these documents and report to me on all aspects and especially that of public safety. I intend to publish these reports immediately when available.

It is my intention to progress consideration of the application for consent to install the upstream pipeline in an open, balanced and informed manner. My decision to publish the full suite of documents mentioned above, prior to my making a decision, will, hopefully, allay local fears in regard to the safety of the pipeline and the process being adopted.

180. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if he will seek permission from a company (details supplied) to publish the original QRA, in order that a proper comparison can be made between



[Mr. Ring .]  
the original as presented to him and the non-technical version. [9607/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** As the Deputy is no doubt aware from my reply to him on 10 March, Shell E&P Ireland Limited appointed Shell Global Solutions to carry out a peer review on the QRA and any associated reports-studies submitted to my Department by the then operator Enterprise Energy Ireland Limited, EEI, in connection with its application for consent to construct a pipeline in 2001. Shell has agreed to submit these reports to my Department by early April of this year. It is my intention to appoint a consultant who is an expert QRA to review these documents and report to me on all aspects. I intend to publish these reports immediately when available.

*Question No. 181 answered with Question No. 179.*

#### Harbours and Piers.

182. **Mr. N. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources the position regarding the provision of the necessary funding to a local authority to complete urgent refurbishment works at a location (details supplied) in County Cork; and if his attention has been drawn to the fact that this matter has been ongoing for a considerable period of time. [9664/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Knockadoon pier is owned by Cork County Council and responsibility for its repair and maintenance rests with the local authority in the first instance.

In July 2003 Cork County Council made an application to the Department for funding to carry out works at Knockadoon slipway at an estimated cost of €94,500. There was no funding available in 2003 or 2004 for these works. The question of providing funding in the 2005-2006 period will depend on the amount of funding available for works at fishery harbours generally and overall national priorities.

#### Fishing Licences.

183. **Mr. O’Shea** asked the Minister for Communications, Marine and Natural Resources if it is intended to penalise persons found guilty by the courts in the matter of fishing offences in regard to the renewal of commercial drift net salmon licences; and if he will make a statement on the matter. [9669/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Under the Fisheries Acts, any person fishing for salmon is permitted to do so

only when in possession of a valid salmon fishing licence issued by a regional fisheries board.

Under the Fisheries (Consolidation) Act 1959, as amended by the Fisheries Act 1980, it is a matter for the courts to decide if a person convicted of fishing offences should be disqualified from holding a salmon fishing licence.

#### Retail Sector Developments.

184. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources the tender procedures which were used for the disposal of retail shops by the ESB to ensure that maximum value was obtained for the public from the disposal of these assets; and his involvement in this decision. [9749/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The disposal of retail shops is a matter for the board of the ESB in the first instance. However, the ESB informed me of the outline of the proposed transaction shortly before the meeting on 16 March 2005 at which the board approved, in principle, the sale to Bank of Scotland (Ireland) Limited, BOSI, of its retail outlets. The full details of the proposal are currently under negotiation so, therefore, I am limited in what I can say pending conclusion of that process and taking account of confidentiality agreements between the ESB and BOSI.

I understand from the ESB that, although a tender procedure was not a feature of the proposed transaction, the company is satisfied that it is complying with the requirements of the code of practice for the governance of State bodies. The ESB has also informed me that negotiations have yet to take place on individual and portfolio valuations. The board of the ESB approved the proposed methodology to develop a price and this will be subject to final board approval before the asset disposal. The ESB has also informed me that before the final legal documentation is completed and the final price package for the deal is agreed, each of the retail shops will be independently valued for ESB by a leading nationwide valuer and the separate valuations prepared will form the basis from which the ESB will work in pricing the retail units within the deal package. In this way, the ESB proposes to maximise the value from the disposal of its retail units.

#### Fishing Licences.

185. **Mr. O’Shea** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the statement of the chairman of Stop Salmon Drift Nets Now that a fair and detailed exit scheme that many of the drift net salmon fishermen have worked out would cost only a fraction of the €80 million presented by the Minister as being the cost of a buy out of commercial drift net salmon fishing licences and that the angling and tourism sectors stand ready to participate in financing such a

scheme in conjunction with the State (details supplied); and if he will make a statement on the matter. [9750/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Government has consistently ruled out buy-out as an effective means of achieving the restoration of salmon stocks and has instead, since 2002, promoted the application of quotas on commercial fishing and bag limits on angling to achieve catch reductions as the best instrument available to achieve this objective.

Furthermore, no convincing case has been advanced as to the public good that would be acquired by the State in the context of a publicly funded buy-out of commercial salmon licences.

I have previously stated that I believe the cost of buying out commercial salmon drift net licences in Ireland could be as high as €75 million to €80 million based on buy-out proposals which were implemented in recent years in Northern Ireland and the north east of England, where the cost of buying out, not all, but up to 56 licence holders is understood to have cost some £3.25 million.

It is on this basis that I have assessed the cost of a similar voluntary buy-out scheme in Ireland, particularly if such a scheme was to be taken up in full by the drift net operators, 887 licences. This figure would increase substantially if all other commercial fishing nets were to be included. I am sure that the Deputy will agree that buy-out proposals on this scale are not practical and we need to caution against excessive expectations about large amounts of compensation.

While I am aware of reports in certain media by or on behalf of the Stop Salmon Drift Nets Now campaign, I can inform the Deputy that no individuals or organisations have made formal offers to the Department to fund the cost of a buy-out scheme for drift netting licences. Furthermore, I have not seen nor am I aware of any evidence produced indicating that the cost of a buy-out of commercial drift net salmon fishing licences would be anything other than that which I have estimated based on other recent buy-out schemes nor have I been made aware that there are beneficiaries in a position to contribute the necessary funding for such a scheme.

As a result, and as I have previously and consistently indicated to the House, I have no current plans to introduce a buy-out of commercial salmon fishing licences, but I intend to keep the matter under review in the context of the policy outlined above. In this regard, I would be open to any relevant proposals presented to me whereby stakeholders benefiting from any reduction in commercial catch would identify themselves and indicate a willingness to fund any compensation that might arise.

#### Coastal Protection.

186. **Mr. O'Shea** asked the Minister for

Communications, Marine and Natural Resources if his attention has been drawn to the urgent need for substantial coastal protection work in County Waterford (details supplied); if he will seek a supplementary estimate in 2005; and if he will make a statement on the matter. [9751/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Responsibility for coastal protection rests with the property owner whether it be a local authority or a private individual. In July 2002 the Department requested all coastal local authorities to submit proposals, in order of priority, for consideration in the context of the 2003-2006 national coastal protection programmes. Waterford County Council submitted proposals for coastal protection works at Cunnigar phase 2, estimated at €1 million and this was its number one priority. Ballyvoile phase 1 was the county council's number two priority with an estimated cost of €1.1 million. Its third priority was Helvick, estimated at €0.5 million. Bunmahon was its fourth priority, estimated at €0.5 million. Clonea was fifth, estimated at €0.5 million and Ballyvoile phase 2 was sixth, with an estimated cost of €0.93 million.

Exchequer funding of €270,824.32 had been provided towards design and rock revetment at Cunnigar in 2000 to 2002. Waterford County Council did not submit a proposal in respect of Tramore. However, the Department provided funding of €1,171,927.51 to Waterford County Council in the years 2000 to 2003 towards promenade refurbishment at Tramore. In 2004 €70,902 was provided for emergency works and a diving survey at Helvick pier.

The 2005 coastal protection programme is under consideration at present and the question of seeking a supplementary estimate does not arise at this stage.

#### Illegal Immigrants.

187. **Mr. Perry** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that, on many occasions, undocumented Irish persons currently in the United States are not able to travel to Ireland to attend funerals for close family members; the negotiations his Department officials have had with President Bush and US Government officials to make changes in US immigration laws to grant amnesty to allow undocumented immigrants to legalise their status; when he will meet the Irish bishops to discuss this situation; and if he will make a statement on the matter. [9937/05]

188. **Mr. Deasy** asked the Minister for Foreign Affairs if he has raised the plight of Irish citizens who are illegally resident in the United States with US authorities; and if he will make a statement on the matter. [9694/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 187 and 188 together.

[Mr. D. Ahern.]

The circumstances of undocumented Irish people in the United States are raised on an ongoing basis in our bilateral contacts with US political leaders. Most recently, the issue was raised when the Taoiseach and I met President Bush on St. Patrick's Day. During our meeting, the President re-affirmed his commitment to work with Congress on immigration reform, now that a new Congress was in place. The Taoiseach and I very much welcomed this commitment and emphasised the importance of addressing the situation in a positive and sympathetic way.

I would also like to pay a warm tribute to the work of the Irish episcopal commission for emigrants for the advice and support it gives to our communities overseas. The Irish abroad unit of the Department maintains very close contact with the director of the commission and I am also in contact with its chairman, his Lordship, Bishop Séamus Hegarty.

The Deputies can be assured that the issues of our undocumented citizens and immigration reform have the highest priority for the Government and, reflecting this, for the embassy in Washington and our four consulates general in the United States.

#### **Sports Capital Programme.**

189. **Mr. Bruton** asked the Minister for Arts, Sport and Tourism if his Department has conducted any assessment of the capacity to develop skateboarding as a recreational outlet in Dublin city and other urban centres; and if he will make a statement on the matter. [9598/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** An assessment of the type proposed by the Deputy would be more appropriately carried out by the local authorities concerned. My colleague, the Minister for the Environment, Heritage and Local Government, Deputy Roche, recently announced a funding scheme for skateboarding. I am not aware of the problems of the particular skateboarding park to which the Deputy refers.

My Department administers the national lottery-funded sports capital programme, which allocates funding to sporting, voluntary and community organisations, schools and local authorities. The programme is advertised on an annual basis.

Applications for skateboarding projects are of course acceptable under the programme, provided that they otherwise meet its terms and conditions. One such application, from Dublin City Council for the provision of a skateboarding park, was received under the 2004 sports capital programme and was successful, receiving a provisional allocation of €100,000.

Applications for funding under the 2005 programme were invited through advertisements in the newspapers on 5 and 6 December last. The closing date for receipt of applications was 4 February 2005. One application was received for

a skateboarding project and this, like all applications received before the deadline, is currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

#### **Swimming Pool Projects.**

190. **Mr. McGuinness** asked the Minister for Arts, Sport and Tourism the status of an application for funding in the name of Kilkenny Borough Council to provide a new swimming pool and sports complex; the cost of the project and the maximum grant available; the way in which local authorities are expected to raise the balance; the timeframe for a decision in the case; and if he will make a statement on the matter. [9663/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Kilkenny County Council has applied for funding under the local authority swimming pool programme in respect of a proposed replacement swimming pool for Kilkenny. I am pleased to say that I have today approved the preliminary report submitted by the council and this will allow it to prepare the contract documents for the project.

My Department has been advised that the cost of the project is estimated at just over €15 million. The maximum grant available under the programme is €3.8 million. Grant aid is not formally allocated until the tender has been approved for a project.

It is a matter for local authorities to devise funding arrangements, as they see fit, to complement the grant element. Approval for projects in 2005 will depend on a range of factors, including funding available in the Department's sub-head for the local authority swimming pool programme, the availability of project financing in the local authority and compliance with technical and procedural requirements at each of the various stages of the process.

#### **Health and Safety Regulations.**

191. **Mr. Stanton** asked the Minister for Enterprise, Trade and Employment if he has satisfied himself that consumers are not at risk from air fresheners for sale in the State which may contain substances that irritate the respiratory tract or cause cancer; if he has further satisfied himself that air fresheners have undergone toxicology testing before they are put on the market, that advertising and marketing of such products are regulated and that they do not carry misleading messages such as that they purify the air or are a natural product; and if he will make a statement on the matter. [9634/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The European Communities (General Product Safety) Regulations 2004 place a requirement on producers and distributors to

ensure that the products they place on the market do not pose a hazard to consumers. Enforcement of these regulations is the responsibility of the Director of Consumer Affairs. The director is given authority to ensure that products placed on the market are safe and that producers and distributors of such products comply with their obligations under these regulations and the directive. I am informed that the director is not aware of any risk to consumers from air fresheners on sale in the State.

The principal legislative provisions covering warning labels on dangerous substance and preparation products are set out in the European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) Regulations 2003, SI No. 116 of 2003 and European Communities (Classification, Packaging and Labelling of Dangerous Preparations) Regulations 2004, SI No. 62 of 2004.

The principal legislative provisions covering the marketing and use of dangerous substances and preparations are set out in the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003, SI No. 220 of 2003, the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2003, SI No. 503 of 2003, and the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2004, SI No. 852 of 2004. These regulations, enforced by the Health and Safety Authority, transpose into Irish law and implement the latest EU directives in the dangerous substances and preparations area.

Implementation of the regulations governing the labelling and use of dangerous substances is designed to alert users, in the most effective manner, as to the potential dangers associated with such products and to heighten the general level of awareness of the public in their use of substances of this nature. In addition, the provisions

of the Consumer Information Act 1978 prohibit the use of misleading advertising in relation, *inter alia*, to goods which would result in injury or damage to consumers.

#### Ministerial Staff.

192. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment if the special advisers attached to his Department are part of the line management system of his Department. [9635/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The posts of special adviser, policy adviser and press adviser are not part of the line management structure of the Department.

193. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the roles and functions carried out by special advisers attached to his Department; if circulars or instructions have been issued within his Department concerning special advisers; if so, if he will provide a copy of any such circular; and if he will make a statement on the matter. [9636/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The special adviser, Mr. Christopher Mannion; policy adviser, Ms Deirdre Gillane; and press adviser, Ms Caitriona Meehan, employed at the Department of Enterprise, Trade and Employment are involved in the provision of advice and assistance to me as Minister. The Department did not issue a formal office notice concerning special advisers. My private secretary issued an e-mail to staff in the Department on 21 October 2004, which outlined the division of responsibilities of the relevant advisers, the details of which are outlined in the following table. The e-mail of 21 October 2004 also requested that when departmental staff are preparing speeches and briefing material for the Minister, they should ensure a copy of the relevant material is also provided to the relevant adviser and the press office.

Christopher Mannion	Deirdre Gillane	Caitriona Meehan
Enterprise & Agencies Division (except overseas enterprise); Labour Force Development Division (except Work Permits); Corporate Services & Economic Policy; Health & Safety Authority Liaison; Finance; Audits.	Science Technology & Intellectual Property; Competitiveness & International Affairs; Employment Rights & Industrial Relations (except HSA Liaison); Commerce, Consumers and Competition; Overseas Enterprise; Work Permits.	All Ministerial & Department Press Relations

#### Departmental Investigations.

194. **Mr. J. Higgins** asked the Minister for Enterprise, Trade and Employment if he will make a statement on the investigation which he instigated into a company (details supplied) following allegations made in Dáil Éireann on 8 February 2005 by this Deputy regarding the company's employment procedures; if the labour inspectorate has furnished him with a report; and

if he will report on the findings, conclusions and recommendations of same. [9637/05]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** In response to allegations made by the Deputy in the House the Minister for Enterprise, Trade and Employment immediately directed the labour inspectorate of his Department to carry out an investigation. That investigation commenced the following day. The investigation has

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necessitated the gathering of information from a variety of sources and the interviewing of many parties. In advance of consideration of the report by the Minister for Enterprise, Trade and Employment, the Department has sought the advice of the Attorney General's office on its content and the process to be adopted regarding the parties identified therein. The report has been sent to the parties identified in it and it is intended to include their observations in the final report. One party has requested additional time to consider the report and, on the advice of the Attorney General's office, it has been agreed to grant an extension for the receipt of their observations until Wednesday, 30 March 2005. The report will then be completed and given to the Minister.

#### Work Permits.

195. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if a person (details supplied) in County Kildare will have their work permit renewed; and if he will make a statement on the matter. [9725/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** A work permit issued in respect of the above named individual on 25 May 2002 and expired on 26 May 2003. A work permit application was received in respect of this individual on 12 February 2004 from an employer. The work permits section of my Department wrote to this employer on two occasions requesting additional information. This application was subsequently cancelled by the section, as the employer failed to reply to this correspondence. A second application was received from this employer in respect of this individual on 24 September 2004. The work permits section again wrote to the employer requesting additional information. As no response was received to this further correspondence, the section subsequently cancelled this application.

#### Social Welfare Benefits.

196. **Mr. Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo was refused the carer's allowance; and if an appeal will be opened on their behalf. [9625/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned applied for carer's allowance on 12 January 2005. The principal conditions for receipt of the allowance are that full-time care and attention is required and being provided and that the means test that applies is satisfied. Her application was refused on the grounds that full-time care and attention, as prescribed in regulations, was not required in this case. She was notified of the decision, the reason for it and of her right to appeal on 10 March 2005. To date, no appeal has been lodged in this case. Under social welfare legislation decisions on

claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in such decisions.

#### Ministerial Staff.

197. **Mr. Stanton** asked the Minister for Social and Family Affairs the roles and functions carried out by special advisers attached to his Department; if circulars or instructions have been issued within his Department concerning special advisers; if so, if he will provide a copy of any such circular; and if he will make a statement on the matter. [9630/05]

198. **Mr. Stanton** asked the Minister for Social and Family Affairs if the special advisers attached to his Department are part of the line management system of his Department; and if he will make a statement on the matter. [9631/05]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 197 and 198 together.

The roles and functions carried out by the special advisers attached to my Department are as set out in section 11 of the Public Service Management Act 1997, that is, to assist the Minister by providing advice, by monitoring, facilitating and securing the achievement of Government objectives that relate to my Department and by performing such other functions as may be directed by the Minister. Special advisers are not part of the line management system of my Department. They are accountable directly to the Minister in the performance of their functions. No circulars or instructions concerning special advisers have issued within my Department.

#### Social Welfare Code.

199. **Mr. Gregory** asked the Minister for Social and Family Affairs the categories of workers in the public service who pay an A stamp while temporary or on probation and who, when promoted or made permanent, lose the stamp; the reason for this; the loss of entitlements involved; if this will be reviewed; and if he will make a statement on the matter. [9632/05]

**Minister for Social and Family Affairs (Mr. Brennan):** People who enter public sector employment with effect from 6 April 1995 are insured at the full class A rate of PRSI, which covers all benefits and pensions. Where a person is employed on 5 April 1995 in the public sector in a capacity which is not permanent and pensionable and, subsequently, ceases to be so employed, but immediately upon such cessation, becomes employed in a permanent and pensionable capacity as a civil or public servant, that person becomes a modified contributor. However, class A contributions paid by that person prior to the date of becoming permanent and pensionable stand. The regulations covering the payment of modified insurance in these circumstances — SI 312 of 1996 — were introduced to allow

employees working in the civil and public service on 5 April 1995 the opportunity to avail of the same benefits as existing staff.

People insured at this modified rate are covered for widow's or widower's contributory pension, orphan's contributory allowance, deserted wife's benefit and occupational injuries benefits. Persons on the modified rate of insurance are not entitled to short-term benefit, including unemployment benefit and disability benefit. However, the terms of employment of those becoming permanent and pensionable civil servants provide for payments during illness. They are also covered by superannuation schemes in operation in the civil and public service. While all aspects of my Department's business are kept under review, there are no plans to change these arrangements.

#### **Ministerial Responsibilities.**

200. **Mr. Stanton** asked the Minister for Social and Family Affairs if he is responsible for the performance of the functions of his Department in accordance with section 3 of the Public Service Management Act 1997; and if he will make a statement on the matter. [9701/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Under section 3 of the Public Service Management Act, 1997, a Minister having charge of a Department shall, in accordance with the Ministers and Secretaries Acts, 1924 to 1995, be responsible for the performance of functions that are assigned to the Department pursuant to any of those Acts. Accordingly, I am responsible for the performance of functions assigned to my Department pursuant to those Acts. Section 4(1) of the Public Service Management Act states "except as otherwise directed by the Government or provided by or under any other Act, the Secretary General of a Department or Head of a Scheduled Office, as the case may be, shall, subject to the determination of matters of policy by the Minister of the Government having charge of the Department or Scheduled Office or by the Government, have the authority, responsibility and accountability" for carrying out specified duties in respect of the Department or scheduled office. Among these duties are the following specified in section 4(1)(a): "Managing the Department or Scheduled Office, implementing Government policies appropriate to the Department or Scheduled Office, monitoring Government policies that affect the Department or Scheduled Office and delivering outputs as determined with the Minister of the Government having charge of the Department or Scheduled Office."

#### **Social Welfare Benefits.**

201. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason the one parent

family allowance has been terminated in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9724/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned was interviewed by a local officer of my Department on 7 March 2005. In the local officer's presence, she signed a statement admitting to cohabiting since April 2004 and surrendered her lone parent's allowance book to the officer. On foot of this statement, her payment was subsequently suspended and her case has been forwarded to a deciding officer for formal decision. She will be contacted about this shortly. Under social welfare legislation, decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in such decisions.

#### **Pension Provisions.**

202. **Mr. Bruton** asked the Minister for Transport if his attention has been drawn to the deficit in the pension coverage of retired aviation staff; the Government's position in relation to any flotation of this company; and if proceeds from such a flotation could be in part contributed to make up the pension deficit. [9599/05]

206. **Mr. Bruton** asked the Minister for Transport if he has had recent meetings with the retired aviation staff regarding deficits in their pension arrangements; if he has proposals on how this issue might be addressed; and if he will make a statement on the matter. [9600/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 202 and 206 together.

The pension scheme in question, the Irish airlines (general employees) superannuation scheme, is a multi-employer scheme which, in addition to Aer Lingus and DAA staff, also includes a private sector company, SR Technics, formerly FLS Aerospace. I am advised that a full actuarial assessment of this pension fund is carried out every three years and a review of the fund's ability to pay increases in line with inflation is carried out annually.

The last actuarial valuation was carried out in March 2003 and at that time the scheme satisfied the minimum funding standard included in the Pension Act 1990. The next full actuarial valuation was due in March 2006 but the trustee decided to bring this forward to end March 2005. The report is expected to be finalised in the coming months. In the interim, the trustee has used its discretion, on the advice of the scheme's actuary, to grant pension increases in line with the CPI again this year. Pensioners will be formally advised of this in April in the normal way.

While the payment of pensions is always dependent on the actuarial position of the scheme, the advice is that the scheme is able to

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continue to pay the current level of pensions to existing pensioners. However, the question of whether such pensions can continue to be increased in line with inflation depends on the performance of the scheme going forward. Such increases are and always have been discretionary.

The pension entitlements for employees of commercial State bodies including Aer Lingus and the Dublin Airport Authority, formerly Aer Rianta, are matters primarily for the trustee, the members of the relevant scheme and the companies involved. The State has no involvement in the funding of these schemes. If a deficit arose, the rules of the pension scheme provide that the trustee must decide what action to take but the rules also indicate that there is no obligation on the part of either employers or members to increase contributions. I assume the trustee, employers and staff would work together in those circumstances to try and agree a mutually satisfactory outcome.

Numerous meetings have taken place between RASA representatives and the companies and also with previous Ministers and officials from my Department and the Departments of the Taoiseach and Finance to discuss the pension scheme. I met representatives of the group on 19 January. Despite detailed examination, there has been no obvious solution to the RASA concerns. However, I indicated at that meeting that I would keep the matter under review with the companies concerned.

With regard to the possible flotation of Aer Lingus, I briefed my colleagues at Cabinet yesterday in relation to the current status of my deliberations on a number of key aviation issues, including the future of Aer Lingus. I am anxious, in the interests of the airline, to move forward on this as a matter of urgency and I will bring specific proposals to Government shortly.

With regard to the suggestion that proceeds from a flotation of the airline could be in part contributed to make up a potential pension deficit, the Aer Lingus Act 2004 provides that funds received in respect of the sale shall be paid into or disposed of for the benefit of the Exchequer. Moreover, the question of an injection of State funds does not arise. Such a proposal would run counter to established policy in this area and would, in any event, be challenged by the European Commission as a state aid.

### Road Signage.

203. **Mr. Deasy** asked the Minister for Transport the regulations which are in place to ensure proper control of traffic signs while road works are being carried out by contractors; the persons who monitor roadwork traffic signs; if he will make the traffic signs manual available to public

libraries; and if he will make a statement on the matter. [9623/05]

**Minister for Transport (Mr. Cullen):** The traffic signs manual 1996 sets out directions given to road authorities by the Minister for Transport pursuant to section 95(16) of the Road Traffic Act 1961 regarding the provision and use of warning and information traffic signs. A copy of the manual is available in the Oireachtas Library, and copies have been made available to city councils and county councils, who also have responsibility for public libraries.

Chapter 8 of the manual sets out advice on the signs to be deployed at road works. Responsibility for the provision, positioning, maintenance and monitoring of such traffic signs at road works locations on non-national roads is a matter for the individual road authority and in the case of national roads, the National Roads Authority.

My Department is currently pursuing a comprehensive review of the present traffic signs manual in association with the National Roads Authority and the Department of the Environment, Heritage and Local Government. Consultants have been engaged to prepare a new manual. It is intended that the use of the manual by road authorities will ensure a high quality of signposting in the State through uniformity of practice and the creation of a consistent approach to signing, including at road works.

### Road Traffic Offences.

204. **Mr. Ring** asked the Minister for Transport if an express consent was given to the Medical Bureau of Road Safety, pursuant to section 38(4) of the Road Traffic Act 1968, for the supply by same of an apparatus for indicating the presence of alcohol in the breath as opposed to the consent prescribing the form of statements produced by the apparatus which was given to the Minister of State. [9624/05]

**Minister for Transport (Mr. Cullen):** 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 prescribed form of the statement produced by an apparatus to which the Deputy is referring relates to the statement produced by an apparatus for determining the concentration of alcohol in the breath, that is, evidential breath-testing instruments. The Road Traffic Act 1994 provided for the introduction of a scheme of evidential breath testing, EBT, based on the use of apparatus for determining the concentration of alcohol in a sample of breath. The Act provides that driv-

ers may be required to undergo a breath test in a Garda station instead of a blood or urine test following arrest for drink driving.

The evidential breath-testing system was introduced with effect from November 1999. That 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.

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.

#### **Railway Stations.**

205. **Mr. Durkan** asked the Minister for Transport the maximum current capacity in terms of daily passenger throughput of each of the commuter rail stations in County Kildare; if he can identify the means whereby daily use can be increased with particular reference to parking facilities, increased frequency, extra carriages; and if he will make a statement on the matter. [9581/05]

**Minister for Transport (Mr. Cullen):** The scheduling and timetabling of trains is a day-to-day operational matter for Iarnród Éireann to consider.

On the basis of projected demand, Iarnród Éireann has submitted a greater Dublin integrated rail network plan, which proposes the enhancement of all suburban and outer suburban services into Dublin. The proposals are being examined by my Department, at present, in the context of the ten-year investment framework for transport.

In the meantime, I understand from the company that some of the 36 new diesel railcars due to come into service at the end of this year will be allocated to the Kildare route to extend all trains to eight-car length. That will improve the capacity on individual trains by up to 33%. That capacity increase comes on top of a capacity increase of almost 160% delivered on that line in the last 18 months.

Regarding the Maynooth-Connolly line, I understand that, in the short term, Iarnród Éireann plans to replace the majority of the 36 diesel railcars on the Sligo-Maynooth Dublin line to increase capacity and to remove older rolling stock from service. The effect will be to increase all commuter trains on the line to eight-car length, giving an immediate capacity increase, on some services, of 33%.

*Question No. 206 answered with Question No. 202.*

#### **Public Transport.**

207. **Mr. Stanton** asked the Minister for Transport his views on whether the cost of public transport is overpriced, is acting as a disincentive to persons using public transport and thereby reducing the use of private cars; and if he will make a statement on the matter. [9652/05]

**Minister for Transport (Mr. Cullen):** The primary focus of investment in public transport under the national development plan is to expand the capacity of the network to respond to the demand for such services. Fares on public transport have decreased significantly in real terms in recent years, and there is no evidence to suggest that current fare levels are a deterrent to the increased use of public transport. It remains my view that resources are more effectively focused on increasing public transport capacity to meet the latent demand for such services and on improving punctuality and reliability of such services.

#### **Rail Services.**

208. **Mr. Penrose** asked the Minister for Transport if Iarnród Éireann has carried out a feasibility study regarding the reopening of the railway line between Mullingar, Moate and Athlone; if, in view of the fact that two of these are important gateway towns under the national spatial plan, steps will be taken immediately to have the reopening of this line progressed; and if he will make a statement on the matter. [9653/05]

**Minister for Transport (Mr. Cullen):** I understand that Iarnród Éireann has not carried out a feasibility study regarding the reopening of the rail line between Mullingar, Moate and Athlone. The strategic rail review, commissioned by my Department and published in 2002, found that the Mullingar to Athlone line did not perform well economically when assessed as a "stand-alone" project but could offer significant benefits in terms of operational flexibility in the rail network as a whole in the future.

I am also aware that the national spatial strategy highlights the importance of enhancing the critical mass in the midlands region, by combining the complementary strengths of Athlone, Mullingar and Tullamore as a gateway at the heart of the midland region, and states that it is important to build on the central location of the midlands and the key towns at the intersection of national road and rail routes.

Another factor which would have to be considered is the likely scale and pace of development of the midlands gateways and along the rail corridor in question. The greater the critical mass of population and economic activity, the more



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likely a sustainable case can be made for rail investment. I have already made it clear to local authorities in other parts of the country that it is for them to develop and implement land use strategies which would support the case for rail investment. The best practical demonstration to date of such an approach is the development of the Midleton rail corridor.

While there are no immediate plans to reopen this line, Iarnród Éireann will keep the issue under review having regard to the matters to which I have already referred.

#### Inland Waterways.

209. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs if he will take steps to ensure that a person (details supplied) in County Westmeath is notified by Waterways Ireland when it is piping water from a drain adjacent to this person's farm; if, in view of the importance of water for this person's cattle, there will at all times be adequate water left in the river; and if he will make a statement on the matter. [9651/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Waterways Ireland is a North-South implementation body, established under the British-Irish Agreement Act 1999, co-sponsored by my Department and the Department of Culture, Arts and Leisure in the North.

Waterways Ireland advises me that it will liaise with the person concerned on whatever occasion it intends to pipe water from the drain adjacent to this person's farm and will endeavour to agree an acceptable protocol with him.

#### Údarás na Gaeltachta.

210. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na tograí i gceantar Bhaile Ghib a mhaoinigh Údarás na Gaeltachta gach bliain le deich mbliana anuas agus cad é an méid a bhí i gceist. [9616/05]

211. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na tograí i gceantar Ráth Cairn a mhaoinigh Údarás na Gaeltachta gach bliain le deich mbliana anuas agus cad é an méid a bhí i gceist. [9617/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tógfaidh mé Ceisteanna Uimh. 210 agus 211 le chéile.

Dírím aird an Teachta ar thuarascálacha bliantúla agus cuntais Údarás na Gaeltachta 1995 go dtí 2003, a leagadh os comhair Thithe an Oireachtais agus a bhfuil cóipeanna díobh ar fáil i Leabharlann an Oireachtais. Tá an t-eolas atá á lorg ag an Teachta maidir le maoiniú tograí i mBaile Ghib agus Ráth Cairn ar fáil sna tuarascálacha sin.

Maidir le 2004, nach bhfuil tuarascáil bhliantúil 2004 foilsithe ina leith go fóill, tá na sonraí cuí don bhliain sin leagtha amach sa tábla leis seo.

Tograí i gContae na Mí a fuair maoiniú ó Údarás na Gaeltachta i 2004

Ceantar	Togra	€
Baile Ghib	Comhlacht Forbartha Bhaile Ghib	2,500
Ráth Cairn	Turmeac Teoranta	450,559
Ráth Cairn	Bia Faughan Teoranta	150,000
Ráth Cairn	Comharchumann Ráth Cairn Teoranta	21,574
Ráth Cairn	Gaelora Teoranta	23,401

212. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na bóithre i gceantar Ghaeltacht Ráth Cairn ar chaith a Roinn airgead orthu nó ar thug an Roinn airgead d'Údarás na Gaeltachta le caitheamh ar iad a dheisiú nó a atógaint le deich mbliana anuas agus cad é an méid a bhí i gceist. [9618/05]

213. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na bóithre i gceantar Ghaeltacht Bhaile Ghib ar chaith a Roinn airgead orthu nó ar thug an Roinn airgead d'Údarás na Gaeltachta le caitheamh ar iad a dheisiú nó a atógaint, le deich bliana anuas agus cad é an méid a bhí i gceist. [9619/05]

214. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta

cad iad na bóithre i gceantar Ghaeltacht Ráth Cairn a bhfuil sé i gceist ag an Roinn airgead a chaitheamh orthu nó airgead a thabhairt ón Roinn d'Údarás na Gaeltachta le caitheamh orthu, lena ndeisiú nó lena n-atógaint, i mbliana agus cad é an méid atá i gceist. [9620/05]

215. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na bóithre i gceantar Ghaeltacht Bhaile Ghib a bhfuil sé i gceist ag an Roinn airgead a chaitheamh orthu nó airgead a thabhairt ón Roinn d'Údarás na Gaeltachta le caitheamh orthu, lena ndeisiú nó lena n-atógaint, i mbliana agus cad é an méid atá i gceist. [9621/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tógfaidh mé Ceisteanna Uimh. 212, 213, 214 agus 215 le chéile.

Tá an clár oibre le haghaidh bóithre sa Ghaeltacht don bhliain 2005-06 á ullmhú ag mo Roinn faoi láthair. Tá socrú i bhfeidhm le fada idir mo Roinn agus na húdaráis áitiúla a bhfuil ceantair Ghaeltachta faoina gcúram go ndéanfaidh siad na hoibreacha seo sna ceantair

éagsúla Gaeltachta. Ní chuireann mo Roinn airgead ar fáil d'Údarás na Gaeltachta chun bóithre a fhorbairt sa ghnáth-bhealach.

Tá an t-eolas atá iarrtha ag an Teachta maidir le deontais a ceadáíodh le deich mbliana anuas sa tábla leis seo.

Bóithre a ceadáíodh i mBaile Ghib agus Ráth Cairn, Contae na Mí, 1995 go dtí 2004. Bóithre strátéiseacha

Bliain	Bealach	Tús	Críoch	Oibreacha	Deontas €
2004	Ráth Cairn	S.N. Ráth Cairn	S.N. Ráth Cairn	An crosaire ag S.N. Ráth Chairn a fheabhsú de réir an dearadh nua a dheineadh i 2003. 4 cinn de bhoilginí bóthair a thógáil, mar is gá, ar na bóithre chun na scoile	150,000
2003	Ráth Cairn	Deireadh an chosáin reatha	An Mheánscoil	Ceannach Talún. Cosán le tógáil. Duchtáil i gcomhair soilse poiblí le chur ar fail. Dhá duchtá spáráil le chur síos agus aireacht teorainn.	70,000
	Ráth Cairn	Deireadh an chosáin reatha	Acomhal ag an scoil náisiúnta	Ceannach Talún. Cosán le tógáil. Duchtáil i gcomhair soilse poiblí le chur ar fail. Dhá duchtá spáráil le chur síos agus aireacht teorainn.	80,000
	Ráth Cairn	Acomhal R154	Acomhal ag an scoil náisiúnta	Réitigh plean gníomhaíochta Ráth Cairn	50,000
	Iomlán				200,000

#### Bóithre Áise

Bliain	Ceantar	Oibreacha	Deontas
2003	Baile Ghib	Bóthar Teilteann go dtí tí an Uasail Pilib Mac an Bhaire — 750m.	€14,000
	Baile Ghib	Ón mbóthar mór go teach an Uasail Torlach Mac Garaidh, Baile Ghib — 500m	€10,000
	Baile Ghib	Ón mbóthar mór go teach an Uasail Micheál Ó Gabhagáin, Baile Orthaí — 360m.	€14,000
2001	Ráth Cairn	Obair dheisiúcháin ar 'Joyce's lane' fad 200m	£4,000
	Ráth Cairn	Cosán coisí a thógáil soir chomh fada leis an meánscoil nua fad 270m.	£10,125
	Baile Ghib	Cosán coisí ó shéipéal Bhaile Óraí soir chomh fada le crosbhóthar Crasulthan — fad 900m.	£33,750
1999	Ráth Cairn	Cosán coisí a thógáil ón Ionad pobail go dtí an Scoil Náisiúnta	£30,000
1998	Ráth Cairn	Ón Séipéal go dtí Páirc Ráth Cairn	£10,000
1997	Ráth Cairn	Cosán agus dromchla nua ar an mbóthar i mBaile Ráth Cairn	£10,000
1995	Ráth Cairn	An bóthar ó Chomharchumann Ráth Cairn go dtí an Scoil Náisiúnta	£10,000

#### National Drugs Strategy.

216. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on the progress to date in implementing each of the measures in the national drugs strategy. [9658/05]

**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. The strategy contains 100 individual actions to be implemented by a range of Depart-

ments and agencies and since it was launched in May 2001, considerable progress has been made in implementing the various actions.

In this regard, the Deputy should note that a progress report covering the first three years of the strategy up to mid-2004 will shortly be laid before the Houses of the Oireachtas. The report has been compiled by my Department with input from the key stakeholders involved in the strategy.

217. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs if data exist on the prevalence of drug use in each of the local drugs task force areas; if there are proposals to

[Ms Shortall.]  
collect such data; the basis on which the effectiveness of drugs task forces is measured; and if he will make a statement on the matter. [9659/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The drug prevalence survey conducted by the National Advisory Committee on Drugs, which published in October 2003, estimated the prevalence of drug use on a national basis. Although estimates were also produced in April 2004 for health board regions, estimates for the local drugs task force, LDTF, areas were not possible due to the small size of the samples in those areas. The Deputy should note that this issue has also been raised in the context of the mid-term review of the national drugs strategy which will be finalised over the coming weeks.

With regard to the effectiveness of the LDTFs, this issue is being examined in the expenditure review of the task forces, which is currently ongoing. The review is examining the outputs and as far as possible, the outcomes of the LDTF process and projects. It will also be looking at the issue of performance indicators and baselines in order to measure the work of the task forces.

#### Grant Payments.

218. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food the position regarding an application submitted under the single payments entitlement scheme. [9604/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application on 29 October 2004 for consideration of his circumstances under the second tranche of the *force majeure*-exceptional circumstances measure of the single payment scheme. He was notified on 21 March 2005 that the circumstances outlined by him do not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. He was advised to submit an application under the national reserve measure of the single payment scheme, as he had purchased land. The person named has been advised that he can appeal the decision to the independent single payment appeals committee which will carry out a full review of the circumstances outlined.

Following the decision on the application submitted by the person named under *force majeure*-exceptional circumstances, arrangements are being made to have a provisional entitlement statement issued.

219. **Mr. Sargent** asked the Minister for Agriculture and Food her plans to eliminate inequities in the forestry grant system such as the discrepancy in the rate of premium and the fact that forestry organisations are not interested in holdings under three hectares; her views on whether more smallholders would opt to plant trees if these

inequities were eliminated; and if she will make a statement on the matter. [9638/05]

**Minister for Agriculture and Food (Mary Coughlan):** There are two basic rates of forestry premium, one for farmers and another for non-farmers. Both are laid down by EU regulation. The higher farmer rate is designed to cover loss of agricultural income from the land being planted.

On the general question of planting small areas of land, I am aware that the planting of larger areas offers greater economies of scale. However, the grant system, which my Department operates, seeks to ensure that no matter what size of plantation is envisaged, the costs of planting are fully covered.

220. **Mr. Deenihan** asked the Minister for Agriculture and Food when notification will be sent to a person (details supplied) in County Kerry regarding their single payment entitlement; and if she will make a statement on the matter. [9639/05]

**Minister for Agriculture and Food (Mary Coughlan):** A certificate of provisional entitlements under the single payment scheme issued to the person named on 1 October 2004. The statement included a detailed breakdown of how the provisional entitlements were calculated.

Farmers who are not satisfied with their provisional entitlement statement may seek a review on a form which is available from all local offices of my Department and from my Department’s website. To date, a review form has not been received from the person named. If the person named did not receive the statement, a copy can be provided. Officials of my Department will contact the person named in this regard.

221. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding the single payment entitlements for a person (details supplied) in County Galway; and if she will make a statement on the matter. [9641/05]

**Minister for Agriculture and Food (Mary Coughlan):** A certificate of provisional entitlements under the single payment scheme issued to the person named on 1 February 2005. The statement included a detailed breakdown of how the provisional entitlements were calculated. However, having arranged for an official of my Department to contact the person named directly, it is understood that the statement was not received. A duplicate is being issued immediately.

Farmers who are not satisfied with their provisional entitlement statement may seek a review on a form which is available from all local offices of my Department and from my Department’s website.

222. **Mr. Connaughton** asked the Minister for Agriculture and Food when the 2003 extens-

ification grant will issue to a person (details supplied) in County Galway; and if she will make a statement on the matter. [9642/05]

**Minister for Agriculture and Food (Mary Coughlan):** A payable order for €3,760 issued to the person named on 21 March 2005 representing his full entitlement to 2003 extensification premium on a total of 47 animals that had already qualified for payment of 2003 special beef premium on his holding.

223. **Mr. Connaughton** asked the Minister for Agriculture and Food the single payment entitlements available to a person (details supplied) in County Galway; if her attention has been drawn to circumstances regarding the farm of this person; if it is possible for this person's son to receive entitlements under the national reserve; and if she will make a statement on the matter. [9643/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has 34.06 entitlements at a total net value of €3,559.27 established for her based on the number of her animals which qualified for premia payments in 2000 and the number of hectares she declared in the same year all of which are averaged over three years in accordance with the EU rules governing the single payment scheme. The suckler cow quota of 30 premium rights, which she held, was leased out in 2001, 2002 and 2003 and the quota was sold in 2004.

The son of the person named has not to date submitted an application form for consideration of his circumstances in respect of the new entrant-inheritance measure of the single payment scheme. My Department has been in contact with him and advised him to complete the necessary forms which have issued to him. On receipt of the completed application form the matter will receive immediate attention.

There is no record in my Department of an application form under the 2005 single payment national reserve having been received from the son of the person named.

224. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding an application under the national reserve in the name of a person (details supplied) in County Galway; and if she will make a statement on the matter. [9644/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application to the 2005 single payment national reserve under categories A and B. Category A caters for farmers who received a holding free of charge or for a nominal amount from a farmer who has retired or died before 16 May 2005 and whose holding was leased out to a third party during the reference period 2000 to 2002. Category B caters for farmers who made an investment in

production capacity which in his case was the leasing in of land.

During the course of processing his application, it was discovered that he did not submit sufficient documentation to support his claim under either category. In this regard, my Department has written to him asking him to submit the relevant documentation. As soon as this documentation is received his application will be considered further.

If the person named commenced farming during 2002 and received direct payment during that year he may apply to be treated as a new entrant during the reference period and I have arranged for an application form to be sent to him for completion. If successful, his entitlements would be based on one year only rather than being averaged over three years, which is the case at present.

#### Grant Payments.

225. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding an application under the national reserve by a person (details supplied) in County Galway; and if she will make a statement on the matter. [9645/05]

**Minister for Agriculture and Food (Mary Coughlan):** There is no record in the Department of Agriculture and Food of an application form under the 2005 single payment national reserve having been received from the person in question.

226. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding an application under the national reserve by a person (details supplied) in County Galway; and if she will make a statement on the matter. [9646/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application to the 2005 single payment national reserve but the circumstances cited by him do not apply to any category under the reserve. Therefore, he is ineligible for an allocation of entitlements from the reserve. The person in question may be eligible to apply under the *force majeure* measures of the single payment scheme. I have arranged for an application form to be sent to him for completion. He should return the completed form with full medical evidence to support his claim to: The Single Payment — *force majeure*- Section, Department of Agriculture and Food, Old Abbeyleix Road, Portlaoise. The application will receive immediate attention as soon as it has been received.

227. **Mr. Neville** asked the Minister for Agriculture and Food if a decision with regard to the payment of a beef premium to a person (details supplied) in County Limerick will be reviewed. [9647/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person in question lodged three applications under the 2004 EU special beef scheme; on 27 January 2004 in respect of two animals, on 2 November 2004 in respect of 38 animals and on 2 December 2004 in respect of three animals. Under the scheme's terms and conditions, all animals are required to be CMMS compliant on the date of application. Following computer validation, however, 34 of the animals included in the application of 2 November 2004 and two of the animals included on the application of 2 December 2004 were identified as non-CMMS compliant on the date of application — they were not recorded as being in the herd of the person named on the date of application.

In a letter of 29 November 2004, the person was advised that 34 of the animals listed on the application of 2 November 2004 were non-compliant with CMMS, while in a letter of 24 January 2005, the person was advised that two of the animals listed on the application of 2 December 2004 were non-compliant with CMMS. The movements of all 36 animals into the herd of the person named were recorded on the CMMS database on 15 February 2005.

The processing of 2004 special beef premium applications is ongoing. Decisions on the eligibility of animals for the payment of premium, where errors have been highlighted following computer validation, have yet to be made in many cases. If it is considered that payment is not justified, applicants are advised of their right of appeal, initially to a higher officer in the Department. If that appeal is not upheld, they can appeal to the agriculture appeals office thereafter. The person named is being contacted directly about the animals in question.

#### **Milk Quota.**

228. **Mr. N. O'Keefe** asked the Minister for Agriculture and Food if she will grant permission to a person (details supplied) to release their milk quota to a substitute transferee who meets all the conditions of the scheme; and if her attention has been drawn to the fact that the person who leased the milk quota for the past five years is no longer interested in releasing the quota. [9721/05]

**Minister for Agriculture and Food (Mary Coughlan):** As a derogation from the general rule that new leases of land and quota cannot be established, the milk quota regulations provide that if a lessor is a participant in the early retirement scheme, a new lease of land and milk quota may be put in place if certain conditions are satisfied. The regulations state, however, that the milk quota shall not transfer to a new lessee unless the Minister is satisfied that the original lessee has reasonable cause not to renew the lease. In this regard, any failure to agree price is not considered to be reasonable cause. In processing each application for approval to establish new leases of land and quota, the Department of Agriculture and Food seeks observations from the

former lessee. It is apparent from the documentation in this case that the former lessee has indicated he is willing to renew the lease of land and quota and so it is not appropriate to grant approval for the person named to enter into a lease agreement of land and quota to a new lessee.

#### **Refugee Legal Services.**

229. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the cost of each judicial review of the decisions of the Refugee Appeals Tribunal for 2002, 2003 and 2004. [9569/05]

230. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the average cost of each appeal from the Office of the Refugee Applications Commissioner to the Refugee Appeals Tribunal. [9570/05]

231. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the number of settlements in relation to each respective member of the Refugee Appeals Tribunal. [9571/05]

232. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the number of unsuccessful cases per individual Refugee Appeals Tribunal member judicially reviewed by the High Court. [9572/05]

233. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the number of successful cases per individual Refugee Appeals Tribunal member judicially reviewed by the High Court. [9573/05]

234. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the number of successful judicial reviews of the Refugee Appeals Tribunal by the High Court in 2002, 2003 and 2004. [9574/05]

235. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the number of appeals which have either been allowed or rejected by each member of the Refugee Appeals Tribunal in 2002, 2003 and 2004. [9575/05]

236. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the number of successful appeals from the Office of the Refugee Applications Commissioner to the Refugee Appeals Tribunal in 2002, 2003 and 2004. [9576/05]

237. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the number of appeals from the Office of the Refugee Applications Commission to the Refugee Appeals Tribunal in 2002, 2003 and 2004. [9577/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 229 to 237, inclusive, together.

The information requested by the Deputy, in so far as it is readily available to me, is provided in this reply. The number of appeals against the

recommendations of the Office of the Refugee Applications Commissioner received by the Refugee Appeals Tribunal in 2002, 2003 and 2004

and the number of appeals which were granted for those years are set out in the tables.

Table 1: Appeals Received 2002, 2003 and 2004

Appeal Type	2002	2003	2004
Substantive Appeals	5,157	4,733	2,970
Manifestly Unfounded	104	141	10
Accelerated Appeals	0	281	1,845
Dublin Convention Appeals	101	149	23
EU Dublin II Regulation Appeals	0	2	163
Total	5,362	5,306	5,011

Table 2: Appeals Granted 2002, 2003 and 2004

Appeal Type	2002	2003	2004
Substantive Appeals	1,099	829	642
Manifestly Unfounded	49	23	9
Accelerated Appeals	0	4	60
Dublin Convention Appeals	8	2	25
EU Dublin II Regulation Appeals	0	0	1
Total	1,156	858	737

*Note:* Manifestly Unfounded, Dublin Convention and Dublin II Regulation recommendations of the Office of the Refugee Applications Commissioner (ORAC), set aside by the Tribunal, are remitted to ORAC for further consideration.

I am informed that the information concerning the average cost of an appeal is not readily available to the Refugee Appeals Tribunal. However, based on 6,520 appeal cases completed in 2004 and expenditure including staff salaries in 2004 of €8.4 million — salaries of €4 million and other expenditure of €4.4 million — the average cost

per appeal is in the region of €1,300. The figures in question relate specifically to the tribunal.

The following table provides the information requested by the Deputy, in so far as it is available, on the outcomes of judicial review cases taken against the tribunal which were finalised in 2002, 2003 and 2004.

Table 3: Outcome of Judicial Review Cases

	2002	2003	2004	Total
Cases settled and other cases where applicant was successful	56	75	124	255
Cases where applicant was unsuccessful	47	26	28	101

I am informed by the tribunal that it commenced paying judicial review costs from 2003. In 2003, legal costs, amounting to €33,682.23, were paid in respect of four judicial review cases. In 2004, €787,692.12 was paid in respect of 35 judicial review cases. The Deputy asked for additional information about individual members of the Refugee Appeals Tribunal. I have been advised by the chairperson of the tribunal that as his organisation is a statutory body, independent in the performance of its functions under the provisions of sections 15 and 16 of the Refugee Act 1996, it would be inappropriate for him to provide the requested information.

#### Courts Cases.

238. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of

cases on any aspect of immigration that are before the courts at present; 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. [9578/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As I stated in reply to Question No. 351 from Deputy Joe Costello on 8 March 2005, it has not been possible in the time available to compile the information requested by the Deputy. The information sought is currently being compiled and I will forward it to the Deputy as soon as it is available.

#### Road Traffic Offences.

239. **Mr. J. O’Keeffe** asked the Minister for

[Mr. J. O’Keeffe.]

Justice, Equality and Law Reform if identical speed detection equipment can be used in speed detection in day time and night time hours. [9579/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the speed detection equipment available to gardaí can be used during day time and night time hours.

#### Garda Investigations.

240. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform when the answer to Question No. 798 of 26 January 2005 will be available. [9580/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I regret the information the Deputy requested in Question No. 798 for written answer on 26 January 2005 was not available at that time. The information requested is outlined in a table which is being made available to the Deputy. The table shows the number of cases reported to the Garda Síochána for 2002, 2003 and 2004 by division and indicates where a firearm or firearms were stolen and their type.

#### International Agreements.

241. **Mr. Aylward** asked the Minister for Justice, Equality and Law Reform if, in view of the continued growth of the high-technology industry here and the contribution of this industry to the economy, there are any negotiations in progress or contemplated whereby law graduates here will be allowed to practice in Massachusetts in a manner similar to the arrangement in place with other US states; and if he will make a statement on the matter. [9583/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** There are reciprocal recognition arrangements in respect of admission of lawyers in place between Ireland and the states of Pennsylvania, New York and California. This is facilitated by section 44(6) of the Solicitors Act 1954 as inserted by section 52 of the Solicitors (Amendment) Act 1994. The Act permits a person who is qualified in a profession corresponding to that of solicitor in non-EU jurisdictions to be admitted as a lawyer to practise in Ireland subject to certain conditions, including that the arrangement is reciprocal. There are no negotiations either in progress or planned with Massachusetts as that state does not admit lawyers from foreign jurisdictions even on the basis of reciprocity.

#### Residency Permits.

242. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in County Kildare has not

received a five-year residence visa; and if he will make a statement on the matter. [9584/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed that the non-EEA national in question failed to report to the Garda immigration authorities in June 2004 to renew his permission to remain in the State as required under the provisions of the Immigration Act. He subsequently came to the attention of the Garda National Immigration Bureau in January 2005 while attempting to unlawfully enter the State from the UK without a required Irish visa. I understand that an extension of his registration has been refused until such time as the person can satisfy the immigration authorities with regard to all the circumstances peculiar to his case including whether he is complying with the conditions of the residency granted to him.

#### Commencement of Legislation.

243. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the details of the sections of the Children Act 2001 which have not yet been commenced; the sections which have been commenced on a phased basis; and the time-scale proposed. [9585/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy will appreciate that the Children Act 2001 is a very complex and comprehensive. As such, provisions under the Act are being implemented on a phased basis as envisaged at the time of its enactment. Responsibility for implementing the Children Act 2001 lies with the Departments of Justice, Equality and Law Reform, Education and Science and Health and Children. The Department of Education and Science is especially involved in addressing juvenile offending while the Department of Health and Children will mainly provisions in respect of children who are non-offending but out of control. The National Children’s Office is co-ordinating the interdepartmental aspects of the implementation of the Act.

Three main areas of the Act for which I have responsibility remain to be brought into operation. These involve the age of criminal responsibility, community-based options and the provision of children detention centres for 16 and 17 year old offenders. The first commencement order under the Act in respect of my Department was signed by my predecessor on 23 April 2002. The order, which came into force on 1 May 2002, brought into operation a wide range of provisions including Part IV on diversion programmes including the Garda restorative justice provisions; most of Part VI on the treatment of child suspects in Garda stations; Part VII on the children’s court and Part XII on child protection measures. Among the other provisions brought into operation on 1 May 2002 were section 113, dealing

with the payment of compensation by parents in respect of offences committed by their children and section 114 which provides for a court order to require parents to exercise proper and adequate control over their children. We have also commenced the provisions on restriction on movement orders.

I signed the second commencement order under the Act on 29 July 2004 which brought into operation the remaining restorative justice provisions. Restorative justice is a philosophical framework which considers the ways in which crime harms relationships in the context of the community. It is a way of dealing with victims and offenders by focusing on the settlement of con-

flicts arising from crime and resolving the underlying problems which cause it. The family conferences placed on a statutory footing on 29 July 2004 will be convened by the Probation and Welfare Service. The convening of a conference shall be directed by a court where it considers that the preparation of an action plan would be desirable in an individual case. A pilot programme for the mentor — family support — order is due to commence shortly. Pilot programmes for parental supervision orders are also being developed and are expected to be introduced later this year.

The following tabular statement outlines the sections of the Children Act 2001 which have not yet been fully commenced by my Department.

Children Act, 2001

Part	Section	Description
6	59	Notification to Health Board
	61(1)(b)	Interviewing children
8	77	Referral of case to Health Board
	88	Remand in Custody
9	96	Principles relating to exercise of criminal jurisdiction over children
	97	Construction of certain reference
	98	Orders on finding of guilt
	99-107	Probation Officer and other reports
	111-112	Parental supervision
	115-132	Community sanctions
	137-139	Other aspects of community orders
	140 -147, 150-153	Detention provisions
	154	Amendment of the Criminal Justice (Community Service) Act, 1983
	155	Punishment of certain indictable offences
13	156	Restriction on punishment of children
	259	Duties of probation officers
	262	Delegation by principal probation & welfare officer
	263	Temporary accommodation of children
	265	Right of appeal

#### Parental Leave.

244. **Mr. Ardagh** asked the Minister for Justice, Equality and Law Reform if, in relation to parental leave, he will examine the question of having no age limit for children with special needs when eligibility of parents for leave is being considered. [9586/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The circumstances of parents of children with disabilities was considered in the context of the review of the Parental Leave Act 1998 conducted by a working group chaired by my Department. In its 2002 report, the working group, which comprised the social partners, relevant Departments and the Equality Authority, recommended raising the age of eligibility in respect of a child with a disability to 16 years.

Section 2 (2)(c) of the Parental Leave (Amendment) Bill 2004, which is awaiting Second Stage in the Dáil, will implement a commitment made in Sustaining Progress in accordance with

the recommendation of the working group to increase the age limit to 16 years in the case of a child with a disability.

#### Registration of Title.

245. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform if his Department will complete a dealing (details supplied). [9612/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is a charge application which was lodged on 30 July 2004. Dealing Number D2004WS008976E refers. I am further informed that this application was completed on 16 November 2004 and land certificate and copy folio and file plan issued to lodging solicitors on 17 November 2004.

#### Illegal Immigrants.

246. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of persons



[Mr. Cuffe.]  
 refused leave to enter at the country's ports of entry in 2004; the number of these who were refused entry at Dublin Airport; the main countries of origin of these persons; and the grounds on which they were refused leave to enter. [9654/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** During 2004 a total of 4,477 persons were refused leave to land at Irish ports of entry. In 2004, 2,931 persons were refused leave to land at Dublin Airport. The main countries of origin of these people were Nigeria, Brazil, Romania, Poland, South Africa, China, Lithuania, Pakistan, Latvia and India. Since 1 May 2004, Polish, Lithuanian and Latvian nationals have enjoyed EU rights of freedom. The main grounds on which persons were refused leave to land in 2004 were that the non-national was not in possession of a valid passport or other equivalent document; the non-national was not the holder of a valid Irish entry visa; there was reason to believe that the non-national intended to enter

the State for purposes other than those stated; or that the non-national was not in a position to support himself or herself and any accompanying dependants.

#### Citizenship Applications.

247. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of successful citizenship applications made by refugees or persons with leave to remain status that were processed to completion between 2000 and 2004; the number which were unsuccessful during this period; and the main reasons given by his Department for this. [9655/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The following table outlines, in so far as figures are available, the number of certificates of naturalisation issued and applications refused, including those for persons with refugee status, for the period 2000 to 2004. Save in very exceptional circumstances all applicants for naturalisation must have leave to remain — since one of the conditions for naturalisation is lawful residence in the State.

Year	Total number of certificates issued*	No. of certificates issued to refugees*	Total number of applications refused*	No. of applications from refugees refused*
2004	1,335	547	759	302
2003	1,664	742	179	31
2002	1,332	526	109	**
2001	1,012	385	8	**
2000	125	47	15	**

\* Certificates issued or applications refused do not necessarily refer to applications received in the same year.

\*\* Prior to 2003, records were not maintained in such a way to distinguish refugees who had been refused naturalisation from other applicants.

Records are not maintained in such a way that would permit the reasons for decisions to either grant or refuse applications to be quantified objectively. However, I can say that the main reasons for refusal of naturalisation applications by persons with refugee status are failure to meet abridged residency and good character requirements.

In so far as post-nuptial citizenship is concerned, records are not maintained in such a way which would distinguish persons with refugee status from other applicants.

#### Asylum Applications.

248. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the status of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [9656/05]

249. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the status of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [9657/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 248 and 249 together.

The two persons referred to by the Deputy are Nigerian women who were deported from the State on a charter flight to Lagos on the night of the 14 to 15 March 2005. One of the women was accompanied in the State by four of her children, while the other was accompanied by two children. The asylum applications of both women and their children were refused following negative determinations by the Office of the Refugee Applications Commissioner and the Office of the Refugee Appeals Tribunal. Their cases were further considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, including representations on their behalf for leave to remain in the State, before deportation orders were signed.

Despite the best efforts of the Garda national immigration bureau on the day of the removals to maintain the unity of both families, the women refused to co-operate with the Garda in locating the whereabouts of all their children. In the end both women were deported accompanied by only one child each. It is understood that the remaining four children, who were hidden from the Garda, were passed into the care of other local Nigerian nationals by their mothers. I am told by the Garda national immigration bureau that the local area Health Service Executive has been

informed of the position in regard to these children.

### Departmental Contracts.

250. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the name of the airline charter company contracted by his Department to carry out deportations. [9666/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Charter flights have been used on 13 different occasions since January 2002 to carry out the deportation of persons without permission to remain in the State. Following an EU-wide tender competition, advertised in the *Official Journal of the European Union*, a UK based company, Air Partner PLC, was appointed in February 2005 as the approved service provider for future flights of this type for the next two years. The result of the tender competition was published in the supplement to the official journal on 3 March 2005. It should be noted that the specific air carrier contracted by the service provider can vary from charter to charter.

### Visa Applications.

251. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if and when a visa extension will be offered in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9726/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The immigration division of my Department has recently been in correspondence with the person in question regarding his immigration status. A decision will be made on the case on receipt of the documentation requested.

### Citizenship Applications.

252. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the position in regard to an application for Irish citizenship by a person (details supplied) in County Carlow; if this will be granted as a matter of urgency; and if he will make a statement on the matter. [9753/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As I explained to the Deputy in my response to his earlier question on 23 February last, a declaration of acceptance of Irish citizenship as post-nuptial citizenship was received in the citizenship section of my Department from the person referred to in the Deputy's question on the 16 December 2004. I stated then that it was likely that the processing of the declaration of the person referred to would be finalised in October 2005.

Such declarations are normally processed in chronological order unless there are exceptional circumstances for expediting a particular case. I will give consideration to the information included with the question and I will contact both the Deputy and the applicant in the near future.

### School Staffing.

253. **Mr. McCormack** asked the Minister for

Education and Science if her Department will appoint an extra full-time classroom teacher to a school (details supplied) in County Galway. [9587/05]

**Minister for Education and Science (Ms Hanafin):** The mainstream staffing of a primary school is determined by applying the enrolment of the school on 30 September of the previous school year to a staffing schedule, agreed between my Department and the education partners. In accordance with the staffing schedule, the mainstream staffing of the school referred to by the Deputy for the school year 2004 to 2005 is a principal and 20 mainstream class teachers based on an enrolment of 558 pupils at 30 September 2003.

My Department will finalise the staffing schedule for the 2005 to 2006 school year shortly and thereafter notify school boards of management. According to data submitted to my Department by the board of management, the enrolment on 30 September 2004 in the school was 535 pupils. The staffing for the 2005 to 2006 school year will be determined on the basis of this figure and in accordance with the agreed staffing schedule.

As outlined in primary circular 19/02, an independent appeals board was established to adjudicate on appeals from boards of management on mainstream staffing allocations in primary schools. The appeals board operates independently of the Minister and my Department and its decision is final.

Appeals must be submitted to primary payments section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made, after the schedule for the 2005 to 2006 school year has issued.

### Special Educational Needs.

254. **Mr. Aylward** asked the Minister for Education and Science if an immediate review will be made of the application for resource teaching and a special needs assistant for a person (details supplied) in County Kilkenny. [9588/05]

**Minister for Education and Science (Ms Hanafin):** The Deputy may be aware that the National Council for Special Education, NCSE, which has been operational since 1 January 2005, is responsible for processing applications for special educational needs, SEN, supports. Some 71 special educational needs organisers, SENOs, have been recruited throughout the country and will be a focal point of contact for schools and parents.

My Department officials have been informed by the NCSE that the matter has been referred to the local SENO. The SENO has been in contact with the parent of the pupil concerned and has arranged a meeting to discuss the matter in more detail.

### School Discipline.

255. **Ms Enright** asked the Minister for Education and Science the guidelines which are

[Ms Enright.] issued to schools in regard to discipline; and if she will make a statement on the matter. [9589/05]

**Minister for Education and Science (Ms Hanafin):** My Department has provided guidelines to boards of management to assist them in discharging their obligations in the area of school discipline. These guidelines, which issued in 1991, were drawn up following consultation with representatives of management, teachers and parents, and are sufficiently flexible to allow each school authority to adapt them to suit the particular needs of the school.

Each board of management is responsible for formulating, in consultation with parents, a fair and efficient code of behaviour. This code should ensure that the individuality of each child is accommodated while acknowledging the right of each child to education in a relatively disruption-free environment. The code should also include provision for dealing with serious breaches of discipline and continuously disruptive pupils.

The guidelines state that codes of behaviour should be considered in the context of the school being a community in which mutual respect, co-operation and natural justice are integral features. A code should have regard for the rights and responsibilities of all parties concerned, including management, teachers, pupils and parents. Circumstances vary from school to school and those intimately involved are best placed to draw up an appropriate code for that school.

The guidelines recognise that poor behaviour can stem from a range of causes, some of them external to the school, some arising from the home environment, and some from emotional or physical problems. It is important to identify problems as early as possible. Good parent-teacher and home-school links are vital in this context. The guidelines stipulate that parents should be encouraged to visit the school to familiarise themselves with the environment, to discuss their children's progress and, when necessary, aspects of their behaviour in a spirit of mutual co-operation.

In addressing the issue of sanctions for unacceptable behaviour, each school should devise a graded system of sanctions, containing a degree of flexibility to take account of individual circumstances. Schools must ensure that the rules of natural justice apply. Pupils and, when necessary, parents, should be advised of the nature of any complaint and be given an opportunity to respond. Parents should also be informed of their right of appeal to the next level of authority.

There are several strategies which may be used to show disapproval of misbehaviour, such as reprimand, temporary separation from peers, loss of privileges, detention, additional homework, referral to principal or communication with parents. Only after every other effort has failed should suspension or expulsion be considered.

I refer the Deputy to section 23 of the Education (Welfare) Act 2000 which requires all schools to have in place a code of behaviour. The

code must specify the standards of behaviour that shall be observed by each student attending the school; the measures that may be taken when a student fails or refuses to observe those standards; the procedures to be followed before a student may be suspended or expelled from the school concerned; the grounds for removing a suspension imposed on a student; and the procedures to be followed relating to notification of a child's absence from school.

The school principal is required, before registering a child in the school, to provide the child's parents with a copy of the code of behaviour and may, as a condition of registering the child, require his or her parents to confirm in writing that the code is acceptable to them and that they will make all reasonable efforts to ensure the child will comply with the code.

The Deputy is aware that I recently established a task force to consider and report on the issue of student behaviour in second level schools. The task force is chaired by Dr. Maeve Martin of the National University of Ireland, Maynooth. The work of this task force will provide a solid foundation for developing policies and best practice in our schools into the future. It will link closely to a wide range of interests across our education system on this important issue.

#### **Bullying in Schools.**

256. **Ms Enright** asked the Minister for Education and Science the guidelines which are issued to schools in regard to bullying; and if she will make a statement on the matter. [9590/05]

**Minister for Education and Science (Ms Hanafin):** My Department issued guidelines on countering bullying behaviour to all primary and post-primary schools in 1993. The purpose of the guidelines is to assist schools in devising school-based measures to prevent and deal with instances of bullying behaviour and to increase awareness of the problem among school management authorities, staff, pupils and parents. The guidelines remind school authorities of their responsibility in formulating a written code of behaviour and discipline, which should include specific measures to counter bullying behaviour.

The guidelines define bullying behaviour and provide advice and guidance for schools on identifying different types of bullying behaviour; identifying the signs, symptoms and characteristics of bullying behaviour; the areas in which bullying behaviour is likely to occur; the elements which should be included in an anti-bullying policy; involvement of the entire school and the wider community; and procedures for dealing with incidents.

The guidelines define bullying as "repeated aggression, verbal, psychological or physical conducted by an individual or group against others". The various types of bullying behaviour are outlined and the signs and symptoms of bullying behaviour are described. The procedures for investigating allegations and dealing with incidents of bullying are also set out in the guidelines.

Managerial authorities of primary and post-primary schools are responsible for the management, organisation and administration of the schools and are, therefore, responsible for ensuring the adequate and reasonable measures approved by them to counter bullying are in operation in their schools. Each school is advised to make the prevention of bullying an integral part of its written code of behaviour and discipline.

In developing its policy to counter bullying behaviour, the managerial authority of each school must formulate the policy in co-operation with the school staff, both teaching and non-teaching, under the leadership of the principal, and in consultation with parents and pupils. In this way, the exercise of agreeing what is meant by bullying and the resultant development of school-based strategies for dealing with it are shared by all concerned. It is essential that all parties concerned have a clear understanding of the policy aims and content if the policy is to form the basis for developing effective school-based strategies for dealing with the problem. The policy must be promoted by the school managerial authorities within the school to all pupils, parents and staff on a repeated basis with particular attention being given to incoming pupils and their parents.

The education of students in both primary and post-primary schools in regard to anti-bullying behaviour is a central part of the social, personal and health education, SPHE, curriculum. The programme supports the personal development, health and well-being of young people and helps them create and maintain supportive relationships.

#### School Supervision.

257. **Ms Enright** asked the Minister for Education and Science the guidelines which are issued to schools in regard to the accompaniment of pupils when they leave the classroom to attend the toilet; if different guidelines are issued in respect of different age pupils; and if she will make a statement on the matter. [9591/05]

**Minister for Education and Science (Ms Hanafin):** Sections 14, 15 and 23 of the Education Act 1998 assigns each board of management and principal teacher responsibility for the day-to-day management of schools at both primary and post-primary level. Principals should organise supervision for the order and general behaviour of pupils during school hours. In particular, they should organise and participate in the effective supervision of the pupils during breaks, lunch breaks, assembly and dismissal.

Rules 121(4) and 124(1) of the rules for national schools and section 23(2) of the Education Act 1998 oblige teachers to take all reasonable precautions to ensure the safety of pupils and to participate in supervising pupils when the pupils are on school premises, during school time and-or on school activities. Accordingly, the responsibility of all teachers individually and collectively to provide a duty of care at all times towards the pupils in the school in which they

teach, including periods of supervision, remains. Special needs assistants, who may be assigned to schools to cater for pupils with significant care needs, may be required to assist such pupils with toileting, if appropriate.

While my Department does not issue specific guidelines on requirements for supervision of different age pupils, it acknowledges that the degree of supervision required of school authorities varies with the circumstances, including the age of the pupil. This duty, in the case of very young pupils, might include an obligation to ensure that such pupils do not leave the classroom without appropriate supervision.

#### Linguistic Institute of Ireland.

258. **Mr. Gormley** asked the Minister for Education and Science the progress on the ITE/The Linguistic Institute of Ireland; and if she will make a statement on the matter. [9592/05]

259. **Mr. Gormley** asked the Minister for Education and Science if all legal issues raised in the ITE have been resolved; and if she will make a statement on the matter. [9593/05]

260. **Mr. Gormley** asked the Minister for Education and Science the reason the Linguistic Institute of Ireland is currently advertising for new staff while it is in liquidation; and if she will make a statement on the matter. [9594/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 258 to 260, inclusive, together.

At an extraordinary general meeting of ITE, held on 18 July 2003, the company agreed to initiate a process of voluntary liquidation. This decision was a matter for the members in accordance with the memorandum and articles of association and relevant company law. I understand that a meeting of the executive committee of ITE on 5 December 2003 agreed a timetable for the appointment of a liquidator, who was subsequently appointed on 9 January 2004, and agreed to issue redundancy notices to staff in advance of this.

My Department has given a commitment to provide every assistance to the company in giving effect to its decision, in partnership with the staff of the Institute, and has been working closely with the liquidator since his appointment in this regard. This includes exploring possible arrangements for the continuation of certain research activities previously carried out by the Institute and, in the interests of assisting with an orderly wind-up, facilitating appropriate re-deployment or other appropriate arrangements for staff in line with general public service policy in these matters and subject to agreement with the Department of Finance. A number of ITE staff have been redeployed and options that may be available for remaining staff continue to be explored by the Department. The period of notice of redundancy for staff at ITE has been periodically extended by the liquidator to take account of the ongoing process of pursuing re-deployment options.

[Ms Hanafin.]

The Department remains in contact with the remaining ITE staff either through the liquidator, their union representatives or directly in order to keep them apprised as developments occur. The entitlements of those employees for whom appropriate redeployment arrangements are not made will be determined in accordance with the terms of their contracts.

There are a number of legal issues as regards the liquidation of ITE and the liquidator is progressing these matters. It would not be appropriate for me to comment further on these issues. ITE conducted an all-Ireland survey on the use of the Irish language and the appointment of a research assistant on a short term basis during 2005 is to assist with the completion of this survey.

### Mobile Telephony.

261. **Mr. Gormley** asked the Minister for Education and Science her views on an anomaly in the Planning and Development Regulations 2001, whereby mobile phone base stations may not be installed on educational facilities without planning permission, but may be installed on public or commercial buildings directly adjacent to such facilities without any planning permission; if her attention has been drawn to the fact that this is inconsistent not only with the latest recommendations of the UK independent expert group on mobile phones, but with the advice of the Minister for Communications, Marine and Natural Resources to Dáil Éireann in 2004. [9595/05]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that the drafting of planning and development regulations is a matter for the Minister for Environment, Heritage and Local Government and the siting of individual mobile phone masts is a matter for the relevant planning authority. The issue referred to in the details supplied by the Deputy is a matter for the Minister for Communications, Marine and Natural Resources. My Department has no role in either area.

Notwithstanding this, I appreciate the concerns surrounding the issues raised. However, I understand from my colleague, the Minister for Communications, Marine and Natural Resources that it is the continuing opinion of all relevant international bodies that radio frequency fields around mobile telephone masts are not considered a health risk. Furthermore, his Department is not aware of any national or international health advisory authority which has recommended that a direct beam should not fall on school property as a result of telecommunication mast sitings. He has also indicated to me that if the Deputy can identify any such work, he will have it studied by experts in his Department. The Minister points out that if any relevant international body to which Ireland belongs were to make such a recommendation, an appropriate response would be considered, given the policy of his Department to abide by internationally

accepted scientific guidelines that specify maximum acceptable levels of radiation.

### Higher Education Grants.

262. **Mr. N. O'Keeffe** asked the Minister for Education and Science if she will investigate an entitlement to payment of the top up maintenance grant under the higher education grant system in respect of a person (details supplied) in County Cork. [9603/05]

**Minister for Education and Science (Ms Hanafin):** The decision on eligibility for third level grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired.

It appears that no such advice or instruction has, to date, been sought in the case of the student referred to by the Deputy. If an individual applicant considers that he or she has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, he or she may appeal to the relevant local authority or VEC. Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his-her case, a letter outlining the position may be sent to my Department. Alternatively, as already indicated, the local authority or VEC may, in exceptional circumstances, seek clarification on issues from my Department. However, it is not open to me, or the Department, to depart from the terms of the maintenance grants schemes in individual cases.

### Teachers' Remuneration.

263. **Ms O'Sullivan** asked the Minister for Education and Science when part-time teachers at a school (details supplied) in County Limerick will receive contracts of employment in accordance with legislation; and if she will make a statement on the matter. [9660/05]

**Minister for Education and Science (Ms Hanafin):** Arising from the Protection of Employees (Part-Time Work) Act 2001, a part-time fully qualified teacher employed for the full school year to provide teaching for a specified number of hours during each week, may be awarded a *pro rata* contract. A *pro rata* contract will normally run from 1 September to 31 August.

A letter has recently issued from my Department to the VEC concerned confirming that it may proceed to award *pro rata* contracts to part-time teachers in the school in question where such teachers meet the criteria set out in Circulars 20/03 and 17/04 concerning the implementation of the Part-Time Workers Act 2001.

### Schools Building Projects.

264. **Mr. O'Dowd** asked the Minister for Education and Science the progress to date regarding a new national school for Mell, Drogheda,

County Louth; and if she will make a statement on the matter. [9661/05]

**Minister for Education and Science (Ms Hanafin):** The property management section of the OPW, which acts on behalf of my Department in relation to site acquisitions is currently in negotiations regarding the acquisition of a site for the provision of a new primary school at Mell, Drogheda, County Louth. The Department will keep the school authority informed of developments.

#### Special Educational Needs.

265. **Mr. Connaughton** asked the Minister for Education and Science the reason a person (details supplied) in County Galway will not be entitled to 2.5 hours resource teaching on a one-to-one basis; if her attention has been drawn to the fact that next year will be this person's last year at national school and that the professional assessment is that they need one-to-one resource teaching urgently for the final year at national school; and if she will make a statement on the matter. [9662/05]

**Minister for Education and Science (Ms Hanafin):** I wish to advise the Deputy that the school in question currently has the services of a shared learning support teacher post and a shared resource teacher post, supporting a total enrolment of 66 pupils. At the moment the special educational needs of the pupil concerned are being met from within these resources.

#### Youth Services.

266. **Mr. Stanton** asked the Minister for Education and Science the sections of the Youth Work Act 2001 that have been implemented to date; her plans for the implementation of the remaining sections of the Act; the funding that has been available to date for the implementation of the national youth work development plan; the timescale for the implementation of the plan; her estimate of the cost each year for the next five years; and if she will make a statement on the matter. [9756/05]

**Minister for Education and Science (Ms Hanafin):** The Youth Work Act 2001 provides a legal framework for the provision of youth work programmes and services to be organised by the Minister for Education and Science, the vocational education committees and national and regional youth work organisations. Section 1 of the Act provides for sections to be commenced at different stages. Sections 2 to 7, inclusive, 17, 18 and 24 have been commenced to date.

A sub-committee of the national youth work advisory committee, representative of both statutory and voluntary sectors as well as my Department is engaged in ongoing work, including the development of detailed guidelines and procedures which are necessary for the further implementation of the Act. It is considered essential to have agreement between all the interested parties on the necessary procedures and to have

these in place so that further implementation of the Act can take place in a satisfactory and structured manner. The Department is currently in discussion with the various parties involved and when these discussions are finalised, it is intended to continue the phased implementation of further sections of the Act, as is necessary and appropriate.

As regards the national youth work development plan, €580,000 has been expended to date on a number of priority action areas. The plan covers a five year period from 2003 to 2007 and the cost for each of the coming years will be dependent on the action areas identified and agreed for implementation each year. Action areas for implementation for 2005 are currently being considered in the light of a submission made to me by the Irish Vocational Education Association, the CEOs association and the National Youth Council of Ireland. The financial provision required on a yearly basis will, therefore, be determined by the actions of the plan identified and agreed for implementation each year having regard to available financial resources.

#### Higher Education Grants.

267. **Mr. N. O'Keefe** asked the Minister for Education and Science if her attention has been drawn to the serious delays in having higher education grant payments issued to students whose parents are dependent on social welfare payments and in cases in which extreme hardship is being experienced by these families; if her attention has further been drawn to the fact that in some cases the academic year has been completed by the student before the grant is awarded; if her attention has further been drawn to the case of persons (details supplied) in County Cork; and if she will investigate the administration of this grant scheme by the authorities to ensure that the families most in need of their grants receive approval and payment as a priority. [9758/05]

**Minister for Education and Science (Ms Hanafin):** My Department funds four maintenance grant schemes for third level and further education students. These are the higher education grants scheme, the vocational education committees' scholarships scheme, the third level maintenance grants scheme for trainees and the maintenance grants scheme for students attending post-leaving certificate courses.

The higher education grants scheme is administered by the local authorities. The other three schemes are administered by the vocational education committees. My Department carried out a survey of the 66 local authorities and VECs, early in 2005, in respect of the status of applications for student grants for the current academic year as at mid-January. The survey indicated that decisions had been taken on at least 82% of applications at that time. Close to 15% of the remaining 18% of applications received were awaiting additional documentation or the application form was incomplete. The remaining 3% were either part

[Ms Hanafin.]

processed by the awarding authority, or processing had yet to commence. These include late applications accepted by the awarding authorities and applications received in respect of courses which commence in the first quarter of the 2005 calendar year.

My Department in recognition of the importance of the timely provision of payment to eligible students is engaged in ongoing consultations with the Irish Vocational Education Association and the County and City Managers' Association with a view to improving the existing arrangements and ensuring the earlier processing of applications and the making of payments to eligible students.

The Department is also in discussions with the existing stakeholders as regards the future administration of the schemes. My intention is that whatever future administration of the schemes is put in place will be one which delivers a quality and timely service to students that ensures consistency of application and client accessibility.

The decision on eligibility for third level grants and the issue of grant awards is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired. It appears that no such advice or instruction has, to date, been sought in the case of the student, referred to by the Deputy.

#### FCA Training.

268. **Mr. Timmins** asked the Minister for Defence the position in relation to a person (details supplied) who wishes to transfer service with the FCA to the CBFSAI; if this FCA service on full-time security duties can be allowed; and if he will make a statement on the matter. [9754/05]

**Minister for Defence (Mr. O'Dea):** Under the Defence Forces pensions schemes, pensionable service consists mainly of full-time service in the Permanent Defence Force, PDF. Service in An Fórsa Cosanta Áitiúil, FCA, is not generally reckonable as pensionable service. Exceptionally, however, service on full-time security duties by members of the FCA may be reckoned and may be aggregated with pensionable service in the PDF in the case only of former members of the FCA who were assimilated into the PDF under special arrangements made in 1982 and 1988-89 or who enlisted in the PDF outside of those special arrangements and were in service on 1 January 1990.

As the person in question is not within any of the categories mentioned, his FCA service is not reckonable under the Defence Forces pensions schemes and consequently is not transferable to any other State organisation for superannuation purposes.

#### Planning Issues.

269. **Mr. Gormley** asked the Minister for the

Environment, Heritage and Local Government his views on an anomaly in the Planning and Development Regulations 2001, whereby mobile phone base stations may not be installed on hospitals without planning permission, but may be installed on public or commercial buildings directly adjacent to hospitals without any planning permission; if his attention has been drawn to the fact that this is inconsistent not only with the latest recommendations of the UK independent expert group on mobile phones, but with the advice of the Minister for Communications, Marine and Natural Resources to Dáil Éireann in 2004; and if he will make a statement on the matter. [9546/05]

274. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government if he plans to review the Planning and Development Regulations 2001, to remove an anomaly whereby mobile phone base stations may not be installed on educational facilities, child care facilities or hospitals without planning permission, but may be installed on public or commercial buildings directly adjacent to such facilities without any planning permission; if his attention has been drawn to the fact that this is inconsistent not only with the latest recommendations of the UK independent expert group on mobile phones, but with the advice of the Minister for Communications, Marine and Natural Resources to Dáil Éireann in 2004; and if he will make a statement on the matter. [9596/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 269 and 274 together.

I refer the Deputy to the reply to Question No. 175 of today's date to my colleague the Minister for Communications, Marine and Natural Resources. I have no current proposals to amend the Planning and Development Regulations 2001 as regards mobile phone antennae, but I will keep the matter under review in the light of any advice received from the Minister for Communications, Marine and Natural Resources.

#### Youth Facilities.

270. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government if he is considering the development of any support scheme for skateboarding on a pilot basis; if his attention has been drawn to the financial difficulties which skateboarding park (details supplied) are experiencing; and if he will make a statement on the matter. [9598/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** On 20 February 2005, I announced my intention to introduce a new initiative to provide, on a pilot basis, facilities for teenagers, such as skateboard parks. My Department is developing this proposal and I intend to announce specific details as soon as possible. I am aware that several local authorities, including those in the Dublin area, are already developing proposals for skateboard parks. I have, however, no information regarding the specific park referred to in the question.

### Ionad Oidhreachta.

271. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Comhshaoil, Oidhreachta agus Rialtais Áitiúil an bhfuil aon phleananna ann chun ionad oidhreachta a chur ar fáil do dhúiche Thailteann i gContae na Mí; ar eisigh Oifig na nOibreacha Poiblí, nó an bhfuil sé i gceist aici, bileoga eolais a éisiúnt go háitiúil faoi stair cheantar Thailteann in aice le Baile Ghib, Contae na Mí. [9613/05]

272. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Comhshaoil, Oidhreachta agus Rialtais Áitiúil an eol dó go mbíonn turasóirí ag teacht ar cuairt chuig ceantar Thailteann in aice le Baile Ghib, Contae na Mí, agus go mbíonn díomá orthu toisc an suíomh tábhachtach staire agus seandálaíochta seo a bheith ar thalamh príobáideach agus é deacair teacht air; an bhfuil dá réir aon phlean ag Oifig na nOibreacha Poiblí an talamh sin a cheannach, nó cosán cuí a thógaint isteach chuige. [9614/05]

273. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Comhshaoil, Oidhreachta agus Rialtais Áitiúil cad iad na deontais Eorpacha nó náisiúnta ar féidir le muintir cheantar Thailteann in aice le Baile Ghib, Contae na Mí cur isteach orthu chun togra ar nós chur chun cinn stair agus bhéaloideas an cheantair a dhéanamh. [9615/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Tá sé i gceist agam Ceisteanna Uimh. 271 go 273 a thógáil le chéile.

Níl aon phlean ag mo Roinn talamh a cheannach no ionad oidhreachta a thógáil i gceantar Thailteann i gContae na Mí nó bileoga eolais a fhoilsiú. Seachas an Fordal Náisiúnta Oidhreachta Ailtireachta agus an Suirbhéireachta Seandálaíochta na hÉireann i gcomhar gContae, atá faoi shiúl i mo Roinnse agus a foilsítear ó am go h-am, níl aon chabhair díreach ar fáil faoi bhráid mo Roinnse chun stair agus béaloideas aitiúil a chur chun cinn. Tá na foilseacháin thuasluaite i gcomhar Chontae na Mí ar fáil ón Oifig Dhíolta Foilseachán Rialtais.

Tá deontaisí le fáil ón gComhairle Oidhreachta d'fhoilseacháin oidhreachta áitiúil agus is féidir tuilleadh eolais faoi na deontaisí sin a fháil ón gComhairle.

*Question No. 274 answered with Question No. 269.*

### Access for People with Disabilities.

275. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government his plans to ensure all public libraries in the State are accessible to persons with disabilities; the way in which he intends to achieve this aim; the progress that has been made in this matter to date; and if he will make a statement on the matter. [9597/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Part M of the National Building Regulations, operative from 1 June 1992, requires that persons constructing new public buildings or extending existing public

buildings are obliged to provide access for people with disabilities. Advice on how to comply with Part M is contained in technical guidance document M published by my Department.

The Disability Bill 2004 is currently before the Oireachtas. In anticipation of its enactment, my Department has prepared a draft local government outline sectoral plan. There will be full consultation on this draft sectoral plan with representatives of people with disabilities over the coming months, prior to its approval by the Oireachtas under the Disabilities Bill when enacted. In so far as libraries are concerned, any requirements will be part of the accessibility plan to be prepared by local authorities and will be included in their implementation plans.

In addition to physical access to library buildings for people with disabilities, my Department is providing funding for the provision of optical scanning facilities in public libraries to assist visually impaired persons and the necessary software and equipment to assist persons with learning and literacy difficulties. A fund of €440,000 is available to meet the cost of providing 100 optical scanners in public libraries. To date, grants have been paid towards purchase, installation and associated training costs for optical scanners in 41 public libraries.

### Local Authority Charges.

276. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the new charges which local authorities have been authorised to implement since June 1997; the existing charges which may have been increased; if the mechanism by which they have been calculated has changed; and if he will make a statement on the matter. [9667/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The following new charges or increases in existing local authority charges since June 1997 have been provided for in legislation: fees were introduced in 1997 for service stations for certificates of compliance with the Air Pollution Act (Petroleum Vapour Emissions) Regulations 1997; mortgage protection rates for house purchase loans have varied since 1997 and the administration charge that local authorities can apply to housing loans was increased from 1 July 2000 and again 1 September 2000; fees in respect of producers of packaging waste who register for self-compliance under the Waste Management (Packaging) Regulations 1997 were introduced in 1997 and increased in 2003; fees in respect of producers of farm plastics who register for self-compliance were introduced in 1997 under the Waste Management (Farm Plastics) Regulations 1997; a new fee under the Building Control Regulations 1997 in respect of commencement notices to building control authorities was introduced from 1 July 1998; fees in respect of fire safety certificates in respect of certain buildings and for dispensations-relaxations from the building regulations for buildings other than dwellings were increased in 1998; fees for planning applications, fees payable to An Bord Pleanála, the fee payable for extending the period



[Mr. Roche.]  
of planning permission and licence fees for specified appliances and structures were increased under the Local Government (Planning and Development) (Fees) (Amendment) Regulations 1998.

The Planning and Development Regulations 2001 further increased certain of these fees: fees for making a submission on a planning application and a fee for a declaration under section 5 of the Planning and Development Act 2000 as to whether development is or is not exempted development were introduced in 2001; the fee for certificates of rateable valuation was increased in 2000 — since November 2002 it has been a matter for each local authority to set the level of fee it charges for these certificates; fees were introduced for certificates of compliance with the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002. There was no significant change in the mechanism by which increases in fees were calculated.

In addition to the fees and charges set by legislation as set out above, local authorities have powers to impose a wide range of charges for goods and services and the exercise of these powers is a matter for individual local authorities. Changes in motor tax rates, the proceeds of which are paid into the local government fund, have not been included in above as this is considered to be a taxation instrument rather than a charge for a specific service.

277. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government when a charge for a trade effluent licence fee was implemented; the rate of the fee; the way in which it is calculated; and if he will make a statement on the matter. [9668/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** A licence granted by a local authority under section 4 or 16 of the Local Government (Water Pollution) Act 1977 may be subject to such conditions as the local authority considers appropriate. These conditions may require the making of payments by the licensee to the local authority to defray or contribute towards the costs incurred by the local authority in relation to matters such as monitoring, treating or disposing of a discharge. The amount of any such payment is a matter for determination by the relevant local authority or, on appeal, by An Bord Pleanála. The powers of a local authority to attach such conditions to a licence are provided for by section 4(5)(b) and 16(4)(b) of the 1977 Act which became effective on 1 October 1978 and 1 January 1979, respectively, by virtue of the Local Government (Water Pollution) Act 1997 (Sections 4 and 16) (Fixing of Dates) Order 1978.

An application for a licence under section 4 or 16 of the Act must be accompanied by a fee of €380. The amount of the fee is prescribed by the

Local Government (Water Pollution) Regulations 1992 as amended by the Local Government (Water Pollution)(Fees) Regulations 2001. The fee serves as a contribution towards the costs incurred by a local authority in processing an application for a licence in relation to a discharge to waters or to a sewer. The regulations came into operation on 1 November 1992.

#### **An Chomhairle Leabharlanna.**

278. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the funding made available in 2003 and 2004 for An Chomhairle Leabharlanna; the role and function of An Chomhairle Leabharlanna; and if he will make a statement on the matter. [9757/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** An Chomhairle Leabharlanna was established under the Public Libraries Act 1947. Its functions, as outlined in the Local Government Act 2001, are the provision of advice, assistance and services to library authorities in relation to the public library service; the making of such recommendations to, and the provision of such services for, the Minister for the Environment, Heritage and Local Government on the public library services as the Minister may request or as the council sees fit; action to promote and facilitate library co-operation; and the maintenance and operation of the Central Library established under section 2 of the Public Libraries Act of 1947. An Chomhairle Leabharlanna is funded by a levy on each library authority towards its expenses. The total levy in 2003 and 2004 was €1,094,414 and €1,112,981 respectively.

#### **Water and Sewerage Schemes.**

279. **Mr. N. O’Keeffe** asked the Minister for the Environment, Heritage and Local Government if his Department has been responsible for the delay in a sewerage scheme (details supplied) being put in place in County Cork; and if his attention has been drawn to the fact that the necessary capital allocation was approved for this project in 1999. [9792/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Buttevant sewerage scheme has been approved for funding in my Department’s water services investment programme 2004-6 under the rural towns and villages initiative.

My Department has approved Cork County Council’s contract documents for the sewage collection system and it is a matter for the council to advance the tender process for these works. The waste water treatment plant for Buttevant is being separately procured as part of a grouped design-build-operate contract that also includes Kilbrin and Doneraile. My Department is awaiting submission of revised tender documents for the treatment plants for approval, as requested from the council in October 2004.