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DÁIL ÉIREANN

Dé Céadaoin, 13 Aibreán 2005.
Wednesday, 13 April 2005.

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

Paidir.
Prayer.

Leaders' Questions.

Mr. Kenny: People the world over have an innate fear of flying because of global terrorism. The findings and revelations by the European Civil Aviation Conference of the consequences of an inspection carried out at Dublin Airport lead to these fears being exacerbated. People will be concerned at the revelations contained in media reports that inspectors were able to smuggle dangerous objects such as knives, other instruments and even a replica bomb through the screening system. These security breaches will send worrying signals to the United States authorities which are currently involved in a review of airport security systems and anti-terrorist activities.

In view of the seriousness of these revelations and the extraordinary comment made by the Dublin Airport Authority that passenger safety was not compromised, has the Government sought a report from the Irish Aviation Authority on how these breaches have occurred? Is it because of the inadequate screening ability of the equipment used by the personnel at the airport who are courteous but always under pressure? What steps are being taken to ensure similar breaches do not occur at other Irish airports and will there be an audit of security at those airports?

Has the Taoiseach asked the Dublin Airport Authority to supply details of the situation to the Government so we can be sure that passenger safety has not been compromised and that those who must shuffle through the corral on a daily basis do so in the firm knowledge that their safety is not compromised and that persons either before or behind them in the line are not carrying dangerous weapons such as knives and replica bombs which will go undetected by the screening systems used in Dublin Airport? I hope the Government will address this matter of serious concern and respond appropriately.

The Taoiseach: This is a matter of serious concern to the Government. The travelling public, particularly those who travel by air, are aware of the security issues arising from what has hap-

pened in many countries over the last four or five years. People understand the necessity of security searches and the delays which sometimes arise as a consequence. The Department of Transport conducts regular security inspections and tests of aviation facilities and operations at Irish airports. This work is ongoing but is not flagged for obvious reasons. In addition, aviation facilities and operators at airports are subject to audit by the European Union and the European Civil Aviation Conference in partnership with the Department of Transport.

The Government has sought a detailed report of how these matters arose and what is required as a consequence. That would happen in the normal course of an audit following any such breaches. It is a matter of concern that during this particular audit, a number of control tests by the inspectors breached security arrangements. As is normal in these situations, action is taken either on the spot or quickly thereafter to rectify the weaknesses. Officials of the Department of Transport and the Dublin Airport Authority were on hand quickly to ensure all appropriate action was taken and that the security breaches identified were addressed immediately. This particular audit started on Monday morning and was scheduled to run until tomorrow. I am unsure how its continuation will be handled now that the details have emerged. It may be rescheduled for another time.

I agree with Deputy Kenny that security at airports is paramount. Whatever is necessary after any of these audits will be done. We are obliged to ensure audits are undertaken frequently either by departmental or EU officials. Deputy Kenny observed that the people doing these jobs are courteous and work very hard. Some of them have pointed out to me that delays are inevitable if they check everything, particularly if they get quite finicky about every issue as the public probably wants them to be. One member of staff contacted me last night to tell me how the knife was concealed and how detailed a process would be required to follow through on all these issues.

However, this may be what is required. If an incident takes place on an airplane all hell breaks loose. I understand the difficulties for the staff but there seems to be no way around this. Despite rumours to the contrary last night, no guns or live ammunition were used in the course of the security tests on Monday or yesterday.

Mr. Kenny: I thank the Taoiseach for telling us that he sought a report from the Irish Aviation Authority. That report should be published and the appropriate action taken as set out in its recommendations. The Taoiseach did not say whether there are to be audits at other airports to ensure a comprehensive overview. It seems from media reports that it is not a question of how the knife was concealed but of where it was concealed. People who have hip operations say to me they sometimes set off the metal detector going through the airport. Are the facilities to detect

[Mr. Kenny.]

knives or replica bombs inadequate? It would put the fear of God into anybody to think that a person in the same queue to board a plane travelling to America or elsewhere would smuggle equipment onto that plane for terrorist purposes.

Twenty-eight outbound flights were delayed this morning. The early morning flights before 8 a.m. will always be affected seriously by this. Over 18 million people will pass through Dublin airport this year. The Taoiseach and other members of the Government do not have to shuffle through the corral before reaching the point where they have to present their tickets or shuffle through the screening systems. However, consideration must be had for the travelling public. The officials should be able to do their business safely without compromising the public in terms of time.

In this regard one should consider the dithering by Government in recent years over a second airport terminal. If this facility existed to deal with 18 million passengers per annum, it would make it more convenient for people to do their business and travel inwards and outwards. The number of passengers is to increase to 30 million per annum over the next ten to 15 years. The Government should make a decision on the second terminal and conduct an audit of the airports to determine whether the facilities available to the staff are capable of detecting concealed knives.

The Taoiseach: In reply to Deputy Kenny's questions, there are audits of Dublin Airport and the other airports. The point I was making is that they are not signalled in advance. This would obviously undermine their purpose, which is to ensure that security checks are carried out.

In respect of the report in question and all other reports, the facilities are examined in detail and changes or recommendations for whatever is required are either implemented on the spot or immediately thereafter. Equipment, technology or other measures required to ensure we have the best security are always put in place. I do not believe there are any difficulties about any of these issues. If there are, the Airport Authority and the Minister can deal with them. The Minister has already asked for a report in this case and normally receives such reports. The Department of Transport will deal with the matter.

Of course the Government is addressing the issues associated with the growing numbers using our airports. The new Aer Lingus terminal is only open for two years. The existing facilities are very modern. A considerable construction job has been done on the existing terminal, which is only a new terminal. However, there are plans afoot for the future because the numbers are growing. It is likely that we will have 25 million passengers per annum in the next decade.

The staff that undertake security work are trained, well qualified and competent. However, whenever a breach occurs, the problem must be rectified, as it will be in this case.

Mr. Rabbitte: For more than 25 years, the Taoiseach has been reputed to run an extremely expensive constituency operation out of St. Luke's. He is proud of his reputation as one who works at ground level frequently. In that case, how is it that he does not know about the phenomenon of anti-social behaviour? If he does, how come the Government is not doing anything to address it? Does he understand the extent to which the lives of ordinary people in so many communities are being blighted by anti-social behaviour? Does he appreciate that people are living in fear in communities because of vandalism, petty crime, anti-social behaviour and congregating youths whose activities are characterised by menace, intimidation and harassment?

The Taoiseach must have the same number of cases in his constituency as I do in mine. I know this phenomenon is worst in local authority estates but it is not only a phenomenon of such estates. The Taoiseach must know that the lives of women living alone, old people, immigrants and people who are selected for persecution and harassment merely because they are perceived to be different in some way are being made a misery in so many neighbours. I am told that this is no longer just an urban phenomenon. It is so serious that my office reckons one in four of the cases with which it deals relates to anti-social behaviour.

People are being driven out of communities in which they have put down roots and worked. People's property is being destroyed in their driveway. Only last Saturday, a woman visited me whose car has been damaged three times since Christmas. Youths are selecting people for persecution. There is joyriding in the vicinity in the evening and at night. Drug taking is occurring in public spaces and parks.

The desecration of the environment is also a factor, as is the tearing down of telephone booths and the existence of graffiti everywhere. It is an horrific problem, not least for those living alone and old people who are afraid to go to the shop or venture out in the evening. It is simply not acceptable that so many of our citizens have no resort to anyone to give them relief. They are living under the circumstances I have described day in, day out. What is the Government doing about this? The Taoiseach must know about it given the constituency machine that operates out of St. Luke's.

The Taoiseach: Of course I know about it. As the Deputy inferred, I have known about people being involved in anti-social behaviour for 28 years and the kinds of difficulties that affect the Deputy's area, my area and others. I note the good work of the Garda over the years and the legislation we have passed in this House. This is reflected in my constituency where statistics produced this year, last year and the preceding year indicate reductions in crime.

There is a problem with anti-social behaviour. The Minister has identified it very clearly and has

spoken about it. The Criminal Justice Bill before the House is targeted directly at making provision in this regard and allowing us to deal with this issue in a new way by examining what is happening in other countries. The anti-social behaviour orders in the Bill are designed to deal with the problem. Under the Bill, a civil order can be made in respect of an individual. If the individual breaches it he or she will be guilty of a criminal offence. That individual can be taken up without warrant. Curfews can be applied in certain areas.

Also provided for is a string of other powers that are necessary to stop what is a small group of people who continually harass their neighbours and communities. Sometimes the individuals are under age and although we have passed tough laws in this House, whereby drink can be taken from them and whereby they are not allowed to loiter or use their ghettoblasters or motorbikes, some of them still persist to engage in such activities. It is for that reason the Minister has, in this Criminal Justice Bill, adopted what will be regarded by many as a draconian position. If the Minister had tried to introduce the legislation some years ago, the reaction might have been different.

I well remember the Criminal Justice Act passed in this House 20 years ago. Certain people, including myself, were fighting at that stage for far tougher measures but there was no support for them. However, now that we suffer at the hands of a small band of people who engage in the aforementioned activities, I hope we will all support the Minister. I know Deputy Rabbitte will do so because he often speaks on the matter. It is tough to introduce civil orders the breaching of which will be a criminal offence. It will be possible to apprehend those who breach the orders without warrant. These are very tough measures. People will be down to St. Luke's complaining about them. Parents do so now and say their Johnny is getting a rough time from the police. However, the reality is that if young people do not get a bit of a rough time from the police, we will never address these issues. I welcome the tough measures and the orders the Minister for Justice, Equality and Law Reform is bringing before the House in this session. While this House would not have supported these in the past they are now necessary to stop a small band of hooligans who persist in doing the things Deputy Rabbitte has mentioned.

Mr. Rabbitte: The Taoiseach is kidding himself if he thinks that is an effective response to the phenomenon I am bringing to his attention. The Taoiseach can ask the Tánaiste about our good labour laws and how the problems occurred at Gama Construction.

Mr. J. Higgins: The Tánaiste brought Gama Construction into the country.

Ms Harney: That is not true.

Mr. Rabbitte: If the law is not enforced it is an academic topic for debate. The people who visit me every week are not interested in a lecture about existing laws or those in prospect, or the speeches of the Minister for Justice, Equality and Law Reform. They are interested in what happens on a Saturday night when they are under siege from youths congregating outside who threaten them in their own homes, when their cars and property are being damaged and when they do not know whether the local school can be left vacant during summer recess because of the extent of damage to schools and public property.

Community policing does not obtain in most urban areas. As soon as the community police officer establishes a rapport with the local community he or she is transferred elsewhere. At the first sign of crisis the first person to be raided is the community police officer. There are no active community patrols in many of the neighbourhoods at issue. Resort to the Garda Síochána does not work because the Garda does not respond effectively. People plead for help in their homes but cannot get it from the local authority or the Garda.

We must address the question of community policing with people indigenous to the community who know the troublesome factions. We need to develop community sanctions and make these factions clean up the mess they create. We must give people who live in these circumstances some relief. It is pointless for the Taoiseach to tell me he has known about this for 28 years. This did not happen 28 years ago on the scale on which it happens everywhere now.

The Taoiseach: I do not know what type of area Deputy Rabbitte represents——

Mr. Rabbitte: The Taoiseach is out there often enough.

The Taoiseach: ——but the problems he mentions have been around for 28 years and far longer.

Ms Burton: There used to be gardaí.

The Taoiseach: There are 14,000 gardaí.

Ms Burton: There are no gardaí on the beat.

Mr. Rabbitte: The Taoiseach is meeting too many Heads of State.

An Ceann Comhairle: Seven minutes were allotted for this question. Deputy Rabbitte has used five and a half minutes. The Taoiseach is entitled to be heard without interruption and the Chair will insist on that.

Mr. Rabbitte: The Taoiseach is out of touch.

The Taoiseach: There are more gardaí than ever before.

Ms Burton: They are minding Farmleigh.

The Taoiseach: A large proportion of gardaí policed the Border and were involved in Northern Ireland duties but when the ceasefire in Northern Ireland was declared this Government moved many of those gardaí back into urban areas to deal with anti-social behaviour and crime. That is why there has been a significant reduction in crime in many areas across the board.

Mr. F. McGrath: People are afraid to report crime.

The Taoiseach: We have over 1,200 extra gardaí. We spend 90% more on the Garda Síochána than we did in 1997. We have put far more resources into the force than ever before, we have more Garda technology, manpower, facilities and prisons. Deputy Rabbitte asked——

Mr. Broughan: It is a failure of the Minister for Justice, Equality and Law Reform.

Ms Burton: It is the Minister's failure.

The Taoiseach: The Labour Party Members are on cue this morning. As soon as the Taoiseach speaks they all start chattering. If they would stay quiet for a minute I could give them some facts.

Mr. Broughan: It is in the Taoiseach's hands.

Mr. Cowen: They are trying to display a semblance of unity.

The Taoiseach: Deputy Rabbitte stated that laws are no good but I am not sure what he is suggesting as the alternative. The only way we can deal with these issues is by having proper laws.

Ms Burton: Put gardaí on the streets.

Mr. Stagg: Enforce the laws.

The Taoiseach: I hope when we bring in tough orders that there will not be the usual lame approach to them.

Mr. Stagg: Put in the gardaí to enforce them.

Mr. F. McGrath: We need action on them.

The Taoiseach: I recall what the Opposition said when two years ago a community garda in this city stood up to deal with the unfair elements. I answered in this House for that garda, who tried to clear out a few hooligans and vandals from the May Day celebrations. I was trying to defend the poor man. The Labour Party talks about community gardaí but give no support to community policing.

Mr. J. Higgins: That is outrageous.

Ms Burton: The Taoiseach told us he was with the people. He was clearing the way.

Mr. Rabbitte: He was some community garda.

The Taoiseach: The Labour Party gives the Garda Síochána no support but undermines it instead. If it wants to help the gardaí it should give them the powers and support they need.

Mr. Howlin: Give them a few batons.

Mr. Costello: Batons rather than resources.

The Taoiseach: The Labour Party Members should not talk out of both sides of their mouths. They should support the Garda Síochána and civil orders and criminal justice issues. That is what they need to do. It is the old story — Deputy Rabbitte went on a few tours and attended a few meetings where he heard this problem has been around for years.

Mr. Broughan: The Taoiseach said it has been going on for 28 years.

The Taoiseach: He is raising it today but he has no interest in supporting tough action by a tough Minister to deal with this issue. We will test him on that in a few weeks' time.

Mr. Sargent: The moral authority for this Government to pronounce on law-breaking is paper thin. Apart from anti-social behaviour, the corruption at Gama Construction and tax fraud, the Government is infamous for being taken to task for not complying with EU law. Ireland is cited in the second highest number of legal actions by the EU Commission for infringements of EU law, and in the highest number of complaints *per capita* on environmental issues. One wonders how the Taoiseach can say that will all be put right when he is in the doghouse in regard to EU legislation.

For example, my colleague, Deputy Gormley, is pursuing the Government's lack of action to prevent malodours, as they are politely called, from waste water treatment plants. The Commission has repeatedly told this Government that legislation is needed to regulate waste water plants. It says we need to protect water sources and that disinfecting water with chlorine is linked to various cancers.

The Government needs to pull up its socks in respect of EU legislation. The Taoiseach and the former Minister for the Environment, Heritage and Local Government, Deputy Cullen, officiated at the opening of the waste water treatment plant in May 2003. Will the Taoiseach seek an investigation to establish why problems have persisted there over these two years and why the Commission has repeatedly reminded the Government of the need to take action? Why was it necessary for Deputy Gormley to go to Brussels to meet with officials and lodge an official com-

plaint before any action could be taken? What action will be taken?

The Taoiseach presided over and accepted the plaudits for the opening of the plant, but will he accept political responsibility and commission an investigation to enable people know what the problem is and deal with it?

The Taoiseach: I am delighted Deputy Sargent is taking such a pro-European stance.

Mr. Boyle: He always has.

Mr. Sargent: I always have.

The Taoiseach: He opposes every treaty but he uses every power that the treaties give us.

Mr. Gormley: Will the Taoiseach answer the question?

The Taoiseach: I will, but the inconsistency amuses me. I am entitled to be amused.

Mr. Cowen: It is hypocrisy.

Ms Harney: We are entitled to have a laugh.

Mr. Sargent: We are entitled to get an answer to the question.

An Ceann Comhairle: Deputy Sargent had two minutes to ask his question without interruption. The Taoiseach is entitled to the same facility. The Deputy cannot frustrate a democratic Parliament and prevent somebody called by the Chair from responding.

Mr. Sargent: The Taoiseach frustrates us all the time.

The Taoiseach: Under the EU constitution, environmentalists have the power to deal with these issues. The Minister is committed to following these powers.

In the context of the complaint about Ringsend, to which Deputy Sargent referred, the Commission criticises Ireland for not having rules

relating to odour from waste water plants. The draft binding rules are being finalised by the Department to

comply with this requirement. The reality is that Ringsend and the new water treatments plants throughout the country have been built and operated to the highest European standards. They are all new. The work has been carried out with the help of European funding. We followed the Commission's directions in this regard. The reality is that the rules will not prevent odours arising from time to time while a new plant is being commissioned and settling. This is the technical advice we have been given. Obviously these issues must be addressed by the builders and operators of the plants, and they are endeavouring to do so.

On the other issues, we are not out of line with other countries. When the environmental commissioner issues reports, we do our utmost to deal fully with them and improve our standards, which is being done.

Mr. Sargent: As expected, I did not get a reply. I asked if the Taoiseach would initiate an investigation but he did not answer me. I ask him that question again. I do not have to remind him about the list of legal actions which are taking place on nitrates, sewage plants, waste at Tara Mines, wetlands in the Boyne estuary, ozone depleting substances and oil pollution. There is such an array of legal actions that I cannot imagine how the Taoiseach can sit there and say everything is fine. He must take responsibility for an issue about which people have given up complaining, not unlike the anti-social behaviour issue. If one lives in Ringsend, Sandymount or the south-east area, one will be faced with problems on a daily basis. Does the Taoiseach accept that and think it is fine? The reality is that unless the matter is investigated, he will be standing over more than €300 million of taxpayers' money being misspent in this case, and he will be standing over the environmental effects which are causing serious problems for people's quality of life.

Mr. Cowen: What about Dublin Bay?

An Ceann Comhairle: Deputy——

Mr. Sargent: I am being barracked, a Cheann Comhairle, so I wonder if you will pay equal attention to both sides.

Mr. Cullen: What about the blue flags?

An Ceann Comhairle: Allow Deputy Sargent to conclude.

Mr. Sargent: Will there be an investigation into how public money has been spent and why problems have not been addressed? Will the Taoiseach set a commissioning date?

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

Mr. Sargent: The plant has not been commissioned two years after it was opened. It was promised that it would be fully commissioned within ten weeks. Does the Taoiseach realise there is a need for an investigation into this matter and will he oversee that?

The Taoiseach: To say it is a major problem and to ignore all that has been happening in Dublin Bay is not correct. Dublin Bay has been cleaned up. A magnificent job has been done in the area.

Mr. Cowen: Hear, hear.

The Taoiseach: People who were never able to do so are now swimming in the bay.

Mr. Gormley: Is it operating to capacity?

An Ceann Comhairle: The Taoiseach without interruption, please.

The Taoiseach: This is one of the most significant and best jobs carried out around the coast-line. The new water plant schemes around the country have been built to the highest standards with the best equipment. They have done extremely well.

Mr. Gormley: They are too small.

The Taoiseach: It was accepted by everyone, including Dublin Corporation, the Minister and everyone involved, that when tests were carried out last summer and at other times that there was an odour in the area. The builders and the technical people who installed the equipment are trying to limit this odour to the best of their ability. It is not a matter of adding something else to highly sophisticated equipment which will get rid of the odour overnight. The problem does not call for an inquiry. Technically competent people built and commissioned the equipment.

Mr. Gormley: They are incompetent.

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

The Taoiseach: They are doing their utmost to limit the odour and I hope they will finalise any outstanding technical issues as soon as possible.

(Interruptions).

An Ceann Comhairle: Deputy Gormley, please.

Mr. McDowell: Let us have a tribunal.

Mr. Gormley: We do not need a tribunal.

Ceisteanna — Questions.

Official Engagements.

1. **Mr. Rabbitte** asked the Taoiseach if he plans to attend the proposed EU-US leaders' meeting in Brussels on 22 February 2005; his priorities for the meeting; and if he will make a statement on the matter. [4635/05]

2. **Mr. Sargent** asked the Taoiseach if he will be attending the proposed EU-US leaders' meeting at the end of February 2005; and if he will make a statement on the matter. [5704/05]

3. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his recent official visits to

Bulgaria and Poland on 11 and 12 February 2005. [5709/05]

4. **Mr. Kenny** asked the Taoiseach if he will report on his meeting in Dublin on 16 February 2005 with the President of Lesotho; and if he will make a statement on the matter. [5930/05]

5. **Mr. Kenny** asked the Taoiseach if he will attend the forthcoming EU-US summit meeting in Brussels; and if he will make a statement on the matter. [6081/05]

6. **Mr. J. Higgins** asked the Taoiseach if he has received an agenda for the forthcoming EU-US leaders' meeting; and if he will make a statement on the matter. [6517/05]

7. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with the President of Hungary, Mr. Ferenc Madl, in Dublin on 21 February 2005; and if he will make a statement on the matter. [6759/05]

8. **Mr. Sargent** asked the Taoiseach the bilateral meetings he had on the margins of the EU-US summit in February 2005; and if he will make a statement on the matter. [6760/05]

9. **Mr. Sargent** asked the Taoiseach if he will report on his official visit to Bulgaria and Poland in February 2005; and if he will make a statement on the matter. [6761/05]

10. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of the recent EU-US summit in Brussels; and if he had bilateral talks with President Bush or any other leader during the summit. [6764/05]

11. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his recent meeting with the President of Lesotho. [6765/05]

12. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting on 21 February 2005 with the President of Hungary, Mr. Ferenc Madl. [6766/05]

13. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at the recent EU-US leaders' meeting in Brussels. [6939/05]

14. **Mr. J. Higgins** asked the Taoiseach the bilateral meetings he held on the margins of the recent EU-US leaders' meeting in Brussels. [6940/05]

15. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with President George W. Bush at the recent EU-US leaders' meeting in Brussels. [6943/05]

16. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent visits to Bulgaria and Poland. [6945/05]

17. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with the President of Hungary, Mr. Ferenc Madl. [6946/05]

18. **Mr. Sargent** asked the Taoiseach if he will report on his recent meeting with the US President, George Bush, in Brussels; and if he will make a statement on the matter. [8685/05]

19. **Mr. Sargent** asked the Taoiseach if he will report on his meeting in February 2005 with the President of Lesotho; and if he will make a statement on the matter. [8687/05]

The Taoiseach: I propose to take Questions Nos. 1 to 19, inclusive, together.

I, along with the other EU Heads of State or Government, met with President Bush in Brussels on 22 February. In addition, EU Foreign Ministers, including the Minister for Foreign Affairs, Deputy Dermot Ahern, had separate meetings with the Secretary of State, Dr. Condoleezza Rice.

A strong partnership between the EU and the US is vital if we are to find durable solutions to the many global challenges facing us and, in that context, a strong Europe is a good partner for the United States. We can achieve much more working together than we can working separately. Our discussions focused on international issues of common concern such as European integration, the Ukraine, Middle East, Iraq and Iran. A key interest for Ireland was that this meeting would strengthen further transatlantic relations and build on the success of the EU-US summit at Dromoland Castle during Ireland's EU Presidency.

EU-US co-operation is essential if we are to make progress in the Middle East peace process. The recent signals of increased US engagement are most welcome. Also in the Middle East, we must look to the future and work together to build a secure, stable and prosperous Iraq. During the meeting, I spoke on the issue of relations with Russia. I stressed the need for the EU and the US to engage fully with Russia while continuing to press for Russian compliance with international standards. I did not hold any bilateral meetings on the margins of this meeting.

I visited Bulgaria and Poland on 11 and 12 February. In Bulgaria, I was pleased to accept the highest official distinction of the Bulgarian State, the Stara Planina, on behalf of the Irish people, from President Parvanov. The award is in recognition of the role played by Ireland in securing the successful completion of Bulgaria's EU accession negotiations during Ireland's EU Presidency and the close and friendly relations that exist between Ireland and Bulgaria. During my visit to Bulgaria on 11 February, I had discussions with Prime Minister Simeon Saxe-Coburg about Bulgaria's preparations for accession to the European Union. Ireland has been supporting Bulgaria's reform efforts, including the training of Bulgarian officials in Dublin.

On 12 February, I travelled to Warsaw where I was honoured to accept the special award of the Golden Statuette from the Polish Business Club, the representative body of employers, at a Grand Gala attended by the Polish Prime Minister and

members of the Polish Government and the leaders of Polish industry. The award was in recognition of the success of the Irish EU Presidency and the development of Poland's relations with Ireland. While in Warsaw, I had discussions with Polish Prime Minister, Marek Belka, about current issues on the EU agenda, including the negotiations on the financial perspectives and the EU's relations with the Ukraine.

I met with Prime Minister Mosisili of Lesotho on 16 February. We both agreed that bilateral relations were excellent and we welcomed the establishment of a resident embassy in Dublin, which the Prime Minister officially opened that day. I congratulated the Prime Minister on the ongoing political, economic and social progress in Lesotho, especially the successful general elections of 2002, and on preparations for its first ever local government elections to be held next April. We discussed Lesotho's important role as a member of the Southern Africa Development Community in regard to developments in Africa and the wider global development agenda. The Prime Minister briefed me on the current situation in Zimbabwe and the prospects for a political settlement to the current crisis there.

With regard to our development programme in Lesotho, I am proud that Ireland is the biggest bilateral donor in Lesotho with a budget of almost €11 million this year. I told the Prime Minister that we would continue to work closely with the Government of Lesotho and with civil society to ensure that our programme is fully in line with its developmental needs. In this context, we discussed the challenges facing Lesotho in creating employment opportunities, improving infrastructure and expanding free primary education provision. We also recognised the critical importance of having a comprehensive programme in place to address the enormous challenges posed by HIV-AIDS, which is currently a major crisis for Lesotho.

During his three day state visit to Ireland, I met with Mr. Ferenc Madl, President of the Republic of Hungary, on 21 February. I congratulated the President on Hungary's early ratification of the European Constitution. We discussed the positive bilateral relations that already exist between Ireland and Hungary. I told the President that I looked forward to a further deepening of the economic, trade, cultural and tourism relations between our two countries in the years ahead.

Mr. Rabbitte: I congratulate the Taoiseach on the gong he received in Poland, which was well deserved. It is a very heavy schedule to maintain, travelling across the world while also focussing on anti-social behaviour in Dublin Central.

The Taoiseach was in Bulgaria a few days before it became known that the country facilitated an international money laundering operation. Did the matter arise, or did the Taoiseach have any knowledge of it before he went there? Was the matter touched on during his discussions with the Bulgarian authorities? What is the cur-

[Mr. Rabbitte.]
rent position with regard to the matter? Is there any basis for this or is it part of the ongoing investigation?

With regard to the EU-US meeting, did the Taoiseach have a bilateral meeting with President Bush? Can he tell us what was discussed at that meeting? Was the reported US threat to Iran on the basis of its supposed nuclear programme discussed with President Bush during the EU-US or bilateral meetings?

The Taoiseach: The story regarding money laundering occurred before I had any knowledge of involvement by Bulgarian authorities, so the matter was not discussed. However, the authorities have been helpful and have been working in co-operation with the Department of Justice, Equality and Law Reform and the Garda. There is an ongoing investigation into the matter and the Bulgarian authorities have been very forthcoming in co-operating and endeavouring to assist. They were not pleased that a bank associated with their country could have been involved with some of the proceeds of the Northern Bank raid on 20 December 2004. I have not received a briefing in the past few weeks. I assume I would hear of any new developments. However, the Bulgarian authorities are co-operating fully and have been helpful in this regard.

I did not have a bilateral meeting with President Bush, although I spoke to him for four or five minutes on some of our own issues at that particular time. I also spoke to him about Russia, as I was nominated to speak on the Russian issue in the division of issues in the European Council. The issue of Iran was discussed. President Bush, and in meetings with the Minister for Foreign Affairs, Deputy Ahern, Condoleezza Rice, have been at pains to say that the US believes diplomacy is the best way to try to ensure the Iranian authorities co-operate and listen to the voice of the world and, in our case, of European Union leaders to facilitate all tests and related matters. Nothing was said to indicate that some of the hype after Christmas regarding action being taken was true. Indications were to the contrary, namely that there should be a diplomatic effort to try to ensure the Iranians fully comply with international rules in respect of nuclear issues. There is much concern regarding exactly what the Iranians are up to. However, I left the meeting in February convinced that these issues would be dealt with diplomatically.

Mr. Sargent: Poland has approximately 2,000 troops currently in Iraq, although the Polish people oppose the war and want the troops brought home. Was the issue raised with regard to Ireland's participation in the war?

Some 50,000 Polish people currently work in Ireland. Did the Taoiseach receive any assurances about conditions for Polish workers in this country? There have been similar reports of dismissals and complaints of exploitation and visa-related

problems with regard to Turkish workers. Did the Taoiseach have any reassurances for the Polish authorities in terms of the Labour Inspectorate and whether there will be a redress of the serious staff shortages and inadequate resources?

President Bush is quoted as saying that the notion of the US getting ready to attack Iran is simply ridiculous but that all options are on the table. Did the Taoiseach press President Bush or seek an explanation as to the exact position with regard to Iran and the reassurance given to EU states?

Has the Taoiseach corrected the Minister for Foreign Affairs over his statement regarding China in which he said that we do not "do" arms in this country? Did Ireland not export €26.7 million of military products in 2004 and €1.3 billion of dual use goods? Is it not more correct to state that we do export military arms, but not much?

Why is the Taoiseach so impressed with China that he wants to lift the arms embargo, given that the US does not? Are there not still very considerable unresolved matters in terms of human rights? How is the Taoiseach convinced that all is well in this area?

I have one final question, because the Ceannt Comhairle sometimes does not allow me to speak again. In 2003, Lesotho had the fourth highest rate of HIV-AIDS in the world. When speaking to the President of Lesotho, did the Taoiseach promise any additional funding or programmes to provide necessary training for medical professionals to help deal with this crisis?

The Taoiseach: There were a lot of questions.

Mr. Sargent: I am not always allowed speak again.

The Taoiseach: I will attempt to answer them all. Both the Polish Government and Opposition are very pro-US and supportive of the action taken in Iraq. They have had troops there from the start of the war. They strongly follow the US line at all meetings of the European Council, so any remarks made were in support of the US stance on Iraq. Marek Belka's political position is extremely supportive of the US President and NATO.

All accession countries are extremely grateful to Ireland for opening our markets to their workers on 1 May 2004. They thank and praise us for that and are critical of other countries. Except for a few minor complaints, they are happy with all of the evidence. I do not want to give any other impression. We should look after individual cases, but all of these countries are very grateful for Ireland's position and the lead we have taken. There are issues which cause problems and investigations and some of these people get involved in crime and disorderly behaviour. I have to raise some of these issues. A number of such incidents have occurred in my area which were brought to my attention. It is a matter of keeping a balance on these issues. With

the large number of such immigrants here there are very few problems and they are very grateful to us.

On the question of Iran, the United States and everybody else wants Iran to comply with the international order. Nobody wants to become involved in more conflict in that region or in a conflict with the Iranians. They simply want the Iranian authorities to comply with the inspectors and not to be involved in conflict. That is the strong message from everyone concerned. During our Presidency of the EU last year I had an opportunity to meet the Iranian Foreign Minister and we stressed that was the message we wanted to get across. If everyone could work on that we would avoid such conflicts. Hopefully, that will happen.

On the question of arms exports and if there are some components of arms in our exports — I am no expert on this — I will accept the figures Deputy Sargent has given and I do not have information to the contrary. We are not an arms exporter in the sense of being an arms country or having an arms industry, which is the context to which the Deputy referred.

In relation to China, Deputy Sargent is correct in saying that there are still difficulties in China. There are many problems there in respect of which reforms are necessary. My view is that the best way to do that is to use the EU-China human rights body to influence China and to encourage them, as they are now doing, to look to and engage with Europe. I have tried to get people here to do this as well and to examine the rule of law. They are examining the models of law in European countries, including Ireland, and will move over time — it will not happen over five years or perhaps even over a generation — to start to use European models for the rule of law. They are open to doing that. There is no doubt there are many difficulties and much suppression of people's freedoms. We regularly get letters from members of the Chinese community here about such issues and we make representations on their behalf, but at least there is a process in place. Our view is that it is best to use that process to get the new charter agreed — it is to be agreed within Europe in June — and to try to get that to be the model.

To lump China in with Zimbabwe and one other country where there are major difficulties — it escapes me at present——

Mr. Rabbitte: North Korea.

The Taoiseach: It is North Korea. It is unfair to China when it is trying to co-operate in every other way to associate it with Zimbabwe and North Korea. It is a point of principle with the Chinese and it not about trying to get freedom or to open up, so to speak. However, representatives in the United States take a contrary view. When I was in the United States I was lobbied by every senator and congressman there not to give an inch, to give absolutely nothing to China. Having

been involved deeply with this issue during our Presidency of the EU, I am aware that the view of the United States is that it knows there is technology that China cannot get that it has and it does not want China to get it. That is the message I received; I do not believe the message is other than that. The Republicans and Democrats totally agree there should be absolutely no change in this regard and that we should not even be talking to China on these issues. I believe that is an unfair position. I stated that to the President, who did not like to hear it. It is an unfair position and I have said that to China and I will not say something to the contrary.

Deputy Rabbitte asked me about this issue during Question Time some weeks ago. A head of steam has built up on this issue in the United States. I advised the Deputy that I thought the British Presidency would probably roll over on this one, but since then I heard Jack Straw indicate that if the Luxembourgers do not resolve it and if it the same party is in government in Britain after the election, or even if it is not, they probably will not do so. The British are taking their lead on this from the United States. That is the way it is falling. If we expect China to engage in dialogue, such a position is unfair. America is opposed to that position and I do not see that changing in the foreseeable future. I could find nobody in America who was open to that position. That gives Members a fair overview.

On the question on Lesotho, we have been supportive of it for a long time. It has been the country to which we have given the largest amount of aid. It has an enormous problem with HIV-AIDS. Its Prime Minister gave me some stark figures, which I am sure gave him no pleasure. In 80% of families there, the father or mother of children under ten, or both, are dead. It is a horrendous problem. There are many programmes being run to help them. Deputy Sargent gave a good example. We send technical people out there, many of whom are working in laboratories there.

Lesotho is not the only country that suffers in this way. We are close to it and try to help it in many ways. There is a strong regional approach in that respect, but the scale of the disease is frightening. Lesotho is very grateful for the resources and people we are providing. The people there are making strides and developments.

A sad development in Lesotho, which I saw five years ago when I was there but unfortunately the situation has got worse rather than better, is that in the mountain regions where traditionally the men go to work in the goldmines and then return home, the situation has got worse. The spread of HIV-AIDS is rampant in the most rural of places. It is a sorry picture. The Deputy and I discussed this at length. We will do whatever we can to help. We are running many programmes there and many developments are taking place. One would like to think that they would change things dramatically, but one would obviously have concerns.

Mr. Kenny: I wish to return to the issue of China in respect of the arms embargo. The Taoiseach will be aware that the European Parliament voted overwhelmingly to maintain the embargo. He said that the Irish Government has no beneficial interest in having the embargo lifted. He will also be aware the EU code of conduct for arms exports was adopted in June 1998, which placed human rights before trade. There have been serious changes in China in terms of legislation and movement in that direction, but political freedom there still lags behind many other countries. What is the Government's view on the arms embargo against China being lifted? The United States is very much opposed. The European Parliament has voted overwhelmingly to maintain the embargo until there is transparent and visible progress in the area of human rights. I, no more than probably other Deputies, have received correspondence regarding people being arrested for the practice of Falun Gong, which the Taoiseach raised with the President of China on a number of occasions. The Taoiseach might answer my question on this.

As the Taoiseach is aware, the Kyoto Protocol has been ratified by 141 countries, with notable exceptions being the United States and Australia. The Russian Federation recently became a signatory to it. That prompted the European Council to send congratulations to the Federation at the March meeting. The United States has still not become a signatory to the protocol. At the recent EU-US Summit was there any discussion with the US President about the Kyoto Protocol. He made remarks previously that it was not working, it would not work and that an alternative should be put place, but the Taoiseach said that there appeared to be a marked change in the way the President was approaching this issue and that he appeared to be in a much stronger listening mode in view of the concerns expressed worldwide about climate change and the necessity to have the Kyoto Protocol implemented. Will the Taoiseach bring us up to the date on discussions at that conference about the Kyoto Protocol?

The Taoiseach: There is not an Irish position but it is the position of the European Council that we should not remove the arms embargo against China until we get the code of practice finished and ratified, and then we should try to deal with China. I remember the position in Myanmar and I also mentioned Zimbabwe. It is not fair that China is in the same category — I do not think anybody is arguing about that. The code of practice would represent a way of making further progress. The British Prime Minister, President Chirac and Chancellor Schröder have lead and we have followed this line. I believe this will be difficult to achieve because the United States is totally opposed and has made it clear to me that it does not want to see China getting this access. As I do not believe this will be resolved under the Luxembourg Presidency or the UK Presidency, we will see it maintain its position.

However, China will continue to feel very aggrieved about this matter and it will not help EU-China relations. When we were dealing with this last year we recognised it is a very sensitive issue for them. I had three opportunities to meet the Chinese. I do not believe it is a question of getting the arms or technology; it is an issue of principle for them. It is unfortunate that it will continue to be an issue. I also recognise that what has happened recently with Taiwan, with which the United States has a particular constitutional connection in terms of its protection, has soured the position. This is the reality of where the issue stands.

Four years earlier there was quite a difference between the European Council and the US President on the issue of Kyoto. This time he was far more forthcoming. He wanted to be helpful and to move forward. He did not say he would sign up to the Kyoto Protocol, but he emphasised that in his second term he and his Administration would work with Europe on the concerns over environmental issues. Obviously people will want to see how this happens. However, he had a very different attitude to that shown previously. I hope there will be far more constructive engagement in the second term and I believe there will be. He mentioned this again when we had the opportunity of meeting. These are issues on which he wants to work with Europe. He has taken a very positive attitude to Europe. He came here at the very beginning of his second term. The US Secretary of State, Condoleezza Rice, was here at the outset. All the signals are that the US President wants to work on the matter. We had a very successful summit last year. All these issues were discussed. We agreed many of them and I believe we can build on that. I have a very deep interest in making sure we can build on these issues.

Mr. Ferris: In his discussions with members of the US Administration at the EU summit and in Washington, did the Taoiseach call for a timetable for the withdrawal of American and other occupying troops from Iraq? Did the Taoiseach receive thanks for allowing Shannon Airport to be used as a staging post for war? What is the difference between the status of Shannon Airport now and the Treaty ports, which his predecessor, Mr. Eamon de Valera, had returned from the British so that they could not be used at a time of war?

An Ceann Comhairle: That question does not arise from these 19 questions.

Mr. Ferris: I refer to an earlier question from Deputy Rabbitte. On 26 March, the *Irish Examiner* reported the Bulgarian finance intelligence agency as stating that country had no link with any alleged money laundering. Can the Taoiseach confirm this is the case?

The Taoiseach: I did not ask for a timetable for the withdrawal of American and other coalition

forces from Iraq. We were given a briefing on current matters in Iraq, including the elections, the new Administration, the recent successes and of course the ongoing dangerous military situation faced by the coalition forces. The issue of Shannon Airport did not arise. It now fully complies with the UN resolution that exists and all countries have been co-operating on that issue. There was no discussion on the matter.

On Bulgaria, as I said there are ongoing investigations involving the Garda on the money laundering operation between the Dublin, Cork and Bulgarian operations.

An Ceann Comhairle: Some minutes remain for questions to the Taoiseach. However, as the next series of questions deal with Northern Ireland, with the agreement of the House we will move on to the next business and take questions on Northern Ireland on the next day.

Request to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 31. I will call Deputies in the order in which they submitted their notices to my office.

Ms O. Mitchell: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the implications of the potentially catastrophic consequences of the recent EU-detected breaches of security at Dublin Airport, the circumstances which allowed such lapses in security, the measures planned to fully and transparently assess the security protocols, procedures and practices at the airport and the need for external independent oversight of future security arrangements.

Mr. Sherlock: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Minister for Social and Family Affairs to act to ensure that social welfare payments can still be collected at post offices rather than paid only by electronic means given the large number of people who do not yet have bank accounts and the extent to which elderly people, especially in rural areas, rely on their local post offices.

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

Order of Business.

The Taoiseach: It is proposed to take No. 9a, motion re ministerial rota for parliamentary questions; No. 16, Disability Bill 2004 — Second Stage (resumed); No. 18, Garda Síochána Bill 2004 [Seanad] — Second Stage (resumed); No. 17, Land Bill 2004 [Seanad] — Second Stage (resumed); and No. 19, statements on European

Council in Brussels, to be taken immediately following the announcement of matters on the Adjournment under Standing Order 21 and the order shall resume thereafter. It is proposed, notwithstanding anything in Standing Orders, that No. 9a shall be decided without debate and the proceedings on No. 19 shall, if not previously concluded, be brought to a conclusion after 80 minutes and the following arrangements shall apply: the statements shall, if not previously concluded, be brought to a conclusion after 60 minutes, and subject to the statements being confined to the Taoiseach and to the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, and shall not exceed 15 minutes in each case and Members may share time, immediately following the statements, the Minister for Foreign Affairs shall take questions for a period not exceeding 20 minutes. Private Members' business shall be No. 45, motion re cancer screening programmes (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. 9a, motion re ministerial rota for parliamentary questions, agreed to? Agreed.

Is the proposal for dealing with No. 19, statements on European Council in Brussels, agreed to? Agreed.

Mr. Kenny: I wish to raise two matters with the Taoiseach on the Order of Business. I have listened to some of the radio transcripts from the Morris tribunal dealing with events in County Donegal. It seems extraordinary that the McBrierty family has not been given legal representation.

An Ceann Comhairle: That matter is not appropriate to the Order of Business.

Mr. Kenny: While I understand that, I wish to raise it as a matter of importance. Given the circumstances that apply in this case and the wish of everybody to bring the matter to conclusion, consideration should be given to amending the tribunal's terms.

Deputy Neville has been a consistent advocate for taking some real action in respect of implementing the recommendations of the taskforce on suicide, which reported in 1998. I recently attended the funeral of a young man who hanged himself. A serious societal change is occurring. It is impossible for Deputies from all sides who have attended funerals all over the country in these circumstances to understand the depth of grief of parents and loved ones. In some cases, it is impossible to find the reason these events happened.

An Ceann Comhairle: The Deputy should ask a question.

Mr. Kenny: The Government spends 6.9%—

An Ceann Comhairle: I must rule the Deputy out of order.

Mr. Kenny: This is a serious matter.

An Ceann Comhairle: I know it is a serious matter which is the reason the Chair would like it addressed in the proper fashion in the House.

Mr. Kenny: If the Ceann Comhairle permits, I will finish in 30 seconds.

An Ceann Comhairle: Deputies may not use the Order of Business to ask questions which are more appropriate——

Mr. Kenny: If the Ceann Comhairle proposes to cut me off on a serious matter, I will ask a question now.

An Ceann Comhairle: The Chair is cutting off the Deputy because this is a serious matter which should be dealt with in the proper fashion.

Mr. Kenny: That is the reason I raise it.

An Ceann Comhairle: The Deputy may raise it by means of Leaders' Questions, the Adjournment Debate or questions to line Ministers.

Mr. Kenny: This is another Leaders' Question which I know the Taoiseach will answer. Will the House discuss the implementation of the task force report on suicide which included 86 recommendations that would go some way towards dealing with a serious societal problem?

The Taoiseach: Yes. Suicide is a serious matter with which I know Deputy Neville has been involved for years. I would be happy if we could arrange a time, perhaps late in the session. I will briefly answer on the other issue raised.

An Ceann Comhairle: I will hear Deputy Costello briefly because he was unable to move a request to adjourn the Dáil under Standing Order 31 which he submitted to my office. He may read his request to the House.

Mr. Costello: I thank the Ceann Comhairle and apologise for being late as I was bringing Frank McBrearty and his wife and sister to the Dáil Gallery. My request was to seek the adjournment of the Dáil to discuss the following specific and important matter of public interest requiring urgent attention, namely, the need for the Minister for Justice, Equality and Law Reform to make provision for legal representation for members of the McBrearty family at the Morris tribunal. In view of the importance of this issue, I hope the Ceann Comhairle will agree to this request.

An Ceann Comhairle: I do not wish the decision to allow the Deputy to read out his request to be regarded as a precedent. However,

the House concluded Question Time a little earlier than usual which probably caught the Deputy unawares.

Mr. Costello: I appreciate the consideration shown by the Ceann Comhairle.

Mr. Sargent: On the same issue——

An Ceann Comhairle: We will hear the Taoiseach as the issue does not arise under promised legislation.

Mr. Sargent: I wish to raise directly related legislation, namely, the tribunals of inquiry (evidence) (amendment) Bill. Will the legislation be brought forward with greater urgency to allow the House to address the injustice of not having costs allowed for the McBrearty family?

The Taoiseach: We will bring it forward. I wish to answer the questions put by Deputies Kenny and Costello and give the legal advice I have received from both the Department of Justice, Equality and Law Reform and the Office of the Attorney General. I am not giving any of my own views on this matter in which I have not been involved. It is important and I have read the report which has come up before. This is the position and I hope it is helpful to the McBrearty family and the public at large in understanding the issue.

The position in regard to the family in question has been raised previously in the House. I understand the current position is that Mr. Frank McBrearty senior gave evidence to the tribunal last week but is now no longer taking part in the process because his legal costs are not guaranteed. The facts of the matter are quite clear. The family concerned applied for and was granted a right of legal representation at the outset of the tribunal's business in the summer of 2002. Under the terms of the Tribunals of Inquiry (Evidence) Acts 1921 to 2002, the question of costs is solely a matter for the tribunal. This is not only the legal position but it also has important practical implications for tribunals in the search for the truth.

The Acts allow that where a tribunal, having regard to its findings and all other relevant matters, is of the opinion that there are sufficient reasons rendering it equitable to do so, it may order the whole or part of the costs of representation to a person appearing before it to be paid at the end of each module. A tribunal, when determining whether costs should be paid, may take into account failure to co-operate or provide assistance to or knowingly give false or misleading information to the tribunal. In this regard, it is worth noting that in the Chairman's judgment in relation to the costs associated with the first module he regards co-operation with the tribunal and truthfulness in giving evidence as matters of paramount importance. In deciding the costs he made reductions in some cases and totally rejected other applications where he was of the

opinion that persons deliberately lied or otherwise hindered him in his efforts to get to the truth.

I have a longer legal note which I can give to Deputy Kenny if necessary. The issue is that the tribunal awards costs at the end of each module so that nobody has to wait for a period of years to be awarded costs. It is vital for the proper operation of the tribunal that the Chairman does not have his powers on costs pre-empted. The tribunal is dealing with all witnesses with scrupulous impartiality.

The only words I add on this matter from my own work, in having dealt with this issue many times, is that if one gives a guarantee before a module, one cannot have circumstances in which the Chairman can make a judgment on whether a person co-operated. It is not possible and that is the advice I have received from the Attorney General.

Mr. Costello: That is not true as there is a precedent.

The Taoiseach: That is the position.

Mr. Rabbitte: While I understand that is the legal advice available to the Taoiseach, the Minister for Justice of the day was enabled to make special arrangements in the case of the Stardust tribunal. There is a precedent without abrogating the rights of the chairman of the tribunal in this particular case.

An Ceann Comhairle: We cannot have a debate at this stage.

Mr. Rabbitte: On a slightly different aspect of the same issue, what is the Government's response to criticism outside the House that the first report of the Morris tribunal is available but the House has not so far debated it? What is the attitude of the Government on the matter? Would it be appropriate at this stage of the Morris tribunal for the House to debate the first report?

The Taoiseach: Personally, I would have no difficulty in that regard. I do not know if there is any implication for a tribunal if one discusses part of it. I can check and let the Deputy know.

Mr. Sargent: I know the Taoiseach was replying generally to several questions but, intending to be helpful, I asked whether the tribunals of inquiry (evidence) (amendment) Bill would be brought forward with greater urgency and whether it would envisage—

The Taoiseach: This session.

Mr. Sargent: I was seeking to have it taken more urgently than this session because that could mean, as it has in the past, that it will not be published.

A second promised Bill, the Comprehensive Nuclear Test Ban Treaty Bill, is pertinent to the discussion on Leaders' Questions. I understand a review of the reasons giving rise to the treaty will be reviewed in May. If Ireland, a signatory of the treaty, has not enacted the legislation, it will place the country in a bad light. It is a small technical Bill and no indication has been given that it will be published. Will the Taoiseach have it published?

The Taoiseach: The latest position is that the draft heads of the Bill are being prepared in the Department. It has 20 heads and I do not know if it can be done any quicker, but I will ask. The listed date is 2006.

Mr. Broughan: I note the harbours Bill has reappeared in section C of the list of proposed legislation. Will a separate Bill be introduced for fishery harbours given the considerable dissatisfaction in national fishery ports such as Killybegs, Howth and Dunmore about the bureaucratic hand of the Department of Communications, Marine and Natural Resources?

An Ceann Comhairle: We cannot have a debate.

Mr. Broughan: I have a second brief question. Yesterday, the Taoiseach exuded an air of helplessness regarding the terrible situation in accident and emergency departments. It appears Mr. Joe Duffy, for example, has a clearer idea about what to do than the Taoiseach.

An Ceann Comhairle: The Deputy is out of order and will have to find another way of raising the matter.

Mr. Broughan: We listen daily to descriptions of disgraceful scenes in accident and emergency departments in Beaumont Hospital and elsewhere. The Taoiseach is from north Dublin but is doing nothing about it.

An Ceann Comhairle: Will the Taoiseach respond to the question on the harbours Bill?

The Taoiseach: It will be taken next year.

Mr. Broughan: Joe Duffy seems to know what to do while the Taoiseach does not.

An Ceann Comhairle: I ask the Deputy to resume his seat.

Mr. Broughan: I do not care.

An Ceann Comhairle: If the Deputy does not wish to resume his seat, he can leave the House.

Mr. Broughan: Will the Ceann Comhairle ask the Taoiseach to answer?

Mr. Ferris: In 2002, the Adoption Bill was promised for 2003. According to the list published yesterday, it is not due until 2006. Can the Taoiseach tell the House what is happening to this Bill and why there is a delay?

The Taoiseach: The Deputy is referring to the Adoption Information (Post Adoption Contact and Associated Issues) Bill. The heads of the Bill have been approved and will be incorporated into a general adoption Bill which is due in mid-2006. The heads of the Bill have been approved by the Government and the Bill is currently being drafted. It is a fairly large Bill and its purpose is to ratify the convention on the protection of children to promote the creation of an adoption authority. It will not be ready until next year.

Mr. Kehoe: Publication of the Family Law Bill has been pushed back to 2006. I wish to inform the Taoiseach that I have a case in my constituency where there is a man——

An Ceann Comhairle: The Deputy should not give an example. It might be appropriate on Second Stage.

Mr. Kehoe: A case has continued in the High Court for three and a half years. If this Bill was introduced, it would improve family law. What has delayed publication of this Bill?

The Taoiseach: The Bill is due next year. The heads of the Bill have not yet been prepared. The legislation is intended to make provision for adjustments in the context of separation agreements and certain other reforms of family law. It will not be ready until next year.

Mr. Kehoe: It should be introduced now.

Mr. Durkan: In the context of promised legislation, what is the Government's intentions concerning the National Oil Reserves Agency Bill, which is a moot point, especially when one considers the escalating oil prices at filling stations and of diesel prices in particular, which now exceed petrol prices. In addition, I notice a number of Bills which were previously proposed for 2005 have been delayed until 2006, including the Broadcasting Authority Bill. A number of Bills have disappeared altogether. Did something fall from the screen on the Government side of the House? The Postal (Miscellaneous Provisions) Bill has disappeared altogether. The Taoiseach might enlighten us as to whether there is a governmental crisis about which we have not been informed.

The Taoiseach: The National Oil Reserves Agency Bill is due in late 2005. At the start of every session, there is an examination of the prioritisation of Bills for the next session, in this case the summer session. We try to get a realistic assessment of the Bills' status by considering whether the heads have been drafted, if any work

has been done on the heads and whether any legal work must be taken into account. In this way, we are giving factual information. Most Departments like to give the impression that their Bills are almost ready. However, I have been trying to impose a rule that we give a realistic assessment. This is the reason for the change. Some people might claim that a Bill would be ready for a particular session, but when I check I discover that even the heads of the Bill have not been prepared.

Mr. Durkan: The Taoiseach should keep the pressure on.

Ms O'Sullivan: I am delighted by the Taoiseach's statement and that the Government examines Bills on the list. As far as the register of persons who are considered unsafe to work with children Bill is concerned, the list still states that it is not possible to indicate at this stage when it might be introduced. The position is the same as last September when we received the previous list of proposed legislation. Has the Government given any consideration to establishing a register of persons considered unsafe to work with children? It is an important issue, but the Taoiseach is stating the same thing about it as he did last September.

The Taoiseach: This Bill is not only an inter-departmental issue but is also a North-South issue. This is what is delaying it. The Minister has appointed an implementation group to advise on the implementation of the necessary legislation. The Departments of Education and Science and Health and Children are in discussions about the establishment of a pre-employment consultancy service. Its intended purpose is to give effect to the recommendations of the child protection joint working group. The legislation arises from the North-South ministerial council. I know the Deputy has raised the issue a number of times. However, as I have stated before, I have asked that the committee complete its work, even if we cannot make further progress on a North-South basis. I understand this work is still underway.

Ms O'Sullivan: Did the Taoiseach give any consideration to this? This is a very important issue and it——

An Ceann Comhairle: The Deputy has made her point. A number of Deputies wish to contribute and I wish to facilitate them if possible.

Mr. Boyle: We are fast approaching the first anniversary of the publication of the report of the All-Party Committee on the Constitution on property rights. There has also been a subsequent report by the National Economic and Social Council on housing policy. Today, the Minister for the Environment, Heritage and Local Government made a——

An Ceann Comhairle: Has the Deputy a question?

Mr. Boyle: The question is about a promised debate on housing policy. I make it on these terms. Today, we have——

An Ceann Comhairle: That is not a question.

Mr. Boyle: I am rephrasing it for the Ceann Comhairle's benefit. Today we have the Minister for the Environment, Heritage and Local Government making a policy statement regarding housing that should be made in this House

An Ceann Comhairle: This does not arise at this time.

Mr. Kitt: That was dealt with yesterday.

Mr. Boyle: It should be made in this House.

An Ceann Comhairle: I call on the Taoiseach to——

Mr. Boyle: If this is not suitable for the Order of Business, what is?

An Ceann Comhairle: The matter was dealt with yesterday.

Mr. Boyle: I ask the Ceann Comhairle to respect our rights as Members to have policy statements made in this House and not in the national media.

The Taoiseach: The Minister for the Environment, Heritage and Local Government is taking Question Time today. I answered the question about the debate yesterday.

Mr. Boyle: We were promised a debate on housing policy and this is what happened.

An Ceann Comhairle: That was dealt with yesterday.

Ms O. Mitchell: I have raised the matter of the ratification of the Cape Town Convention, which would legitimise the setting up of an aircraft registry in Ireland. The contract is in danger of being lost to this country unless the legislation is passed very quickly. It has not been introduced yet. Is there a proposed date for the legislation?

The Taoiseach: The text of the Bill is to enable Ireland to ratify the convention which facilitates the international financing of aircraft. The heads of the Bill have been completed. They were finished at the end of March. The Bill has gone for drafting. I do not have a date for it. This was the old air navigation Bill.

Ms O. Mitchell: Time is of the essence.

The Taoiseach: The heads of the Bill have been completed. The Government approved them on 22 March.

Ms Burton: Did the Taoiseach have a chance to go for a swim over Easter, and if so, did he try to go to the National Aquatic Centre? It is nearly four months since——

An Ceann Comhairle: Does the Deputy have a question on legislation? What is the legislation?

Ms Burton: Yes. The Taoiseach has promised the Abbotstown Sports Campus Development Authority Bill to manage the Abbotstown centre. The roof is still off the pool. Irish swimming has practically been destroyed. The Government is doing nothing about it. I ask the Taoiseach when will the Abbotstown Sports Campus Development Authority Bill be published so we will know the fate of the pool?

Mr. Durkan: Absolutely.

An Ceann Comhairle: The Taoiseach will reply with regard to the legislation. The Deputy should resume her seat because two of her colleagues are offering to contribute and I wish to facilitate them.

Mr. Rabbitte: The Taoiseach is looking at an open air pool.

The Taoiseach: The Bill will be introduced this session.

Mr. Timmins: In the region of 500,000 tonnes of waste has been illegally dumped in County Wicklow over the last number of years. Three and a half years later, not an ounce of it has been removed. Will the Taoiseach instruct the Minister for the Environment, Heritage and Local Government to issue a policy directive, as he is empowered to do under the Waste Management Act, to have this waste removed? Some 150,000 tonnes——

An Ceann Comhairle: This matter does not arise under the Order of Business.

Mr. Timmins: Some 150,000 tonnes of it is beside a new housing estate. It is an absolute disgrace. It is an embarrassment for me and for other public representatives that the waste is just lying there.

An Ceann Comhairle: The Deputy should resume his seat.

Mr. Timmins: There is 500,000 tonnes of waste and nothing is being removed. The Taoiseach should ask the Minister for the Environment, Heritage and Local Government to issue a directive.

Mr. Costello: May I take it that——

Mr. Timmins: A nod is as good as a wink.

An Ceann Comhairle: Deputy Costello should be permitted to speak without interruptions.

Mr. Costello: Does the Ceann Comhairle not intend to adjourn the Dáil to have a debate on the McBrearty case? I raised the issue under Standing Order 31 but he did not give me a formal reply.

An Ceann Comhairle: I want to make it clear to the Deputy that I did not take the question under Standing Order 31 because proceedings had already moved on. However, because the issue had been raised, the Chair in its generosity allowed the Deputy to read his matter.

Mr. Costello: The Ceann Comhairle is very kind.

Mr. Rabbitte: Can the Ceann Comhairle promise that this flexibility will become a regular feature?

An Ceann Comhairle: The Chair is always flexible. It is too flexible in fact.

Mr. Durkan: It must be due to the approach of Summer.

Mr. Costello: Will the Taoiseach make provision for a debate in the House on the McBrearty issue? It seems we will not have a debate today on it, but it is being debated everywhere else, including in the media.

An Ceann Comhairle: The debate was promised.

Mr. Costello: The Taoiseach wishes to answer.

Ms Burton: On the report——

An Ceann Comhairle: That matter has already been dealt with this morning.

Mr. Sherlock: The Ground Rents Bill is not included in the programme of legislation published yesterday. What justification can the Taoiseach offer for taking this Bill off the list because there is an impending case before the courts? I have received some letters and I would like to know whether it is intended to introduce the Bill.

The Taoiseach: The Ground Rents Bill is not proceeding at present because the Supreme Court decision may have implications for it. Regarding Deputy Mitchell's question, I understand the Cape Town Convention Bill will be published today.

Mr. Howlin: After years of pressure, the Health and Safety (Amendment) Bill was intro-

duced into this House and passed at Second Stage and Committee Stage because of the urgency of the situation. A variety of groups outside the House, including trade unions, had lobbied for a measure to increase workplace safety. We are now waiting for approximately three hours of Report Stage time to complete the Bill so it can become part of our law. When will Report Stage be taken?

The Taoiseach: Report Stage will be taken as soon as possible. It is an important Bill.

Mr. Howlin: Three hours will be sufficient.

The Taoiseach: We could take it one night.

Mr. Howlin: I am sure the Opposition spokespersons would be happy to take Report Stage at any time.

Mr. Eamon Ryan: Could the Taoiseach let us know which stage the Parental Leave Bill is at, when Second Stage is expected to be taken in this House and when it is expected to be completed?

The Taoiseach: The Bill is at Second Stage but I do not know when it will return here. It is a matter for the Whips.

Mr. Eamon Ryan: I am afraid debate has not commenced. Could the Taoiseach tell us whether Second Stage has commenced and when it is due back in the House?

An Ceann Comhairle: It is a matter for the House.

The Taoiseach: The Bill is at Second Stage.

Ms Cooper-Flynn: In the light of recent controversy over alternative medicine practitioners and the inadequate penalties for their non-attendance at inquests, could the Taoiseach indicate if it would be possible to fast-track the publication of the Coroners Bill, which was promised for 2006?

Regarding No. 57 on the Order Paper, which relates to the western rail corridor, could the Taoiseach give consideration to the opening of the rail corridor in full rather than on a phased basis when announcing shortly the ten-year capital envelope for transport?

The Taoiseach: The heads of the Coroners Bill are expected by mid-2005, while the Bill is due by 2006. I recognise the Bill's importance and I will raise the possibility of fast-tracking it with the Minister for Justice, Equality and Law Reform.

Ministerial Rota for Parliamentary Questions: Motion.

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

That, notwithstanding anything in the Resolution of the Dáil of 6th June, 2002, setting out

the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Defence, shall be set down to Ministers in the following temporary sequence:

Minister for Education and Science
Minister for Finance
Minister for Foreign Affairs
Minister for Agriculture and Food

where upon the sequence established by the Resolution of 6th June, 2002, shall continue with Questions to the Minister for Communications, Marine and Natural Resources.

Question put and agreed to.

Disability Bill 2004: Second Stage (resumed).

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

An Ceann Comhairle: Deputy Howlin has eight minutes remaining.

Mr. Howlin: I spent the bulk of my contribution last night analysing the Bill and trying to outline the sense of disappointment felt by the disability advocacy groups when the Bill was published to the House and the Government in particular. These groups were let down by a broken promise.

The previous Disability Bill was withdrawn because of the pressure brought by disability groups which expected a rights-based Bill. When a consultation system was put in place, people, particularly the advocacy groups, believed that glaring deficiency would be addressed with new legislation. After two years of so-called consultation which conveniently allowed the Government to get beyond the local and European elections, the submissions and the acknowledgement of the good work done by advocacy groups, families and friends of people with disabilities and people with disabilities themselves, the Bill that was published again failed to recognise the principle of rights-based legislation.

The advocacy groups' position was both reasonable and measured. They acknowledged that it would take some time for the various services that were needed to appear, for example, speech therapy, motivation therapy, family supports, placement in residential situations and day care. There was an understanding in the dialogue that took place over the two years that it would take time to develop these services. However, the groups believed that once the principle of rights was agreed, a partnership approach to the delivery of that right could be agreed. Nobody expected the services to be introduced overnight. They expected, however, that the old attitude of tokenism towards people with disabilities would be dispensed with and that the vindication of citizenship would be provided through rights

enshrined in legislation and would be worked through on a structured basis over time. The Government, after perpetrating a con-job, rejected that core principle and decided to perpetuate a culture of dependency and charity. It is shameful that after all the consultation, dialogue, submissions and the passage of so much time, we are back to that type of approach. It is particularly shameful given that Ireland has never been wealthier or better able to help people with disabilities enjoy full citizenship.

Every Deputy has been inundated with views of people with disabilities, their carers and their advocates. Nobody can doubt the sense of betrayal felt by these people. In my constituency, the Wexford Centre for Independent Living and the Gorey Centre for Independent Living have written regularly to Wexford Deputies and, I think, to Deputies across the political and geographical spectrum. People like Kenneth Kilduff in Gorey, who has a disability himself and is a regular advocate for the disabled, has been consistent in his demands for rights-based legislation over the years. He was led to believe that this Bill would meet his objectives. People with disabilities, their carers and their advocates are unanimous in calling for this bill to be scrapped and the core principle of rights to be restored.

We should build up services, identify individual need and provide the assessment of the individual with a clear promise that over a fixed and understandable timeframe, those needs will be met on a case-by-case basis. We should build real partnership, rather than the pretence of partnership, between service providers and the State and people with disabilities.

I will use the remaining time to address an issue of mental health, which is of critical concern in my constituency. I speak particularly about the appalling deficiencies in the adolescent psychiatric services in County Wexford. I have here some of the individual case files of desperate young people who cannot get psychiatric assessment. It is because of a lack of resources rather than a lack of enthusiasm within the limited resources that are present, which are being stretched to the limit. Were the Minister of State to read these files he would know that the current adolescent psychiatric service is limited to under 17s who are suicidal or psychotic. That is the extent of it. There are no evaluations in the educational context. It is no exaggeration to say that only a bare fire brigade service is available to those who have real need.

Families are at their wits' ends. We can afford to do better and have a moral obligation to do so. If we do not provide psychiatric supports to people who are vulnerable at that critical stage of development, the cost to the State, not to mention the cost to the families and individuals, will be greater in the long term.

I ask the Minister of State to have particular regard for the development of adolescent psychiatric services across the country. The model of best practice is there but its delivery is excruciat-

[Mr. Howlin.]

ingly slow, particularly in County Wexford. So as not to invade the privacy of the individuals who are in situations of desperate need but have no services, I will not put their cases on record. However, I ask the Minister of State to take note of this critical deficiency in County Wexford. It may be replicated elsewhere but I will personally and trenchantly bring to the Minister of State the cries of the individual families and the needs that have been identified by both service providers and these families seeking those services.

Mental health is one issue. We must provide decent mental health services across the country. We must progress the provision of the acute psychiatric admission wards in our general hospitals that we promised but in which we are making painfully slow progress. However, these are only parts of the matrix of providing a service to all the variously abled and disabled people in our community to allow an end to the old notions of charity and dependence that have characterised our reactions to the disabled until now and to begin a new chapter of recognising the rights of all citizens to participate to the fullness of their abilities. This legislative measure fails that principal test and I ask the Minister of State at this 11th hour to hear the voices of those directly concerned, the disabled, their carers and their advocates, and to address the fundamental issue at the core of this to provide rights-based legislation for those in need.

Ms O. Mitchell: I welcome the opportunity to speak on this Bill. There has been no lack of speakers and I am happy to add my voice to those who have spoken so eloquently in recent months. I have been a Deputy for nearly eight years and cannot recall how often I have spoken on disability issues, yet it is the issue on which I have spoken most frequently. It is one of the issues that has been raised most often in this House on Leaders' Questions, in Private Members' time, by way of parliamentary questions and on the Adjournment. We have discussed practically every aspect of disability and the provision of services for the disabled. For instance, we have discussed schooling, day care for the intellectually disabled, respite places, residential care, mobility issues from tax incentives to obstructed footpaths, the needs of the mentally ill in society, the absence of supports for the mentally ill and the appalling lack of options for accommodation for them, which often has tragic consequences for them and others.

We have discussed disabled persons' grants and the truly appalling situation it is in throughout the country and the failure to address the problem. When I raised the issue with the Minister I left him with the impression that he did not understand the causes of the problem underlying this particular scheme. We have discussed the disbelief and heartbreak caused to families by the added trauma of being told there is little hope of receiving any help towards the costs of adjusting

their homes to meet the needs of loved ones who are struck down by debilitating illnesses or accidents, which are devastating and life-changing events for families.

We have discussed the shortage of support workers in all the paramedical areas, including physiotherapists, speech therapists, occupational therapists, psychologists and so on. We have spoken about how the scarcity of such services causes agony for families of the disabled, particularly of young disabled, as it is at this stage that these therapies can have a huge impact on the level of disability the person will sustain into adulthood. Such therapies can have a dramatic effect on the quality of life for the disabled and can help them to achieve their potential, which is all that any of us can aspire to.

However, the problem is that not having these therapies is not impact-neutral. The failure to receive timely therapies is devastating in its consequences as it increases disability over the years. I cannot count the number of parents I have spoken with who have been saddened by witnessing their children becoming locked inside their own worlds, be it due to blindness, deafness or inappropriate behaviour, simply because therapists were unavailable at the critical time to help them develop the communication skills necessary to unlock their worlds. Neither can I count the number of children whose parents watch them become more crippled over time because they did not receive the type of activation and therapies that were necessary during their critical developing years.

For people who are not born disabled but become so later in their lives, such as stroke victims, therapists are critical. However, they do not have them. I cannot count the number of families that fell apart because they were unable to cope with the stress of living with untreated behavioural problems coupled with no respite and no psychological support. For these families, "if only" is the saddest phrase. This is true for all of us, but for these people it has special resonance in the context of the things that could have been done and the life changes which could have resulted if only the services had been available.

We have spoken about the difficulties of the disabled, particularly the physically disabled, to enter the workforce, the extent to which the quota system has been implemented and part M of the building regulations. We have discussed training for the disabled, the need for supported employment and that, for many, reaching 18 is regarded as the end of the State's obligation to them. Consequently, this is the end of any real type of life, effectively making them prisoners in their homes. They stay at home in despair with aging parents who are unable to do anything to help them.

High suicide rates amongst that young group have been spoken of previously and just now by Deputy Howlin. It is critical for everyone that we have something to do when we wake up in the morning. Most of us go to our eight hours of

work, but whatever it is, be it a day activation centre, sheltered employment, part-time employment or full-time employment, everyone needs it. The disabled are no different in this regard.

I wish to highlight the impact of the withdrawal of CE schemes. I understand that employment opportunities for the Celtic tiger cubs have increased, but the disabled are still disabled. Many of them are unable to take up 40 hours of employment per week.

For them the choice is to work for 40 hours or to stay at home. We must gear these schemes towards dealing with the huge lacuna which has been left for many of the disabled in terms of employment.

We have talked about the young chronic sick, a group which all of us would agree is particularly tragic. Many of them are very dependent. They are often totally inappropriately placed in geriatric homes or psychiatric facilities in which they should not be. All these issues have been discussed at great length. We must ask ourselves what we have achieved as a result of all the debates we have had. Have they achieved anything? We have achieved some things. For instance, they demonstrated to all of us, irrefutably, that services for the disabled, right along the continuum from the cradle to the grave, were dismally inadequate. Where those services were not inadequate, they were just non-existent. In fairness to the Government parties, we do not have a monopoly on concern. This view was shared by everybody in the House, that is, that it was something we really had to tackle as a nation. We were all anxious to seek remedies.

The second thing all those debates achieved was unanimity about the hopelessness of proceeding in the way we had in the past, that is, in a piecemeal way of trying to plug service gap holes which emerged in the various areas where demand pressures grew and they became a huge media issue. We would partially deal with such demands and then forget about them. There is unanimity about the hopelessness of erratic budgetary responses which can be good in the good years and fall back in years in which revenues are not as buoyant. The backlogs are never dealt with and in bad years, they increase again.

There is also unanimity about the hopelessness of providing capital moneys for facilities but forgetting about the accompanying revenue funding required. We agree on the hopelessness of meeting the needs of one group at the expense of another and on the hopelessness of the failure to plan for the training of an adequate number of skilled and specialised personnel. There have been almost ten good years with perhaps a couple of years in which the Celtic tiger regressed. Even with the intent to improve facilities, qualified personnel were not available. I refer especially to paramedical services such as physiotherapy and speech therapy, in particular. It is almost impossible to access a speech therapist. Even with all the good intentions to provide the money for speech therapy, the therapists were not available. We

could not even attract them home from abroad. I understand some improvement has been made and that the number of places available in physiotherapy, psychology and speech therapy has increased. However, it will still be woefully inadequate even when those additional trained personnel come on stream.

We agreed that what was urgently needed was a comprehensive legislative response which, for the first time in an integrated and holistic way, would outline the rights of the disabled and the way in which the State would meet its responsibilities which flowed from those rights. I agree with what my colleague, Deputy Howlin, said in that nobody expected that rights based legislation would give the disabled rights over anybody else. That was never the intention and was recognised by everybody. Nobody expected that service levels would miraculously overnight go from inadequate or non-existent to perfect. Nobody expected the magic wand approach or that service levels would be divorced from the resources available to provide them. Of course, all services are limited by resources. That is the nature of life in that our standard of living is limited by our income. That is also true for a nation and everybody understood that.

What was expected, however, was an honest attempt to try to make a comprehensive new beginning in the way in which the needs of each individual were established and in the way we met and monitored those needs over the years to ensure that the needs were met and that if the needs changed, those changing needs could be met. Clearly, nobody knows the path of disability which changes over the years as do people's requirements. Even when services are perfect, needs change so ongoing monitoring is essential. When all is said and done, it was a modest aspiration.

What has been so disappointing about the Government's response is that the whole notion that any particular group should have rights established in legislation is seen as an enormous threat to the stability of the country. It is regarded as the unthinkable, the apocalypse and the appalling vista of the Barbarians at the gate, something we could not even contemplate. It is nonsense to respond in this way. It is a complete overreaction and it is a hugely disappointing breach of trust with all those groups involved in the negotiations leading up to the introduction of this Bill, the second attempt to introduce legislation. All those disability groups, their advocates, the disabled themselves and their families who participated in the preparation of and the lead up to this legislation genuinely thought they were on the same wavelength and heading in the same direction as those in Government with whom they were in debate. There was disappointment and outrage at the first disability Bill published prior to the last general election and eventually withdrawn. However, it is nothing compared with this because this is regarded as a breach of trust. The disability groups assumed

[Ms O. Mitchell.]

there would be a partnership approach and they believe they have been let down.

Not only does this legislation not deliver what was anticipated, its wording betrays the real thinking which seems to inform the Bill. The Bill is as much about what the disabled cannot have as about what they can have. It excludes rather than includes and it limits rather than embraces. It protects the Department of Finance and not those vulnerable people who need protection. Its spirit is to circumscribe and restrict rather than to grasp this unique opportunity to offer hope and light and a new freedom to the disabled. It is, in its essence, mean-spirited and a really inexplicably defensive response to what promised so much — that is, the process of negotiations with the disability groups — but delivered so little. To me and to everybody who had anything to do with this, it makes no sense to be afraid that the reasonable demands of a vulnerable group of citizens for the opportunity to participate as best they can in the benefits of society will somehow bring ruin to our door and bring our economy crashing down. It is nonsense. We have many things to fear. There are many threats to the Celtic tiger but the disabled cannot be numbered among them.

Even the definition of disability was mean-spirited. It sought to limit anybody who might benefit from being labelled “disabled”. For instance, it excludes people in full-time employment. Even though to be in full-time employment, one would have needed the supports which came as a result of being disabled, one is excluded from the definition. It seems to be trying to prevent such people from availing of any benefits which might accrue to them. It did not recognise the possibility of episodic illness or disability. People must have an ongoing disability, yet so many illnesses are episodic. Mental illness and physical disability can be episodic. These people can be brought back in to full participation in the workforce and society if they have the supports during those episodes of disability, yet the legislation seems to be trying to exclude them.

I do not want to go through each aspect of the Bill and criticise it because the Minister knows the criticisms and the defects which have been highlighted by the various groups which have made submissions and by Members who have spoken. The reason I wanted to speak and to add my voice to those who have spoken is to impress on the Minister and the Cabinet that something can be salvaged from this Bill. Flawed as it is, we can give some meaning and reason to all the years of debate, preparation and promise if the Government shows some generosity of spirit and accepts the necessary amendments to change this Bill into one which is meaningful.

Fine Gael and the other Opposition parties could vote down the Bill and reject it out of hand but all of us are conscious that while it might be politically smart to do that and give us some political satisfaction, it may not serve the needs of

the disabled in the long run. God only knows when another disability Bill will come before the House. This may be our last chance for years to do something significant to benefit the disabled and to change the mindset that sees the disabled as a drain on our resources instead of valued citizens.

My colleagues, Deputies Twomey, Stanton and others, will submit amendments to the Bill. However, the kind of amendments that are required to change the Bill into a meaningful measure are substantial amendments which have financial implications and they must come from the Government. The reason I stand up here today is to plead with the Government to bring forward those amendments. I plead with the Minister and his colleagues not to throw away this opportunity to make the legislation meaningful. Even as legislators it is not often we get the opportunity to do something that will benefit many into the future. It is not an opportunity we get every day of the week to directly impact for good on the lives of many, the people who depend entirely on us to do something for them.

I ask the Minister not to waste this opportunity but to bring forward those amendments. None of us has anything to fear from meeting our obligations to the disabled.

Mr. Lowry: I welcome this opportunity to speak on the Bill which is, perhaps, one of the most important and challenging in recent years. I have a particular interest in this area, having a daughter working in the field of special needs care. I, like many of my colleagues in this Chamber and in the Seanad, have been inundated with letters and phone calls from worried parents, disability groups, carer associations and national representative groups, all of whom are extremely concerned about the impact this Bill will have on people with disabilities. It is often said that the measure of any nation can be seen in how it cares for the weakest members of its society. Among the weakest in our society are the old, the young, the sick, the poor and the disabled.

The Government has presided over a series of major blows delivered to the weakest members of our society. The elderly are extremely worried about the ever-increasing cost of health care and nursing home bills. It is generally accepted that the Irish health care service is in disarray as a result of years of bundling and mismanagement. We are told that young people in our society never had it so good, yet alcohol, drug abuse and suicide among young people is at all time record levels. The rising tide of the Celtic tiger has failed to lift the rowing boats of Ireland's poor. On top of this, the Government is intent on bringing further hardship and hassle to the weakest in our society, the disabled.

For many years disabled groups were promised rights-based legislation which would guarantee a disabled person the right to services and support. They have been promised specialist services to meet their needs. They have been promised clear,

concise and straight-forward procedures to minimise bureaucracy faced by them.

Unfortunately, the Disability Bill does not cater for the weak and the vulnerable. It does not honour the previous promises to disabled groups. It will not cater for even the most mildly disabled person in society. It will legislate to ensure that a mildly disabled person is not considered disabled under this Bill. The Institute for Design and Disability has referred to these people as the “undisabled” — being neither non-disabled nor recognised as disabled, they will be completely excluded from accessing any service. This will be a disaster for many, particularly the mildly disabled. It will be detrimental for any person who currently does not need to access services but who may need to do so in the future.

The definition of “disability” used in the Bill is far too restrictive. By using this restrictive definition many people receiving support and services from the State will be excluded under this Bill and will not be considered to be disabled. The Bill defines “disability” as meaning a substantial restriction in the capacity of the person to carry on a profession, business or occupation or to participate in social or cultural life by reason of an enduring physical, sensory, mental health or intellectual impairment.

The definition is narrowed further in section 6 where “substantial restriction” is defined as a combination of three distinct conditions, all of which must present a restriction that is permanent or likely to be permanent, results in a significant difficulty in communication, learning or mobility and gives rise to a need for services to be provided for the person on a continuous basis.

This definition excludes a substantial number of the disabled persons referred to in the report of the Commission on the Status of People with Disabilities. It also excludes those who qualify as disabled under the Equal Status Acts 2000 and 2004 and the Employment Equality Acts 1998 and 2004.

I am deeply disappointed the definition used in the Equal Status Act was not used in the Disability Bill. If the Bill is enacted without changing the definition of “disability” it will undoubtedly undermine all other Acts of legislation such as the Equal Status Acts and the Employment Equality Acts.

From the brief legal advice available to me on these varying definitions it appears that if the Disability Bill is passed with this narrow and restrictive definition it could result in a rush to secure services through the courts because of the discrepancies. If the Bill is enacted, the contradictions between the two pieces of legislation may leave the State open to a long and protracted legal battle. I urge the Minister for Justice, Equality and Law Reform to seek immediate legal advice on the matter. The Tánaiste and Minister for Health and Children should seek her own legal advice on the same issue.

Under the Equal Status Act, a person with dyslexia or other learning difficulties is recognised

legally as having a disability. However, under the Disability Bill such legal recognition does not exist. Many with dyslexia, once it is recognised, can avail of several learning aids which enable a dyslexia sufferer to learn at what is considered a normal pace.

In primary and post-primary schools and third level institutions there are provisions in place to identify and assist people with all learning difficulties. Most of these provisions were rolled out over the past three to four years. Under the Disability Bill the Department of Education and Science could legally renege on obligations to provide resources for those with learning difficulties. There are elements of the Bill which can be interpreted to mean that a Minister and Department can be exempted from allocating funds to disability initiatives.

I am disappointed the Bill does not provide for an independent assessment of needs. In the proposed legislation, assessment officers are responsible for deciding what services a person needs and liaison officers are responsible for arranging the delivery of services. These officers will have enormous power in deciding the level of service, if any, a disabled person will receive. However, these officers will not be truly independent because they will be employed by the Health Service Executive.

The complaints and appeals system as proposed is so complex and bureaucratic that it will only serve to discourage people with disabilities or their representatives from using it. It is widely acknowledged that people with disabilities and their families endure considerable difficulties in attempting to secure services. The essence of any Disability Bill must be to reduce the amount of red tape for those with disabilities. Unfortunately, this Bill will not achieve that objective. This is surely a further example of how the weakest in society are blatantly ignored.

It is shocking that there are no references in the Bill to the multi-disciplinary services that are so urgently required. The Bill proposes to establish a very costly and cumbersome administrative network of assessment officers, liaison officers, complaints officers and appeals officers, without giving any clear indication of the professional backgrounds needed for this type of work or whether they may be former non-professional employees of the health service. The creation of such a bureaucracy must be questioned. Precious disability funding and resources must not be used to build a plethora of administrative posts when it is front-line specialists such as physiotherapists, special needs teachers and assistants, speech and language therapists and others who are so urgently required.

This Bill signals the beginning of a bureaucratic nightmare for people with disabilities and their families as they search frantically for essential services which will be wrapped up in red tape and hidden from those most in need of quality services and care. With this inflated bureaucracy proposed by the Government, it has failed to con-

[Mr. Lowry.]

sider the implications of the Disability Bill on an already crisis-ridden health service.

Currently the HSE is not in a position to offer people with disabilities in different parts of the country the same level of service. Certain services are available for those residing in Templeogue, whereas different services are available for those in Tralee and they are different again in Thurles. There is not a uniform service in every part of the country for those suffering with the same disabilities.

The parents of an autistic five year old in Birr, County Offaly, contacted me. They have been sending their young girl to Scoil Naomh Áine, a special needs pre-school in Roscrea. The HSE midland region had been contributing to the pre-school with the HSE mid-western region. In recent months, parents have learned that the pre-school is to close with effect from June 2005. Parents were originally informed that their special needs children would be accommodated in mainstream child care centres, yet there are no such facilities in the area. Then the parents concerned were told that their child would instead have two hours of respite per week. All this, however, has been taken away and they have been told that the pre-school will close with no replacement service available.

On the other hand, the children who reside in the Roscrea area, which is in the mid-western region, will be offered a service from the north Tipperary early intervention services. This is proof of inequality in the delivery of services. I question the equality of opportunity presented by this Bill. Equality of opportunity has been air-brushed from the Statute Book by the Disability Bill.

I compare this situation to that of the Guardian Angel pre-school in Thurles, which has been winding down its services in recent years. It stopped taking in new children a few years ago, while continuing to cater for the current special needs children until they are transferred to a mainstream or special needs primary school. This is a school with very strong bonds to the local community. It was set up by workers in the Thurles sugar factory in the 1970s. The Guardian Angel pre-school has always been recognised as providing an excellent level of service for special needs children in the area. Local fundraising down through the years has enabled the Guardian Angel pre-school to provide state-of-the-art quality of care for special needs children. There is bitter disappointment in Thurles and the surrounding areas that the school is to close. The official line is that it is not closing but changing to become a resource centre with physiotherapists and many other specialists offering services for special needs children.

I raise the situation regarding these two special needs pre-schools because both schools are, in effect, closing. Parents of disabled children in the HSE mid-western region have been promised a level of service. While they have grave reser-

vations about the new service offered, the experts say it is the best in international practice. Time will tell if the parents' concerns were justified. My hope, for everyone's sake, is that the experts are right.

Fifteen miles down the road from Roscrea, parents whose children attended the special needs primary school are having every single service available to them removed by the HSE midland region, which will no longer provide funding for an organisation in north Tipperary, despite Roscrea being nearer for the families involved and despite the excellent service offered by the local pre-school. It appears that those in Birr will get nothing. They were not consulted on this matter. They now have no pre-school, no respite and no service, and all this is taking place under the new integrated health service.

I fear that this Bill will exempt the HSE from having to provide the basic minimum services for people with disabilities, particularly in areas where the HSE regions overlap. A person in Thurles should have the same access to services as a person from Templeogue. Geography and location should not be used to discriminate against the disabled in society.

I have been contacted by several groups expressing both gratitude and worry almost in the same breath. The announcement in the budget of multi-annual funding of €894 million in 2006-09 was most welcome. I acknowledge the importance and significance of the funding. However, it is important to address four main areas of concern. First, people with disabilities are looking for equality — funding is only part of the solution. Rights-based disability legislation and the force of law is central and is absolutely necessary to ensure that people with disabilities can become truly equal citizens of Ireland. Second, people with disabilities want services as a right and not only when extra resources are available to the Government. Funding can be provided for a few years and then withdrawn when the budget is tight. Why are the weakest in our society always the first to suffer when the tiger no longer roars? Third, the system to date has failed many people with disabilities. Many do not have the services they badly need or only have access to services now and again. A rights-based Disability Bill will put the person at the centre of the system. Giving people with disabilities the specialist services they need has maximum value in terms of public spending if they can fully access all public services such as transport, education, housing, training and so forth.

A rights-based Disability Bill will have social and economic benefits for all, as people will get the supports and services they need to make the contribution to our society which they are currently being denied.

The issue of funding for disabilities is clearly of concern to anyone with a disabled family member, friend or relative. The Bill does not guarantee the ring-fencing of funding for disability services and supports. There have been

wild claims that the Bill ensures that a Minister must set aside resources that can only be used for disability. However, the Bill limits what a Minister can spend on disability services. To add insult to injury, the Bill also states that funding for disability services will only be provided after all other demands have been met by the Minister.

I reiterate my earlier point that the Disability Bill undermines the Equal Status Act, not only with regard to the definition of disability but also with regard to section 14 of the Equal Status Act. Section 14 states that nothing in the Equal Status Act should be construed as prohibiting the taking of action required by court orders, EU treaties and international conventions or where the taking of positive measures are intended to promote equality of opportunity or cater for the special needs of a disabled person.

The measure of this nation will be our care for the weakest in society in the years ahead. People with disabilities are among the weakest in society and the Disability Bill fails to measure up to their needs. It will fail to meet the needs of the disabled by making the mildly disabled non-existent in the system. They have become known as the "undisabled". It will fail to meet the needs of the disabled by undermining reams of existing legislation such as the Equal Status Act, with a different, more restrictive, narrower definition of disability. It will fail to meet the needs of the disabled by creating a horrendous, outlandish, bureaucratic officialdom which will deny services for the disabled.

Mr. S. Ryan: I am pleased to have the opportunity to contribute to this debate. As far back as 1997, the Taoiseach and Tánaiste gave a specific commitment in the programme for Government to ensure that disability was placed where it belongs on the agenda of every Department and public body. This is the basis upon which the Government parties contested the general election of that year. The Disability Bill 2001, which was launched just before Christmas 2001, was fundamentally flawed and eventually withdrawn in February 2002. The Minister of State with responsibility for the Bill at that time, Deputy Mary Wallace, was made a sacrificial lamb for the incompetence of the Government on this issue. This scapegoating was reflected when the Ministers and Ministers of State were announced following the general election of 2002.

It is important that we have an opportunity to outline not only our own views on the Disability Bill 2004 but the views of those who deal with disability on a daily basis, including the parents of disabled children, carers and so on. I make no apologies for my intention to detail elements of submissions made by some of these interests in the context of this debate. The first is a letter I received from a number of constituents directly involved in dealing with disabled persons. The letter states:

At its very core, the Disability Bill should improve the lives of people with disabilities

and/or their families and ensure their basic human rights are finally guaranteed and protected by Irish legislation. Like every Irish citizen, people with disabilities need, and are entitled to, quality services. That means a clear, unequivocal right to an independent assessment of need with a legal entitlement to services identified by their assessment and an agreed plan to secure these services within a reasonable timeframe if they are not immediately available. They also need a genuine and simple complaints procedure, independent in every way, to allow redress when essential services are being unfairly denied. All Departments and public service providers must also be held accountable for including people with disabilities in their planning, supporting equal access to services and facilities and meaningful progress and targets in relation to issues such as employment and education.

The Disability Bill 2004 is presented to us as positive action to support participation by people with disabilities in everyday life. However, as it stands, this Bill has serious shortcomings and will not improve lives but will force people with disabilities in constituencies throughout the length and breadth of this country into a bureaucratic nightmare in the search for essential services. Never again will legislators have such an ideal opportunity to get this historic Bill right.

The authors go on to ask for our support to prevent the wasting of time and money on "inadequate and flawed systems". That is a fundamental assessment of what we in this House are trying to achieve.

In the context of the withdrawal of the previous Bill, specific commitments were given that there would be ongoing consultation and that the views of those dealing with the issue on a daily basis would be taken into consideration. Brainwave, the Irish Epilepsy Association, has made a submission on the Disability Bill to the Joint Committee on Justice, Equality, Defence and Women's Rights. A constituent of mine writes in a letter to me that there is very little care for persons with epilepsy. He says:

Getting over seizures is a very difficult time but even still there is no help available. It is common knowledge that GPs and accident and emergency departments are not interested if a person has come out of a seizure even though this may mean a week with poor health to recover.

There will be no improvement in the situation of those with epilepsy if this Bill is enacted as initiated. These people require help and the Minister of State should take that on board in his considerations of the legislation.

All public representatives, whether in the Government or Opposition parties, have received numerous representations which attempt to highlight the shortcomings in the Bill. It was agreed at a well-attended meeting as part of the national

[Mr. S. Ryan.]

disability strategy in the RDS on 8 February that, as it stands, the Bill will do nothing to improve the lives of people with disabilities or their families, it will not meet the widespread demand for basic rights and it will force people with disabilities into a bureaucratic nightmare in the search for essential services.

The meeting resolved that, at a minimum, the Bill must be amended to include a clear and unequivocal right to an independent assessment of need for every person with a disability and that this assessment must be translated in law into a statement of entitlement to service together with an agreed plan to secure access to these services within a reasonable timeframe if they are not immediately available. Furthermore, the Bill must also provide for a genuine appeals and complaints procedure in any situation where essential services are unfairly denied to those with disabilities and it must provide for meaningful progress and targets regarding issues associated with employment and access to buildings and services. I appeal to the Minister to take on board the various views and amendments being presented by all the parties and Members in this House when endeavouring to enact the best Bill possible.

One of the groups I have met over the years and which I have found to be very professional in dealing with disability is NAMHI. It has met the Minister and put its views on record.

1 o'clock It is important that, in the context of this debate, its main concerns be put on record. Its first point is that: "Definitions of disability in the Bill are such that they will exclude many people even from an assessment." This needs to be teased out because it is a fundamental point in all the contributions and submissions we receive. NAMHI identifies the following as further concerns:

- There is no ring fencing of funding for disability.
- No link between an assessment report and the subsequent service statement.
- The Bill leaves the determination of assessments to individual health boards.
- This will inevitably lead to variations between regions.
- There is no timetable for accommodating the needs identified in the assessment report or for a plan to provide services over a set time frame.
- The Complaints and Appeals system is unnecessary, bureaucratic and cumbersome and is designed to limit enforcement.
- The Bill will create a new administrative structure on top of a system that has been criticised for being administratively top heavy and will eat into resources for services and front line staff.

- There are limitations on the obligations on Govt Departments and public bodies to make their buildings & services accessible to disabled people.
- There is no reference to making materials easy to read or in simple language for people with an intellectual disability.

In the context of work opportunities, I have had the opportunity in recent weeks to deal with a 25-year old lady with a severe disability whose mental capacity is fantastic. She wants to work but the only opportunity she had to enter the work environment was with another disability group on a community employment scheme. She did fantastic work and improved her capacity in every sense but was then told a two-year limit applied to people under 35 years in terms of extensions to the community employment schemes. I made representations to the Minister for Enterprise, Trade and Employment and, in fairness to him, he sent a response to me and the lady in question. She was very happy but she was only granted an extension of six months. There is a major difficulty in trying to get people with disabilities into the workforce. If exceptions can be made for people over 35 years such that their participation on community employment schemes can be extended, the position of people with disabilities should also be considered in this regard.

I acknowledge the commitment that has been made by Government to provide extra resources to deal with disabilities on an ongoing basis. Ultimately, we must ask who is to make the decisions and decide on priorities in the context of the needs of the disabled.

I refer again to people with intellectual disabilities, particularly those in St. Ita's Hospital, Portrane. I have raised this matter before with the Minister for Health and Children. St. Ita's was built in 1900 and was an asylum in its early years. Nothing in the Disability Bill indicates to me that there is a commitment to deal with the most vulnerable in society. I am sick and tired of the neglect of St. Ita's and its residents. Over the past 25 years the health board, with the approval of the Department of Health and Children, has embarked on a programme to run down St. Ita's with a promise of alternative accommodation. As a result, there has been little or no maintenance and the residents and staff are living with the consequences on a daily basis. This is not good enough.

The Declaration on the Rights of Mentally Retarded Persons, adopted by the United Nations, states people with a mental handicap have the same basic rights as any other citizens. The residents of St. Ita's have been short-changed. The Department of Health and Children is well aware of the situation. The Taoiseach, Deputy Bertie Ahern, visited the hospital as far back as 1996. The Minister of State at the Department of Health and Children, Deputy Tim O'Malley, has visited the hospital

several times and, while he is proactive in providing services, there has still been no progress.

In 1998, the then Minister for Health and Children, Deputy Cowen, was well aware of the situation. He visited the hospital and announced with great fanfare a major development project there for which had already been approved by the Northern Area Health Board and which awaited finance. The development project provided for 60 places at a bungalow-type facility to be built on the campus at St. Ita's. Day and other therapy services were to be relocated on campus and upgraded. Some of the existing units were also to be refurbished to provide appropriate accommodation for the remaining elderly residents.

We await a significant response to this. Planning permission has been approved and approval has been obtained from the Health Service Executive, yet, week after week and month after month, there is no response from the Government in respect of dealing with the people with intellectual disabilities at the hospital. Annie Ryan of St. Joseph's Association for the Mentally Handicapped brought the Department to the European Court and we were told support would be forthcoming. This is one example of many in which people in need who have no voice are pushed aside. This is not good enough.

I could elaborate at length on this Bill. The Commission on the Status of People with Disability concluded that there could be 360,000 people in this category in Ireland. This Bill does not entitle this number of people to a service. There is much to be done and we as legislators must try to put our thoughts and suggestions together to produce a Bill of which we can be proud. This is important for the people with disabilities who look to us for this. It is for us, and especially the Minister of State, to ensure that we do not take a blinkered approach to this but have an open agenda and do the best we can to produce the best legislation for people with disabilities.

Mr. Kehoe: I am delighted to have the opportunity to speak on this important Bill. I too hope we can have a debate that will bring together the views of all sides. Everyone in this House is concerned with the issue and feels strongly the need for change. This cross-party belief and commitment are unique. Despite this it has taken more than seven years for this Bill to come before the House. There has been widespread despair and a sense of betrayal among people with disabilities, their families and groups representing them.

As one drives through towns and villages across the country one sees in many places the Bank of Ireland sponsored 'host town' signs for the Special Olympics which bring back memories of pride, inclusion and community spirit. The enthusiasm, colour and celebration of the games were captivating. The many volunteers and people in host towns deserve credit for having made the athletes feel welcome. It was one of this

nation's proudest achievements when the focus was on ability, not disability.

After the games there was a sense of anticipation and hope that a rights-based Disability Bill would be introduced soon. Almost two years later we are only on the Second Stage of the Disability Bill. The Taoiseach dashed the hope of a rights-based bill at the end of 2003, the year that Ireland hosted the Special Olympics and the European Year of People with Disabilities. Despite significant support for people with disabilities, they continue to be neglected at every level of public policy. As our party spokesperson on disabilities, Deputy Stanton, pointed out last May, speaking on a Private Members' motion on disability: "We disable people by not providing the appropriate supports they need to reach their potential." We must not place barriers in these people's way.

Resources in this area are insufficient, and there is no strategic thinking, planning or political commitment to rights. As Deputy O'Sullivan stated in this House on the same Private Members' motion "the truth is that no service providing agency in Ireland in any area of disability service is able to plan for the future." In every aspect of services for the disabled there is queuing, rationing and under-provision. In some cases there is no service provision at all and in many cases there is a battle for every service, no matter how small.

There are many types of disability, each requiring different types of service provision: intellectual disability, physical and sensory disability. Mental ill health is the cause of 20% of all disability. Some people are born disabled and some become disabled as a result of an accident or an illness. Disability is permanent and life changing not only for the disabled person but for his or her family. As Deputy Olivia Mitchell stated on a previous occasion, "the greater the disability the greater the dependence, the greater the impact on the family and the greater the change they must endure".

The definition of disability contained in the 2004 Bill will exclude many people who have various types and degrees of disability and who have access, and other, needs. I welcome the provisions in the budget for people with disabilities. Only with a combination of adequate funding and proper rights-based legislation will the plight of people with disabilities and their families improve. According to the Combat Poverty agency people with disabilities are at the highest risk of poverty. Only 42% of people with disabilities are in employment, half the rate of employment among the rest of the population. The reality for many without the adequate resources is that they are institutionalised.

The Government must supply funding and support to ensure that people with disabilities can meet their needs whether in the areas of housing or education, and have adequate standards of living or health. The Bill does not provide sufficiently for this.

[Mr. Kehoe.]

Equal citizenship rights are required for people with disabilities. It is unacceptable that one in every ten citizens here does not enjoy the same rights as the other nine. It is also unacceptable that people with disabilities must rely on the goodwill of the general public. Every day people reach deep into their pockets to contribute to funds for people with disabilities. Were it not for the goodwill of people inside and outside this House who do this, the disability sector would be in serious trouble given the lack of Government funding.

People with disabilities should enjoy the same rights and privileges as their fellow citizens and not constantly have to try to convince the Government of that. One of the submissions to the Commission on the Status of People with Disabilities stated "All that is required is a little respect and basic needs and rights. Surely that is not too much to ask." For the Government to claim that rights are too expensive is unjust. A civilised society recognises the human rights and dignity of people with a disability and supports them where necessary, and provides the care they need.

We must ensure those who are marginalised and under valued are allowed to achieve their full potential and are supported in doing so. In 2002 the United Nations committee on economic, social and cultural rights sounded its worries about the persistence of discrimination against people with physical and mental disabilities in Ireland. As Deputy Stanton pointed out on a previous occasion we have a major social crisis caused by the persistent marginalisation of people with disabilities.

There is no reason to think a proper rights-based Disability Bill would lead to further litigation and the 2004 Bill is not a proper rights-based Bill. Families are being forced into court in an attempt to get services, support and rights. It is an insult to these families that Ministers say that if they are granted rights, they will spend all their time running to the courts. The introduction of a comprehensive set of rights for people with disabilities will not bankrupt the State; it would challenge the system to respond appropriately. Strong legislation is required so that people will not have to go to the courts. There must also be collective responsibility and joined-up government for the effective implementation of legislation on disability. We must ensure that money is spent in a cost-effective way and delivers appropriate services and supports for the people for whom it is intended.

I am happy that at last the Disability Bill has come before the House but I am unhappy with its quality and content. I do not reject this Bill for to do that would be to waste another three years as happened with the withdrawal of the Disability Bill 2001. I will have to oppose certain aspects of the Bill, after speaking to my colleague Deputy Stanton. We will not let the Government off the hook. It is our duty and responsibility as legis-

lators to ensure that when the Bill is enacted it will be improved legislation. Like my colleague, Deputy Stanton, I challenge the Government and the Minister of State, Deputy Fahey, to engage in real, vigorous and forensic debate on the Bill and to approach it with an open mind.

There is much work to be done on the legislation. We in Fine Gael believe it is seriously flawed and obtuse and in some ways further entrenches what is already a seriously dysfunctional system. The language used is opaque and almost unintelligible at times. The structures it envisages appear to be overly bureaucratic and its effect may be the opposite of what was intended. According to legal experts, the Bill is overly complex, convoluted and incomprehensible, and this was intentional and avoidable. It appears that one must be a legal expert to comprehend fully the complexities of the legislation. Was it designed so that ordinary members of the public could not understand it? That appears unlikely. The Bill makes little reference to making the material easy to read or to phrasing it in simple language for people with an intellectual disability. It is not only badly written, it will deny greater equality to people with disabilities.

I hope the Government will accept the amendments tabled by the Opposition. A number of amendments will be tabled on Committee Stage. There is an onus on Members on both sides of the House to ensure that the legislative process will do what it is supposed to do. We can make real improvements to the Bill if the Government listens to Members on all sides of the House.

One problematic area in the Bill relates to the definition of "disability". It appears to be a definition that will exclude people with disabilities. The definition adopted is unacceptably narrow. It will reduce the numbers qualifying for assessment of need, exclude those who require early intervention measures and exclude people with episodic needs. The definition is comprised of many issues that need clarification. The notion of the medical model of disability on which the definition is based is outdated. Deputy Lynch previously highlighted that if a person has a disability, he or she may fail to qualify for an assessment of needs under the provisions of the Bill. However, if such a person's public service employers have a quota to fill, they will be able to include that person as one of the people with a disability they employ. This is utter hypocrisy from the Government's point of view. They should not be allowed to have butter on both sides of their bread.

As I stated, one of the major problems with the Bill is that it will lead to more bureaucracy. Extra layers of bureaucracy will make matters more cumbersome and lead to misuse of resources. Hundreds of officers will be involved, including officers for assessment, liaison, complaints and appeals. These numbers need to be reduced. Surely there is no need for all these layers. Can the same person carry out two or more of these functions? The Government has a record of

increasing spending and increasing the layers of officialdom, yet achieving little in terms of real improvements in services. We have seen this happen in the health service and in numerous other areas. The same things cannot be allowed to happen with this Bill. There is a real danger here that extra staffing will take from the delivery of services.

An area of the Bill that is overly bureaucratic is the complaints and appeals process. It is too complex and needs to be simplified to make it more easily accessible. Under section 2, the complaints and appeals system is designed to limit enforcement. Due to the constant reference to resources, it is arguable whether there is a right to enforce. Access to the Circuit Court is only to enforce the decisions of an appeals officer or complaints officer. Access to the High Court is only on a point of law. A review system should be built into the legislation so that we can take a look at it in two to three years' time and see what works and what does not work. I recommend this to the Minister.

Another problem with the Bill is that it does not refer explicitly to housing. It provides a statute-based right to an assessment of disability relating to health, personal, social service and educational needs. This should be amended to include provision for the assessment of housing and accommodation needs. As some of my constituents in Wexford have experienced, there are problems with disabled persons' grants. The Bill should refer to the needs of people with disabilities in regard to housing and accommodation. According to the Irish Council for Social Housing, many low-income disabled people are unable to access suitable accommodation. This must be changed. The issue of independent living must also be addressed. People with disabilities should be enabled to live as independently as possible and provide the support and services necessary for them to do so. Provision of more centres for independent living are necessary and the Minister should consider this.

The Bill does not honour the commitment in An Agreed Programme for Government. It does not appear to be anything like the type of Bill to which the Government committed. The commitment given in An Agreed Programme for Government stated, "We will complete consultations on the Disabilities Bill and will bring the amended Bill through the Oireachtas and include provisions for rights of assessment, appeals, provision and enforcement." The word "right" is nowhere to be found in either the title of the Bill or the Bill itself. The Short Title of the Bill makes it clear that funding for disability services will not be a priority. It reads as follows: "An Act to enable provision to be made for the assessment of health and education needs occasioned to persons with disabilities by their disabilities, to enable Ministers of the Government to make provision, consistent with the resources available to them and their obligations in relation to their allocation, for services to meet those needs." What

will be left over will go to services for people with disabilities. They will not be prioritised. There is no ring-fencing of funding for disability. There is also no right to an independent assessment of need.

The Bill is clearly resource-based rather than rights-based. The Government has the perfect legal defence, which allows it to cite resource restrictions under the provisions in section 5 of the Bill. The legislation exempts the private sector from accessibility obligations, which is a direct contradiction of the recommendations of the Commission on the Status of People with Disabilities.

What must be worrying from the point of view of a person with a disability is the use of the word "practicable" as highlighted by Deputy Cuffe at the end of the year. This indicates that it may not be practicable for the State to meet their needs. I pay tribute to those who have lobbied us and those who are campaigning tirelessly for the rights of people with disabilities. It is unfortunate that their struggle for rights will have to continue.

I will conclude by referring back to the letter Deputy Stanton read in this House on 4 November. A father wrote the letter conveying his despair over this Bill to his 11 year old son who has a disability. The lines that touched me in the letter read as follows:

Poor Mark, if you only knew what threat you are. Your life is not to be facilitated without being shackled to the 'availability of resources' or the grey notion of practicability. We are not looking for money. We are looking for security. We are not looking for everything now. We knew it would take time. A slap in the face, that is what we got.

Everyone in this House owes it to children and adults with disabilities, and especially their families, to improve the Bill and make it work effectively, which can be done. While we must recognise that legislation will not solve all the problems, it is vital that we endeavour to amend this legislation for the better. Fine Gael believes that the Bill needs to be taken apart and put together properly. If this is done correctly, it should result in people with disabilities being finally able to take their place as equal citizens of the country.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I would appreciate if the Deputy would give me the details of the father who wrote that letter. I would be interested in meeting him.

Mr. Kehoe: That is not a problem.

Debate adjourned.

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

Ceisteanna — Questions (Resumed).

Priority Questions.

Local Authority Housing.

56. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he will consult local authorities to put in place a uniform national policy on the housing by local authorities of convicted low, medium and high risk sex offenders; and if he will make a statement on the matter. [11306/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Persons, including former prisoners, who are unable to provide housing for themselves from their own resources are entitled to apply for social housing provided either by a local authority or a voluntary body. It is a matter for individual local authorities to decide on the allocation of tenancies to various categories of needs on their waiting lists in accordance with their schemes of letting priorities. My Department has not been approached by housing authorities to facilitate the development of guidelines for the housing of particular categories of former prisoners, nor is it clear that such guidelines would be advisable or practicable having regard to the complex and variable circumstances which might be involved in particular cases.

Mr. O'Dowd: That is an appalling and disgraceful answer about a serious and fundamental issue. In situations where local authorities have housed sex offenders, the absence of a policy has given rise to vigilantism. A low risk sex offender was housed in an estate in my constituency and their name and those of their family were published in the media and their photo was posted on walls and houses. The absence of a policy created a serious problem.

It is not good enough for the Minister of State to hide behind his ridiculous answer. This is an extremely grave issue. He should examine what has happened in the US where convicted sex offenders have murdered young children. It happens with increasing regularity, at least once or twice per month. There was the appalling murder of two girls in England. We need to ensure that those on the sex offenders' list and at high risk of re-offending—

An Leas-Cheann Comhairle: The Deputy should confine himself to the question.

Mr. O'Dowd: Does the Minister of State agree that local authorities should in every case submit the name of proposed tenants or residents to the Garda to check whether they are on the sex offenders' list? If they are, the local authority should insist that a risk assessment be done to ascertain whether the person is a high, medium

or low risk to the community in which it intends to house them. As it stands, nobody is aware when a high risk sex offender or paedophile goes into a community where there are many young children, schools, sports centres and play areas. The Minister of State is saying that the local authority should not get involved, which is appalling and unacceptable.

Mr. N. Ahern: I agree that it is a serious, difficult and sensitive situation. The question is whether a blanket rule should be issued by the Department or whether matters be dealt with on a case-by-case basis. I understand the sensitivity but legislation exists to deal with this issue. Letting priority schemes are administered by local authorities according to guidelines. They have the right to exclude certain people, such as drug users or those convicted of drug offences in the past. However, there is legislative back-up for these measures.

The Sex Offenders Act 2001 put many safeguards in place and prison authorities, the Garda and the Health Service Executive are aware when these people are released from prison and they track and monitor them. The information is supposed to be confidential and only made available to those who need to know. I do not know how information relating to the case to which the Deputy referred got out into the community. Legislation exists but it is doubtful whether formal guidelines from the Department are the way to go in such sensitive matters. So far local authorities handle them under their letting priorities schemes. They have not asked for guidance and it is an evolving situation. However, it should continue to be dealt with sensitively and on a case-by-case basis in conjunction with the authorities, the Garda and the HSE.

Mr. O'Dowd: The Minister of State agrees this is a serious issue and that, in the absence of a policy, communities can be subjected to vigilantism. He and the Government should demonstrate leadership in the area and consult local authorities as to the best policy for each of the three categories. This is the case in other countries when dealing with low, medium and high risk offenders. Will the Minister of State give a commitment to initiate such a policy and discussion? I welcome that the Garda and health authorities are aware of these issues, but local authorities are the key players in housing and they are not always aware. They do not need to know the totality of each case, but they should refer all names to the

Garda to identify sex offenders.

If such appalling acts occur in other countries, it will be only a matter of time before they occur here. We must deal with the issue in a rational manner. The current policy is to do nothing which has led to unacceptable acts of vigilantism. Will the Minister of State initiate discussions with the local authorities, the Minister for Health and Children and the Minister for Justice, Equality

and Law Reform with a view to debating the issue and drafting a White Paper or discussion document? I do not expect him to have the answers today, but he should take the matter seriously, take action and demonstrate leadership.

Mr. N. Ahern: I regard the matter as serious but we must consider how to deal with it. Legislation exists in the Sex Offenders Act 2001 which places responsibility on the prison authorities, Garda and health services. The Deputy has not convinced me. How did the information get out in the case to which he referred?

Mr. O'Dowd: I can help the Minister of State. The local authority could refer the names to the Garda.

Mr. N. Ahern: People coming out of prison, no matter what they have been convicted of, have a right and entitlement to apply for housing.

Mr. O'Dowd: Absolutely. There is no doubt about that.

Mr. N. Ahern: They must be housed somewhere. However, legislation exists and local authorities are not in the loop.

Mr. O'Dowd: Will the Minister of State do something about the issue?

Mr. F. McGrath: He will talk about it but not do anything.

Mr. N. Ahern: We have not been involved in the housing aspect, but I will consider what the Deputy has said. However, I am reluctant because there is another side. I am unsure whether we can make progress on the matter by involving the housing departments of local authorities.

Archaeological Sites.

57. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government when he intends to decide on the application submitted to him from the roads authority for carrying out a programme of archaeological works and mitigation measures along the proposed route of the M3 through the Tara-Skryne valley; if he has received a letter from the director of the National Museum setting out his serious concerns on the implications of the proposed route; if he has responded to the letter; if he intends to publish the letter; and if he will make a statement on the matter. [11278/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I thank the Deputy for tabling this question and giving me the opportunity to address some of the mythology which has been rampant in recent days. The National Monuments (Amendment) Act 2004 provides that, where a motorway scheme has

been approved by An Bord Pleanála, associated archaeological works or excavations that are to be undertaken in connection with the approved road must be carried out in accordance with directions issued by the Minister for the Environment, Heritage and Local Government following consultation with the director of the National Museum of Ireland. This procedure is designed to ensure that appropriate standards apply to carrying out such archaeological works.

In the case of the M3 motorway, an application for carrying out a programme of archaeological works and mitigation measures along a portion of the route in the vicinity of Tara has been made by the roads authority to my Department and is at present being considered. I have, in accordance with the Act, consulted the director of the National Museum of Ireland and have received a reply with comments on the directions. The reply also raises other issues. I have asked my Department's chief archaeologist to report to me on the matters the director raised. I intend to make my decision on those advices as soon as possible. When I have made my decision all the papers relating to the directions, including the letter from the director, will be available in accordance with the provisions of the Freedom of Information Acts.

Mr. Gilmore: I welcome that the material will be available under the Freedom of Information Act after the Minister has made his decision. Will he publish the correspondence from the Director of the National Museum now, as this is a matter of public interest? As he is aware, the Director of the National Museum was prevented from attending the Oireachtas committee to say what he thought of this. Can the Minister be more specific as to when he will make a decision on this matter? This issue has been around since well before Christmas and I am surprised the Minister has not advanced it further than he has.

Will he acknowledge that he has discretion in the decision on whether to grant consent in respect of the M3? Will he confirm that position? I have a copy of the Act. Some of the press reports of what the Minister said, which I acknowledge may not be entirely accurate, have tended to suggest that he is giving a line that his hands are tied by the An Bord Pleanála decision and that he is a minor actor in this area. Will he confirm that the decision as to whether consents are granted in respect of the M3 are at his discretion and that should he chose to issue a direction or make a decision which is at variance with the road scheme An Bord Pleanála approved, there is a procedure in the National Monuments Act that the matter will go back to An Bord Pleanála? Rather than it being a case that the Minister is entirely in the hands of An Board Pleanála and the roads authority on this matter, the reverse is the case. It is important that the Minister would confirm that he is the decision maker on this and that the decision on the requests made by the National Roads Authority are at his discretion.

Mr. Roche: I wish to correct a point the Deputy made. I am sure he inadvertently said that this matter has been around since well before Christmas. As it turns out, I met the director and we had a consultation meeting on——

Mr. Gilmore: When did the Minister get the request from the National Roads Authority?

Mr. Roche: I met the director on 1 March. That was when——

Mr. Gilmore: When did the Minister get the request from the National Roads Authority?

Mr. Roche: If the Deputy was to let me reply I would give him a comprehensive answer. I met the director as soon as the directions were prepared in my Department and I handed them over in their totality. The director gave me a comprehensive response and that has gone back to the chief archaeologist. It is not true to say that this issue has been hanging around since before Christmas.

Mr. Gilmore: When did the Minister get the request from the National Roads Authority?

Mr. Roche: With regard to——

Mr. Gilmore: I will ask this question as a formal supplementary if the Minister wishes.

Mr. Roche: I am telling the Deputy that is not relevant.

Mr. Gilmore: When did the Minister get the request from the National Roads Authority?

Mr. Roche: When I got the request from the National Roads Authority it was submitted in the appropriate manner to the officials of my Department.

Mr. Gilmore: When did the Minister get it?

Mr. Roche: I will let the Deputy have the exact details.

Mr. Gilmore: Was it before Christmas or after it?

Mr. Roche: Yes.

Mr. Gilmore: Was it before Christmas?

Mr. Roche: Yes, but that is not the issue.

Mr. Gilmore: Then this was an issue before Christmas.

An Leas-Cheann Comhairle: Allow the Minister to reply. The Minister is in possession.

Mr. Roche: The Deputy is being foolish as he always is.

Mr. Gilmore: No, I am not.

Mr. Cuffe: The Minister should withdraw that remark.

Mr. Roche: The reality is that the directions reached the director of the National Museum on 1 March. He gave me a comprehensive response and that is with the chief archaeologist. Those are the facts.

Deputy Gilmore kindly quoted the National Monuments Act. The position is as stated in the Act. The Deputy has a copy of it and can consult it. Under the Act, where there is an approved scheme, any works of an archaeological nature connected with that scheme would be carried out in accordance with directions I issued. The directions allow for proper standards to be specified for carrying out the archaeological works. My role is limited to issuing of directions on works that can be carried out along with the approved road network. I make it clear, and have done so in an abundance of press statements in recent weeks, that I have no intention of abusing that power. I will act within the provisions of that Act very specifically.

With regard to the suggestion, which has been frequently made in public comment, that I should issue requirements for alteration of the route of the M3, the Deputy and other Members present know that is not within my remit. That is primarily a matter for the NRA and the Meath County Council. My role relates specifically to regulation of the archaeological works to be carried out in connection with the approved road. The House, including the Deputy, can be assured that I will focus, to the letter, on the requirements as laid on me by the National Monuments (Amendment) Act 2004.

Mr. Gilmore: I thank the Minister for acknowledging, however grudgingly, that he got the request from the National Roads Authority prior to Christmas, as I put it to him originally.

In respect of his powers under the National Monuments Act, will he confirm that its provisions are expressed in the terms that he may grant a consent at his discretion, which also means that he could decide not to grant a consent, which is also at his discretion? In respect of any consent or direction he might make in regard to the M3, if that involves a change in the motorway scheme, there is a procedure under section 14(b) of the amended Act to give those directions to a road authority, the road authority then informs An Bord Pleanála and it has certain steps to take where it involves a change in the road scheme. I again invite the Minister to confirm that it is at his discretion, first, not to issue the consents and, second, to give directions, as Minister with responsibility for heritage, in respect of Tara, and if that requires changes to be made to the road scheme, that is provided for in the National Monuments Act by way of a communi-

cation to An Bord Pleanála. Will the Minister confirm that is the position?

Mr. Roche: I have already said to the Deputy that the position I have in law is set out clearly in the National Monuments Act.

Mr. Gilmore: That is correct and the Minister has a free hand and discretion.

Mr. Roche: I have also said on numerous occasions that I will not use the powers I have under it to second-guess a planning process that has already been exhaustively pursued in that regard.

Mr. Gilmore: The Minister has wide powers under it.

Mr. Roche: I made it very clear that I will operate on the advices I have received and they will be accommodated.

Mr. Gilmore: The Minister is prejudging it now.

Mr. Roche: The Deputy is correct that the NRA submitted the material before Christmas. The material had to be examined in the Department.

An Leas-Cheann Comhairle: We must move on to Question No. 58.

Mr. Roche: The Department had to produce its review and it was passed appropriately and as soon as possible to the National Museum. The director of National Museum gave me a comprehensive response and I would do less than justice to him if I were to say—

An Leas-Cheann Comhairle: I call Question No. 58.

Building Regulations.

58. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the concerns raised by a person (details supplied) in regard to the revision of the energy performance aspects of the Building Regulations in their presentation to the Oireachtas Joint Committee on Environment and Local Government on 6 April 2005. [11277/05]

Mr. Roche: A number of misleading claims were made following a recent meeting of the Oireachtas Committee on the Environment and Local Government in regard to energy performance aspects of the Building Regulations.

I am grateful to Deputy Cuffe for this opportunity to state that I reject absolutely the allegations that were made by an individual that energy conservation standards under Part L of the Building Regulations are being driven by special interests in the construction industry. As I pointed out, independent research has shown that Ireland's thermal performance and insulation

standards for new dwellings, as revised in 2003, are among the highest in the EU. Since their introduction in 1992, under the Building Regulations successive Ministers have progressively increased the insulation standards for new dwellings and they are due for further upward adjustment in 2008.

I stress that, since 1996, proposals for amending Building Regulations are formulated in an open and transparent way, which protects against any improper or undue influence being exercised by any particular sectoral interest. My Department drafts the amending regulations and any related amended technical guidance. The draft amendments are then considered, and usually amended, by the Building Regulations Advisory Body. This body was established under section 14 of the Building Control Act 1990 and includes nominees from various construction industry organisations, local authority managers, the Chief Fire Officers Association, and the Irish Building Control Institute. The Minister then approves publication of the draft amendments, for public or industry comment, usually within a period of three months. The draft amendments are then revised in light of the comments received, in consultation with the advisory body.

The other principal claims made by the individual in question, who has a vested interest in this industry, at the recent meeting of the Oireachtas committee relate to the implementation of the EU Energy Performance of Buildings Directive. I intend shortly to approve publication by Sustainable Energy Ireland of a draft action plan for the implementation of this directive. The action plan will provide for progressive implementation over the period from 2006 to 2009, starting with new dwellings. There will be a period of three months for comment by the general public, elected representatives, the construction industry, the auctioneering and legal professions and other groups. The action plan will then be finalised, in the light of comments received, and submitted for my approval prior to transmission to the EU Commission.

My Department has not shown bias against the timber frame method of construction. If the gentleman in question had taken the time or trouble to consult the statistics issued by his own industry group he would have discovered this. On the contrary the Department funded a major study by independent consultants of timber frame housing in Ireland. We are in the process of implementing positive recommendations arising from that study, in consultation with the Irish Timber Frame Manufacturers Association. I reject absolutely the claims made by the individual.

Mr. Cuffe: I am concerned that the Government is allowing the construction of second-rate homes rather than meeting the requirements of EU standards. An official from the Department of the Environment, Heritage and Local Government stated that it would be difficult for hollow

[Mr. Cuffe.]

block construction, used widely in the Dublin area, to survive if standards were raised. This comes from a memorandum dating back seven years. I am deeply concerned that we are lagging behind what other countries in Europe are insisting upon in energy performance standards. Only two weeks ago regulations were introduced in the UK requiring every new or refurbished home to have a condensing boiler. We have no such insistence in Ireland. One of Ireland's biggest boiler manufacturers——

An Leas-Cheann Comhairle: The Deputy should ask a question.

Mr. Cuffe: ——is exporting its goods to the UK because it has no market here. I am concerned——

An Leas-Cheann Comhairle: The Deputy should ask a question.

Mr. Cuffe: ——that we are not meeting best practice in Europe. Does the Minister believe we are meeting best practice? In reality the standards in Ireland are lagging behind. Regardless of what his officials might say, the “as built” construction in Ireland does not meet building regulations and in some cases is performing at half the values prescribed in the building regulations due to bad workmanship on site. Is the Minister satisfied that we meet the requirements of EU regulations? Will he ensure that Ireland meets the requirements of the Energy Performance of Buildings Directive from 1 January 2006 or is he content to put energy performance on the long finger as he has done with the Kyoto Protocol, the climate change strategy and the building regulations?

Mr. Roche: If the Deputy were to consult recent statistics published following surveys carried out in this and other countries, he would discover that his hypothesis that we are at the bottom of the league is simply wrong.

Mr. Cuffe: I did not say that. The Minister is putting words into my mouth.

Mr. Roche: We are not at the bottom of the league.

Mr. Cuffe: I did not say we were.

Mr. Roche: I will take it that he did not say that.

Mr. Cuffe: I said we were lagging behind.

Mr. Roche: He should know that if we are second from the top we could hardly be lagging behind.

Mr. Cuffe: That may be true in theory but not in practice.

Mr. Roche: The Deputy cannot have it both ways. The Deputy stated that we were lagging behind when he knows that the recently published data shows that in some areas we are second from the top and in one area we are at the top. As he knows this to be the case, to mislead the House does no service to the debate. The Deputy referred to an internal memorandum on hollow block construction written several years ago.

Mr. Cuffe: Some 200,000 homes have been built since then.

Mr. Roche: As the Deputy knows some very significant changes have occurred since then. We should confine ourselves to the facts. As the Deputy knows the European directive allows deferment of full implementation until January 2009. Article 7 deals with the certification of new buildings. Without going into too much turgid detail, we will not be found wanting and will not be behind.

Mr. Cuffe: However, the Government will defer implementation.

Mr. Roche: We will not behave in a way different from any other country. The Deputy may have missed part of the detail of my reply.

An Leas-Cheann Comhairle: We need to move on to the next question.

Mr. Roche: As successive Ministers have since 1996, I intend again upgrading regulations in 2008. These regulations were first introduced here in 1992 and all my predecessors have had some involvement in improving the regulations.

Mr. Cuffe: Will energy labelling on homes be introduced from 1 January 2006 or will it be deferred for three years?

Mr. Roche: I intend operating within the provisions of the directive. I will consider the matter and make my decisions as appropriate during the course of the year.

Mr. Cuffe: I thank the Minister for his clarity.

Mr. Roche: I thank the Deputy for that comment. If we make a deferment in January, Ireland will not be the only member state doing so.

House Prices.

59. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government if a special meeting of the social partners should be convened to discuss the housing problem, with a view to establishing proposals to bridge the affordability gap that excludes many first-time buyers from the housing market; and if he will make a statement on the matter. [11307/05]

Mr. N. Ahern: Housing and accommodation form one of the ten special initiatives under Sustaining Progress. Consequently, the Government already has an active engagement with the social partners on housing issues. The housing forum is the main mechanism for engaging with social partners on the initiative. Separate ongoing contact also takes place with the parties to the pay agreement in the context of developing the affordable housing initiative, which is one of the elements of the special initiative.

Issues of affordability derive from the unprecedented housing demand arising from sustained economic growth and demographic change experienced in recent years. Government policy focuses on achieving an appropriate supply response and using targeted measures to provide access to housing and accommodation for lower income groups. The success of policies to date is reflected in that 2004 was the tenth year of record overall house completions with almost 77,000. Work in progress under targeted affordable housing measures, including the AHI, indicate that approximately 12,000 units will be delivered in the next three years.

Recently NESC, which also includes the social partners, concluded its major study on housing issues. While we are carefully considering the issues raised, it is important to note that the report recognises that the general thrust of housing policy is correct. The housing forum is considering what changes are required to its work programme in the context of the issues raised by NESC for further examination. I am happy that through these arrangements we have effective engagement with the social partners, which allows for a meaningful input to the development of housing policy.

Mr. Hayes: Would such a special meeting with nothing else on the agenda involving people with much to contribute in this area not focus people's minds and bring forward new ideas?

Mr. N. Ahern: I chair the housing forum involving the social partners. It has nothing on the agenda except housing. It is a special initiative and meets every quarter. No one simple solution to this issue exists without increased supply, which is why we have been working on that aspect for some years. Ten or 11 years ago only 22,000 to 23,000 houses were built annually. Last year the figure increased to 77,000. Most people would agree, therefore, that supply currently equals demand and we can expect stability in prices from now on.

Mr. Hayes: While the number of new houses has increased, many young people cannot get on to the housing ladder. What message does the Minister of State have for the approximately 42,500 young people who have been frustrated in their efforts to buy a home?

Mr. N. Ahern: I accept that the rise in house prices in recent years has caused difficulty for some people in a certain income bracket. This is the reason the Government introduced a number of targeted measures to provide affordable houses for this group, an objective we are achieving. A couple of thousand affordable houses are built each year and we expect the figure to increase to approximately 12,000 over the next three years.

Other measures have also been taken. In the previous budget, for example, the Government removed the requirement for first-time buyers of second hand houses to pay stamp duty, an effective measure which benefited many of those to whom the Deputy referred by as much as €12,000.

First-time buyers are still buying a large number of houses. Figures for last year indicate that people who previously lived at home or in rented accommodation now buying their first homes took out approximately 40% of mortgages. This is a significant proportion of house buyers. The problem many first-time buyers currently face is obtaining an initial deposit rather than a mortgage. I am not trying to say price does not count — it does — but if one compares affordability, that is, the percentage of take home pay required to service a mortgage, one finds that people paid a greater proportion of their take home pay to service their mortgages ten or 15 years ago than they do now. The Government is conscious, however, that the position has worsened since the mid-1990s and is trying to help those in a certain income bracket who need help. The four schemes and the stamp duty reduction we introduced all help such people. As I stated, the main problem is often finding the initial deposit.

Mr. Hayes: Finding a deposit is the core problem for those trying to get on the housing ladder. Does the Minister of State intend to bring firm proposals to Government to help such people whom Deputies encounter at every constituency clinic? It would be helpful to take meaningful action in this regard.

Mr. N. Ahern: Under the 1999 affordable housing scheme, buyers can obtain a local authority loan of up to 97% of the cost of a house. Until now, the State provided all loans for affordable housing but recently we concluded a deal with the Bank of Ireland under which it will offer up to 97% of the value of houses available as part of the four affordable schemes. I believe other financial institutions will follow the bank's lead and enter the market. While the political parties and others mention various schemes, I have no further announcement to make on the issue today.

Radon Gas Emissions.

60. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the call of the Radio-

[Mr. Stagg.]

logical Protection Institute of Ireland that all homes being placed for sale on the market should be tested for radon gas and, when necessary, remediation should be included in the mortgage approval process; if his attention has been drawn to the results of recent research commissioned by the RPPI which showed that while more than three quarters of the population were aware of deadly radon gas and its dangers, the public was far too slow to take action to address the issue; the steps he intends to take to encourage people to take remedial action, in view of the fact that radon gas is believed to cause up to 200 deaths each year; if he intends to provide for a scheme to assist those living in pre-1997 houses to take remedial action to provide adequate protection for their homes; and if he will make a statement on the matter. [11279/05]

Mr. Roche: I am aware the Radiological Protection Institute of Ireland has made a submission to the Law Reform Commission advocating the inclusion of radon measurement in future legislation on house conveyancing. I am also aware of the institute's recently published findings to which the question refers. The RPII has also written to all the major banks, building societies and insurance companies on this matter. I will be interested in the outcome of these approaches when the groups in question have considered this issue.

It should be noted that mandatory radon certification for the sale of houses has not been policy to date and it is my understanding that it is not policy or practice in other jurisdictions. The Radiological Protection Institute of Ireland recently issued a questionnaire on the issue and, while it did not receive comprehensive replies from all recipients, the response to date has been negative.

Carrying out necessary radon remediation works in respect of private houses would normally be a matter for the householder but it would be open to solicitors representing purchasers to make queries relating to the radon status of houses under purchase on behalf of their clients.

Over the years successive Government's, through the Radiological Protection Institute of Ireland, have committed significant resources to assessing the extent of the radon problem throughout the country and increasing public awareness of the issue. From 1992 to 1999, the institute carried out a national survey of radon in domestic dwellings aimed at assessing the extent of the radon problem in homes. The survey involved measurement of radon for a 12 month period in a random selection of homes in each 10 km x 10 km grid square of the country.

In February 2002 my Department published a booklet entitled, *Radon in Existing Buildings — Corrective Options*, advising designers, builders and home owners on remediation options for reducing radon in existing houses. As Deputy Stagg will be aware, upgraded building regu-

lations introduced in June 1997 require all new houses which commenced construction on or after 1 July 1998 to incorporate radon protection measures. My Department has recently published an updated edition of Technical Guidance Document C, TGD-D, on Part C of the building regulations that deal with site issues, incorporating enhanced radon prevention measures for new buildings commencing on or after 1 April 2005.

In recent months the institute has taken several initiatives to further heighten awareness of the radon issue. In November last year it hosted the third national radon forum in Dublin to raise awareness of radon as a health risk. Also in 2004 the organisation published a revised version of its booklet, *Radon in Homes*.

Additional information not given on the floor of the House.

It recently distributed an information poster on radon for display in doctors' surgeries, advising people to have their homes checked for radon. In February this year research on awareness of the institute was published which addressed a number of issues related to the organisation, including radon awareness. I understand this is the research to which the Deputy referred in this question.

The institute has also commenced a radon awareness campaign that will involve a series of nationwide public information seminars on the dangers of radon and will be targeted at selected high radon areas. The institute and my Department will continue to use all appropriate opportunities to raise public awareness of radon and encourage householders with radon concentrations above the reference level to undertake remediation works. I am satisfied the information is readily and regularly made available to the public. Ultimately, it is a matter for individual householders to assess the question of measurement and, where appropriate, remediation.

Mr. Stagg: I thank the Minister for his predictable reply. Is he aware that radon is a naturally occurring gas with no colour, smell or taste? According to the Radiological Protection Institute of Ireland report, this gas, about which the Minister has issued booklets, causes 200 preventable deaths per annum. Is the Minister aware that, according to the RPII, 250,000 people and 100,000 homes are exposed to this risk? Is he not concerned that one of the hotspots identified by the institute is his constituency of County Wicklow? Surely he is aware that deaths are preventable in this case. The cost of treating one cancer patient with lung cancer up to the time of death is estimated to be €1 million, while the cost of preventing deaths caused by radon gas is €15,000. Will the Minister consider re-introducing the grant scheme I introduced in the mid-1990s to encourage and assist people to exclude this deadly poison from their homes?

Mr. Roche: As the Deputy is aware, the Radiological Protection Institute of Ireland and my Department have been active in promoting awareness of this issue. The Deputy is correct that the take-up of access to a cheap form of assessment has been disappointingly poor, as the RPII has noted. We will continue to press the issue of awareness of radon and encourage householders with radon concentrations to take remediation works. I am satisfied the information readily available to the public should encourage greater awareness of and concentration on the issue.

The Deputy referred to a scheme he announced in the mid-1990s. If he checks the record, he will find that no funding was allocated for it.

I agree with the Deputy that this is a serious issue. It is an issue that homeowners must take seriously. I wonder how many Members of the House, for example, have had radon testing carried out. I know that the RPII sent kits to many Members recently. I was at the institute recently, and it made the point that it is very cheap to have one's home tested and that it would be very prudent for people to do so. I will continue to encourage that to happen.

Mr. Stagg: I wish to put the record straight. The sum of £1 million, or €1.27 million, was made available for the scheme but when Fianna Fáil returned to office it abolished it. It is true that none of the money was spent. Will the Minister reconsider that the cost to the State of treating lung cancer patients is enormous? One can prevent patients from contracting lung cancer for a very small amount of money. Even if the issue is only about money and not about people, their suffering and the human disaster whereby 200 people die per year, the Minister would save the State a massive amount of money and release one third of all the cancer places in hospitals by introducing this measure and preventing these deaths.

I appreciate the Minister's Department is not a health department. The matter is being dealt with by the wrong Department and I wrote to the Minister's predecessor as well as the former Minister for Health and Children about it. Responsibility for the issue should be transferred. What is the Minister's opinion on the matter? Perhaps he will take it further as responsibility for this matter should be transferred from his Department to the Department of Health and Children. It is a major health issue whereby 200 preventable deaths occur each year.

Mr. Roche: That is an interesting suggestion. Like so many complex issues, it touches several Departments. I do not agree with the Deputy on the latter point, although it was well made. It is more appropriately dealt with by the Department that, for example, sets building regulations and deals with that issue. One should remember that because of the good work done by previous Ministers, from 1998, all houses have been obliged to

have the appropriate membranes installed and the appropriate steps taken. However, I give Deputy Stagg credit for making the point. I encourage homeowners to be more aware of this risk and to follow it up. I am aware that people do not wish to hear bad things about their homes. In reality it is very cheap, no more than a small number of euro, to have the test done and it would be better for people to take responsibility for the issue themselves.

Other Questions.

Local Authority Housing.

61. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the number of households and individuals who are living in local authority housing; and if he will make a statement on the matter. [11014/05]

Mr. N. Ahern: At the end of 2004, it is estimated that the local authority housing stock amounted to 110,000 dwellings. The level of this stock continues to rise in line with the Government's increased investment in social housing measures.

In the current year, the Government is allocating record levels of funding to local authorities for their social and affordable housing programmes. The total Exchequer capital and current funding available for social and affordable housing in 2005 will amount to €1.3 billion which represents an increase of 20% on 2004. Total capital spending on social and affordable housing output in 2005, inclusive of non-Exchequer financing, will amount to approximately €2 billion.

To ensure a systematic and integrated approach to the use of these resources my Department has initiated the development by local authorities of new five-year actions plans for social and affordable housing. The preparation of these plans will sharpen the identification of priority needs and help to ensure a more coherent and co-ordinated response across all housing services, including those provided by the voluntary and co-operative housing sectors. The plans should also help to ensure that local authority housing provision will continue to increase on a sustained basis. My Department is giving strong encouragement to local authorities to press ahead with the implementation of these action plans which are being underpinned by very substantial levels of Government funding.

Since 1997, the housing needs of 86,000 households have been met, taking account of local authority housing vacancies arising in existing houses and output under other social and affordable housing measures. In 2005, it is anticipated that the needs of in excess of 13,000 households will be met from the same measures. In addition, it is anticipated that a number of households currently in private rented accommodation will transfer to the new rental accommodation

[Mr. N. Ahern.]
scheme now being introduced. These households will continue to be mainly accommodated within the private rented sector.

Mr. P. Breen: I thank the Minister of State for his reply. He stated that this year or last year, 13,000 households were accommodated under social or affordable housing. Is it not a fact that the number of households who are on the local authority housing list is in excess of 55,000? The Minister of State's policy is going nowhere. It is a poor indication of the Government's commitment to look after those on the lowest incomes or on social welfare, who cannot afford to buy a house and now cannot get one from the local authority. The manner in which they are treated is a disgrace.

Mr. N. Ahern: At the last assessment, the figure on the waiting lists was not 55,000 but approximately 48,000. Approximately 32% of those families were single people and another 30% consisted of one adult plus one child, but we include them all as families, even if they are single people. The needs of approximately 13,000 of those 48,000 families are met each year. I am not suggesting that the number on the waiting list reduces by 13,000 each year, as it does not. I admit that as 13,000 households come off the list, significant numbers are added to it. A major assessment of housing needs is carried out every three years. The figures I quote are three years old. The new assessment was carried out last month and it will take a number of months before the data are compiled. We will then ascertain what the updated figure is. As I have stated, the overall housing budget this year is €2 billion, of which €1.3 billion is for social housing.

Mr. Gilmore: Will the Minister of State confirm whether the figure of 13,000, to which he refers continuously, is the total number of lettings which are made by local authorities and social housing providers in the year? Will he tell the House how many of those lettings are transfers or people who are moved to facilitate refurbishment?

Mr. N. Ahern: No, it does not include transfers, it includes casual vacancies. The needs of approximately 13,000 people on the housing lists are met by the new houses that are built, voluntary housing schemes, casual lettings and affordable housing and other schemes.

Mr. Gilmore: The figure includes affordable housing.

Mr. N. Ahern: It includes any scheme that permits people to come off the current waiting lists, but does not include transfers. It includes new lettings and meets people's housing needs.

Mr. Timmins: I compliment the Minister of State on introducing a scheme to install central heating in public housing. Has he considered the

possibility of front-loading the funding — my understanding is that it will be carried out on a phased basis up to 2008 — for local authorities that are able to get the work done? Will the Minister of State consider introducing a standard housing application form, similar to that under consideration by the Minister for the Environment, Heritage and Local Government for planning applications? I have encountered a local authority that has an application form which is 11 pages long.

Mr. P. Breen: That is the new standard form.

Mr. Timmins: Is that the new standard form? Could we have a "Cole's notes" version of it?

Mr. Roche: The Deputy is showing his age.

Mr. N. Ahern: I thank the Deputy for his comments on the central heating. That scheme was introduced in the middle of last year. Of the 110,000 local authority houses I mentioned, approximately 45,000 do not have central heating. We introduced this scheme whereby the Department pays 80% and the local authority must provide 20%. It is up to the local authority to provide the money. We spent our allocation last year as it is a popular scheme. As to the Deputy's suggestion that it be front-loaded, it is up to individual local authorities to decide where it is installed. Let us see if the bids this year are for greater amounts than we are offering. We must get value for money for the taxpayer. There is no point in us sending out the message to central heating installers that Santa Claus has come. They are doing very well as it is. A considerable amount of money has been provided this year.

A new standard form has been introduced. I acknowledge that it is rather long but one tries to cover all bases when introducing a standard form. It will give us a considerable amount of additional information, much of which will not apply to any one individual.

Mr. Morgan: I agree that the central heating scheme was a good one. Unfortunately, it did not go far enough. Does the Minister of State intend to respond to the finding of the NESC report that 73,000 social housing units will be required between 2005 and 2012? Does the Minister of State intend to provide that number of houses in that period and, if so, when will that significant increase commence?

Mr. N. Ahern: That report was issued at Christmas, is being worked on at present and will be considered by the Cabinet. We have seen the NESC recommendations. Obviously if the number of social housing units were to increase, output would need to increase considerably. We have some additional funds in 2005 and I believe we will be able to commence building 6,000 local authority houses this year. However, we await the Cabinet's decision on the report. Obviously, the recommended increase would have to be rolled

out over a number of years as it would be impossible to build all these houses in one year. Local authorities have presented their action plans for a five-year period and we have asked them to proceed with them and fast-track them.

Mr. Morgan: Does the Minister of State know when the Cabinet decision will be made?

Mr. N. Ahern: The Cabinet should decide soon.

Mr. O'Dowd: The Minister of State spoke earlier about how demand in the private sector was being met by the number of houses being built. He said that 70,000 houses were completed in 2004. Clearly, there will be a shortfall in demand in the future. As demand is met, a capacity in the construction industry, particularly in the private construction industry, to build more houses will arise. Could the Minister of State devise a scheme whereby the Government would work with the Construction Industry Federation and other interested parties to involve them in building the necessary social and affordable housing? The way to close the gap is to take advantage of the additional capacity in the construction industry, thereby meeting the targets in the NESC report. It would be a dynamic new way of dealing with the problem of social housing.

Mr. N. Ahern: I take the Deputy's point. Very little housing is built directly by local authorities. One or two counties build a small amount of social and affordable housing but the bulk is built by private developers. I imagine it is intended to increase the amount of social housing built over the coming years. The numbers that will be built remain to be seen as they depend on funding. The overall housing budget this year is €2 billion, which is a considerable amount. The Government must get value for money and one would wonder whether it was doing so over recent years given the demand from the private sector. If demand reduces slightly over the next few years, we should be able to get better value for money.

Environmental Policy.

62. **Mr.P. McGrath** asked the Minister for the Environment, Heritage and Local Government the amount generated by the plastic bag levy in 2004; the areas in which these funds were spent ; if he intends to propose changes to the Department of Finance; and if he will make a statement on the matter. [11041/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): Total receipts for the plastic bag levy on disposable shopping bags for 2004 amounted to €13,498,491. Receipts from this levy are remitted to the environment fund, which is also funded by the landfill levy. The purposes for which payments may be made from the environment fund are prescribed in legislation.

In 2004, €49 million was spent from the environment fund on a wide range of activities, includ-

ing the following: waste management infrastructure and the subvention of local authority recycling operational costs; environment awareness, including the race against waste campaign and various litter initiatives; the enhanced waste management enforcement initiatives being taken by local authorities and the Office of Environmental Enforcement; the national waste prevention and market development programmes; the North-South scheme for the management of waste fridges and freezers; research and development in the Environmental Protection Agency; and contributions to international environment funds.

Prior to the introduction of the levy, an estimated 1.2 billion plastic bags were given away free by retailers. The levy has led to a dramatic reduction with a consequent positive environmental benefit. There has been a 95% reduction in the level of litter arising from plastic bags. Analysis of plastic bag levy receipts on a quarterly basis in respect of transactions up to 31 January 2005 indicates a consistent pattern in the flow of income from the levy. While no changes to its operation are proposed at present, my Department will continue to monitor its performance.

Mr. O'Dowd: I thank the Minister of State for his reply and for the contribution of the plastic bag levy to the environment. It is a very good tax that is supported by everyone. While I accept and acknowledge the excellent targets of the funding the Minister of State outlined, perhaps he or his Department would consider teaching people how to recycle in their homes, schools or communities. One of the reasons people do not recycle as much as we would like is that they do not know how to. The Government could possibly introduce a school-based programme where people would go into classrooms and explain how to recycle and what recycling bins cost. Alternatively, such programmes could be based in shopping centres. This would be a good way of spending the fund and would be useful as it would educate and inform the public.

Mr. B. O'Keeffe: I take Deputy O'Dowd's comments on board and the Department of the Environment, Heritage and Local Government is reviewing educational programmes relating to this area.

Mr. Gilmore: Will the Minister of State trace the progress of the graph of the numbers of plastic bags in the environment since the introduction of the plastic bag environmental levy? It would be useful to find out the year-by-year figure, if it exists.

Mr. B. O'Keeffe: I do not have the figure with me but I will make the figures available to Deputy Gilmore. It is interesting to see the attitude of people to the levy. When the possible introduction of the levy was first examined by the

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Government in 1999, it was found that 40% of people opposed it. In our last attitude survey, conducted in 2003, it appeared that 91% of people strongly supported the levy and regarded as it as an environmentally friendly measure.

Mr. Timmins: The Minister of State said that some of the money goes into research. Does he agree with me that the two areas that are particularly difficult with regard to disposal are composting — and the prevalence of rodents that this practice attracts — and disposable nappies. Will he look at funding research into how to deal with the prevalence of rodents caused by composting and how to deal with disposable nappies, either through providing a different form of disposable nappy or by encouraging facilities to deal with the more traditional type of nappy?

Mr. B. O'Keeffe: I do not have the specifics relating to the Deputy's question available today but I assure him that we welcome valuable contributions and that I will keep his comments in mind.

Housing Output.

63. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the estimated housing output for 2005; the way in which this is likely to compare with the figure for 2004; and if he will make a statement on the matter. [11067/05]

Mr. N. Ahern: The year 2004 was a further record year for house completions which totalled 76,954, an increase of 11.8% on 2003. Ireland is building at a rate of more than 19 houses per 1,000 persons, which is the highest rate within the European Union. Approximately 500,000 houses have been built over the last ten years, representing more than 30% of Irish housing stock. These figures demonstrate that the Government measures introduced in recent years continue to be successful in boosting the supply of housing to meet the unprecedented demand caused by population, economic growth, changing migration patterns and household formation. There is some expectation of a levelling off in overall housing output as the years progress and as the pent-up demand for houses decreases. A preliminary assessment by DKM Economic Consultants for the Department suggests a level of output for this year similar to 2004. Some other forecasters have indicated there may be some reduction in 2005 of between 4,000 and 5,000.

The key objective of the Government is to ensure that supply is responsive to the level of demand. In this regard, I am pleased to say that conditions are generally favourable to sustaining supply at appropriate levels as trends in house registrations, planning permission and service land availability remain positive.

Mr. Gilmore: I thank the Minister of State for this information. Of the 77,000 dwellings built in 2004, how many were holiday homes and how many were one-off rural houses?

Mr. N. Ahern: We do not have exact data on the number of holiday homes built. Different studies of this subject have been provided. There is no holiday home category as many might be investment properties but the ESRI carried out a recent study, in which it estimated that 12% of houses are either holiday homes or are empty. In this regard, the data has not been collected in raw form.

Mr. Gilmore: If that figure is correct, almost 10,000 houses built in 2004 have no one living in them except for two or three weeks of the year. Is the Minister satisfied with a position wherein, notwithstanding the good housing output with which we are all happy, twice as many houses are being built as holiday homes than are being built for families by local authorities? What type of country are we becoming?

Mr. O'Dowd: Hear hear.

Mr. N. Ahern: As I said, they are not only holiday homes but investments etc. Many people have done well for themselves in recent years.

Mr. Gilmore: Sure.

Mr. N. Ahern: Many tax schemes that encourage people to buy are under review. We do not have raw data on the number of holiday homes. The number of local authority homes built each year is approximately 5,000. The voluntary sector has built many homes, numbering approximately 1,600 units in 2004 and 1,800 this year. In or around 60,000 people are in receipt of rent allowance, implying that many new houses being built are being occupied by social clients. The position is not as stark as the Deputy has indicated.

Mr. Gilmore: How many of the 77,000 houses built in 2004 were one-off dwellings in rural areas?

Mr. N. Ahern: I do not have that information here. From a housing point of view it is not of great interest. If I remember correctly, there are some counties in the midlands and the west where 75% of older houses are one-off dwellings. This is the way people lived. I do not know if this trend and its figures have changed in recent years but in many counties 60% to 65% of existing houses are one-off houses, though it is unusual in the part of the world I am from.

Mr. Gilmore: I express surprise that, on the day the Government announces its new planning guidelines for one-off housing, we cannot be told how many houses being built are one-off dwellings. It is a basic piece of information on which policy might be made. How many additional

houses does the Minister of State expect will be built over the next year as a result of today's announcement?

Mr. N. Ahern: The guidelines are under the planning section of the Department and are not my responsibility. I was tied up with business in the Department of Community, Rural and Gael-tacht Affairs and was not at the press conference. If I had been, I am sure I would have all these figures at my fingertips. I understand the focus of the planning guidelines is not about increasing the supply of houses. It has a different purpose and target. The Deputy is asking his question of the wrong person.

Mr. Gilmore: Will the Minister for Environment, Heritage and Local Government, who is sitting beside the Minister of State, answer my question?

Mr. N. Ahern: Perhaps the Deputy should submit a different question.

Mr. Timmins: I will answer it. According to what I have read in the document, this will lead to no additional houses. The Minister of State briefly mentioned the review of tax schemes for the encouragement of purchasing houses. During this process, I ask him to tell the Minister for Finance of a problem that may arise. It is the concept wherein, when buying an affordable house that will come on-stream in a tax scheme, people have slipped through the net in the past and abused the system. I am concerned that when an affordable house becomes available under a tax renewal scheme, it may lead to people claiming tax relief on it. I hope I have explained myself well. Someone may get an affordable house that would qualify under a tax scheme, be it a town renewal scheme or so forth, but have funding from elsewhere or purchase another property and use the house for tax relief purposes. I can give the Minister of State a note about this later.

Mr. N. Ahern: I would welcome that as I am unsure of the Deputy's point. Under the three Government schemes that are producing affordable houses, we are very strict on who gets them. No investors get any of these affordable houses, as they are for first-time buyers.

Mr. Timmins: I am aware of a number of affordable houses that have been rented out, not under tax schemes, where people have slipped through the net.

Mr. N. Ahern: They might have rented them out but the individual who applies is still a first-time buyer. It may happen that a first-time buyer will decide to live with his or her mother for another year or two and subsequently rent out the affordable house but the affordable schemes operated by the Department are definitely targeted at first-time buyers.

Mr. Timmins: I do not doubt that.

Mr. Gilmore: This question is addressed to the Minister for the Environment, Heritage and Local Government and concerns the number of houses. On the day the Government is announcing its new planning guidelines for one-off housing, are both the Minister and the Minister of State serious when they say they cannot tell the House how many one-off dwellings were built in 2004 and how many additional such houses will be built as a result of today's announcement? This is extraordinary. We had a big ballyhoo—

An Leas-Cheann Comhairle: Briefly. The Deputy has gone over his time.

Mr. Gilmore: —this morning about new planning guidelines but the Government does not know how many one-off houses were built in the first place and how many additional houses will result from these guidelines. What sort of policy-making is this?

Mr. N. Ahern: As I understand them, the guidelines announced this morning are not intended to increase the housing output.

Mr. Gilmore: Then they are of no real benefit.

Mr. N. Ahern: That is not the focus. The guidelines are about giving people the right to have houses in the rural areas they are from, in which they work or in which they must be. We can provide other statistics.

Mr. Gilmore: This is no help. It is a bag of wind.

Mr. N. Ahern: It is about proper, focused planning.

Mr. Gilmore: I would like to see what the Minister would have to say if he were not embarrassed by this.

Mr. Roche: There is only one bag of wind in this House and he has just finished speaking.

Environmental Policy.

64. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the progress to date with the proposals contained within the *National Climate Change Strategy*; when an updated strategy will be published; and if he will make a statement on the matter. [11170/05]

104. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the basis on which he believes that Ireland will meet its targets in regard to his statement issued on the anniversary of the signing of the Kyoto Agreement; and if he will make a statement on the matter. [11087/05]

Mr. Roche: I will answer Questions Nos. 64 and 104 together with the agreement of the House.

The *National Climate Change Strategy* was designed as a comprehensive framework to reduce Ireland's greenhouse gas emissions in the most efficient and equitable manner. Progress is being made towards achieving the target. Latest EPA data show emissions in 2003 at approximately 25% above 1990 levels, down from 29% in 2002 and 31% in 2001. The aim will be to maintain the downward trend in emissions up to and through the Kyoto commitment period of 2008-12.

Current business-as-usual based projections indicate a reduction requirement in total annual greenhouse gas emissions of 9.2 million tonnes per annum during reference period 2008-12, that is, the commitment period under the protocol. This reduction will be achieved through a combination of emissions reductions throughout the economy and the purchase of carbon allowances on the international market.

Under the 1994 emissions trading regulations, 105 Irish installations are participating in emissions trading within the EU since 1 January 2005. These installations account for approximately one third of total greenhouse gas emissions here. In addition to cost effective emissions reductions, participation in emissions trading will enable the installations concerned to meet their overall targets in the most economically efficient manner through access to least cost emissions reduction opportunities.

My priority is to progressively reduce total domestic greenhouse gas emissions on a least cost basis, having regard to economic and social development considerations. However, where reductions in the non-trading side of the economy cannot be achieved on a cost effective basis, carbon allowances will be purchased by the State in lieu of emissions.

Work is currently in progress in my Department on a review of the national climate change strategy, taking account of developments since its publication at end 2000. I intend that this review will be completed in the coming months and published.

Mr. Cuffe: We are an embarrassment in Europe. The level of the increase in climate change emissions here is much higher than those of any of our European neighbours in the context of the targets set. The Minister is lucky that in the past two years, the closure of the Irish Fertiliser Industry plants have led to a temporary and small drop in emissions. The national climate change strategy set strong targets. It called for the issue of the tax treatment of leases to be examined by 2003 and the conversion of the Moneypoint station to gas. It also sought to maximise the sending of freight by rail. Has the Minister met any of these targets? Does he have any intention of revising the strategy? If so, when does he intend to revise it? Does he honestly believe we will meet the targets set for overall emissions to

be 13% over 1999 levels within the 2008-12 period?

Will the Minister revise the strategy and if so, when? Does he seriously believe we will meet the targets? What about the substance of the strategy? Are we achieving any progress on the specifics in the strategy?

Mr. Gilmore: I think the Minister paid me a compliment towards the end of the last question.

Mr. Roche: I always compliment the Deputy.

Mr. Gilmore: Until I read what it was in the Official Report, I reserve the right to return it in kind at some suitable opportunity.

How much of the reduction in emissions is attributable to the closure of the Nítrigin Éireann Teoranta plants in Arklow and Cork?

Mr. Roche: As I said, a review of the strategy is ongoing and will be completed this year and published. Deputy Cuffe may have missed that point. The recent emissions statistics look good. They are not great but they are good. They are an improvement and they show an annual fall since 2001. I accept we must maintain that trend. Quite a number of factors have contributed to the reductions, including cleaner generation and a more efficient use of electricity, a change in industrial output specifically as a result of those closures and a reduction in livestock numbers.

In regard to the general point Deputy Cuffe made, it depends on the set of statistics at which one looks. I would be the first to accept there are lies, damn lies and statistics. If one looks at emissions per unit of GDP, which I do not believe is necessarily the most logical statistic, we are now at 54%. One can take any set of statistics one wants and put whatever construction one wishes on them.

Mr. Cuffe: If the Minister wants to use the illogical set, then by all means he should do so.

Mr. Roche: Emissions per unit of GDP, which are now at 54% compare very favourably to the EU as a whole. We are weak in *per capita* emissions and are among the highest in the EU. If I was writing a progress report, I would say we are doing well but must continue to do better.

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 Deenihan — the threatened withdrawal of Garda personnel from Castleisland Garda station, County Kerry, by July if no progress is made in acquiring a site for a new building; (2) Deputy Healy — the need for the Minister to reverse the ongoing cutbacks on FÁS

community employment schemes and to reverse the three year cap on these schemes; (3) Deputy Ó Snodaigh — the urgent need for a full public inquiry into the murder of an Irish public representative, Donegal County Councillor, Eddie Fullerton; (4) Deputy Carty — the unacceptable situation that pertains at Sacred Heart Hospital, Castlebar, where the partial closure of St. Patrick's ward is resulting in the loss of 12 beds; (5) Deputy Costello — the need for the Minister to make provision for legal representation for members of the McBrearty family at the Morris tribunal; (6) Deputy O'Dowd — the review of rural planning guidelines announced by the Minister today; (7) Deputy Moynihan-Cronin — the consequences for patients in County Kerry of the resignation of a consultant oncologist (details supplied) at Cork University Hospital; (8) Deputy Gormley — the need for an investigation into the operation of the Ringsend wastewater treatment plant in light of court proceedings being taken against the Government by the European Commission.

The matters raised by Deputies Carty, Deenihan, Ó Snodaigh and Costello have been selected for discussion.

European Council: Statements.

The Taoiseach: I attended the European Council in Brussels on 22 and 23 March 2005. The Minister for Finance, Deputy Cowen, the Minister for Foreign Affairs, Deputy Dermot Ahern, and by the Minister of State with responsibility for European affairs, Deputy Treacy accompanied me. The Presidency's conclusions at the European Council have been laid before the Houses of the Oireachtas.

The spring European Council adopted conclusions on the reform of the Stability and Growth Pact and on the mid-term review of the Lisbon Agenda. It marked a further stage in Europe's programme of economic and social reform building on the work of the past five years. In particular, it recommitted all member states to achieving the European Union's ambitious goals as set out in the Lisbon Agenda.

The European Council endorsed the report from the ECOFIN Council on improving the Stability and Growth Pact. Ireland is a strong supporter of the Stability and Growth Pact as it underpins the stability and credibility of the euro. The Government very much welcomes, therefore, the new measures that underline the continued European commitment to fiscal discipline and strengthen the economic basis of the pact.

As with any pact or agreement, it is essential that it be reviewed from time to time to ensure that it is meeting the real objectives set for it. The recent review of the pact has placed it on a more viable footing which reflects the current state of the European economy while reflecting the continued commitment to fiscal discipline. The requirement to avoid deficits in excess of 3% of GDP is retained and member states have stepped

up their commitment to reduce debt levels and to strengthen long-term budgetary sustainability.

Member states have also agreed that medium terms budgetary targets should reflect economic circumstances. This means that countries with low debt and high potential growth, such as Ireland, can have more flexibility to run modest deficits rather than having a medium-term objective of near to balanced budgets, particularly where this is needed to fund extra investment in infrastructure, for example. On the other hand, highly indebted countries will be required to meet more demanding medium-term objectives.

The treaty already allows the Commission and Council to take into account other relevant factors in deciding if an excessive deficit exists. The Council has now elaborated further on these special factors. The special factors apply generally and not just to specific member states.

The agreed reform of the Stability and Growth Pact provides that such special factors include: developments in the medium term economic situation, in particular, potential growth, prevailing cyclical conditions, implementation of the Lisbon Agenda and policies to foster research and development — developments in the medium-term budgetary position, in particular, in good times were used to reduce debt; debt sustainability, public investment and the overall quality of public spending; and special budgetary efforts toward fostering international solidarity and achieving European policy goals, notably the unification of Europe.

It is important to emphasise that these special factors are subject to the over-arching principle that the budgetary excess above the 3% limit is temporary and the deficit remains close to the 3% reference value. The 3% deficit and 60% debt criteria remain unchanged as the anchors on the treaty of the Stability and Growth Pact.

Of course, we are party to the Maastricht treaty. Sound fiscal policies are essential for confidence, investment and growth across Europe. Ireland's economic success is a case in point. I am pleased that European leaders have reaffirmed their commitment to fiscal discipline with a package of measures that will help the Stability and Growth Pact to operate more effectively.

The European Council's endorsement of ECOFIN's report on the reform of the Stability and Growth Pact is a considerable achievement for the Luxembourg EU Presidency and the negotiating skills of my colleague, Prime Minister Junker.

The mid-term review of the Lisbon Agenda was the main item on the agenda of the Spring European Council. As political leaders, we were conscious that the issues covered by the Lisbon Agenda, such as jobs, growth and the quality of life, matter to all our citizens.

In March 2000, the European Council, which met in Lisbon, agreed on a new goal for the European Union, namely to transform Europe into the most competitive, dynamic and knowledge based economy characterised by a greater degree of

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social inclusion. At Gothenburg the following year, an environmental dimension was added to this goal to ensure that sustainable growth would be achieved. Five years on, the outcome is mixed, and there is general consensus that Europe needs to redouble its efforts to meet the challenges ahead.

In considering the mid-term review, the European Council was assisted by two key reports — that of the independent high-level group headed by Wim Kok set up during the Irish Presidency, and the Commission's communication to the spring European Council. Both of these reports acknowledge the scale of the challenge facing Europe, in particular the widening growth gap with other major world economies. Failure to address this gap will see Europe experience economic decline, with inevitable pressure on its social and environmental policies.

Our review of the Lisbon Agenda has resulted in a positive outcome. The European Council committed itself to re-launching the Lisbon Agenda as a "Partnership for Growth and Employment". While we have decided to focus on two urgent priorities, growth and employment, we have also endorsed action in two complementary areas — promoting social cohesion and sustainable development. The re-focused strategy, therefore, goes hand in hand with the promotion of social and environmental objectives which are crucial to Europe's success. The new focus on growth and employment expressly acknowledges the over-arching role of sustainable development.

The Lisbon Agenda and sustainable development strategy reviews are, therefore, closely linked, and their aims are mutually supportive. The European Council will adopt a declaration on guiding principles for sustainable development at its June meeting.

The European Council welcomed the Commission's communication on the social agenda which addresses vital issues on tackling poverty and disadvantage. The social agenda will help to achieve the Lisbon objectives of full employment and greater social cohesion. In our discussions on growth, the emphasis was on a number of key items such as promoting the knowledge society, completing the Internal Market and achieving better regulation.

We must complete the Internal Market, in particular, the Internal Market for services. The draft services directive is aimed at removing barriers to the free movement of services. When 70% of employment is in the services sector, it is clear that this draft directive is crucially important, both for the creation of new jobs and to stimulate growth and competitiveness. I support the overall thrust of this directive, with proper regard for the necessary standards. The European Council accepted that the directive as drafted requires some amendment in order to secure a broad consensus on achieving its overall objectives.

Competitiveness is also vitally important for Europe. Europe must become more competitive

in its actions as well as its words. We must accept that the global picture is important, given that the EU competes directly with other regions of the world for mobile investment in knowledge and research. Our state aids regime must take account of this so that EU countries are not disadvantaged in competing for investment. In a word, the review of state aid rules which is being undertaken must be Lisbon-sensitive if Europe is to remain an attractive location for future global investment. Wording which stresses this point was included in the European Council conclusions at Ireland's suggestion.

A core objective for the European Union must be the delivery of more and better jobs. The report of the employment task force, chaired by Wim Kok and integrated into the joint employment report, provided the European Council with a good basis to take firm action on employment.

The issues are clear. We need to concentrate on attracting more people into the labour market, improving adaptability and investing more in human capital. At every level, we must increase the ability of workers and enterprises to respond to change. We must make work more attractive to particular groups, including women and older workers and we must continue to invest effectively in the whole area of education and life-long learning, to equip people for employment in the knowledge society of the future.

To realise the Lisbon goal, it is clear that implementation must be improved both at EU and member state levels. The European Council has agreed arrangements for a more streamlined and simplified approach to delivery. I supported this approach, which will be based on new national action programmes and single annual reports. This new format will be flexible enough to enable each member state to focus on and deliver its own key priorities in accordance with national administrative arrangements.

The Partnership for Growth and Employment can only be delivered in co-operation with all the stakeholders. Across Europe, we need to engage national Parliaments, social partners and civil society as a whole to achieve the necessary pace of reform. The partnership concept mirrors our own well developed social partnership process and we will continue to use this process to achieve the reform programme.

Last year, the European Council agreed to establish national reform partnerships to ensure the necessary level of engagement of all the players in the reform programme. In Ireland, the social partners have helped build the necessary partnership. We have been engaging in dialogue with our newly-formed National Reform Partnership throughout the past year. For example, we have consulted it in regard to our proposed approach to the mid-term review of the Lisbon Agenda and on our submission to the Commission on the subject. This level of engagement has helped us to come to broad agreement on the measures necessary to achieve positive outcomes in terms of the Irish economy and Irish society.

I am convinced that with genuine commitment from all stakeholders, member states will be similarly enabled to deliver the Lisbon goal of strong economic growth and a better society. Because of the strong focus on economic issues at the Spring European Council, there was relatively little discussion of external relations matters. The European Council's conclusions include statements on Lebanon and on Africa. There is also a statement welcoming the presentation by the UN Secretary General of his report on UN reform.

In this context, I welcome the appointment by the Secretary General of the Minister for Foreign Affairs, Deputy Dermot Ahern, as one of his four special envoys in the run-up to the September UN Summit. This is a great honour for Ireland and for the Minister, Deputy Dermot Ahern, personally. It reflects our long-standing commitment to the central role of the United Nations and our determination to ensure that the Secretary General's vision of a reformed and more effective UN becomes a reality.

The European Council was a key staging post in the economic and social development of the European Union. The improved Stability and Growth Pact will ensure that the euro and the euro-area economies remain fundamentally sound. The new streamlined approach to the Lisbon Agenda will give it a new momentum during the next five years and, along with complementary reforms within the member states, will help lay the ground work for strong economic and employment growth. In doing so, the Lisbon Agenda can ensure that Europe works in every sense, just as this European Council demonstrated that the European Union continues to work effectively and efficiently for its people.

Mr. Kenny: The Stability and Growth Pact, the Lisbon strategy, the UN and climate change were among the key matters discussed at the last European Council meeting. It was careless that no Irish Minister attended the subsequent meeting of the EU Finance Ministers to reform the Stability and Growth Pact.

I welcome the new rules allowing member states with significant infrastructural needs to borrow to fund infrastructural projects. We also believe that other aspects of the deal are questionable. Some member states are offering soft excuses for exceeding borrowing limits. It appears that enforcement procedures are being politicised but interest rates and the post meeting prospect of a rise are more problematic.

The Government has not addressed the real risk of interest rate increases. The level of indebtedness in the Irish economy has risen significantly in recent years. Consequently, possible future European Central Bank moves to increase rates could have a disproportionately high impact on Irish people, especially those in the eastern part of the country, mortgaged to the hilt for average homes. I ask that the Government clarify the merits of the new deal it signed up to *in abstentia*

and to reassure borrowers they will not pay in the long term.

In respect of the Lisbon Agenda, there was agreement that the mixed results so far meant it was time for urgent action. The mid-term review by former Prime Minister, Wim Kok, suggests that the Lisbon Agenda be re-focused on growth and employment to counteract the dearth of progress made in the first five years of its remit. It appeared as if the Lisbon Agenda contained too much waffle and had objectives and targets that were simply impractical to achieve. The new start for the Lisbon Agenda is to be welcomed. From an Irish perspective, I am deeply concerned at the Government's ongoing inability to improve competitiveness and to enhance basic infrastructure which are both key aspects of the Lisbon strategy. Ireland has fallen from No. 4 to No. 30 in the World Economic Forum's global competitiveness report, due mainly to the Government's failure to control prices. Ireland is No. 14 out of 15 countries in terms of broadband penetration. Denmark, a country of similar size, has more than ten times as many broadband lines. There has been much talk and many promises but the impact and penetration of broadband is not there.

A central issue of great concern to me is that Ireland has prided itself so much on its IT sector as a means of improving our world ratings and our economic prospects, yet there has been no roll-out of the IT programme for Irish schools. No moneys have been allocated even though I understand provision has been made for this in the Vote. This was promised 18 months ago and there is still no sign of it. We expect our school children to compete internationally even though they are at a serious disadvantage. This is a consequence of lack of clarity from Government.

Other challenges to member states include an ageing population, unemployment and the need for family-friendly work environments, all of which have been addressed in the EPP document, Growth, Prosperity and Jobs in Europe, which was adopted last month. Critical to addressing these problems is reform, as the Taoiseach has pointed out. Only bold reform will ensure that the Lisbon strategy is progressed successfully in its second five years.

I congratulate the Minister for Foreign Affairs, Deputy Dermot Ahern, for obtaining a signal honour for the country and for himself as a result of his nomination to do a particular job by Kofi Annan recently. The Council welcomed Secretary General Annan's report on its future. Reform of membership of the Security Council and speeding up the deliberation process are vital, as is the UN's capacity to react quickly to changing situations. The proposed reform of the Economic and Social Council and the replacing of the Commission on Human Rights are also vital aspects of the reform programme. It is perfectly obvious that the UN Security Council was designed and created after the Second World War for a world that no longer exists. Fifty years on it is time for

4 o'clock

[Mr. Kenny.]

change. There are now some very powerful, emerging nations with vast populations which are not represented on the Security Council. I hope the Minister, Deputy Dermot Ahern, will consider the attempt to create a structure within the UN reflecting the demographics and dealing with the problems of the modern world.

Three million people die of HIV-AIDS every year. The Taoiseach referred to these statistics in respect of Lesotho and other African states. Millions more are being lost to starvation, poverty and disease. Kofi Annan states that the UN goals to tackle these problems will be met in the next ten years only if all of us dramatically accelerate action on this front. Unfortunately, Ireland has decelerated action through the Government's U-turn on ODA. In congratulating the Minister, Deputy Dermot Ahern, on his reform role, I hope his presence there will create an opportunity to effect real change in this organisation because time is running out for millions all over the world on a daily basis. By the conclusion of this debate today, millions of children in Africa will have died.

Time is running out too in terms of climate change. Scientists are warning that sea levels could rise by 88 cms by the end of the century, threatening 100 million people on the planet. Even the infringement proceedings signalled in recent days prove how abjectly irresponsible is the Government's attitude to climate change and ensuring Ireland meets its international responsibilities. The Government is letting Ireland down in this regard, not just politically, but morally. The poorest parts of the world will suffer most from severe weather events such as longer, hotter droughts and rising oceans. Yet these are the people who have contributed least to the serious problems of global warming and global dimming. In terms of ozone depleting gasses, Ireland is the only member state not to file the most basic emission information. This should have been done in 2001. It is further proof that despite ratifying the Montreal and Kyoto Protocols, the Government has continually and casually failed to deliver on these fundamentals.

The Bill to provide for the ratification of the EU constitution will be published in the near future. My main argument is that we must not fail to deliver a "Yes" vote at the next referendum on Europe. Agreeing the treaty was one thing but adopting it will be quite another. Getting the people to adopt the constitutional treaty will be the moment of truth for politicians. When Ireland votes at the next referendum on Europe, the question will be unequivocal: Are we for or against Europe? How Ireland answers depends critically on how we, the politicians, engage with the public and on how honestly and passionately we communicate the political argument for Europe in the intervening time. It is clear that the EU can no longer be sold to the electorate as an innocuous economic club which is owned by the governments of the member states. At this time

of acute transition in the European Union, the economic argument is no longer the main argument. This is the argument that puts forward the notion of the one-way benefit and asks what is in it for me.

The constitutional treaty agreed last summer signifies the European Union as a political and legal entity of its own. From now on, the argument is primarily political and even philosophical. It is now a question about the "why" of Europe. Low voter turn-out at the last European elections drew comments that Europe is lacking a brand. There may be some element of truth in this. What is needed to sell Europe is not a rebranding exercise, but something far deeper. That deeper component is raw politics such as examining, debating, defining, interpreting and reinterpreting what it is to be Irish and what it is to be European, particularly at this time of growth and transition in the EU.

The tradition of individual rights is one of the great realisations of European civilisation. There is a danger for Europe and the EU when the rights and demands of the individual state are ring-fenced without considering their connection with the needs and the good of the whole. Therefore, it is time to communicate what it is to be European in a way that involves responsibility as well as rights. It must relate the good of the individual state to the greater good of the larger group. If this is not done, we will begin to erode the political process at a crucial juncture. We must persuade people that the EU is about them and their lives. We must help people take ownership of the EU project. Our 455 million citizens must decide together the kind of future we want for ourselves and for our children.

Margot Wallström expressed it well in Dublin Castle recently when she said: "Europe is not just about business and the Single Market, it is also about helping each other to tackle social problems, human problems." Just as the European Union cannot survive if individual states become alienated from the whole, neither can it survive if the individual voter, the person, becomes alienated from what Europe is supposed to be. Our challenge and opportunity is to engage with the person. We must address them not just as voters, but as individuals, every one of them with their own story, their personal hopes, ambitions and fears. Our challenge and our opportunity is to give them a reason to think again about Europe, to debate the European ideal, to discuss their complex identity, their attachment to their country and their continent in a new and meaningful way. It will be necessary to overcome our history. Historically and geographically, Ireland never had that shared sense of Europe, with its shared memory of the Inquisition, Napoleon, fascism and two world wars. Almost from the time of the Dark Ages, Ireland as an island nation has been obsessively outward-looking. Despite our somewhat separate history, we share with Europe the fact that political happiness is a relatively new idea for both of us.

I urge the Taoiseach and his Government to bring the debate on the constitutional treaty to the people of Ireland as a matter of urgency. Ireland and Europe cannot afford a repeat of the first Nice treaty referendum, where large numbers of people rejected the treaty for the simple reason that there was not sufficient information and clarity about the issues. Romano Prodi was correct when he stated after the last European elections that there must be an immediate response to the disenchantment of our citizens.

France will shortly go to the polls on the constitution and the outcome is uncertain. Research indicates French voters are not anti-Europe *per se* but that they feel uninvolved by Europe and in the European process. We should not allow the same to happen here. We must convince people that Europe is their Continent, their Parliament and their Union and that we face a time of critical transition.

Every era of transition invents new forms — political, social, economic, technological and even philosophical. The map of Europe has changed radically in the last 30 years. What will it look like in 30 or 50 years' time? Will we as a Union have achieved and even exceeded the ambitions outlined in Lisbon? The Taoiseach and Government were congratulated, when handing over the EU Presidency on 1 May last year, on having successfully concluded the negotiation of the European constitution. How do we now handle the debate around the referendum? Do we want to be among the inventors of these new forms or mere observers? How we vote on the treaty will decide that.

Referenda on the constitution may fall in some countries. I know from discussions with my colleagues in the EPP that there will be difficulties in a number of states. Margaret Thatcher's "Fortress Europe" that would steamroll national identities is very much alive in the imagination of a particular section of British society. It is difficult to envisage Britain joining the euro, for example. There seems to be some innate difficulty in that regard. It may be that Britain will not be convinced to join the euro until other European economies perform exceptionally well, particularly France, Germany and Italy. If the British Government sees the growing strength of these economies, it may decide to join the euro on that basis. It is difficult to see it joining for any other reason.

It is up to countries like Ireland to take the lead and renew our commitment to the European ideal. The new Europe needs this constitutional treaty to be carried by the electorate if the Union is to function in an efficient and relevant way that can make a difference to the daily life of its citizens. We could limp along on our existing legal base but that is not enough. The constitutional treaty is necessary if the Union is to be as flexible, efficient, transparent and accessible to its citizens as it possibly can be.

The treaty brings Europe closer to the people in that it contains in one document the provisions of all existing treaties. In short, it indicates that for which the EU and the individual Governments are responsible. We must remember that we only give to the European constitution the authority we agree to give it. As a compromise between 25 countries, it is not and cannot be perfect. We will not all get what we want. However, it represents a critical balance of the rights and responsibilities of the different member states which constitute the European family. The people of Ireland and Europe are people of ideals. The Government should and must respond by providing citizens with adequate information to make their decision. Let us have this debate in full and open session as often as possible.

Mr. Quinn: I want to address five issues — the Stability and Growth Pact, the Lisbon Agenda, sustainability, the UN summit and some comments on Europe. In welcoming the necessary changes to the Stability and Growth Pact, we must acknowledge that the primary task for which the pact was established was to make the selling of the euro an acceptable political project, particularly in states such as Germany for which the creation and stability of the deutschemark was the crowning achievement of post-war democratic stability. Most Germans right across the political spectrum attribute the rise of fascism directly to the hyper-inflation of the 1920s. A stable currency was an absolute necessity, therefore.

It was against this background that Theo Weigel and Helmut Kohl had serious problems in trying to persuade the German population, and by extension the DM zone which included Austria and The Netherlands, that in replacing this sound foundation of post-war democratic Europe which had known either communism or dictatorship in the previous period, the euro would be a stable success. It has proven to be so. I invite this House and Eurosceptics elsewhere to consider that despite the political turbulence within Europe and worldwide recently, there has been no currency speculation since the single currency project came on the horizon.

The early 1990s, for example, witnessed the first Gulf War followed by difficulties in Asia with the meltdown of the currencies in Thailand and Malaysia. None of these events has had the slightest ripple effect on European currencies. As Minister for Finance, the Taoiseach had to grapple with such difficulties in September 1992 and is more aware than most of the problems in that regard. Each time there was a political hiccup anywhere in the world, the markets went crazy, mortgages went through the roof and small businesses were crucified. The real success of the single currency is evident in what it has avoided rather than what it has achieved. We should not be shy in singing that song.

The euro was originally obliged to be a strait-jacket in order to be sold to a nervous constitu-

[Mr. Quinn.]

ency. I welcome that the straitjacket has now been loosened. A distinction is now made between countries with a low level of national debt and which use capital investment for sound purposes and countries which indulge in a spending binge. However, we must be careful in how we relax the rules. During the time of its design, I attempted to explain the Stability and Growth Pact by comparing it to a joint account with either a business or personal partner. One must take the other party's signature on trust and assume he or she will not write a cheque for an amount in excess of what is in the account. If a large economy such as Italy were to lose the run of itself, it would have a negative impact on other member states in terms of interest. Notwithstanding this, the necessary changes have been dealt with and I join the Taoiseach in once again applauding the chairmanship and direction of Jean-Claude Juncker in this area.

I wish to refer to two specific items arising from the Council's deliberations in order to evaluate Ireland's performance. The issues of infrastructure and the upskilling of the workforce are two examples of an entire area of deficit to which we must address our attention and energy. Unlike the Single European Act, where one of the Commissioners, Lord Caufield, was able to identify 315 legislative measures at European level which, under the Presidency of Jacques Delors, member states had to achieve collectively as a political entity, most of the necessary tasks that must be undertaken by the participating member states in achieving the objectives of the Lisbon Agenda must be done primarily at national level and we must impose that discipline on ourselves.

I invite Members to see if they can recognise Belmullet, Sligo or Donegal in the following description contained in Article 27 of the Presidency conclusions:

The Single Market must in addition be based on a physical internal market free of interoperability and logistical constraints. Deployment of high-speed networks in poorly served regions is a prerequisite for the development of a knowledge-based economy. In general, infrastructure investment will boost growth and bring greater economic, social and environmental convergence. Under the growth initiative and quick-start programmes, the European Council emphasises the importance of carrying out the priority projects in the field of transport and energy networks and calls on the Union and the member states to keep up their investment efforts and to encourage public private partnerships.

The Minister for Foreign Affairs knows more about the delivery of broadband than I do because of his previous responsibility. When one listens to the small print verbalised on ads on the radio, one notes that terms and conditions apply and that broadband is not available through Eircom right across the island. We have fallen

dramatically behind in terms of the delivery of broadband. The Independent Deputies from the west coast can sing and shout for as long as they like but they will never secure development in the region unless broadband is delivered. I refer also to Galway East, the constituency of the Minister of State, Deputy Treacy. If we had relied on market forces to deliver either rural electrification or piped water, there would still be houses and towns without either in this day and age.

Mr. Kenny: The Deputy is dead right. I agree.

Mr. Quinn: Market forces are great when markets work but they do not work in quasi-monopoly circumstances. This issue must be addressed. We are falling behind in this area and I invite the Minister to consider it.

The second issue that must be considered was drawn to my attention by a constituent by way of coincidence. It is alluded to in page 11, paragraph 34, of the Presidency conclusions:

Human capital is Europe's most important asset. Member States should step up their efforts to raise the general standard of education and reduce the number of early school-leavers, in particular by continuing with the Education and Training 2010 work programme. Lifelong learning is a *sine qua non* . . .

One knows the script.

A 34 year old constituent who works as a hospital porter in a major hospital in Dublin approached me. He is facing the possibility of being a hospital porter for the rest of his life. He is reasonably well paid but has ambitions and wants to be trained as a paramedic. It will cost him €3,000 in fees. He is prepared to pay this himself and is not looking for a grant for this amount. The hospital in which he works, Tallaght Hospital, is prepared to give him leave of absence but evidently cannot pay him. When he presents to those responsible for social welfare, they are incapable of presenting him with money. He is prepared to go on the equivalent of social welfare and would survive if he did so. His wife works part-time and they have two young children aged nine and 11. They live just off the South Circular Road in south-east Dublin. He is a solid, conscientious taxpaying worker who wants to upgrade himself but he simply cannot do so and there is nowhere in the State where he can do so. This makes paragraph 34 a nonsense because we cannot reach out to people who themselves want to climb up the ladder and acquire the skills they aspire to have. I am not referring to a person who is very old or who left school a long time ago. He is only 34.

There is no way our system works. In the past, we introduced the back to work allowance scheme and the enterprise allowance scheme. The Government operated the latter after I left the Department of Labour. All of these measures were to address labour market failure. In terms of the Lisbon strategy, this is labour market fail-

ure and we have no domestic instruments to address it. I invite the Minister to examine this.

The third issue about which I want to talk is sustainability. Ireland has probably the worst performance in terms of adherence to the Kyoto Protocol. Now that the Russian Federation has signed up to the protocol, sustainability has become a reality and we should address it.

I was not present to hear the Minister for the Environment, Heritage and Local Government give answers in the House and therefore I may be doing him a disservice. Is a sustainability criterion being run like a slide rule over every Government measure, as was the case in respect of gender-proofing and assessing impacts in terms of cost or personnel? Members will recall the requirement of the Department of Finance that the impact of every proposal be measured in terms of cost and gender. Do we now have a measure for sustainability?

Was the relaxation in the rules pertaining to rural housing subject to such a sustainability measure? By giving people the right to build a house on their family lands, ten kilometres or 12 km from the local village, are we now guaranteeing they will have to make two car trips per day while their children are going to primary school? If one had made sites available on the periphery of the village, they could have walked to school. These issues involve individual, complex choices and I understand fully the arguments of those involved. To make the point without trying to be simplistic, we are not addressing to a satisfactory level the issue of sustainability, as referred to in the conclusions. The Taoiseach and Ministers realise this themselves. I hazard a guess that there was no measure of sustainability applied in determining the impact of rural housing.

Next year a directive is to come into effect that will measure the energy efficiency of housing. We are facing serious fines. I know I am stealing some of the environmental thunder of my constituency colleague, Deputy Gormley, in this regard. The environment is no longer a fringe issue and it is central to the Lisbon strategy. Europe is the most densely populated continent of all five continents. We must address these issues and if we do not, we will very quickly slide down the league table. We have managed to climb to the top of the league table in respect of many other indicators.

I join the leader of the Fine Gael party in congratulating the Government, particularly the Minister for Foreign Affairs, on the honour conferred on him personally and the country when he was made special envoy for United Nations reform by Kofi Annan. The Minister has a very difficult task and will be absent from the House quite often. We and his colleagues will have to give him some leeway and I hope he gets the extra resources necessary to undertake this role.

Reform of the United Nations is critically important for the reasons Deputy Kenny stated, which I will not repeat. If we do not reform the United Nations, it will fail. Many would argue

that it has effectively failed, particularly the neo-cons in the United States. They want it to fail in the same way that Hitler and Mussolini wanted the League of Nations to fail in the 1930s. If it fails, the rule of international law will go with it. Tenuous, limited, fragile, incomplete and imperfect as the United Nations manifestly is, it is not easily replaced. What does one replace it with?

The Minister's mission is incredibly important and I wish him every success. If he believes Members of this House, including those of my party, can be of assistance in this regard, he should inform them. This issue goes way beyond the argy-bargy of national politics and the rivalries and democratic competition that comprise a healthy part of what we do here. It is a question of the rules that underpin the playing pitch upon which every democratic party political participant or citizen participates, be he or she on the pitch or in the stand. It is therefore very important and the Government should afford it the priority it deserves. I wish the Minister well in this respect.

On Europe and Deputy Kenny's comments, it is pertinent to recognise that the emotional driving force that underpinned the European project in the 1950s and 1960s and, to a certain extent, in the period until the early 1980s has run out of steam. This is because the participants are dead. Helmut Kohl and François Mitterand were the last two national leaders who actually remembered the war and participated therein. Theo Waigel told me he was 12 years of age when the war had ended. He had a memory of it but it was not seared into his heart or physical experience. He remembered the aftermath, as did Gerhard Schröder. However, they did not fight or lose friends who were killed. Without such a memory there is no way that the Germans or French would have agreed to the reunification of Germany. Just think of the Franco-Prussian war, the pride of France and the burying of the Deutschmark, which was the trade-off. One will not find this written down but any French or German diplomat will tell one this was the deal. Ruud Lubbers lost the Presidency of the Commission because he hesitated. Being a neighbour of the Germans, he had certain reservations about a reunited Germany, just as I would have had if I were a Dutchman. I believe the Taoiseach may have been present in some capacity at the meeting at which he was vetoed. The aforementioned push factor was incredibly strong. I have just given one illustration but there are millions. This factor is no longer present and we must find a way of igniting a new kind of emotional push factor. Globalisation is not permanent or guaranteed. We had globalisation until the Great War in 1914. There was the gold standard, international communications and transport, and various other connections. This disappeared because it was a free trade zone and nothing else. If globalisation cannot be civilised to include rights for workers, environmental protection and the rule of law it will collapse in a sorry mess just like the 20th century collapse in 1914. The only force that can civi-

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lise international capitalism and tame globalisation is an enlarged European Union. That is why the constitutional treaty is so important.

Mr. Gormley: I wish to share time with Deputies Ó Snodaigh and Connolly.

The EU March summit covered several areas, including the Growth and Stability Pact, the Bolkestein or Services Directive, European rules on state aid, the ban on exporting arms to China, the Iran nuclear programme, the mid-term review of the Lisbon Agenda, the European social model, climate change and energy supply.

In the summit's Presidency conclusions, No. 47, the EU leaders called for the building of an international thermonuclear experimental reactor nuclear fusion project in southern France and called on the Commission to "make every effort to achieve that aim, in particular by finalising the international agreement by July 2005". Japan is apparently the rival location for this nuclear reactor.

Did the Taoiseach raise any objection whatsoever to this further development of dangerous nuclear power or did the Government just meekly wave this through as it approved, for example, the lifting of the ban on arms exports to China? Will it cost €4.5 billion to build the plant and billions more euro to run it? Even under the most optimistic assumptions fusion will not be available as a commercial generating option until 2050.

The EU support for the bad option of nuclear energy makes a mockery of other goals in the Presidency conclusions which stress the need for the development of renewables and the pursuit of environmental sustainability. In particular, Greenpeace has highlighted in the past year that the EU's Framework Programme allocates €750 million for fusion research and development compared to €810 million for all other non-nuclear energy options combined. Do the Taoiseach and the Minister for Foreign Affairs share the view that the EU believes it will solve climate change problems by pursuing the nuclear option? Attaching the EURATOM Treaty as a protocol to the new constitution does not give us any real grounds for optimism.

The Presidency conclusions deal with the issue of climate change and the EU's need to achieve and surpass the Kyoto targets. However, Friends of the Earth and other environmental NGOs have expressed disappointment with the conclusions. Despite the recommendation of the EU Environment Ministers that industrialised countries should aim to cut greenhouse emissions by 15% to 30% by 2020 and by 68% to 80% by 2050, the Heads of State deleted the 2050 reference completely and left only the 2020 targets.

Friends of the Earth calls the 2020 target weak and ambiguous, stating that the 30% target reflects only what industrialised countries must achieve to prevent catastrophic climate change. What does the Minister think of the new targets?

Is he embarrassed that Ireland has no strategy for combating climate change and that we are far overshooting the Kyoto targets? We are now 25% above 1990 levels although we should achieve 13% above 1990 levels between 2008 and 2012.

The services directive, known as the Bolkestein directive, is a controversial plan to liberalise services, which is causing major problems in France and threatens to scupper the EU constitutional referendum. There are fears, for instance, that it would allow construction firms and other service providers to operate throughout the EU according to lowest legal labour standards, posing a direct threat to the European social model. Companies like Gama Construction might operate here which perhaps is what certain people want.

In particular, there are concerns regarding the country of origin rule, allowing service providers to work in other member states under the domestic rules of their own countries. This is a serious problem. Mr. McCreevy, the Commissioner for the Internal Market, who looked favourably on this directive, approved the compromise reached at the summit. I suspect, however, that it will be on the table again, perhaps after the French referendum on the European constitution.

At the summit the Taoiseach stated it was clear that changes were needed in the Bolkestein directive but that the services plan had not been withdrawn. Will the Minister for Foreign Affairs elaborate on the changes necessary to this directive? Is the Government in favour of the country of origin principle in the directive or are we supporting changes to that?

This summit carried out a mid-term review of the Lisbon strategy. At Lisbon, five years ago, the Taoiseach and other EU leaders pledged to make a decisive impact on the eradication of poverty in the EU by 2010 but that has not happened. Despite the wealth in the EU, 68 million people are living in poverty. Despite Ireland's dramatic growth, our cut in unemployment and the fact that we are the second richest state in the EU, we have the worst rate of relative poverty in the 25 EU member states.

The EU has a social inclusion strategy but is the Minister convinced that the EU has the political will to tackle these problems? The European Anti-Poverty Network welcomed the broadening in the emphasis at the summit from the competitiveness aspects of the Lisbon goals to social cohesion but it asks how the EU leaders will ensure an adequate focus on meeting the social cohesion objective. Is the Minister convinced that provision has been made for a more detailed development of the EU social agenda? How does the Taoiseach propose putting our house — this country — in order?

Will the Government take any heed of evidence from other EU countries, particularly the Scandinavian countries, that different tax and welfare schemes could make a major impact on our poverty levels? Ireland has one of the lowest

levels of social protection expenditure in Europe. Has the Government taken on board any of the findings of last year's ESRI report, *Why is Relative Income Poverty so High in Ireland?*, which found that the introduction of a Danish-style welfare system in Ireland would have a very substantial impact on reducing the number of people at risk of poverty?

With regard to concerns about the referendum in France, if we want to bring the EU closer to the people we must respect democracy in the form of the conclusions reached by the British and the French. Often we do not respect democracy and ask people to vote again because we do not like their first decision, but that is not democracy.

Aengus Ó Snodaigh: The French electorate, which appears to intend to vote against the EU constitution, is concerned about the notorious services directive with its negative implications for public services and workers' rights. We have not fully debated that directive in this House. The Government supports it but my party opposes it and seeks a debate and a vote on it. The so-called compromise wording reached at the summit is not acceptable because it is internally contradictory. One cannot impose deregulation of the services market and maintain essential social protections. This is no more than a big lie.

There is speculation that the price of French consent to the constitution may be the introduction of tax harmonisation in the EU. Tax sovereignty is said to be one of the Government's red line issues. Commentators have observed that this presents the Government with a Sophie's choice. I anticipate that it will cave in on this as it has on other issues, for example, its supposed cornerstones of independence, foreign policy and matters of criminal justice. Will the Minister address the Government's position on the services directive in his closing remarks?

Sinn Féin has long called for Stability and Growth Pact reform because the existing rules have had negative consequences for Ireland by preventing public investment for social and infrastructural development. The reform package endorsed by the summit is an admission of this. Unfortunately, the new reform proposals are not acceptable because they will encourage member states to dismantle social security and the welfare state to obtain a lower rating in connection with the deficit procedure. Ireland may be better off withdrawing from the Stability and Growth Pact or, in any event, developing a credible and workable alternative for dealing with the issues of inflation, budget deficits and public debt.

At the summit meeting, the EU leaders agreed to adopt an EU Common Position on UN reform. At this occasion, I congratulate the Minister on his role in reporting to Kofi Annan on the UN reform proposals from different countries. However, it is unacceptable that there is an EU Common Position on UN reform. We must examine the position of many countries within the EU

in recent years, and the Vilnius 13 who supported the termination of UN weapons inspections to make way for the invasion and occupation of Iraq. We should not be required to converge our policies with countries who have treated the UN and the will of the international community so contemptuously.

If the Irish Government insists on adopting a Common Position, it is crucial that there is a substantial debate on UN reform in this House in advance. The Minister should give an assurance that he will consult the people and public representatives and that there will be a substantial debate in this House prior to deciding the future of the UN.

Mr. Connolly: In one of the shortest EU summits on record in March this year, which lasted for a total of five hours, the EU leaders agreed to give governments considerably more latitude to spend their way out of recessions. With a somewhat fetching display of Dutch courage, they also backtracked on plans to liberalise the EU's internal trade and services. They demonstrated a lack of bottle to take the necessary steps to boost the EU's sluggish economy. A sense of poetic justice pervaded the summit, particularly in regard to Germany which helped to push through the EU Stability and Growth Pact in 1997. The pact was an attempt to deter profligate neighbours from attempting to freeload on Germany's credit rating under the unified euro currency. It placed very tight restrictions on countries' borrowing deficits of no more than 3% of gross domestic product, GDP, and a total national debt of no more than 60% as a condition of joining the euro.

In the meantime, Germany has proceeded to treat its own proposed restrictions in a somewhat cavalier fashion, having breached the pact's deficit criteria for three years running, and it looks set for a repeat performance this year. Having been strongly lobbied by the German Government prior to the Brussels summit, EU finance ministers agreed to revise the Stability and Growth Pact, effectively rendering it toothless. Its stringent criteria have been relaxed, with finance ministers simply urged to keep deficits close to their reference value. In a period of severe economic downturn where countries could exceed the deficit limits and the previous strict standard of 3% of GDP, any period of negative growth or protracted period of low growth will suffice.

New rules approved and rubber-stamped by Heads of Government allow for all types of temporary spending in advancing European policy goals. They also include fostering international solidarity, which sounds like funding for international peacekeeping activities. Allowances were also made for the continuing cost involved in German unification, estimated at 4% of national GDP. The Austrian finance minister was somewhat caustic in his reference to the concession to Germany that, since the wall came

[Mr. Connolly.]
down 15 years ago, it was hardly a temporary emergency.

Five years ago, the Lisbon Agenda reform programme was advanced with the objective of making the EU the most competitive economy by 2010. It is something of a gesture or a nudge rather than a directive. It is left up to individual governments to implement. Fearing opposition from powerful vested interest groups, they have largely been reluctant to do so. There is much talk about Lisbon but little or no concrete action. There was an attempt to raise the issue of a proposed services directive with a view to liberalising EU internal trade and services. This was an attempt to mollify French and German concerns regarding the question of social dumping and competition from companies in poorer countries with lower wages and taxes. However, this service directive is not exactly flavour of the month in France where it is already threatening the outcome of the referendum on the EU constitution, which would be a huge setback for one of the EU's founder nations.

The summit did not achieve very much other than to dilute the Stability and Growth Pact. It shied away from any attempt to make the Community more competitive or pushing EU growth towards American levels. The next pricing matter will be the agreement on the budget for the period 2007 to 2013, with Britain's rebate already proving controversial. This issue, which was worth €2.5 billion last year, was negotiated by Margaret Thatcher in 1984 as compensation for Britain getting relatively little under the Common Agricultural Policy. It appears as if real economic reform will again take a back seat without a change of heart from some older members.

On Croatia's application to join the EU, I am happy to note that Ireland was one of the countries that voted against the proposal to defer the accession talks with Croatia.

An Ceann Comhairle: We will now move on to questions to the Minister for Foreign Affairs.

Mr. Durkan: Did discussions take place during the summit on the equal availability of broadband throughout Europe? What can the Minister do to address the issue from a European perspective?

Has the Minister examined the impact of the draft services directive on the Irish economy, keeping in mind that we are an island economy? We are now the only country in Europe in that situation because our next-door neighbours have a land link to the continent of Europe.

On the delivery of jobs, which appears to have been an issue under discussion at the summit, to what extent has that matter focused the attention of the combined governments? Deputy Quinn and Deputy Kenny already referred to this aspect. To what extent did the summit focus on the inability of Europe, even in its present form, to compete with the United States in that area? To what extent did the summit focus on

Germany's potential, in particular, and a number of other European countries on whom great responsibility rests in this economic area?

On the forthcoming ratification of the treaty, what indication or advice did the Minister receive from other European Heads of State or ministers in that particular area? Did he examine the possibility of the failure of a referendum in one or more countries and how it might be dealt with in the shortest possible time? I will have other questions later if I get a chance.

Minister for Foreign Affairs (Mr. D. Ahern): I thank the Deputy for his questions. I also thank the Deputies who referred to my recent appointment, which is an honour for me and particularly for the country. It is a testimony to the ability of this small nation to punch above its weight on many occasions, something to which Kofi Annan alluded. I will liaise as much as I can with the House regarding the issue and we can return to it.

With regard to Deputy Durkan's point about the availability of broadband, I spent two and a half years at the Department which has responsibility in that regard. Ireland has the highest rate in Europe in terms of the growth and increase in uptake of broadband. We are starting late because of structural issues in that many European countries already have cable systems whereby it is easy to drive broadband into homes. That is one of the reasons the US is one of the world leaders in terms of broadband services.

There is some benefit in being behind in the race. This was evident when I visited South Korea and Japan. Technology is changing dramatically day by day and one could invest substantial amounts of money in infrastructure. The Deputy is incorrect to shake his head.

Mr. Durkan: It will change anyway.

Mr. Quinn: The Minister's position is that we should do nothing.

Mr. D. Ahern: I assure the Deputy there will be dramatic changes. One must be careful when investing to ensure that one ultimately gets a return. Dramatic changes in the type of technology available can occur within a year or less. A plethora of platforms are available for any part of the country to bring in broadband, and no area should be unable to do so.

Personally, I am most proud of the group broadband scheme whereby we gave substantial amounts of grants to small and rural communities and towns to allow them avail of the service. I agree with Deputy Quinn's remarks regarding market forces and the lack of economic return. We based the group broadband scheme on the group water scheme and they are exactly the same. Small amounts of money enabled some areas to avail of broadband. Better broadband services could be provided by some private companies. That scheme is up and running and hopefully the uptake will be better than heretofore.

Deputy Durkan also raised the issue of direct services and their impact. We have examined the issue very closely and studies show an annual figure of €47 billion if we had a truly open market with regard to services. Forfás has carried out research which suggests a gain of approximately €400 million annually in this country if we had increased services trade through the directive. There is also a strong belief that the enhancement of North-South trade would be made possible with the passing of the services directive. However, those issues are being examined again with possible amendments. We are broadly in favour of the services directive and its principle.

Deputy Gormley asked a question regarding the country of origin issue. This is the only realistic way in which service providers, in particular small businesses, can take advantage of the Single Market. They could not otherwise be expected to familiarise themselves with the law in 24 countries or more.

We have not sought the advice of other nations with regard to ratification. We obviously look to see what they are doing, but as a democratic State we will make our own decisions in a referendum. Preparations are ongoing in that regard, and I thank Fine Gael for its assistance in that respect.

Mr. Quinn: Perhaps the Minister would outline his brief in respect of the role he will undertake for the Secretary General of the United Nations. What actual territory is defined as being European — does it refer to the European Union or the actual political and geographical Continent? Can he outline his proposals and the timeframe within which he intends to work?

Mr. D. Ahern: I thank the Deputy for his remarks. There are five envoys, as an additional one was appointed, and our remit is to represent the Secretary General in capitals of the world. A huge amount of work will continue in the General Assembly, the President of which, Jean Ping, has appointed a number of facilitators and permanent representatives to deal with issues at UN-level on the ground in New York. The General Assembly, based in clusters, will go through the Secretary General's recommendations line by line this month.

It is the view of the President of the General Assembly, together with the Secretary General, Kofi Annan, that there must be direct, one-to-one discussion in the capitals. We are to engage and promote the package, liaise with the Secretary General's people on an ongoing basis and, ultimately, be utilised in the anticipated event of blockages with regard to certain international issues. It is a very broad remit. The appointment of the Latvian vice-president as an additional envoy will ease the burden for the four original envoys. My geographic remit is Europe, though it is envisaged that I will be used in other parts of the world also.

Mr. Gormley: I wish to return to some of the questions I raised in my speech. I congratulate the Minister on his appointment as an UN envoy.

Considering we are nuclear free, the Irish Government's support for the fusion project in southern France goes against the grain. It is not the way to go if we are to deal with the issue of climate change. Many within the EU regard nuclear energy as the way to address the issue and believe we can sustain economic growth while combating climate change. Would the Minister agree that this analysis is entirely wrong? Why has the Irish Government not been more vocal at European level with regard to the issue?

Will the Minister elaborate on the European services directive and how the Bolkestein directive could be amended to his satisfaction?

Is the Minister ashamed of our environmental record? We are the environmental delinquents of Europe. We have a truly appalling record and a cavalier attitude towards European Union environmental directives. How does the Minister feel sitting around the table when he looks his colleagues in the eye and tries to explain how this so-called small green country can have such an appalling attitude towards the environment?

With regard to EU ratification, was there any discussion about the potential for a "No" vote in France and Britain? If there is a "No" vote in France——

Mr. F. McGrath: *Vive la France.*

Mr. Gormley: ——will the French people be asked to vote again or will we have to go back to the drawing board on the constitution?

Mr. D. Ahern: I will answer the Deputy's last question first. There was no discussion as to what will happen if there is a "No" vote. It is wrong to deal with such a hypothesis. It is up to each individual state in its own way, whether by referendum or other process of ratification, to decide that matter for themselves. There is no plan B. If there is a difficulty in that one state does not ratify the constitution, it will cause a difficulty and divert attention from the ongoing work of the EU. That is a bridge we will have to cross if that difficulty arises.

On the issue of nuclear research, I want to make it absolutely clear that this Government and all parties in this Parliament are adamantly and implacably opposed to the nuclear industry and nuclear power. That said, over recent decades, successive Governments of every political persuasion have not opposed research in this area by other countries on the basis that it would make the industry safer. In this instance, we continue that practice of not opposing research designed to make the nuclear industry safer for those countries that use it.

Deputy Gormley referred to what he described as our appalling response to sustainable development issues. In recent years there has been a sig-

[Mr. D. Ahern.]
nificant fall in emission levels in this country. We are making solid progress towards achieving the target of limiting emissions to 13% above 1990 levels. Our commitment is to reduce our greenhouse gas emissions by an average of 9.2 million tonnes per annum over the period 2008 to 2012. Arrangements have been made in that regard. I have some knowledge of this area from my previous office. I do not accept that we have an appalling record in this area. Neither do I accept that other countries consider this country has a cavalier attitude to environmental issues. That is not the case.

Mr. Gormley: The Government has.

Mr. D. Ahern: The Deputy does this country a great disservice.

Mr. Gormley: That is not the case.

Mr. D. Ahern: The Deputy must be careful about what he says. This country is regarded by most people in Europe as having one of the cleanest environments in Europe. The Deputy does our society a disservice.

Mr. Gormley: No.

Mr. D. Ahern: The Deputy also raised the issue of this country having the lowest social spend in the EU. One of the main reasons we have a low social spend compared with other countries is because we have the youngest population in the EU. The social spend in Italy is high because it has the oldest population in the EU. Ireland has the youngest population, hence we have the lowest social spend in the EU.

Mr. Gormley: Perhaps it has something to do with the Progressive Democrats.

(Interruptions).

Mr. D. Ahern: I am delighted about the issue Deputy Quinn raised because the alternative Government being postulated in some quarters made up of Labour, Fine Gael and the Greens—

Mr. F. McGrath: The Greens are not in it yet.

Mr. P. McGrath: Is the Deputy in it?

Mr. D. Ahern: The corollary to what the Deputy is saying is that there must be dramatic increases in taxation. I would like to hear the proposals by the proposed alternative Government for increases in taxation to skew matters in the way Deputy Gormley wants.

Mr. Gormley: I have no problem with meeting the Minister any time.

Aengus Ó Snodaigh: I have three or four brief questions. Will the Minister ask the Government Whip to arrange a debate and a vote on the services directive and a debate on the Lisbon Agenda? The Committee on European Affairs discussed it and produced a document, but the House has not debated it. Will Minister also arrange for a debate on the proposed Stability and Growth Pact reforms? Will he also ensure that we have a debate on UN reform well in advance of the adoption of any EU Common Position on it? What are the Minister's plans for making the process of UN reform inclusive of the views of the people?

Mr. D. Ahern: I can give a simple answer to those questions. These are matters for the Whips to decide. I encourage the Deputy's party Whip to ask the Government Whip. Perhaps the Deputy is the Sinn Féin Whip.

Aengus Ó Snodaigh: I am.

Mr. D. Ahern: He could ask the Government Chief Whip about all these substantial issues which have been debated on an ongoing basis in this House. That is one of the reasons we are having this debate.

On the matter of a Common Position on UN reform, the House should discuss this issue. My role in this regard is distinct from my ministerial role in that I am in effect the representative of Kofi Annan in those countries, but that is not to say we do not have a view on the UN reform package. Most views in Government are that we can support the vast majority of the reforms.

As for issues such as Security Council reform, I agree with what Deputy Quinn said about how, in its present form, it was designed for yesteryear. We now need a new scenario. Ireland has a particular position on the reform of the Security Council, although not in terms of model A, B or whatever model is proposed. Our overriding principle is that the interests of small states must be preserved in any reform of the Security Council because we have relied on the council on many previous occasions. The UN has been the cornerstone of our foreign policy for decades.

Disability Bill 2004: Second Stage (Resumed).

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

Ms C. Murphy: I highlighted the issue of this Bill in my campaign literature. I have worked with several advocacy groups in the disability area for a considerable period. At best, this Bill requires radical alteration. I will highlight some of its flaws by using local examples to illustrate how it is unworkable in the format in which it is presented. It is not right-based in its current form.

When people who had worked towards and argued for a disability Bill for many years were presented with the first Bill in 2001, it proved to

be a major disappointment. Expectations had been built up about the provisions of that Bill, but it was withdrawn. Those expectations were further cruelly dashed in terms of this Bill. It is a major disappointment.

I was a local representative for 17 years during which time I have met too many families, so to speak, with issues in this area. I am sure the Government parties also met those families and that the number of families affected could be several multiples of the number we met. The family members I met cared for a person with a disability and encountered serious problems with the lack of services in this area. Those families were turned into professional lobbyists and fund-raisers. Often the lobbying led them nowhere because when they tried to find services, they discovered they did not exist. In trying to assist many of those families and individuals, I unpicked the services to ascertain where were the roadblocks. Not only did I discover an absence of basic services, but I discovered great inequity in how the services were provided where they were available. I will give a few examples.

When I discovered we had a serious problem with the disabled person's grant in County Kildare, I contacted the Department and asked for the national figures. I inserted the figures into a table on a *per capita* basis to see why County Kildare was doing so badly. I wondered if what I was seeing was evident in the rest of the country. I discovered that County Kildare got €5.70 for every man, woman and child to provide for disabled person's grants, which was at the bottom of the national list. On the top was Leitrim with €103.43. While I accept that geography can come into play, the difference is extreme. A correlation exists between the disabled person's grant and the local government fund. The lower a county's local government fund the lower are its disabled person's grants as one third of the fund is required to be raised locally.

Contradictions exist in this matter. How is it possible to provide services without having the funding for those services guaranteed? I looked at the local government fund to see if we could make a difference in terms of the amount of money we put in. We needed to put in one third if we were to seek the two thirds matching funds. I discovered that the entire increase in the local government fund in County Kildare was used in three areas: to buy water for the increased population; to pay for the wastewater treatment for the increased population; and to pay for benchmarking. The budget had no extra money to put into the disabled person's grant fund. Location in the country defines a person's experience with this grant.

Applicants for this grant from County Kildare are put into three categories. Those in category A are entirely dependent and are cared for at home. Those in category B have some independence and those in category C have more independence. Those outside category A have no chance of receiving a disabled person's grant to modify

their homes because the list is closed for everybody else. A means-tested approach is being considered to try to filter those limited funds. A county like Leitrim might have very specific needs and I do not begrudge one shilling that goes towards this service. However, some counties have unspent funds while others have insufficient funds. Where people live defines the service they will receive, which represents unpardonable inequality.

A man whose wife was diagnosed with an incurable progressive illness contacted me yesterday. He said that he had spoken to several professionals and was told there was no point contacting the local authority, as it had no money for a ramp. This man has left work to try to care for his very ill wife and this type of obstacle is placed in his way. The Bill will not make a difference for that person. If it is not possible to get something as basic as a ramp, the Disability Bill will not make a difference.

Unless the Department of the Environment, Heritage and Local Government changes the method of funding of the disabled, nothing will change for these people, hundreds of whom live in my area. I will give a health board example. Even within the same former health authority area, wide differences can exist in the services available. For example, in support services for the elderly I found a wide difference between north County Dublin and County Kildare even though they were in the same former health authority area. When I refer to a wide difference I mean there was a chasm between the levels of services provided. The package of care was radically different.

We have been told the embargo on recruitment into the health service will not make any difference to people. As I live in a growing county, an embargo makes a big difference as the needs are increasing and the area has to deal with an increased population with the same resources. There is a perception that an area with a growing population gets an increase. In 1996, 134,000 people lived in County Kildare. It is conservatively estimated to now have a population of 180,000; we will have the census results in approximately 18 months. The front-line staff numbers in therapy services in County Kildare have not changed since 1996 despite a population increase of 50,000. This is a clear example of an embargo. The lack of speech therapy, occupational therapy and physiotherapy radically alters the life chances of people. The Disability Bill will not change this unless a change takes place in another Department and unless the resources are provided to make that change. I see no guarantee of those resources. The expanded needs I mentioned are not being taken into consideration. While I understand people are being trained in therapy services, those being recruited are often very inexperienced. It takes time to be able to provide first class services.

The legislation requires that public bodies should integrate service provision over time. Dis-

[Ms C. Murphy.]

ability groups and individuals will state that while the building and planning regulations require that for every 15 rooms, hotels must provide one room catering for disabled guests, they do not define how these rooms are used. Often when people with a disability seek such a room they cannot get one. No counterbalance exists in terms of use. Unless all Departments and public bodies have a clear statutory duty and unless the funding is provided, we will not see the difference that people have the right to expect. People have stopped sitting back and accepting that we have never had it so good. We are starting to see advocacy groups mushrooming. We are starting to see people make demands. They have waited long enough, having endured the bad old days of the 1980s when there was no money for anything and we were told that when the economy was put on course and inflation reduced, everything else would follow. This has not occurred and people with disabilities are now taking direct action through advocacy groups.

I and others have been contacted by advocacy groups which have identified two areas of concern that must be addressed. The Bill fails to ensure that people with disabilities have access to the high quality, specialist support service they require to participate and contribute to society. It fails to ensure that all public service planning and provision takes into account the fact that there will always be people with disabilities and their number will increase as the population ages. The legislation should require that the disability issue be incorporated into the design of all public policy and planning decisions.

In addition to these two key areas of concern, advocacy groups have elaborated a further ten fundamental flaws in the Bill. The definition of "disability" is too narrow and excludes certain conditions and early intervention needs. As such, many people will be excluded from the assessment procedure. The provision that disability must be "enduring" is indicative of the Government's failure to take a progressive approach.

Advocacy groups want the Bill to provide an explicit right to independent assessment, which is a positive rather than negative demand. It must also provide for an individual's right to have unmet needs progressively identified in the independent assessment report, either on an annual basis or in the event that circumstances change.

When I hear that a complaints system is too complex, it indicates that complaints are not wanted. This is a valid criticism of the system which must be simplified and made more accessible in line with the demands of the advocacy groups. In addition, the appeals system needs to be independent of the Department of Health and Children. It could, for example, be accommodated in another Department.

The Bill must also provide for clear ring-fencing of disability specific resources. Without this, it will not make the difference people have a right to expect. The legislation must also provide for a

clear statutory duty on all Departments and public bodies to include people with disabilities in all their plans and services and appropriate monitoring and accountability mechanisms. My comments on health boards and local authorities are a case in point but by no means exhaustive. One could draw attention to failures in almost every Department in areas in which it has responsibility.

Public services should include all services provided in the public system by statutory and non-statutory entities. The Bill does not take wider needs into account. For example, the Department of the Environment, Heritage and Local Government has not addressed housing need, a fundamental issue for those without a roof over their heads or no entitlement to housing. Local authorities often take a two-tiered approach to housing provision by acting differently when housing persons with physical disabilities and persons with mental health problems. Not only is more housing required but the approach to housing allocation must also be addressed.

Clarity is needed on the Bill's impact on section 14 of the Equal Status Act. The advocacy groups also seek a review of the legislation, if it proceeds, after three years, which is a valid proposal given the large number of deficiencies in the Bill. The Government should accede to this request because a review will offer an opportunity to revisit certain aspects of the legislation and, unfortunately, prove that it is not rights based.

Mr. P. McGrath: I welcome the opportunity to address the House on the Disability Bill which has been promised for some time. At long last, it has come before the House and Deputies have an opportunity to debate it. However, it is with a sense of disappointment that I address the House because we were promised so much over a long period.

Those with siblings or offspring with disabilities waited a long time in the hope the legislation would give them a sense of security for the future. They wanted legislation to emerge which would give them confidence that their relative or child with a disability would be looked after in the event of their passing. They have been given a disappointing Bill. Why is it disappointing on its second introduction to the House? Were no lessons learned from the earlier Bill?

Before the previous general election, a Minister of State with special responsibility for disability, Deputy Mary Wallace, travelled around the country consulting people with disability and their representative groups and listening to their views in good faith. It was intended that the discussion process would feed into the resulting disability Bill to reflect the concerns, wishes and aspirations of all concerned. The pertinent question, therefore, is whether the former Minister of State did not listen or failed to follow through, or whether her thoughts and ideas were rejected by the Government and its advisers. I have known Deputy Mary Wallace for some time and she is a

genuine and committed person. It is my view that the third of the options I outlined is the case and the Government decided not to listen to the views of interest groups or give rights for rights' sake to persons with disabilities. It was for this reason that it introduced a Bill which was rejected out of hand by all concerned.

What happened when the first Bill was withdrawn? The Minister of State became the sacrificial lamb, took the blame and was abandoned by the Government. Let us be clear, the Bill was introduced with the Government's blessing and approval, not off the junior Minister's own bat. Despite this, the Government decided to hang her out to dry.

The Government then started the process all over again. In the run-up to the election and in the subsequent programme for Government, all sorts of promises and commitments were given to people with disabilities. An Agreed Programme for Government states: "We will complete consultations on the Disabilities Bill and will bring the amended Bill through the Oireachtas and include provisions for rights of assessment, appeals, provision and enforcement." Having read this commitment, everyone involved in the area of disability would conclude the amended Bill would provide the answers to all the sector's problems and an assessment of need would be provided for all persons with disability, with a right to appeal assessments that are considered unsatisfactory. In such cases there would be provision and enforcement. I presume "provision" meant the provision of whatever services were recommended and that "enforcement" meant that if such a service was not provided, the people involved could somehow enforce it. However, this Bill does not follow through on that commitment.

There was a fanfare when this initiative was announced. The Taoiseach was present and said all the right things. This followed on from the Special Olympics which captured the hearts and minds of the people. For two weeks, we were enthralled by the focus on sport for people with disabilities and the focus on Ireland. All the communities which hosted delegations from other countries did a fantastic job. We glowed with care for people with disabilities and thought we would get delivery of services. The Taoiseach jumped on the bandwagon to announce the Disabilities Bill, but alas it leaves a lot to be desired.

If one looks at the groups of people caring for those with disabilities, such as one's local wheelchair association, to find out what is happening, one finds they are fundraising frantically. They are trying to gather a few shillings and probably get a bus to look after wheelchair-bound people in their area. Many are volunteers and do a fantastic job in a voluntary capacity. I pay tribute to them and to others who work with people with disabilities in the various organisations.

The Carers Association estimates there are 150,000 carers in the country. Approximately 25,000 carers get some recognition by way of a

carer's allowance, leaving approximately 125,000 who do not. In the budget, the Minister announced that he would introduce a respite grant for all carers. If the Carers Association's figures are accurate, in the region of 125,000 people should qualify for the respite grant at €1,000 per person. That would amount to €125 million, which is a large sum. The Minister, however, provided a sum of money in the budget that falls dramatically short of that figure. What will happen? Will the Minister set up a mechanism whereby some carers will be included for the respite grant and others will not? Is that his intention? Will he tell the people who save the State an estimated €1.6 billion a year that they do not count, that he does not recognise them and that they are not useful in society? Will he turn his back on them? Will that continue?

I am sure that the Leas Cheann-Comhairle has come across the centres for independent living that have been established in many areas. In Westmeath, one operates in Kinnegad. Those centres do a fine job. They have given a new lease of life to many people who had been confined to their homes and households by providing for them a new outlet and way of life. The helpers and carers within that organisation were promised that they would be made full-time staff and taken into the mainstream. However, that was not followed through. Again one finds that these groups rely upon volunteers, fundraising and other methods of gathering money to provide a skeleton service.

If one looks at what takes place across the country, we seem to have money for everything. We can spend €650,000 a year storing voting machines that will probably never be used and we spent €53 million purchasing them. Now they lie in warehouses around the country and many of the Government's friends earn big money storing them on an annual basis. At the same time people with disabilities must wait.

I see that the Minister of State, Deputy Parlon, from the midlands has entered the Chamber. I am glad he is present because I am about to turn to the midlands. The Tánaiste and Minister for Health and Children is the leader of the Minister of State's party. The former Midland Health Board area consisted of the counties of Laois, Offaly, Westmeath and Longford. I have been informed by sources in that area that the budget allocated to provide services for people with disabilities will run out in September. There has been a real cutback in terms of services for people with disabilities in those four counties.

Mr. Parlon: What are the Deputy's sources?

Mr. P. McGrath: My source is impeccable within the organisation.

Mr. Parlon: The Deputy should give the names.

Mr. P. McGrath: I will not name people who are outside the House. I have been a Member for

[Mr. P. McGrath.]
long enough to know that such things are not done.

Mr. Parlon: There is no point in speculating or scaremongering.

Mr. P. McGrath: Let the Minister of State come into the House on another day and tell us that he is wrong, that this is the situation. We have provided——

Mr. Parlon: This is Fine Gael politics.

Mr. P. McGrath: Let him tell us that having made provision, there will be an improvement in services for people with disabilities in that area. I give this challenge to the Minister of State. If he wishes to live up to his reputation, he will take it up. However, I doubt if he will as he will hide behind what he is doing, as usual.

Mr. Parlon: The Deputy cannot make idle accusations like that.

Mr. P. McGrath: In the midlands, there have been cutbacks in services for people with disabilities. How will this Bill make a difference? What does it contain that will help us all to provide a better service for people with disabilities? I had a brief glance at some of the provisions. For example, the explanatory memorandum on Part 2 states: "This Part establishes an entitlement to an assessment of need and to the services set out in a related service statement." That sounds excellent. Assessments and services will be provided. However, two lines further down, the memorandum states: "The contents of the service statement are subject to a number of considerations including resource constraints." The Bill proposes to provide for assessments and services but only if the resources are available. This is a reversion to the old way of doing things. If there are crumbs to spare from the table, they will be given to people with disabilities, but the Bill will not state that they must have them. They will get them if resources are available. The Bill does not state that disabled people are entitled to them.

The explanatory memorandum, dealing with section 7, states that each assessment will be in writing and will include a decision as to whether a person has a disability, the extent of the disability, a statement of the services needed and the timeframe within which these services would ideally be provided. The word "ideally" raises a doubt as to whether they might or might not be provided. The rider in the explanation of Part 2 stated that the provision of services will be subject to resources. Confirmation that the opening paragraph pertaining to Part 2 was correct after all appears at the bottom of page five of the explanatory memorandum which, dealing with complaints and appeal procedures and so on, states that the chief executive officer of the health board — that has changed since this was printed — is required to implement the recommendation.

In other words, if the recommendation of the assessment was that the person needed a certain level of service, the chief executive officer was required to implement that recommendation.

There is, however, a get-out clause that permits the chief executive officer not to implement the recommendation if he or she believed that doing so would lead to expenditure or indebtedness beyond what the Minister has provided for under the Health (Amendment) Act 1996. In other words, the chief executive officer could say that the person had a right to the services but that the money was not available to provide them.

Some observers might say there must be recourse to a higher authority in these circumstances. I can show the Minister of State files that illustrate what can be achieved by appealing to a higher authority. I have a collection of files relating to young people with special educational needs. These young people were assessed by psychologists and educational psychologists and reports were prepared. Those reports, which I am sure the Minister of State is familiar with as a public representative, detail the tests the young people were administered and recommend the delivery of special education services such as special needs assistants and resource teachers. These reports are then sent to the Department of Education and Science where an individual who has never met the young people in question will examine the recommendations of professionals and either reject them or not deliver them in full.

An interesting case I encountered involved a young man in Cork who was assessed and found to require special education services. The report's recommendations were rejected by the Department. I talked to the parents and obtained the relevant documentation under the Freedom of Information Act. The documentation showed that the child had not been assessed by the Department. I contacted the Department but to no avail. I met a very influential member of the Department here one day — this individual was not a Minister, a Minister of State or a ministerial adviser. I explained the facts of the case and told the individual that the parents were initiating legal proceedings. Ten days later, I received a telephone call from the relevant official in the Department who told me that it had decided to agree to the report's recommendations. The Department did a U-turn because of the prospect of legal action, but what about those people who have neither the motivation nor the means to take legal action? All they can expect are the crumbs that fall from the table. They are left with an inadequate service, which is unacceptable.

Further in the Bill, if one looks at section——

An Leas-Cheann Comhairle: Deputy McGrath must conclude.

Mr. P. McGrath: That is a pity as I am only getting going. Section 19 states that if individuals with disabilities or their families and carers are not happy with the services offered, they can

appeal to the High Court. However, they can only do so on a point of law. In other words, they will have no right to appeal when the services they receive are inadequate, except on a point of law. What kind of appeals mechanism is that? What kind of House would this be if we were to implement rules and regulations like these?

My final point concerns section 45 of the Bill, which alludes once again to the aspiration that 3% of people employed by public agencies should be people with disabilities. That aspiration has been in existence for a very long time. Will the Minister or any other Minister review their Departments and let those which have reached the 3% target identify themselves, and we will praise them. Conversely, those Departments which have not reached the target will be named and shamed.

Mr. Eamon Ryan: I welcome the opportunity of speaking on the Disability Bill, which has engaged this House more than any other legislation I have seen in my time here. It is legislation in which everyone has an interest. Other than Government Ministers and supporters, it appears there is a consensus that this Bill is fundamentally flawed. This view of the Bill is not based purely on political gamesmanship. This side of the House recognised that the increase in funding for disability-related issues announced in the last year's budget was a positive measure and were sufficiently gracious to applaud it. These same Members, however, in examining this Bill, find fundamental flaws which must be addressed.

These flaws go back almost to the very structures of our democratic society. The Executive, the Legislature and the Judiciary provide the checks and balances necessary for a democratic society. While the Executive is crowing about the success of the economy, possibly the leading criticism of our society is that there is an almost universal inability on the part of the Executive to provide the necessary services for people who encounter misfortunes such as health problems and disability. That failure is particularly marked in the provision of services for people with disabilities. I spoke recently to a friend in Killarney who explained that he had become a carer of a near relative because of the relative's disability. He gave voice to a common sentiment, that it was only when he found himself in those circumstances he realised what the situation is like for people with disabilities.

These people depend on society to provide assistance for them. This widespread sense of inability to provide proper public services despite our economic success is one of the reasons this Bill and the issue of how we legislate to try to improve the provision of such services is of interest. It is almost the cornerstone of the real debate in society. If we are such a successful and rich country, why are we so unsuccessful in delivering the quality of life and services we

expect to go in tandem with that economic success? The Executive has been getting this wrong and must change the way it provides services if it is to improve our quality of life.

I welcome some aspects of this Bill. We honestly welcome the areas of improvement and the areas of the Bill that provide assessments in certain cases that are not provided at present. Likewise, I welcome the setting of new employment targets within the public service as a good example. I also welcome the provision for access, as even the most simple of things can bar the involvement of people with disabilities in society. I welcome the aspects of the Bill that allow for the provision of services, access and employment.

However, this Bill falls down on the issue of the Executive and the Judiciary. In setting up complex appeals, complaints and assessment mechanisms in Part 2 of the Bill and then precluding access to the courts by people to vindicate their legal rights, the Government is nominally giving with one hand but taking away a citizen's fundamental right to access to the Judiciary with the other. Given that the campaign on this issue has centred on whether we should adopt a rights-based approach, that the State can be seen cynically to provide the type of assessment we need yet remove the most fundamental safeguard we have in society and which forms part of the structure of our democratic checks and balances, namely, the role of the Judiciary, to the extent that all that is left is the facility to question a point of law rather than the ability to uphold one's rights in the High Court, is a remarkable flaw in this Bill which has been universally noted and commented upon by legal opinion. The Government has found itself in some difficult pickles over recent legislation but this Bill will lead it into similar court challenges. The Government has been too long in office, is too arrogant and too certain of its smug ways to accept this and to listen to this part of our democratic society, the Legislature whose job is to highlight fundamental flaws in legislation.

The Minister claims the removal of the right to access to the courts is because the Government wishes to save legal fees. If we have a good system, the right provision of services and the right assessment system, the Government should have nothing to fear from judicial analysis. The Judiciary has played a valid and important role in society by providing many of the significant developments and benefits that exist. When the Government says the State cannot do something because it is unaffordable or too difficult, people's eyes are opened only when the Judiciary states otherwise.

The recent Supreme Court decision on the nursing home charges controversy is a classic point. It took a Supreme Court decision for people to be honest and say that what happened was wrong. Everyone has acknowledged it was

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wrong. We were able to do so because it was a judicial decision and we live in a society that respects the Judiciary. The Executive does not carry out this role well and should not be in the business of establishing its own quasi-judicial procedures which exclude the judicial structures from defining people's rights.

There is a second fundamental flaw. While the Government gave a welcome increase in resources in its recent budget, there is nothing in this legislation that allows for the continued and consistent support for a lock-in, as it were, of that type of budgetary decision-making regarding this section of society. The disabled are usually our most vulnerable members. There is a profound fear that the politically pragmatic decision of today to support funding of the disabilities area could easily evaporate in changing economic or political circumstances. An alternative issue could take its place. Having met people who have been involved in the disability lobbying movement, people who have pushed themselves to the limit by campaigning assiduously, I know it is difficult for any group in society to maintain such pressure to safeguard the interests of those they support. It will be difficult for them in three or four years' time after this Bill has been passed and events have progressed to get the same attention, guarantees and support that they have a chance to get now.

I can give a current example of the Government saying something but doing otherwise. The Progressive Democrats opened up the taxi market. At the time, the former Minister of State, Mr. Bobby Molloy, made the correct call on liberalisation in giving a guarantee that 100% of all taxis in the Dublin market would be wheelchair accessible by 2003. What do we find in 2005? There are 12,000 taxis, all of which are welcome, but less than 5% of them are wheelchair accessible. Only 2% or 3% are properly accessible. This is a typical example of where the Government gives a commitment in the Dáil while legislating and later abandons and ignores it.

Mr. Parlon: Does the Deputy know the exact percentage?

Mr. Eamon Ryan: I imagine 400 to 500 taxis, or fewer, are wheelchair accessible. It is nearly impossible for someone in a wheelchair to get a wheelchair accessible taxi in this city. The figures are not important. The Government should have lived up to its commitment. All taxis should be wheelchair accessible. As a person with a young family, they are the only taxis I can access easily. I can get my children, pram or buggy in and out easily. I am slightly disabled in this regard and wish to have this happen. It will lead to a better taxi service and be a type of controlled point of entry. There is no cost to the State in this. It is

not a budgetary difficulty. It is a commitment from the Government but it means nothing.

We are discussing a Bill with grand provisions for plans from the Department of Transport about accessibility. The former Minister of State, before his unscheduled departure from the Ministry, consulted the taxi industry to examine whether one in five taxis could be accessible. Does that fit in with this Bill? Does that contend with the plan outlined in Part 4 and proposed by the Department of Transport? I think not. The Department is in disarray and it is impossible to know what is happening there now.

There is a lack of real commitment. It is a statement in legislation of fine plans that can be removed by the Minister at the stroke of a pen for any reason. For all this fine legislation and all its fine clauses, the reality is that the Department of Transport has no interest. No progress is being made on the taxi issue. It is 2005 and there is not a peep out of the new Minister on this. It is not of interest. It is not a big, sexy €500 million project which is getting his attention. If there is not a lot of money involved — it means only a small legislative change and is an easy regulation to make — it is not done. That is the second fundamental flaw in this legislation, it does not set out the rights, the services and the guarantee of those services on a continual, long-term basis.

While Part 5 in regard to public service is very welcome, as is the 3% commitment in respect of access to employment, the reality is that the legislation is couched in language whereby it is not a definite commitment. There are all sorts of opt-out clauses throughout the legislation. What will the Government do about this? It is interesting to read the various speeches in terms of recommendations. The recommendations of my colleague, Deputy Boyle, and others are that we need to go back to the starting blocks. Some of the flaws in this legislative approach are so significant that no amendment on Committee or Report Stage would address them. The Government is good at getting itself into legislative messes.

It is up to the Government to decide on this. It can ignore what just about everyone in the disability movement and those on this side of the House have said about this legislation. It can wait to see what turns up in the courts in three or four years' time, which will be after the next election and it will have moved on to something else. I hope the Government will at least have the respect for the Legislature and the Judiciary as well as for its own role as the Executive to listen to what people in the disability movement have said, to the legal advice which has been aired publicly and to what Members of the House have said. If it does not discard the legislation completely and start again, which I contend it should do, it should at least see if it can make some significant, radical amendments.

6 o'clock

I have seen many Bills in this House where a practically new Bill has arrived on Report Stage. Recently, the Minister for Justice, Equality and Law Reform effectively introduced a completely new surveillance Bill which was slipped into another Bill as a Report Stage amendment. It was the most remarkable and scandalous treatment of the Legislature. If the Minister can effectively slip in a surveillance Bill into separate legislation at the last minute, there is no reason the Department of Justice, Equality and Law Reform should not listen to what has been said on Second Stage and to what people outside the House have said. It should amend the legislation so that people have an unqualified right for an independent assessment of need, a legal entitlement to those services identified by that assessment, that they have a legal right to a legal decision on whether they are being treated properly; that we have fixed targets and enforcement mechanisms rather than just vague commitments without any real lock-in in the long term so that we must go to the Minister for Finance each year cap in hand, and that we widen the definition of "disabled" to include those with mental health difficulties.

They are just some of the amendments I propose the Government addresses. It is difficult for me to even contemplate how I would go about doing that in respect of this Bill in that I see it as so flawed, I would almost start again. However, if the Government will not do that, it has the serious responsibility to table amendments on Committee Stage and to engage in a real debate with the Legislature rather than its usual arrogant procession through the process to a final result which will not work.

Those are my thoughts on this Disability Bill which I am pleased to have been able to give. I look forward to the Minister's response to comments from this side of the House and his view on a proper, structured debate on how we can change this Bill for the better.

Mr. Connaughton: I am delighted to get the opportunity to speak on this Bill. During an Adjournment debate at the time this Bill was introduced, I remember saying to my county colleague, the Minister of State, Deputy Fahey, that there was a fundamental flaw in the last disability Bill. I was in the Mansion House before the last general election and unless one had just come out of a cave, one would have had to acknowledge the combined wisdom of hundreds of disabled people from all walks of life that that Bill was flawed. The Government was right to discard that Bill because it was an insult to the disabled. Time passed and it was expected that a new Bill would be introduced and, in due course, that happened.

I have been a Member of this House long enough to know that a great deal of legislation is based on prior knowledge of its importance to the area concerned. One would have thought that

when this new Disability Bill was being drafted, fundamental flash points in the first Bill would not have been revisited. However, that was not the case.

Like previous speakers, I was delighted to hear on budget day that the Minister for Finance had made available sizable sums of money for the disabled sector. I, and everybody in the country, would certainly say it was long awaited, overdue and very welcome. However, this is a different matter. For a long time to come I will remember a meeting of the Irish Wheelchair Association in Tuam in my constituency to which I was invited a couple of weeks ago. This Bill was the matter for debate and various aspects of it were raised. A young fellow, who told me he was 23 years of age and confined to a wheelchair for life, had one question for me. He asked me how I would like to be confined to a wheelchair. That is a very difficult question to answer. I am so lucky I am not confined to a wheelchair. He said that for some strange reason, when it comes to what he needs for his lifestyle, he must compete with people who are better able to get their hands on the available financial resources. He said he would always be last, which is the case in that he has been waiting for two years for a new wheelchair. He has a wheelchair which one would think came from the last war. We must relate what that young fellow in the wheelchair in Tuam said a fortnight ago to what is proposed in this Bill.

There are many good measures in this Bill, and I would be the first to acknowledge that. However, it has two fundamental flaws about which many of the Government backbenchers are talking. The first flaw relates to the right to an assessment. Many of us believe that some people are able to pay for their own assessments, which they are doing, but thousands of families caring for disabled persons are not able to do so. This Bill does not give an absolute guarantee that a person who has Down's syndrome, is in a wheelchair or otherwise has the right to an assessment. Will this legislation mean that the needs of the person in the wheelchair will be met? The answer is "no". The reason is that it is written in stone in this legislation that it is subject to resources being available. When one has been at the bottom of the pile for one's entire life and the horizon is extremely low, one knows there is almost no hope unless there is legislation that ensures services will be provided. We in this country pride ourselves on having one of the better off economies in the world. It is no wonder the disabled community is up in arms. The Minister does not need to be into rocket science to know the basic reason they feel they have been sidelined again.

I happened to be in the RDS when this matter was debated. There was no difference between the atmosphere in the Mansion House three or four years ago and that in the RDS. By and large, it comes down to the question of what a right

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means. Having got the assessment, is a person entitled by law to the various services — medical, educational and recreational? Will such services be available to that person in future?

Why is it the Government cannot give an absolute undertaking? Is it that there are not enough trained psychologists and social workers? Is it afraid that if it allowed the legislation to go through, people would take it to court the next day because it was not able to deliver? If that is the problem, will the Government spell it out so that we know what it means? There must be some reason for its failure to give an absolute undertaking.

Ireland has got a great name throughout the world following the Special Olympics. The bonuses arising from it have been felt in every parish in my constituency and throughout the country. The disabled and those who look after them have gained a new confidence having seen what could be done in Dublin and Croke Park and every town and village during the Special Olympics. Most people fully understood it at that stage. If one were to ask any group of 100 able-bodied people in Dublin, Limerick or Cork or the smallest rural parish whether the disabled were entitled to an assessment by right and to the treatments recommended by that assessment, I have no doubt the response would be 95% positive. That is why I do not understand why the Government has decided to make the same mistake twice. It was bad enough to make the mistake once. One could argue that everybody gets it wrong on occasion but to get it wrong the second time is unacceptable. Is it that the Government has become arrogant having been in office for so long and expecting to be in office into the future?

What the Government is saying is that it will look after the well-off. Only last week the Fianna Fáil Party sought subscriptions of €4,500 from well wishers. One can rest assured that the people who will be involved with those contributions will not be too concerned about an assessment for the disabled or what will happen in their lives afterwards.

Following all the talk at Inchydoney and the great conversion to socialism at the time, how is it that inequality is coming through every line of the Bill? Surely the Government does not expect those involved in caring for the disabled, who fortunately are able to speak up and have avenues of communication, in an open modern democracy such as ours that prides itself on Christian principles to buy into this Bill without a murmur. They are 1,000% against it. Every person I have met during the past six months who has any involvement with wheelchair associations, school boards of management and so on is opposed to it. If that is what they say to me, I expect they say it to the Minister of State, Deputy Killeen, whose constituency is not very different from mine, and

to his backbenchers. I have not heard a word from them.

At the end of the day the pressure will be great, but not from inside the House, because at the conclusion of the Second Stage debate, the Government will win the vote. That is how Parliament works. It would be too much to expect that some of the backbenchers on the Government side who have cried crocodile tears would be men and women enough to vote against it. They would not do that. Leaving that aside, public opinion will nail this Bill and I sincerely hope I will be around to see it happen. There are few issues that incense me as much as the one before the House.

It appears the Government's fundamental problem with the Bill is that it is afraid it will be unable to deliver the service and that if it is legal, people can resort to the courts. People have had to go to court already and have fared quite well. Under the appeals system, one appeals on a point of law to the High Court. Let us take, for example, a family where one member is in receipt of disability benefit of approximately €160 or €170 per week, another member cares for that person and is in receipt of approximately the same amount and no other income comes into the house. Can one imagine that family having to contemplate a trip to the High Court? They would not know where the High Court was. They would not be in a position to take a case. It is laughable that this is what that family would have to do if it thought it was not getting its rights under the provisions of this Bill.

People will say this Bill will cost a great deal of money and I have no doubt it will. The Exchequer has always been able to provide large sums of money for miscellaneous matters. The payments in respect of nursing home charges will cost a large amount of money. This will be found and there will not be a word about it. The tribunals, which may be curtailed a little, cost tens of millions of euro but serve an important purpose. Are these more or less important than a wheelchair-bound man in Tuam who is barely able to negotiate a proper floor not to mention an uneven surface? One such person waited two years for the Western Health Board to supply him with a wheelchair. Could that person be in a worse position in so far as this country is concerned?

The spin-doctors are having a bad time with this legislation because the people for whom it was intended have caught on to it. I notice the spinning has stopped now and the defence of this Bill is becoming more muted. I hope the Government will see the light of day and will return the Bill to the drawing board before the public turns on them. I have no idea how a matter such as this would fare in a general election. However, from discussions I have had with people with disabilities and with their carers, any Government which tries to push this legislation through will

reap a very poor reward. The Government deserves to be severely penalised if it does that.

I refer to another related matter which was raised at the recent teachers' conferences. I have spent a lifetime advocating the importance of good resource and learning support teaching in schools. Great progress has been made by various Governments over the past ten years. Students with learning disabilities will soon discover a problem in schools in that pupils qualifying for resource teaching will be required to have a more serious learning disability than applied in the past. These are the more acute cases. I have no problem with this but other children with a learning disability will be moved on to the resource teacher. Because resource teachers are being shared between a number of schools, the number of children requiring that support is increasing but the pupil-teacher ratio has not been changed. A child will be given two or three hours teaching by a learning support teacher and then will be dropped back into the ordinary classroom which might have 25 to 35 children, depending on the location. The child has no chance in the world.

I have said many times in this House that there is no greater gift to be given to children at that age than to present them with the opportunity of catching up with their classmates. When the time comes for them to go out into the big, bad world, they will be able to fend for themselves. There is no greater gift for any child; it is better than winning all the lottos. I know of many cases where people were given the right support at the right time and the outcome was nothing short of a miracle.

I ask the House to consider those who are not given such an opportunity. They are confined to a darkness and they will never see the light at the end of the tunnel. This Bill should be an opportunity for all those people to have the best possible chance in life. I do not envisage that some of these young people aspire to be pilots, scientists or chemists. If they are given professional support in good time they will be able to live independent lives and make their way in life. If we achieve this for just one child who would not normally get it, it is a good day's work in this Parliament.

Dr. Twomey: Every society changes over time and this change may be evident over ten years or over half a century. This change is sometimes dictated and led by intelligent and broad-minded politicians but all too often it is the politicians who are dragged along in the wake of change with little regard to what they can do about it.

The issue of disability is an issue over which politicians should be in control. We should be seen to lead in the changes in society. For example, Dr. Garret FitzGerald was the prime mover of the Anglo-Irish Agreement in the 1980s when he brought the Governments of Ireland and the United Kingdom together. This was the

beginning of the changes in Northern Ireland which brought about the peace process. When Dr. FitzGerald spoke in favour of the Anglo-Irish Agreement, the then Opposition was composed of Fianna Fáil and the Progressive Democrats. It lambasted him from a height for talking to the old enemy and criticised every move he made. He was accused of giving in to the British Government and to British feelings at the time. The Government changed but Fianna Fáil continued with the Anglo-Irish Agreement and it eventually culminated in the Good Friday Agreement which is now accepted by all, despite its shortcomings.

It has been the case that changes occur in society which politicians choose to ignore. In this regard I refer to illegal nursing home charges. The Department of Health and Children was aware of the illegal charges but for some reason the Minister in charge, the Ministers of State and their advisers continued to peddle the line that they knew nothing about it. What was happening then was wrong. It started in 1976, but that was a different time in Ireland. The case of the illegal charges shows what can happen when a Minister is not capable of handling his brief, not capable of handling the daily challenges he must face.

I suggest a history lesson about disability issues. The National Rehabilitation Institute, otherwise known as Rehab, was founded in 1949, 56 years ago, to improve the independence of people with special needs. The Central Remedial Clinic was founded by Lady Valerie Goulding in 1951. We have come a long way from the era of Christy Brown. He was a man whose physical disabilities were very obvious but whose intellectual capacity was totally ignored for many years. It was only the will of his mother that allowed him to show his literary capabilities to the rest of the world. That is what Ireland was like in the 1940s and 1950s, when disability was treated in the same way as cancer, as something that was not talked about and about which very little was done. We should question how far we as a society have progressed in regard to issues of disability.

The early 1950s was also the time of Dr. Noel Browne's mother and child scheme. He wished to improve the lot of mothers and their children. The scheme was shot down by the politicians, the church and the medical profession. However, attitudes have changed since that time. Has our attitude to people with disabilities changed as fundamentally as our change in attitude to other things in the past 50 years? The tenor of much of the debate in this House shows that we have not changed. When the Central Remedial Clinic opened, farmers still used horses to carry out much of the work done in the fields. No farmer would dream of using a horse for such work today. However, we deny people with disabilities the most fundamental and basic civil rights. Each of us in this House must examine what we are about in this regard. In particular, the Govern-

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ment must look closely at this issue because it has the opportunity to change the way society thinks by showing itself to be more broad-minded. The Disability Bill is a narrow-minded exercise which indicates how limited the Government is in its scope of thinking and presents a poor sense of what should be done for those with disabilities.

The National Rehabilitation Centre in Dún Laoghaire looks after those who are unfortunate enough to suffer a severe disability as a consequence of accident or illness. The centre has three specialists who must meet the needs of patients from throughout the country. Many young people who are unfortunate enough to suffer severe disabilities and who have no hope of a full recovery are treated badly by the system. Access to these services, even for those who have some hope of improvement, is woefully inadequate. I have contacted the centre on numerous occasions in attempts to secure the transfer of patients to the facility and to inquire about delays in obtaining appointments. This is an issue that affects many families.

We have seen some improvements from the medical point of view in terms of the manner in which we view disability. There has been an improvement in stroke and cardiac rehabilitation in hospitals throughout the country. Such rehabilitation is somewhat akin to what Christy Brown's mother did for him in that it allows patients to reach or restore their potential. Stroke patients who are properly rehabilitated have managed to reintegrate themselves fully into society. They are able to work and drive, for example, and to continue their lives as they were before they suffered a stroke.

Likewise, cardiac patients can make a complete recovery. Even some who have suffered severe heart attacks can make an excellent recovery because of the combination of medical treatment and proper, well structured and well funded rehabilitative services. One of my patients, after suffering such a severe heart attack that one of the walls of his heart is no thicker than a sheet of paper, is now functioning quite well and is living his life to the full.

However, we deny the same level of rehabilitative service to those with disabilities. It seems to be embedded in our collective psyche that these people are second-class citizens and are incapable of reaching their potential. In the 50 years since these organisations were formed by forward-thinking people to try to seek out the potential of people with disabilities, we have not come far in our own minds. It was long after the foundation of these organisations, as recently as the 1960s and 1970s, that the clothes and bed sheets of a person who had died from cancer would be burned to prevent others from somehow being infected with cancer cells and suffering the same fate. We have come a long way in the treatment

of cancer patients who can now hope to undergo chemotherapy and radiotherapy if they are available.

There is, therefore, a changed attitude to many illnesses which can strike us down, but we are stuck in a timewarp when it comes to the development of disability services. The Government has a significant role to play in leading change in this area. In considering the available services, I do not wish to differentiate between those who suffer disability because of a medical illness, mental illness or accident. The issue is how society views those with any and all types of disability. It is not merely a question of the number of doctors and psychologists who carry out assessments but also a matter of the services available for those with disabilities.

For example, physiotherapy services are not available in the way in which they should be. Only those who can afford it can avail of them while those who cannot pay must go without. General practitioners often cannot refer patients to hospital for such treatment because the physiotherapy department will inform them there are not enough physiotherapists and that they are only available to see hospital patients. One may strike gold occasionally in locating a physiotherapist who looks after a day care centre and provides physiotherapy in a piecemeal and *ad hoc* fashion. Overall, however, physiotherapy is not considered a core element of medical treatment but rather as a privilege or luxury which one receives only if it is available.

Occupational therapy is viewed in a similar light. Most politicians seem to believe occupational therapists are people who are trained to make assessments for the grants which disabled persons require to make changes to their homes. It is often only in this capacity that public representatives have any contact with these professionals. It all comes down to the question of funding and how much is spent on providing the most basic services to allow people, often elderly, to live in their own homes. Again, this service is seen as a luxury and is available only in a limited and unsatisfactory manner. It is not considered useful to train occupational therapists other than as a means to provide a narrowly defined service.

Occupational therapists could provide a fantastic service to elderly people in maintaining their independence at home, helping them to prevent falls and improving the overall quality of their lives. Services such as physiotherapy and occupational therapy must be made a more integrated part of the health system. It is not all about doctors, nurses, operations and cancer treatment. The health system should encompass a much wider scope than this. The question of cost is important to the Government and is the basis upon which it limits medical services while frittering away money in other areas. We do not have large health budgets such as those of France

and Germany but we are capable of providing many of these services rather than allowing them to exist as luxuries which are available only to a few.

One reason the BreastCheck service has not expanded and developed is the lack of trained radiographers. I have been aware of this problem since 1997 or 1998 when I began working as a GP and was forced to wonder why there was no CT scanner in some of our larger hospitals. CT scans were already becoming obsolete in other countries such as Canada and the UK while we considered them the great white hope for the Irish medical service. The scanners were switched off at 4 p.m. because there were not enough radiographers to administer the scans. It is crazy that this remains the situation when it is clear that in another decade or two, technology will have moved far beyond the CT scanner.

The Government has shown zero vision and is concerned only with what will happen after the next election. Crises are dealt with as they arise and there is no forward planning. We must begin to consider disability services in a different and better way. In the context of the Disability Bill, we have got into an argument about whether access to such services should be rights-based. The Government knows it could not afford to implement rights-based legislation because of the total neglect of the disability sector, not over the past five or six years but possibly over the past half century. Very little has been done about this situation in the past seven years. Many organisations are concerned about this. For instance, the Disability Federation of Ireland alone represents 150 voluntary organisations providing services for people with disabilities. There are possibly another 150 statutory organisations providing such services.

We need more joined-up thinking to make disability services work better for the people involved. There is considerable public anger and I know exactly what many of the other speakers were talking about. I do not need to go to the RDS or Mansion House to know how people feel about disability because I hear them every day. In the past, I heard them in my surgery. I have met many disabled people since becoming a politician and noted the anger they feel over the way we look at and treat them compared with ordinary citizens. They are extremely disappointed.

There are many people whose expectations have increased because of a booming economy. In some regards, perhaps our expectations have risen too high. The expectations of those with disabilities are often associated with what the rest of us have taken for granted, not in the past six or seven years when this economy really started to take off but possibly over the past century. We should start treating people with disabilities with much greater respect than we do.

Before I became health spokesperson for Fine Gael, I was a member of the Committee on Fin-

ance and the Public Service. I remember the former Minister for Finance, Charlie McCreevy, attended a meeting of the committee at which we discussed disabled drivers. He stated he could not allow more disabled drivers to claim back vehicle registration tax because the existing regulations were too generous. He implied that any increase in the number of people who could benefit from the regulations would be regarded as such and stated that one would not get as much money back on the purchase of one's vehicle in other countries as one would in Ireland. Mr. McCreevy felt some people with fairly significant disabilities were not entitled to reclaim their VRT because we were already being too generous to those who were doing so. This creates its own form of apartheid within what some consider to be an apartheid system for treating those with disabilities.

There was no great outcry over Mr. McCreevy's remarks. Many of us on the committee felt it was terrible and that something should be done but the former Minister more or less shook his head and implied that was the end of the discussion, that the matter should be forgotten about and that there would be no change. I noticed that the present Minister for Finance, Deputy Cowen, who in some respects values his credentials as one with great respect for people with disabilities, has been part of the same *status quo* given his response to drivers with disabilities. He has not done anything to change the regulations either. These are small matters but they greatly affect those involved. What I have outlined is part of the mindset that characterises the Government. It should seek to address this matter and make progress.

It was just after Christmas that an issue arose regarding the St. John of God service in Dunleer which provides respite care for 1,500 families in the north east. A report was commissioned by the Government to determine what was required by the organisation. Funding was not provided to it and it was more or less told that it would have to survive without it. It provides residential, day care and respite services. However, without having had any major discussion on the issue, the Government was quite happy to leave 1,500 people without respite care. It did this through the Health Service Executive which is a great barrier between the Government and patients involved. In spite of the Government's leaving 1,500 people without respite care, it made a great brouhaha at budget time over increasing the carer's respite allowance. In spite of this increase, facilities do not exist in many cases to provide the necessary respite services.

It is as if the disability issue is very much media-driven or as if the Government is saying: "Look what we are doing." It is felt that any increases or improvements to people's lives depend on how they translate into some media soundbite for the Government. This is my belief in respect of what is happening in the health service. It is a question of ten-point and five-point plans. We all know what will happen when the

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national treatment purchase fund brings itself to bear on the waiting lists. They will decrease but, ultimately, patients who wait for a rheumatology appointment in the north west, an orthopaedic appointment in the south east or a urology appointment in some parts of Dublin will still have to wait three or four years. Patients are still not being seen by neurosurgeons quickly enough, regardless of what may be happening in respect of waiting lists.

One of the best examples I encountered in this regard was when one of my patients entered my surgery and asked me, in my capacity as a politician, to write a letter to Beaumont Hospital to ask the medical staff to see him. The patient was due to return to the hospital for investigation after having been an outpatient and the hospital said it would call him back after six to eight weeks in this regard. I agreed to write the letter. I asked the patient when he was seen by the staff at the hospital and he said that it had been three years previously. I hope the Government takes on board some of the points we make.

Mr. McGinley: Tá áthas orm cúpla focal a rá ar an mBille tábhachtach seo. It is accurate to say the issue of disability has had a rocky history as far as the Government and its predecessor are concerned. I remember when the first Disability Bill was published in 2001, which was prior to the previous general election. The then Minister of State at the Department of Justice, Equality and Law Reform, Deputy Mary Wallace, was responsible for the Bill but one could say it was still-born because it made no progress after its introduction. There was an outcry about the inadequacy of its provisions. The Government regrouped and promised a new rights-based Bill after the general election. Today we are discussing the provisions of the present Bill which are too little, too late.

The Disability Bill 2004 is far from perfect in its current form and may exclude more people with disabilities than it includes. Without exception, the 40 representative groups, including People with Disabilities in Ireland, which have made submissions on the Bill to the Oireachtas Committee on Justice, Equality, Defence and Women's Rights expressed serious reservations about the legislation and called for substantial amendments to its provisions.

We have rafts of good equality legislation outlawing discrimination and advocating equality for people with disabilities. In this context, it is, sadly, all the more ironic that the only legislation before us that contains the word "disability" in its title should have the effect of excluding rather than including the very people it is supposed to protect. There is real concern among representative groups and in the Equality Authority that this Bill could undermine current equality legislation and may have the effect of diminishing the equal status of people with disabilities.

I hope the Oireachtas will be able to reach agreement on amendments to this Bill. The manner in which it is eventually enacted will dictate the kind of society we have and the extent of our commitment to inclusiveness. It is our responsibility as legislators to ensure that when this Bill is enacted it is the best possible Act in this area. It is our duty and moral responsibility to ensure the delivery of quality service and support to remove barriers which hamper full participation in society. We want the Government to work with us during the remaining Stages of this Bill to improve this vital legislation.

The Bill falls far short of the rights-based legislation promised to people with disabilities. The legislation fails to incorporate many of the core principles and recommendations proposed in the report published by the disability legislation consultation group, Equal Citizens, in February 2003. This report represents the collective, agreed vision of the disability sector on disability legislation. Given this process, we are very disappointed with this Bill.

The Bill requires major reconsideration and amendment if it is to vindicate the rights of people with disabilities. The definition of disability in the Bill is too narrow and inconsistent with that in other Acts. For example, the definition in the Equal Status Act 2000 is much more inclusive. The definition in this Bill would exclude many people with disabilities who require services. The Bill does not provide for a right to an independent assessment of need and does not adequately address the individual's right to have his or her needs met as identified in the consultation group's report.

The appeals system proposed in this Bill is far too complex and cumbersome. Not alone will the procedures be difficult and frustrating to get around but it will create a great deal of unnecessary and expensive bureaucracy, resulting in resources being diverted from the provision of service for people with disabilities. The appeal system should be independent of the Department of Health and Children which is responsible in this area.

The barriers we place before people and our attitudes to their participation are more disabling than any impairment they may have. Our State has treated people with disabilities shamefully over many years. This was not done out of malice but because public systems, policies, administration and service delivery did not consider that people with disabilities also had a reasonable expectation of engaging in the opportunities and challenges of life in this State.

In the past people with disabilities were viewed as people who must be cared and catered for in exclusion. The old medical model of care for people with disabilities is changing to the socially inclusive model. We now recognise that we must uphold the right of people with disabilities to participate fully in society. The key issue is to rectify for the future the continuing wrong that has

reduced the life chances of people with disabilities, their families and carers.

Change is happening and the major catalyst for this has been the actions of people with disabilities and their families. They have come out of the shadows to declare themselves citizens of this State who want to be included and have much to offer. They emphasise that they have the same rights and needs, hopes and expectations, fears and problems, as everyone else. They can contribute and want to be enabled to do so. It is our responsibility that they be so enabled.

Last December I had the privilege of launching a report on access to education for people with disabilities in my county, Donegal. Some of the research findings were positive, others were very negative. It is shocking that over half of the schools in Donegal are inaccessible to people with disabilities. It is even more shocking that there are almost 450 young people with disabilities studying in these inaccessible schools. The education system is a challenge in itself. The added burden of inaccessibility and inappropriate accommodation demands extra effort and sacrifice. This must be addressed.

The national disability strategy published last September and underpinned by budgetary measures since then goes some way to address the issue of inaccessible buildings, but the timeframe envisaged is too long. We cannot afford to exclude present and future generations from education and life chances by physical barriers. We must play catch-up as soon as possible. I would take this one step further, all schools, regardless of whether they have pupils with disabilities on their rolls, should be made accessible without delay. This is an important principle of public policy.

For whom are the public services, financed by our taxes, designed? Are they for everyone or only those who fit into the narrow definition of normal, the people who fit into a certain mould? How would we react if our public services suddenly became inaccessible or resource dependent for people with brown hair or blue eyes, or a particular accent? What would we say if our children were suddenly deemed to be too expensive or too different to cater for, or if we were told we would not be allowed access to education because people like us did not come often enough to such buildings to justify accommodating us?

The Department of Education and Science must concentrate not only on refurbishment but on accessibility and must recognise the additional cost of maintenance of special facilities. The Education for Persons with Special Educational Needs Act 2004 began as very different legislation. Many disability advocacy groups opposed many of its provisions. There was concern about many definitions and it was hotly debated here. The then Minister for Education and Science, Deputy Noel Dempsey, did not stand on ceremony, for which I give him credit. He engaged with the Opposition, particularly my colleague, Deputy Stanton, amended his legislation and

accepted many Opposition amendments, in fact and in spirit, even to the point of changing the title of the Bill from the inappropriate Education for Persons with Disabilities Bill.

The legislative process did what it was supposed to do. As someone said afterwards, the system did work. The Oireachtas produced an Act which has the capacity to improve equality of opportunity for people with special educational needs. It may not be perfect and a lack of resources may hamper its provisions, but with political will it can effect change. It needs, however, to be implemented.

The Government should treat this Disability Bill in the same spirit. We will propose reasoned amendments to this defective Bill that has incurred opposition from every disability group in the country. I have their distilled response to the Bill in which they address ten key issues of concern to the members of the disability legislation consultation group.

Debate adjourned.

Private Members' Business.

Cancer Screening Programme: Motion (Resumed).

The following motion was moved by Deputy Twomey on Tuesday, 12 April 2005:

That Dáil Éireann,

recognises that:

- there are approximately 1,700 cases of women with breast cancer each year;
- approximately 640 women die each year from breast cancer;
- cancer screening plays a significant role in reducing deaths from cancer;
- women in the Republic of Ireland are suffering because of the failure of the Government to extend BreastCheck nationally;
- the Government misled the people in the south and west of the country in relation to the timeframe of the roll-out of BreastCheck;
- the failure of the Government to roll out the national cervical screening programme has left numerous women in Ireland go undetected for cervical cancer; and

calls on the Government to immediately roll out BreastCheck and the national cervical screening programme together with a true and accurate timeframe.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“commends the Government for the significant increases in investment in cancer services, in particular the development of services for women with breast cancer and cervical cancer, and supports the Tánaiste and Minister for Health and Children in her commitment to further develop cancer services nationally.”

—(Minister of State at the Department of Health and Children, Mr. T. O'Malley).

Ms F. O'Malley: The Acting Chairman has a list of the Deputies with whom I wish to share time. I will take three minutes out of the slot.

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

Ms F. O'Malley: I am pleased to have an opportunity to speak on this issue this evening. The money which was invested was invested wisely and soundly, and this has had a direct effect on the health of women in particular. However, there is one difficulty which causes great anger. A friend of mine from Galway who listens to the advertisement on the radio inviting women between the ages of 50 and 64 to avail of cancer screening gets angry when she hears the caveat at the end of the advertisement that it is only available to people living in the eastern, north-eastern and midland areas. It is understandable that this angers her. What is so different about people from the Cork or Galway regions? Why are these women not entitled to these services?

I met women at our annual conference in Cork last week who were just as angry, which is understandable. Services, particularly an excellent life-saving service such as BreastCheck, should be provided equally for everyone in the country. No one can be proud of a health service which discriminates on the basis of geography or one's address. I am sure the Minister is not proud of this. She is keen to see the matter rectified. She has not been in the job long, but it is one of her priorities. I believe the excellent services that have been available to women on the eastern seaboard and in the midlands will soon be available to women living in the west and south.

BreastCheck has been very successful. The number of people whose lives have been saved because of early detection can be clearly demonstrated. When researching this subject, I was pleased to hear that Ireland compares favourably with figures internationally. Some 94% of women in Ireland are diagnosed with cancer without having an operation while the figure internationally is 70%. That is excellent. It is no wonder that women in the parts of the country that do not have a service are angry. The BreastCheck programme proves that prevention is better than cure.

In the past month, many Deputies attended an information session on cervical cancer services. The point was well made that we need to set up a systematic operational screening service, which will save lives, rather than an opportunistic one.

Cecilia Keaveney: In the brief time available, I would like to outline my concerns about the current status of cancer services in the north-west region. I trust I may never need the services of the breast care team in Letterkenny, or in the rest of the country, but I cannot be sure. I raised this matter privately with the Tánaiste and the Taoiseach, therefore, I am confident that they, together with members of the Cabinet, are aware of the need for the surgeon in Letterkenny to be made permanent. I believe that decision is currently with Comhairle na nOspidéal.

The surgeon's presence will provide an important service to women and families in the north west. However, if his status does not become permanent, there is a fear that not just breast services, but all cancer services will be under threat at the general hospital as staff move to permanent jobs elsewhere. This would not be fair to the staff who are working hard to expand provision in Letterkenny General Hospital or the population of the area. A permanent surgeon would be in a position to drive the provision of support services and links to appropriate existing facilities. The loss of the consultant radiation oncologist who has visited on a regular basis from St. Luke's poses a serious problem. This post must be reinstated at St. Luke's, with the post specified to support Letterkenny General Hospital. Similarly, the ability to have a mammo-gram within a reasonable time needs to be addressed.

There has been a debate about the location of multi-disciplinary teams. I visited major breast cancer hospitals in London with Europe Donna. I want the best service for the patient. I do not want to play politics with this serious matter. I met the team in Letterkenny and they are confident that they are in a position to adopt a multi-disciplinary approach now and in the future. They want the Department to examine what they are doing. They are confident their work will stand up to scrutiny.

The proposal that Letterkenny should link up with services in Derry has not advanced, therefore, I ask the Tánaiste to accept the proposal that the Letterkenny team work instead in a virtual sense with Sligo, which is already a designated site. I support cross-Border co-operation completely and feel that many solutions still lie in links with Belfast. However, months are slipping by and uncertainty is leading to heightened concern for all of us in the north west. This is not a woman's issue, it is an issue for all of us. As a politician and a woman, I ask the Tánaiste to examine the case of the north west and consider the distances involved, which compounds the pain and anguish for people diagnosed with cancer.

Where possible and where safe to do so, services should be available close to the service user.

Similarly, we need the screening in the north west about which Deputy O'Malley spoke to ensure that those who are currently presenting very late are caught earlier. Some people may not realise that my home in Donegal is 20 miles further from Galway than from Dublin. Can we not look to the existing services in the North, where laboratories are already being used and screening has been established for decades? The Tánaiste is aware of the issues. I ask her to meet me and my party colleagues in Donegal to advance this issue and bring certainty to the people I represent. I know she understands the issue.

Mr. Nolan: I welcome the opportunity to speak on this motion. Each year more than 600 deaths occur from breast cancer, which accounts for approximately 18% of cancer deaths. BreastCheck goes some way towards ensuring that women, particularly in the age group 50 to 64, have a chance of being screened and checking out the problems at an early stage. The national breast screening programme began in 1998. So far a large number of women are alive who possibly would not be but for this national programme.

Identifying and treating the disease at an early stage is the purpose of the BreastCheck programme. I am pleased to note that this month the mobile unit for the south east began BreastCheck in Carlow. I understand that screening will begin in Kilkenny early next year. Since screening began, more than 167,000 women have been invited to be screened, yet it is extraordinary to think that of that number, only 120,000 have availed of the service, which is 77% of those in the age bracket 50 to 64. I am surprised that there is not 95% or 100% up-take of the service.

There is a case to be made for an even greater public awareness programme for women in this age group. While the authorities concerned have made many efforts to highlight and publicise the BreastCheck campaign, we must examine how we can reach, encourage and educate more women to avail of this service.

I am pleased the Minister intends to expand the programme to make screening available to women over the age of 64. Currently the target age is 50 to 64. When this has been achieved, perhaps the programme will be extended to the age group over 64. Professional advice suggests that it is more beneficial to screen people over 65 than under the age of 50. I listened to a radio programme recently where there were complaints that women under the age of 50 were not being invited to attend the BreastCheck screening programme.

I support the Minister and her Department in respect of the pilot cervical screening programme which was introduced in the former Mid-Western Health Board area.

The National Cancer Forum is currently preparing a new national cancer strategy and has

concluded that the current arrangement for delivery of cancer services is not generally in accordance with best practice and must be addressed.

International experience with regard to oncology surgery, in particular in respect of complex procedures, is that it should be limited to hospitals with adequate case volume, an appropriate skills mix and support services in the various areas of care. This is one of the reasons given as to why there is no radiotherapy unit in the south east. I support the case made by my colleagues at Waterford Regional Hospital for this particular service and ask the Minister to look favourably on it.

Mr. O'Connor: I also welcome the opportunity of making a brief contribution to the debate and compliment Deputy Twomey on his work in this regard. I may get a future chance to debate his political philosophies because, having received 5,815 votes in Wexford in the last general election, he now tells us a Labour-Fine Gael Government will solve all problems. Perhaps we could debate the matter on another occasion.

This is a serious subject and we should all support the Tánaiste in what she is trying to achieve. BreastCheck operates under the women's charter, an integral feature of the programme's day to day operation. It recognises women, not only as recipients of the service, but as having ownership on a partnership basis with the service provider.

Breast cancer is the most common cancer in Ireland with the exception of non-melanoma skin cancer. There are more than 1,700 new cancer cases each year and more than 600 deaths. Some 18% of cancer-related deaths are as a result of breast cancer. The risk of developing breast cancer is almost 9%, or one in 12. The greatest number of cases occurs in the 50 to 64 year age bracket.

The national breast screening programme was established in 1998 following a pilot period from 1989 to 1994. The aim of the programme was to reduce premature deaths from breast cancer by effectively identifying and treating the disease at an early stage. The programme targets women in the 50 to 64 year age group and commenced screening in March 2001 with phase 1 covering the eastern, north-eastern and midland regions. Screening has also commenced in Counties Wexford and Carlow and BreastCheck is expected to begin screening in County Kilkenny. Screening is offered free of charge to all women in the target age group in those areas. I support the extension of this programme.

I wish to speak about my constituency, Dublin South West, and areas such as Tallaght, Firhouse and Greenhills.

(Interruptions).

Mr. O'Connor: This is a serious subject so Deputies should not be flippant. I represent the people of Firhouse, Tallaght, Templeogue, Greenhills and Brittas who sent me here to do

[Mr. O'Connor.]

my job and not to rise to heckles. Deputies should allow me to be serious.

BreastCheck operates in the Tallaght area beside the district library and civic headquarters and has looked after more than 6,000 women. People say that it provides an excellent service. Deputy Harney is familiar with Tallaght and has walked the same streets and knows that it is an issue. BreastCheck is working in a major population centre such as Tallaght. I can easily speak about Tallaght because it is the third largest population centre in the country. Tallaght Hospital caters for people from all over the region. It is important that I make the case for BreastCheck remaining in the area. Tallaght is a major population centre and a new city and BreastCheck should operate there permanently. Whatever happens in the future, account should be taken of Tallaght and the success of the service there. There is a great relationship between BreastCheck and Tallaght Hospital, which is in its seventh year.

I look forward to supporting the Tánaiste, as I am always happy to do, and the Government amendment.

Ms Fox: I welcome the opportunity to say a few words on breast and cervical cancer and our responsibility to ensure the incidence of both is reduced in all areas of the country. Every community in Ireland says goodbye to loved ones lost to cancer. Approximately one in 13 women will develop breast cancer during their lifetime. Irish women are three to four times more likely to die from breast cancer than many European neighbours, which is a sad reflection on the priority given to the health of Irish women.

My constituents are lucky in so far as they live in County Wicklow and are therefore eligible for the BreastCheck programme. Many women have been called twice for screening and are extremely appreciative of the service. Unfortunately it is not available countrywide and the cervical screening programme is not yet available in my area.

Early intervention is the key to reducing the number of cancer fatalities. All women, whether they are a wife, mother, sister or daughter, should have access to screening as a matter of course regardless of income or address.

At a time when political correctness has been imposed to the point of complete stupidity it seems acceptable to tell women over the age of 64 that we are not concerned enough to bother screening them. The Government collects taxes for women over the age of 64 but does not give them the same health services as their 63 year old sisters. The target age group for the BreastCheck programme must be reviewed and should also focus on high risk groups, such as relatives of women with breast cancer, and prioritise them for screening whether they are 25 or 75 years.

Support services for cancer patients and their families are extremely underfunded. A number of voluntary cancer support groups, such as the Bray

Cancer Support Group in my area, provide an invaluable service to families affected by cancer. However, all too often these groups must fend for themselves in terms of funding and are left waiting until the last minute to see whether they will get Government assistance. No long-term plans can be made and this puts an unfair burden on voluntary organisations which carry out unseen work in every community which would not otherwise be done.

An Agreed Programme for Government recognises the need for people in all parts of the country to have reasonable access to cancer services and aims to ensure the achievement of this objective. In that vein, I urge the Minister to ensure all obstacles are removed and that the full roll-out of these important programmes happens as soon as possible.

Mr. Blaney: Following my recent calls on the Tánaiste and Minister for Health and Children, Deputy Harney, with regard to the improvement of services in Letterkenny General Hospital, I wish to further highlight the deficiencies faced there. While there are currently no plans to downgrade oncology services at the hospital, the services currently available need to be improved and additional services are also required. In the short term, Letterkenny General Hospital needs a radiological oncologist to visit the hospital on a weekly basis. The people of Donegal urgently need access to radiotherapy services in the region. It is difficult for them to access the services in Dublin or Galway because of the long travel distances involved. The hospital needs recognition and confirmation with regard to the BreastCheck programme and a permanent consultant breast care surgeon must be appointed as soon as possible together with a consultant colorectal surgeon to provide an appropriate service for patients with bowel cancer.

Elective admissions for cancer-related procedures are affected by the pressures in accident and emergency departments, as it is not possible to ring-fence beds for cancer patients. Emergency admissions for life-threatening conditions take precedence over elective admissions. All efforts are made to give cancer patients a new elective date at the earliest opportunity but delays are commonplace. The regional directors of cancer services deem these specialist services necessary as a minimum requirement in providing a modern oncology service. It is imperative that these services are recognised as immediate necessities and not as services that would be nice to have, so to speak.

While I welcomed the then Minister for Health and Children, Deputy Martin's announcement in 2003 to extend the breast screening programme nationally, I have serious reservations regarding the timing of its roll-out in the north-west region. It is not expected to be operational in the north west until 2007, and this is not acceptable. We need this service now. There will be three mobile units also made available in respect of this service

for the north-west region. I call on the Tánaiste to ensure that these units are made available in Letterkenny and Inishowen on a frequent basis.

This service was implemented in February 2000 in the then Eastern Regional Health Authority, the North Eastern and Midland Health Board areas. Since then it has been rolled out to various parts of the country but, as usual, the north-west region has been left to last. As the Tánaiste is aware, we have serious problems in the accident and emergency department in Letterkenny General Hospital, which I will continue to highlight. On average 90 people attend that department daily and there are still major delays in dealing with patients there. I would be pleased if the Tánaiste could shortly visit Donegal to see first-hand the problems in the health services there.

Dr. Devins: I am delighted to have this opportunity to speak on this important issue, the provision of the BreastCheck screening programme on a national basis. Unfortunately, breast cancer is one of the most common cancers in Ireland. Latest statistics show that more than 600 women die from this disease every year. This is far too high a figure and it is unacceptable that so many should die from this condition.

BreastCheck is a free screening service that was established in 1998. It is targeted at women between 50 and 64 years of age. This is the group most at risk from developing breast cancer. For some time I have advocated the roll-out of BreastCheck to the remainder of Ireland, that is, mainly to the west and the south. It is noteworthy that the all-party Joint Committee on Health and Children supported this position when members of the BreastCheck management team appeared before it recently.

I welcome the capital investment of €21 million approved for the construction of the two new units in Galway and Cork. The unit in Galway will be serviced by two mobile units that will cover the whole of the west, including Sligo and Leitrim. I ask the Minister for Health and Children to continue to apply pressure on the HSE to ensure the rapid provision of these units in Galway and Cork.

It is important that women throughout Ireland have available a free mammography service. Since it has been shown by repeated studies that the early diagnosis of breast cancer is facilitated by the use of BreastCheck, this facility must be made available to all women in the relevant age group as soon as possible. That decision has been made politically; it is now imperative that the HSE puts in place the necessary infrastructure. There must not be any administrative or bureaucratic delays.

I will comment on two other screening programmes which are important. Cervical cancer can be easily diagnosed by a simple test, called the Papanicolaou smear. The rapid roll-out of this screening programme will result in a substantial reduction in mortality from this serious cancer. It should be put in place as soon as possible.

A growing problem for men is the increasing occurrence of prostatic cancer. This, in many ways, is a very silent killer and one which has only recently begun to get the publicity it deserves. It can be diagnosed by a simple blood test. I ask the Minister to examine the feasibility of putting in place a screening programme to ensure that both of these silent killers can be arrested as soon as possible.

Ms Flynn: As a female Deputy from Mayo and a former chairperson and member of the Western Health Board for several years, it gives me no pleasure to have to speak on this motion. It is incredible that in April 2005 we are discussing an issue that involves discrimination against 130,000 women who are in the target group within the west and southern regions who should be entitled to have the breast screening programme in their areas.

I know the Tánaiste is sincere about this issue, but when she took up her appointment as Minister for Health and Children she mentioned in her introduction speech the entitlement of people to an equality of service throughout the country. This is a glaring example of total inequality of service affecting the women of the west and southern regions.

I remember being a member of the Western Health Board when the national breast screening programme was established in 1998 and it was welcomed countrywide. Less than two years later in March 2000 that service was available in the east, the north-east and the midland regions. We are all aware of the success of that programme since its implementation. On 27 March 2003 after lobbying the then Minister extensively for the extension of that programme, he announced its extension to the western and the southern regions, yet it is now 2005, more than two years later, and the advertisement has not even been placed in the *EU Journal* for the appointment of the design team. Why is that? Is it because priority was not given to the provision of this screening service for women in the west and the south?

Not only has more than two years elapsed since the announcement of the extension of the programme, it will be a further two years before the service will be rolled out. It will take probably in excess of four and a half years for the extension the programme since its original announcement. Yet when it was announced in 1998 that the programme would be available in the east and the north-east regions, the service was rolled out in a period of two years. It is clear that priority has not been given to women in the west and in the south. It is easy to understand the anger of women in those regions.

Of the 130,000 women targeted in the age group 50 to 64, it is expected that there will be detection of 400 cancers every year. Some 400 lives are being put at risk. How many times have we debated in this House the terrible carnage and loss of life on our roads? Some 400 lives in the

[Ms Flynn.]

western and southern regions are at risk because of the lack of a service that is already available in the eastern region. That is unacceptable. This service has been available in Northern Ireland for in excess of ten years. As a Deputy from the west, it is difficult to stomach and to understand this situation.

I heard the Tánaiste interviewed on this matter on "Prime Time" and it was clear she intended to establish the extension of this programme as one of her priorities. I heard her talk about this at the Oireachtas Committee on Health and Children, yet a briefing document today states that it is anticipated that the advertisement for the appointment of a design team will be placed in the *EU Journal* shortly. In 2003 when I was a member of the Western Health Board we were told the roll-out of this programme would take 18 months. It now appears that since its original announcement it will take four and a half years. That is not acceptable.

When one considers the international comparisons of mortality rates of women with breast cancer, the rate is significantly higher here and above the EU average. How could it be any different when virtually half the women are not getting a service that is vitally needed? I ask the Minister to put this service in place for women who are desperately in the need of it as a matter of priority. I take up a point Deputy Fox raised. It is important to extend the screening programme to include women, irrespective of their age, who are particularly at risk because of relatives who have had breast cancer.

I support Deputy Devins and the section of the motion calling for expansion of the cervical screening programme nationwide. While cervical cancer does not cause the same incidence of death in women as breast cancer it is a critical area. It is important to show good faith by extending this programme nationally as a matter of priority.

I know the Minister is genuine about this issue. I genuinely believe this to be the case, having spoken to her at the Oireachtas Committee on Health and Children about it. Unfortunately, actions speak louder than words. The women of the west and the south have waited long enough already. That advertisement must be placed in the *EU Journal* as a matter of priority. I hope this service can be rolled out in the quickest possible timeframe available.

Mr. Boyle: I wish to share time with Deputies McHugh, Catherine Murphy, Connolly, Finian McGrath and Wall.

An Leas-Cheann Comhairle: That is agreed.

Mr. Boyle: I am pleased to have this opportunity to contribute to this debate. As a Deputy representing Cork South-Central, I especially welcome the tabling of this motion by Fine Gael, highlighting a huge disparity in terms of the identification and early and effective treatment of

what is a serious health condition for many of my constituents as well as many others in the south region. The same argument holds true for those who are waiting for the roll-out of BreastCheck in the western regions.

The Tánaiste will be all too aware that in Cork there seems to be a sad trend in Government policy on this issue and on the treatment of cancers in general. We have seen the very public resignation of the consultant oncologist, Oscar Breathnach over what he saw as the lack of effort in introducing a cancer treatment ward at Cork University Hospital. While some movement may now take place, we have continuing uncertainty regarding the children's leukaemia unit at the Mercy University Hospital.

By far the most serious deficiency in terms of an effective health policy in the identification and treatment of cancer exists in the failure to roll out BreastCheck to the rest of the country, including the southern region, until what is promised to be 2007. I refer to this as a promised date as much uncertainty exists as to whether that target will be achieved. As other speakers have said, we have yet to see an advertisement in the *EU Journal*, which will be followed by a period for the planning process and ensuring the building required to house the appropriate facilities can be operational by 2007. I have had the opportunity of speaking on this matter with the chief executive of BreastCheck and I understand his logistical problems regarding a complete roll-out. However, there must be an acceptance of responsibility, which responsibility I believe is born out of political incompetence and the lack of political will to address this matter.

Cork has one facility concerned with cancer in that it is the location of the National Cancer Registry. It is a somewhat dubious honour to have within our boundaries a national institution which allows us to measure the incidence of cancer while not having the proper facilities to help us with the early identification and treatment of this serious disease. Statistics I have received from the registry seem to indicate that the discrepancy regarding early identification and treatment of breast cancer, particularly in Cork, has already had an effect even before BreastCheck is operational there. The most recent statistics for the eight-year period from 1994 and 2001 show that while the incidence of breast cancer in the Cork region was at or slightly below the national average and certainly below that for the former Eastern Regional Health Authority area, the mortality rates for breast cancer are higher in Cork than the national average and higher than those for the former Eastern Regional Health Authority area.

The incidence of breast cancer in the high age group category, from 50 to 69, increased nationally from approximately 250 per 100,000 to 285 per 100,000. While that is a sad trend, I hope that the existence of BreastCheck in even part of the country helps to alleviate the problem. For all age groups the figure was approximately 85 per

100,000 rising to 105 per 100,000. In the former Eastern Regional Health Authority area those comparative figures were 288 per 100,000 rising to 336 per 100,000. Figures for mortality from breast cancer show that in 1994, there were 93 deaths per 100,000 people in the high age group across the country, which decreased to 80 per 100,000 by 2001, a decrease of 13 per 100,000. However, in the Cork region the mortality figure increased from 68 per 100,000 to 86 per 100,000, an increase of 18 per 100,000. The Tánaiste should ask her officials why the national figures showed a reduction but the Cork area had a massive increase.

The decrease is even more marked in the former Eastern Regional Health Authority area where the death rate in the high age group was 103 per 100,000 reducing to 72 per 100,000 in an eight-year period, a reduction of 31 deaths per 100,000. In the Cork region, which is without a BreastCheck facility or proper cancer care infrastructure, the deaths increased by 18 per 100,000. As a Deputy in that region, I find those statistics unacceptable and believe the Minister and her Department have much explaining to do.

Mr. McHugh: The motion is the best illustration of the inequity in society one could possibly imagine. It vividly illustrates the nature of Irish society as seen through the eyes of Government. By the partisan manner in which the Government has addressed the national roll-out of BreastCheck, it has firmly illustrated that a two-tier society exists within our shores. One can only decipher that the first-class category of woman resides in the east coast area and those women are served first while the Government action deems that the second-class category of woman resides in the west as they are served second. By its handling of the issue the Government has not only confirmed this to be the case, by its refusal to rectify the situation it is actively ensuring that such a two-tier society will survive into the future.

As a Deputy for Galway East which is firmly in the west, I record my objection and that of my constituents to being treated as second-class citizens. Why are the women of the west treated as second-class citizens by the Government when it comes to the availability of BreastCheck? No amount of rhetoric will cloud the truth of this issue. Five years ago, the first phase of the BreastCheck service was delivered to the first-class women in the east coast area. Now, five years later, the Government shows no sign of delivering to the west in the foreseeable future so that the women in the west can begin to lose their second-class citizen tag. We are now told it will take a minimum of two years before BreastCheck is rolled out to the western region. This will mean a minimum of seven years between the introduction of BreastCheck in the east coast area and its expected provision in the west. There can be no justification for such a delay. Given that the early detection and treatment can reduce dramatically

the death rate arising from the disease, the failure of the Government to deliver to the women of the west is inexcusable. I look forward to the Tánaiste addressing as a matter of urgency the deficiencies of past years concerning this important matter.

Ms C. Murphy: The focus of our health service is on illness to such an extent that I often wonder if the Department of Health and Children is appropriately named. BreastCheck is one of the initiatives that focuses on health through keeping women healthy. We all benefit from that approach and I would like to see more and not less of that approach. We all benefit directly from preventative health care in many ways. In this case women benefit directly from an early diagnosis which gives them the best possible chance of survival and means they require less radical intervention. A woman's family also benefits substantially for many years. Early diagnosis also results in a woman spending less time in hospital and I do not need to remind the Tánaiste and Minister for Health and Children that we all benefit from freeing up hospital beds.

I understand it will cost approximately €25 million to roll out the screening programme nationally. However, even considering the matter in a cold and unemotional way, failure to invest this money represents a false economy. I am certain if a cost benefit analysis were carried out, the cost of extending the service would be neutral. By adding the extra time spent in hospital, the extensive additional treatment often with expensive drugs, reconstruction surgery and the additional follow-up costs, the savings would be substantial.

The advertisement for BreastCheck is probably the only one I have ever heard on a health related topic to have a health warning included. The advertisement features Marian Finucane advertising the service and advises women they have nothing to fear and that an early diagnosis will result in an excellent prospect of cure. The final part advises people that in some parts of the country they cannot avail of the service. Women in the west and south are rightly outraged. However, women in the region served by BreastCheck have also noticed the unequal access to this service. While they are not campaigning for equal services for all, they are aware of and dislike this discrimination. There is no good or practical reason the BreastCheck service cannot be extended. The delays to date have been unacceptable and the service must be rolled out at the earliest possible date.

Mr. Connolly: The BreastCheck service, which was introduced on a pilot basis in 2000, offered many women the possibility of early diagnosis of breast cancer and, as a result, had the potential to reduce the incidence of mortality due to breast cancer. Cavan-Monaghan was fortunate that the service was rolled out in the north east. Figures released in January 2004 indicate that 10,700 lad-

[Mr. Connolly.]

ies availed of the service in the north east in 2002 and 75% of those notified of an appointment turned up for a breast check. One of the startling facts to emerge was that an abnormality was detected in approximately one in 120 women who availed of the service, requiring them to return for further appointments. This frightening statistic indicates what has been missed in other areas where the programme has not been rolled out.

The Government has failed to deliver the promised national roll-out of the BreastCheck service. It was stated this would require the placing of advertisements in the Official Journal of the European Union. I understand that once notification is placed in the journal, a further two years are required to roll out and operate infrastructure.

As Deputy Catherine Murphy noted, a recent public awareness campaign featuring television and radio advertisements raised expectations among women that the BreastCheck service was available nationally. On making inquiries, however, they discovered this was not the case, which has caused anxiety. It is possible to have breast cancer for a number of years before detection and by the time it is detected by a general practitioner, it may have progressed too far. It is a medical fact that earlier intervention leads to more successful outcomes. In addition, early detection is more cost effective and significantly improves quality of life, on which we cannot put a price.

The causes of breast cancer are known. Women aged over 50 years are most at risk. Every year, approximately 60,000 women in Europe die of the disease and 150,000 new diagnoses are made. These are frightening figures. It should be possible to fast-track at risk groups such as women from families with a genetic disposition towards breast cancer.

Cervical screening should not be overlooked in this debate. The at risk group for this disease are ladies aged above 60 years, a group which does not, in general, avail of the cervical screening service. Women of child bearing age are more likely to turn up for screening appointments. An interesting statistic from the United States indicates that cervical cancer mortality there has declined by 70% in the past 50 years, largely due to the country's screening programme. In addition, between 5% and 10% of those who fail to turn up for screening appointments account for approximately half the mortality rate due to cervical cancer.

Mr. F. McGrath: I am grateful for the opportunity to speak to this important motion on breast cancer. Sadly, for many of us this is a live issue for family and friends. It is an issue I am well aware of from first-hand experience. Like other Deputies, I have been touched by the breast cancer epidemic and the courage and bravery of the many women affected. It is the duty of all politicians to respond in a caring and professional

manner. I salute mná na hÉireann who deal with breast cancer every day and the consultants, doctors, nurses and health care staff who work on the front line every day saving the lives of our friends and family members. Ignoring these brave men and women is not an option and I urge all Deputies to support the motion and, better still, make its demand a reality for citizens.

The current reality, as the Tánaiste and Minister for Health and Children is aware, is that each year approximately 1,700 cases of breast cancer are detected and 640 women die of the disease. Cancer screening plays a significant role in reducing deaths from cancer and women are suffering because of the failure of successive Governments to extend BreastCheck nationally. In addition, the Government misled people in the south and west regarding the timeframe of the roll-out of the programme. I concur with Deputy McHugh's defence of the rights of women in the west and his criticism of the lack of services available to them and deplore the failure of the Government to roll out the cervical screening programme nationally. This has resulted in the failure to detect cervical cancer in numerous women. I call on the Government to immediately roll out BreastCheck and the national cervical screening programme within a specified timeframe.

The bottom line is that the breast cancer epidemic must be tackled and research on the causes of cancer supported and developed. The medical profession has made major improvements in saving lives and extending the lifespan of those who would have died 20 years ago. I commend and thank them for saving the lives of members of our families. We appreciate and value their magnificent work and dedication. This is one of the main reasons I never attack or criticise the quality staff who work on the front line of our health service, whom we have a duty to support. Scoring cheap political points by attacking the health service or those who work in it is not an option. I have in mind several debates in recent months during which a series of attacks were made on consultants.

I call on the Government to act by opening up beds and investing in our accident and emergency departments. I call for radical reform, with patients and health care staff placed at the core of changes. I have made contributions on this issue in earlier debates. I urge all Deputies to support this motion and put our health service first. We should carry on the great tradition of the late Dr. Noel Browne who once represented my constituency of Dublin North-Central. If the House is serious about doing so, it will support the motion.

We need a health service based on equality rather than financial resources, but sadly we are drifting in the direction of the latter position. We need equality and respect for human dignity. It is a scandal that hundreds of people have been lying on trolleys in accident and emergency departments in recent days. I will not accept the con-

tinuation of this problem and call on the Tánaiste to implement current plans to address it.

There are many excellent examples in other European Union countries of health services based on equality and justice for all citizens. This State is drifting towards the position of adopting the United States model. I urge caution in this regard. Many of us on the left have been challenged about funding the health service. We should not run away from the question of taxation. While it may not be fashionable to say so, some people are prepared to pay extra tax if a quality health service is guaranteed. We must face that reality.

It is unacceptable that we lose 640 brilliant women to breast cancer each year. Many thousands of women, on their own initiative and showing great courage, have prevented the position deteriorating further. As I stated, women must live with this issue on a daily basis. I urge all Deputies to support the motion and put our health service first.

Mr. Neville: I wish to share time with Deputies Naughten, Perry and Stanton.

I welcome the opportunity to speak on this important health issue and commend my party colleague, Deputy Twomey, for introducing the motion which highlights the seriousness of the problem of breast cancer. Each year, 1,700 women are identified as having the disease and 600 of them die as a consequence of it. One cannot but say that anything that is necessary to reduce the level of suffering and death should be acted on as a matter of urgency by the Government. Promises made in this respect over the years have not been fulfilled. It is difficult to understand why the present situation should continue when it is known that the roll-out of BreastCheck services would significantly reduce the levels of breast cancer in the population. This is particularly the case at a time when we are constantly informed that the Government's coffers are full and the flow of money to the Exchequer is at a level never previously experienced in the State.

There are serious questions as to why the roll-out has been delayed for such a long time. Capital funding for the roll-out of BreastCheck was not allocated until 18 months after the Department of Health and Children announced a national extension. It is difficult to understand why that delay should have taken place, given the seriousness of the issue, which has been acknowledged by previous Ministers for Health and Children. Moreover, BreastCheck's own press release indicated that its understanding of the roll-out timeframe was at odds with that of the Tánaiste's Department. This kind of disarray typically underestimates the implications of the delay in rolling out these services. Irish women must now wait until 2008 for all to be treated equally for breast cancer screening. Will the Tánaiste indicate why the timeframe cannot be reduced? Can

the roll-out of BreastCheck be implemented within a shorter timeframe?

Women in Northern Ireland have had this facility for 15 years which has resulted in a decrease in deaths from this disease by one fifth. Within a Southern context, one is talking about saving up to 120 lives per annum from breast cancer deaths. By 2008, after 15 years of screening, Northern Ireland will have carried out a considerable life saving exercise. However, by then in the Republic of Ireland, hundreds of women will have lost the battle with breast cancer and hundreds more will have endured devastating radical surgery with its consequential suffering and physical and mental trauma. The late diagnosis of cancer will require more severe chemotherapy and women will have suffered the side-effects of radiotherapy to bring advanced cancer under control, when the services of BreastCheck could have ensured that the experience was avoided for many women. Many women will have had their uterus removed because of cancer which spread before treatment, denying some women the chance to have children. Moreover, some children will have been denied the chance to have a mother, as Deputy Twomey outlined when proposing this motion. The costs to the quality of life of all women who endure cancer treatment will be impossible to measure.

The changes in our society and behaviour make the roll-out of cervical cancer screening more urgent than is generally acknowledged. Cervical cancer has a number of risk factors, including smoking and the number of sexual partners. For this reason, screening should begin six months after a woman becomes sexually active. It is relatively easily performed by smear tests, thousands of which are carried out each year in the form of opportunistic screening by the patients' doctors. In this context, opportunistic means that the patient asks for the test and the GP offers it to the patient. We should have positive proactive screening for cervical cancer and full and comprehensive treatment for breast and cervical cancer as urgent public health policy. I urge the Tánaiste to address the issue in a much shorter timeframe than is proposed.

Mr. Naughten: I thank and congratulate Deputy Twomey for tabling this apt and timely motion. One of the most serious broken promises inflicted on the public by this Government has been the failure to implement their promise to have the national BreastCheck programme operational throughout the country by 2005. Every year, 640 women die from breast cancer in this country. However, last month the Tánaiste stated that the national extension of the BreastCheck scheme will not be in place until 2007, rather than 2005 as was initially promised.

In my constituency, I have a difficulty with the situation whereby there may be two women who have the same risk factors for breast cancer. As one woman lives on one side of a road and consequently happens to be in County Westmeath, she

[Mr. Naughten.]
can get BreastCheck on demand. However, because the other woman lives on the other side of the white line in the middle of the road, she will not get a service until 2008 at the earliest. This is the reality. It is hugely disappointing that a woman is discriminated against because of her geographical location. Why have the BreastCheck organisation and the Department of Health and Children been at odds over the timescale for the delivery of the extension?

In the meantime, 58,000 women in the west within the target population are currently being ignored. Last week, I received a telephone call from a constituent, who is in a high-risk category and who was referred by her GP to Galway for a mammogram. When there, she was told to return to her GP and get a referral to see a consultant first, before she would be considered for a mammogram. This is the reality of what is happening. The woman was treated like this because she comes from the wrong side of the River Shannon. Geography should not dictate health priorities. Of the 58,000 women who are eligible for the service in the west, approximately one sixth are from County Roscommon.

Deputy Twomey has highlighted that if the breast screening service was implemented properly, the lives of 55 women per year could be saved. At least 110 women will lose their lives because of this delay. That estimate is based on a timetable that remains aspirational. We still have the missed deadlines, mixed signals and misleading promises from the Government as to when the implementation will actually happen. It provides a clear indication of the disarray within the Government regarding planning. To give an example, in September 2004, the former Minister for Health and Children, Deputy Martin, announced that €20 million was being allocated for the capital investment that was required in both Cork and Galway to put the BreastCheck service in place. In December 2004, BreastCheck submitted proposals to draw down that capital investment to the Department of Health and Children. However, it is still waiting for the approval of the plans so that it can place an advertisement in the *EU Journal* in order to proceed and have the design proposals submitted and construction commenced. For four months, the Department has not made a decision on its proposals. BreastCheck's chief executive has made it quite clear that at the minimum, it will take two years from the date of approval to get the screening programme up and running. We are planning for two years from now and the clock is ticking because it has taken the Department four months to make a decision. We are still unsure what the decision will be.

As far as the issue of cervical cancer is concerned, I too am annoyed by the fact that there is not a national roll-out. However, I am more annoyed by the fact that while we do not have breast screening in County Roscommon we used to have cervical screening. There used to be a ser-

vice provided in the county on a quarterly basis, but it was withdrawn one year ago. There is no service in place now because we were informed that the national service would be put in place. Consequently, the former Western Health Board withdrew the service that was already in place. In the meantime, women have been denied the service, which has worsened rather than improved. It has become progressively worse over the last 12 months. There is an 80% reduction in cervical cancer where screening is put in place. It is about time we prioritised these issues and began to invest. I ask the Tánaiste to provide approval for such funding.

Mr. Perry: I thank Deputy Twomey for raising this very important issue. Despite having a budget of €12 billion within the Department of Health and Children, it is clear that as far as the delivery of services is concerned, a two tier health service exists. The roll-out of BreastCheck makes this evident. What is striking is the extreme contrast between what the Government has said it will do and what it has done. The National Cancer Strategy of 2001 stated that screening programmes for breast cancer and cervical cancer would be extended nationwide. However, women are suffering because of the Government's failure to extend the BreastCheck programme.

The delay in rolling out the programme is costing lives. This is not a sensationalist statement; it is a fact. Cancer accounts for approximately one in four deaths annually in Ireland. *8 o'clock* Approximately 20,000 new cancer cases are reported each year. This state of affairs is quite disappointing when one looks at the Department's budget of €12 billion. It is very difficult to explain why a service that is run in one part of the country cannot be run in other parts. It is also difficult to explain the Department's inability to find the trained personnel to operate the service. The failure to extend BreastCheck cannot be ignored. Cancer is a growing problem that affects all sections of the community, either directly or indirectly. The Government continues to place lives at risk by failing to establish structures which the Opposition and the people demand. It is wrong to inform a woman with cancer that her life could have been saved had she been diagnosed earlier. What can one say to that person and her family? Reports show that by 2015, the incidence of many cancers will double. This does not represent progress. Early detection of cancer through screening is one of the most effective means of cancer prevention. Clinical trials of specific screening methods have shown them to be the most effective for breast cancer and cervical cancer. It is disgraceful that this Government continues to avoid the facts surrounding this issue.

There are approximately 1,700 cases of breast cancer in women each year. This figure represents up to 12 people dying each week from breast cancer. These figures cannot be asserted often enough because they reflect the lives of people I

represent. The Government has misled people in the south, west and north west regarding the extension of BreastCheck. How can such a miscalculation have been made that the extension of BreastCheck must now be pushed out to 2007? I am sure that in 2007, another report will be needed before BreastCheck can be extended. As a representative of south Leitrim, I see the effects of the Government's failure to keep its promises. In 2003, we were promised that BreastCheck would be rolled out in the south, west and north west by 2005. Now we are told that it will be rolled out in 2007 and we know that the original promise to extend the programme by 2005 was an untruth as people in the south and west will have to wait two and a half years for it. BreastCheck will be an invaluable service when it is fully established but it is incomprehensible to think that people in the west must tolerate a lower quality of services. People with cancer in the west must travel to hospitals in the east for treatment.

What is particularly horrific is the way the Government needs to be constantly pushed to provide a service which will save lives. The Tánaiste has the ability to move this process forward in her new role as Minister for Health and Children. The extension of BreastCheck is one of the most important jobs facing her as Minister. She needs to take ownership of this issue. The list of promises made and not fulfilled by the Government is sickening to read. It must be twice as difficult for a woman who has been diagnosed with cancer in the last four years to be told that her chances of survival would have been higher had she been diagnosed earlier. This is not good enough in a country with the wealthiest economy in Europe. How can the Tánaiste occupy the position of Minister for Health and Children and allow this to happen?

We have seen enough reports by now. The former Minister for Health and Children, Deputy Martin, spent €1 million per week on consultants' reports. We need action rather than another report. This is the direct effect of the Government's failed promises and we will continue to push it in this House to live up to its promises and help people where it counts. The number of women dying as a result of cervical cancer could be reduced by 80% if a national screening service were correctly introduced. The 2007 date must be brought back.

Numerous parliamentary questions have been tabled by Fine Gael on this issue and each time its Deputies have received replies which state that a definite decision cannot be made until careful planning and consultation have been undertaken. We have had enough consultation. We need the BreastCheck service in the north west and Sligo.

Mr. Stanton: I commend Deputy Twomey on bringing forward this motion and I am delighted to see the Tánaiste here listening to what

Deputies have to say on the matter. Last week, I attended the funeral of a young woman. The House must excuse me if I become emotional about this because the woman was 41 years of age and had three small children. She fought breast cancer for three years and as I looked at her in her coffin, I thought to myself that she should not be there. The real tragedy and crime is that she never got a chance because there was no screening service where she lived in the south. This service was promised but it was never introduced. When I saw the woman's three very young children, they were numb and did not really know what was going on. I spoke to her brother-in-law today and he asked me why the Government appeared to be on another planet with regard to the extension of BreastCheck. He was bewildered that the Government did not appear to see the need for the service. I am not saying this man's sister-in-law would have lived if BreastCheck had been available to her but it could have made an enormous difference if her cancer had been detected early on. This is a life-and-death issue for women and their families. Our wives, mothers or sisters could be at risk. We are asking the Government to move quickly to ensure that women throughout the country have a chance.

Cork, which is the second largest city in the country, has no cancer screening service. In addition, cancer services in Cork are very poor. Doctors and nurses involved in cancer services in Cork are under terrible pressure, so much so that one medical oncologist, Dr. Oscar Breathnach, resigned because of the pressure. I raised the case recently on the Adjournment. We can see adults suffering greatly from cancer but it is so much more heart-rending to see a child with cancer. Professor Kearney from Mercy Hospital is retiring shortly but there does not appear to anyone to replace him. I raised the issue in the form of a parliamentary question but received a response from the Department that indicated that there was some form of bureaucratic problem involved in recruiting someone to replace him. This is not acceptable. When someone like Professor Kearney retires, he should be replaced straight away. His retirement was flagged long ago so there was sufficient time to choose his successor.

The Government has been in office for eight years, during which we have had a booming economy. There is no reason the money should not have been put into these services. I do not wish to be cynical but medical cards were supplied to people over 70. While I do not begrudge them that, there were votes to be gained from such a measure. Did the Government carry out some kind of focus group test and decide there were no votes to be gained from providing cancer screening? People from my part of the country have sought cancer screening for a very long time. When the Tánaiste responds to my comments, she should explain why BreastCheck has not been

[Mr. Stanton.]

extended to Cork. She should tell us the reason for the delay in rolling out the programme. The people of Cork deserve an answer. This issue is beyond politics; it is a matter of life and death. Young women, in particular, suffer needlessly. The Tánaiste has our support on this but she must act quickly.

Tánaiste and Minister for Health and Children (Ms Harney): I thank Deputy Twomey and Fine Gael for tabling this motion. Unfortunately, I was unable to attend last night's debate owing to a private, personal commitment. I thank Deputy Twomey for not criticising this.

I have very strong opinions on this subject. One does not have to be a female to empathise with the need to provide breast screening nationwide. One would like to think that, when a programme is rolled out, it can be rolled out nationally, but unfortunately matters are not that simple. There is no doubt that my predecessor in the Department of Health and Children, Deputy Martin, made significant progress in the area of cancer care. For instance, an additional €132 million was invested in cancer care in the southern area over the past seven years while the amount was €178 million in the west, north west and mid-west. That sounds like an enormous amount of money, and it is, but it does not solve all the problems of cancer care.

Population screening programmes, where appropriate, must be embraced in the Irish health care system. Cervical screening has been introduced in the mid-west but has not been expanded beyond there. In the time since its introduction, 78,000 women have been screened. Of Irish cancer deaths, approximately 2% are due to cervical cancer. There is a role for the general practitioner in this area and it is on the agenda for the upcoming negotiations on the contract, particularly where GMS patients are concerned. It is the most effective way to proceed, from a patient satisfaction point of view and from a cost perspective. We must empower and involve the general practitioner more in health preventative programmes.

As the Deputies have said, breast screening is available in the east and the midlands but not yet in the areas of future expansion, Galway and Cork, which would cover the rest of the country. It will be in place by 2007. The funding required is approximately €21 million and will be part of the capital programme I will announce shortly. We will not work as we previously did, when we separated capital provision from the revenue implications and had many buildings lying idle for years beyond understanding. When we press the button for the capital facility, we must ensure we have factored in the revenue implications of that. That is why there will be no announcement until the whole capital programme for the year is announced in a couple of weeks. That will ensure

consistency and integration between capital requirements and revenue implications.

It is no secret that the roll-out of BreastCheck to Cork and Galway will be in that programme. As the Deputies are aware, we must appoint a design team, put the facilities in place and recruit the staff at the same time to ensure there is no gap between the provision of the building, with the bricks and mortar and machinery, and the personnel. At the end of the day, while facilities are required, the most important element in cancer care is the expertise of the oncologists, radiologists and others who form part of a multi-disciplinary team.

Those worst affected are in the 50 to 64 age group. I sympathise with those who say we should go beyond and below those ages, particularly where there is a family history of cancer. Deputy Twomey is a doctor, but many people will ask someone to describe their family history and they will tell them in turn what might or might not happen to them. There are significant factors, of which breast cancer is one. We have achieved an 80% survival rate from the previous rate of 72% five years ago. That is significant progress.

I remain committed to rolling out this programme nationwide. I do not like to hear the advertisements either. They are excellent but when they say "only available" at the end, it reinforces the view that there are different systems for people in different counties. However, every population screening programme I have examined was rolled out on a phased basis for obvious reasons.

On cancer care in particular, we must ensure that safety is paramount in how and where something happens and that people do not undergo surgery when it may be unnecessary. We all know that early diagnosis reduces dramatically the radical nature of the treatment that might follow, whether it is surgical, medical oncology or radiation, and the chances of surviving and being cured are much higher. I thank Deputy Twomey and Fine Gael for tabling the motion and I remain committed to ensuring this happens as speedily as possible.

Mr. Ring: I wish to share time with Deputies McGinley and Twomey.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Ring: The next time a pilot programme commences in the Department of Health and Children will the Tánaiste ensure it begins in the west rather than the east or wherever the Minister of the day is from? The west always has to wait and play second fiddle in respect of services. Someone such as Deputy McGinley must spend many nights in St. Luke's Hospital visiting sick patients from Belmullet, Castlebar and elsewhere. It is a long way from there to Dublin and the hospital is a lonely place. As a hospital, St.

Luke's is well run and clean, but when people are five or six hours distant from their loved ones and their homes, it is not a nice place to be. I ask the Tánaiste and her Department to start the next pilot scheme in the west.

On the issue of BreastCheck, what aggravates people are political promises made by Governments. The Tánaiste has not been in the Department very long. She is saying the right things about BreastCheck and I hope she will do the right things. It is important that the Government commitment in this regard is rolled out nationally and that women will have the opportunity to be checked as swiftly as possible. As the Tánaiste has said, statistics have shown that these people can be treated and there is a good recovery of cancer patients. It is important that they are reached quickly.

In County Mayo, during a time when there was nothing like this in Ireland, women in the past could have a smear test in a hospital without an appointment. County Mayo has not had a smear clinic for the past three years. Will the Tánaiste and her Department examine why this is so if, in times when we did not have money or services and many people were sick, someone could go to a hospital to have a smear test?

In the Sacred Heart Home in County Mayo there are fully fitted-out rooms for hospice services. Over the past two or three years, the former Western Health Board and now the Health Service Executive advertised for a GP on five or six occasions, and I am not exaggerating. A service there was run by retired doctors. Everything worked well and everyone was happy but the health board stopped it for insurance or other reasons. The GP would take on the hospice unit and would be given part of a practice but no one will take up this offer. Will the Tánaiste examine this issue so that the funding will be put in place?

These doctors have cleaned up. We cannot give them enough money because they are being paid for the GMS and other schemes and it would be difficult for them to take on another, but I ask the Tánaiste to put a package in place that will make it acceptable for some doctor to take on this task. It is sad that people who wish to use a hospice to allow them to die in their own county must go to Roscommon or Galway when the beds and facilities are there and when the public subscribed with their own money. All that we need now is a GP to administer the hospice.

The Tánaiste has given a commitment on BreastCheck that I do not doubt but I want her commitment to be carried through. The only time women marched on the streets was when the Taoiseach felt the rap of the women of County Mayo when he went there before the last general election. It is not an exaggeration to say that 2,000 or 3,000 women protested when he visited the county. It was the only protest held in the whole country because we had been told how well

it was all going. The women of Mayo came out to protect the cancer service in Mayo General Hospital. The Tánaiste is a woman and she respects the point of view of women. When women take on an issue, they will not give up. I call on the women of the west and those in parts of the country where BreastCheck is not available to get organised and to go out and protest. The Tánaiste has given a commitment to provide €21 million which is small money in the context of the overall health budget. It will take two years for BreastCheck to be available nationally.

Mr. McGinley: Everyone agrees the most important element in the successful treatment of cancer is early diagnosis. Unfortunately in this country, early diagnosis and the standard of treatment seem to depend on one's geographic location. Since 2000, BreastCheck screening has been available in limited parts of the country. If one lives in Dublin or in the eastern region, BreastCheck is automatically available from the age of 50 years onwards. I am sure this programme has already saved the lives of many women who are fortunate to live in these areas. We all know and accept what a tragedy it can be for a family if a member, particularly a mother, is diagnosed with breast or cervical cancer, especially when that cancer is at an advanced stage. Late diagnosis means more radical and severe treatment, unfortunately often with limited success.

It is unbelievable that five years after its introduction, BreastCheck cancer screening is confined to so few counties. As usual the west, and particularly the north west, is well and truly out of the loop. According to the latest information, places like Donegal cannot expect to benefit from a screening programme until 2008 at the earliest. This is completely unacceptable.

Letterkenny General Hospital caters for a population of almost 140,000 people. In Donegal, the country's most peripheral county, there are 50 new breast cancer cases, 70 new bowel cancer cases and 80 new prostate cancer cases annually. I accompanied Deputy Twomey, who I compliment on tabling this motion, on his fact-finding visit to Letterkenny Hospital a fortnight ago. We were presented with a very grim picture indeed of the inadequacy of treatment available to cancer patients there. While the incidence of cancer in the county is increasing, the level and standard of treatment is seriously lagging behind what is available in many other parts of the country. This is not a reflection on the care being provided in Letterkenny General Hospital by a dedicated, committed and caring medical and nursing staff. It is a question of some of the basic elements of treatment being unavailable.

In a shocking indictment of the health service, it has emerged that the absence of a radiation oncologist at Letterkenny General Hospital is

[Mr. McGinley.]

resulting in unnecessary mastectomies, in some cases, and dangerous and lengthy delays in the treatment of certain cancers in others. A group of medical professionals in the county maintain that many patients, particularly those receiving palliative care, are refusing radiation treatment because of the exhausting travel involved — anything up to six hours at a time to Dublin.

Like Deputy Ring, I am a regular visitor to St. Luke's Hospital in Dublin and I never cease to be amazed at the number of Donegal patients there for radiotherapy. They are all far removed from their families and natural environment for the duration of their treatment which can often last up to seven or eight weeks. While many of them try to get home for the weekend, one can imagine what a harrowing ordeal that long journey must be for them with their strength and resistance sapped by the severity of radiation treatment.

While I welcome plans to establish radiotherapy units in Limerick, Galway or even Waterford, these will be of no benefit to the north west. It is no easier to travel from west Donegal or Malin Head to Galway than it is to Dublin. We have been told plans are being considered to enable Donegal patients to obtain radiation treatment in Belfast. That is nothing but a red herring. I understand that facilities in Northern Ireland are just about adequate to treat its own patients without any extra influx from Donegal or the north west.

I call for the provision of a radiotherapy unit in the north west, preferably in Donegal, to serve the needs of cancer patients in that county. I also call for the appointment of a radiation oncologist, a permanent breast surgeon and a second bowel surgeon in Letterkenny General Hospital. If this does not happen, it is likely that the existing service, which caters for a population of almost 140,000 people, will diminish and ultimately disappear. There is a genuine fear among medical staff in the hospital that cancer services will disappear by a process of natural attrition rather than by an act of commission. For example, if a permanent breast surgeon is not appointed, then breast cancer services will go. The consequence of this is that medical oncology will go, leaving Letterkenny with a very fragmented service. This is completely unacceptable.

I recognise that the Tánaiste has only taken over as Minister for Health and Children in recent months but we have great hopes that she will address this problem throughout the country, including the north west.

Dr. Twomey: I ask the Ceann Comhairle to look at the Government amendment to our motion because it does not even address what is contained in the Fine Gael motion.

An Ceann Comhairle: The Chair has no role in that.

Dr. Twomey: The Fine Gael motion relates to screening for cervical and breast cancer through BreastCheck. The Government amendment only refers to services for breast cancer and cancer services generally which is not the purpose of our motion.

The Tánaiste knows that one in four men and women will get cancer at some stage in their lives. In focusing on cancer which affects women and which can be screened before it affects them, we should look at our near neighbours in Northern Ireland. Breast cancer screening has been available in Northern Ireland for more than a decade while cervical cancer screening has been available in Northern Ireland and the UK for almost three decades. In the Republic, breast cancer screening is available to only half of the women and there is no national cervical screening programme. Many people believe there is a cervical screening programme in the Limerick region but it is only a pilot programme.

Some 20 years ago, the mortality rates for cervical cancer here, that is, the number of people who died as a result of it, were half the rates of the United Kingdom. That has as much to do with the risk factors associated with cervical cancer as anything else. Now across all the regions of the UK mortality rates for cervical cancer are lower than those in Ireland. In the UK, the numbers of people dying from cervical cancer has dropped dramatically over the past 20 years but the numbers of people dying from it in this country have increased. This is a fact and the Government must face up to it. There is no point burying one's head in the sand. It is the reason doctors are calling for screening. We are trying to prevent cancer before it takes hold of people's bodies and destroys their lives through death or serious illness. That is why the Tánaiste and the Government must take this seriously. It is the responsibility of Government and not, as Deputy Devins tried to imply, of the Health Service Executive.

As has been pointed out by speakers from Donegal, Mayo, Cork and the south east, the lack of radiotherapy services has led to more radical surgery being carried out on a number of women. They do not want to endure the journeys necessary in order to avail of radiotherapy services. Some people have endured considerable sickness from chemotherapy because their cancer was at a stage which required much more serious treatment. The Tánaiste knows that women must have glands removed and get radiation burns and all sorts of side effects because their cancer is diagnosed too late.

Some younger women are outside the remit of the cancer screening programme. However, if we had a good screening programme and encouraged people to think about screening, they would look

after their health. We might be lucky and people might present themselves to doctors for opportunistic screening even if they are outside those age groups because they would be aware of what was going on. That is what we are trying to teach people in regard to screening. There is a considerable public health element to this, that is, teaching people to take responsibility for their own health, as well as providing a screening programme which prevents diseases such as these. These are terrible diseases. Cervical cancer, which is the most amazing can be diagnosed and cured very satisfactorily before it becomes a problem. In the diagnosis of cervical cancer there is what is called CIN, 1, 2 and 3 and carcinoma *in situ* can still be treated before making a diagnosis

of cancer 1, 2 or 3. Effectively, it is an illness we can deal with. The same goes for breast cancer.

An Ceann Comhairle: The time for this debate has concluded.

Dr. Twomey: I acknowledge the Tánaiste's good wishes towards Deputy Kenny, the Fine Gael Party, and other Members and her acknowledgement that we also have a caring agenda and that caring is not the preserve of the Fianna Fáil Party.

Mr. J. Breen: She will join the party of which the Deputy is a Member.

Amendment put.

The Dáil divided: Tá, 71; Níl, 55.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carty, John.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Hoctor, Máire.

Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
McDowell, Michael.
McEllistram, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Sexton, Mae.
Treacy, Noel.
Wallace, Mary.
Walsh, Joe.

Níl

Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Deenihan, Jimmy.
Durkan, Bernard J.
Ferris, Martin.
Gogarty, Paul.

Gormley, John.
Hayes, Tom.
Healy, Seamus.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pdraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.
McHugh, Paddy.
McManus, Liz.
Mitchell, Olivia.

Níl—*continued*

Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.

Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

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

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

Mr. Kehoe: As a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

An Ceann Comhairle: As Deputy Kehoe is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 69; Níl, 52.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carty, John.
Collins, Michael.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.

Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
McDowell, Michael.
McEllistram, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Sexton, Mae.
Treacy, Noel.
Wallace, Mary.
Walsh, Joe.

Níl

Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.

Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Deenihan, Jimmy.
Durkan, Bernard J.
Ferris, Martin.
Gogarty, Paul.

Níl—continued

Gormley, John.
Hayes, Tom.
Healy, Seamus.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Padraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.
McHugh, Paddy.
McManus, Liz.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Snodaigh, Aengus.

O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

Adjournment Debate.

Hospital Accommodation.

Mr. Carty: I thank the Ceann Comhairle for allowing me to raise this important issue. The Sacred Heart Hospital in Castlebar is a home for the elderly in that it provides a combination of rehabilitation and continuing care for elderly people in the county. It has five units in which it cares for 180 patients.

St. Patrick's unit is partially closed, resulting in the loss of 12 beds to the system. This is a serious shortage, especially given the crisis at the accident and emergency unit at Mayo General Hospital, Castlebar. If the 12 beds were made available, it would alleviate pressure on the accident and emergency unit by moving patients on. The unit is partially closed because of structural damage owing to bad foundations. The outer wall is severely cracked and patients cannot be admitted because of health and safety requirements.

The Health Service Executive has made several proposals to the Department of Health and Children to have the problem remedied, but without success. The cost of the renovation to the unit and other patient areas is estimated at €1.5 million. The Minister of State at the Department of Health and Children, Deputy Tim O'Malley, and I have visited the unit and we both saw at first hand the condition of the wall and the cracks thereon. If the problem is not remedied in the near future, it will cost much more than €1.5 million because part of the outer wall will collapse.

I call on the Minister to take this issue seriously and make funds available to repair the unit so it can be made available to patients, as was originally intended. The loss of beds in the unit

cannot be permitted to continue given that there is now such a demand for beds for the elderly. It does not stand up that a unit should be closed because of a structural fault not being repaired.

It is frustrating for the doctors, nurses and other staff to have the facility and yet not be able to use it because the Department will not make the funding available to repair it. I compliment the doctors, nurses and staff of the hospital on the high level of care they give to their patients and which they have given to them over many years. They are to be congratulated. I appeal to the Minister of State to make the necessary funds available.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I thank Deputy Carty for raising this matter and join him in paying tribute to the staff at the Sacred Heart Hospital, Castlebar. I am aware of the Deputy's deep concern over this issue which he has raised with me in the past.

The Government has made services for older people a priority and is fully committed to the development of a comprehensive health service capable of responding quickly, fully and effectively to the health service needs of older persons. In recent years, health and social services for older people have improved, both in hospitals and in the community. Since its entry into office, the Government has substantially increased the level of funding, both capital and revenue, in respect of services for older persons. Between 1997 and 2004, the total additional funding allocated was approximately €287 million and additional revenue funding of €15.228 million was announced for this year. This serves to demonstrate the Government's ongoing commitment to improving services for the older population.

Significant capital funding for the health sector has been provided since the commencement of the national development plan in the millennium

[Mr. B. Lenihan.]
year. Total expenditure for the years 2000 to 2003 was approximately €1.7 billion.

Considerable progress has been made in addressing the historical deficits in health infrastructure and improving the standards of facilities required for quality modern patient care. The national development plan has provided considerable capital funding to services for older people. On a national basis, this will enable a comprehensive infrastructure of community nursing units and day care facilities to be put in place as well as the refurbishment of existing extended-care facilities and the replacement of old, outdated accommodation. The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive must 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 the Sacred Heart Hospital, Castlebar.

The HSE has advised that the 12 beds in St. Patrick's unit are not in use due to subsidence and that extensive work will be required to bring the unit up to the standard necessary for patient care. As responsibility for the development of services now rests with the HSE, any decisions on this issue will be a matter for the HSE, having regard to the western area's overall capital funding priorities in the context of the HSE's capital plan for 2005.

Garda Stations.

Mr. Deenihan: I thank the Ceann Comhairle for allowing me raise this matter on the Adjournment. I also thank the Minister for Justice, Equality and Law Reform for being present to respond to me on a matter of serious concern to the personnel in Castleisland Garda station and to the people of the town.

I have already raised the issue of the long-awaited purchase of a site for the provision of a new Garda station in Castleisland several times in this Chamber. This is the third time I have raised the issue on the Adjournment. Recently, in the town of Castleisland, there have been some serious incidents. Examples of the type of violent crime that has occurred include a stabbing incident and an assault on a garda that left him with a broken nose.

Local media have highlighted the seriousness of the situation through articles on public disorder. The issue is of major concern to the people of the town yet despite the level of concern the gardaí continue to operate out of seriously sub-standard rented accommodation on Church Street. The dire working conditions in the make-shift station affect the morale of the Garda personnel based there. Two sergeants and eight gardaí operate out of the building. The facility is seriously cramped and has no parking facilities. It

has no changing rooms or showers for the officers. It has only one toilet, used by the gardaí and members of the public alike. The building has no private interview room, the reception area is completely open and as a result, privacy and confidentiality cannot be offered to members of the public who call to the gardaí.

Not only is this accommodation entirely unsuitable for the officers in question, but it is bound to deter members of the public from reporting crime. To compound these problems, gardaí do not have the use of a holding cell in the building. Frequently, this creates a ludicrous situation whereby gardaí must make a one and a half hour round trip to Killarney Garda station for the use of a holding cell whenever they make an arrest. During the time it takes them to travel to and from Killarney, the town of Castleisland is left unprotected and without a Garda presence.

On 25 February of this year, the district committee of the Garda Representative Association warned the Minister for Justice, Equality and Law Reform that the personnel based in Castleisland would abandon their current accommodation and operate out of Killarney Garda station by 1 July if a site for a new station in Castleisland is not purchased by that time. Nobody wants to reach that point but the gardaí feel they may have no alternative. It is almost unimaginable that a town the size of Castleisland could be left without a resident Garda presence due to the Government's negligence. Such a move would strike fear in the hearts and minds of those in Castleisland who need Garda protection and it would be a clear case of the Government failing in its duty to protect its citizens.

This disgraceful saga has dragged on for many years, with little or no progress. One delaying factor is the unavailability of a reasonably priced site. The Minister of State at the Department of Finance, Deputy Tom Parlon, informed me today, in a written answer to a parliamentary question, that the Department of Justice, Equality and Law Reform has confirmed the suitability of a proposed site and the Office of Public Works is preparing a valuation report on the site. The answer also stated that negotiations with the owner of the site would commence when the report has been completed and that the Commissioners of Public Works hope to be in a position to make an offer to purchase the site soon.

While I welcome any development that would lead to the building of the station, I hope this is not another cynical stalling tactic. Has the Minister considered what will happen if the owner of the site seeks more for the property than the price in the valuation report? Recently, as part of the Government's decentralisation programme, €4.5 million of taxpayers' money was spent in Killarney to secure the relocation of the Department of Arts, Sport and Tourism. Like Killarney, Castleisland is a busy and progressive town. Prop-

erty in and around the town is at a premium and over the past four years, the value of some property had doubled. Four years ago the Commissioners of Public Works rejected an ideally located site for the new station in the centre of Castleisland.

I am determined to make sure this scandalous situation does not drag on for another four years. Were that to happen, apart from the obvious difficulties this would present to the Garda, procrastination on the purchase of a site would increase the cost burden on the taxpayer. The people of Castleisland need a new Garda station. The gardaí cannot be expected to continue to operate under the current arrangement and I commend them on the great job they do in extremely difficult and trying circumstances. In the context of the agreed priority list, the need for a new Garda station in Castleisland must be treated as an urgent priority and this should have been the case since the original station was subjected to an arson attack on 3 March 2001.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am grateful to Deputy Deenihan for raising this matter and affording me the opportunity to explain the latest position regarding Castleisland Garda station. There was an arson attack on Castleisland Garda sub-district station in March 2001 which caused extensive smoke damage to the station. Following this incident, the Office of Public Works identified alternative temporary accommodation, acceptable to the Garda authorities, in the former Castleisland Credit Union premises.

All parties, however, agree that a new station is required for Castleisland. Accordingly, the Office of Public Works identified several sites for a new Garda station in the town. The Garda authorities confirmed the suitability of a proposed site and the Office of Public Works is preparing a valuation report on the site. Negotiations with the owner of the site will commence when the report has been completed and the Commissioners of Public Works hope soon to be able to make an offer to purchase the site.

I concede to the Deputy that this situation has gone on too long and assure him that the project is progressing and there will be no further avoidable delay in providing the new accommodation. I am aware of the threatened withdrawal of Garda personnel to Killarney Garda station from 1 July next. The Garda management officials of my Department and the Office of Public Works in full consultation and agreement with the Garda Representative Association and the Association of Garda Sergeants and Inspectors decide on the selection of all new stations to be built or existing stations to be refurbished, including their relative priority. Castleisland Garda station has been and will continue to be

dealt with within this process which has worked well in the past.

I can understand the frustration of the gardaí working in Castleisland Garda station, bearing in mind what the Deputy has said about it. I assure them that the matter is moving on and I will make it my business to find out why it has taken so long. I have directed officials from my Department to liaise with the Office of Public Works to expedite this important project and I will speak to the Minister of State at the Department of Finance, Deputy Parlon, to ensure that in so far as there is any problem in the fact that two agencies are involved that it receives the priority the situation demands from both of our Departments. Meanwhile, I ask all concerned to deal with the matter within the existing machinery.

The gardaí occupy some 703 Garda stations throughout the country. Many of them, including Castleisland, need to be rebuilt, updated, modernised or replaced. This is being done in a structured and systematic way. Much work has been done in recent years and more is scheduled over the next few years. In the order of €112 million will be spent between now and the end of 2007 on the overall Garda building programme. This level of investment demonstrates the high priority the Government affords to the programme. There has been significant recent work to improve Garda stations and build new stations around the country.

I am grateful to the Deputy for bringing this continuing and unacceptable delay to my attention. Four years is far too long to wait for this. We will learn lessons from this experience and will not repeat such a delay in future. The members of the force are doing a good job in their community and should have decent facilities, and temporary accommodation should not become permanent, which has been a trend in some cases.

Garda Investigations.

Aengus Ó Snodaigh: In 1991, Donegal Sinn Féin County Councillor, Eddie Fullerton, was assassinated by a British pseudo-gang, a loyalist death squad, at his home in Buncrana. His killing was later claimed by the UDA, using their other name, the UFF. No one has ever been convicted or charged with his killing. There is evidence of British armed forces collusion in his death. Eddie's photograph was among crown forces photomontages seized from loyalists by the Stephens Inquiry team six months after Eddie's killing, which probably came from their masters, the force research unit. Many believe that Eddie, who was shot just one month before local elections that year, was targeted as part of a wider campaign against Sinn Féin members, eight of whom were assassinated between 1989 and 1992.

There are also serious questions about irregularities in the Garda investigation. A number of

[Aengus Ó Snodaigh.]

the Donegal gardaí who are the subject of the Morris tribunal were involved in the Fullerton investigation, including disgraced Garda Noel McMahon. Despite this, the Fullerton family's requests to have the conduct of the gardaí in the case investigated by the Morris tribunal were refused. A reinvestigation into the case finally commenced 14 years later, not as a result of diligence on the part of the gardaí or the Minister for Justice, Equality and Law Reform, but because of the efforts of the Fullerton family who presented a dossier to the Minister demanding his assistance in the search for the truth. The Minister subsequently directed not a full public inquiry, but an internal re-examination of the case by the Garda Commissioner. This has resulted in an interim report to the Minister, which has never been published.

Yesterday, the Minister answered a series of questions I and my party colleagues put to him in the case. I welcome the Minister's reply, particularly in that it makes very clear that the British Government and the PSNI are holding up the process of finding out the truth about collusion in this case, and that it also leaves open the possibility of a public inquiry. However, I still need clarification on a number of issues.

In his answer yesterday, the Minister said the family's dossier amounted to no more than what was raised directly with the Garda Síochána 14 months previously. Will the Minister clarify why the matter was delayed until June 2003 rather than being addressed in April 2002 when this information came to light. In his answer yesterday, the Minister said that he will not publish the interim report he has received on the case because it is incomplete due to the outstanding information needed from the British authorities and the PSNI. However, he avoids committing to publishing the final report. We need this commitment now. The Fullerton family, the people of Buncrana and the Irish people as a whole deserve to know the truth about the assassination of this elected representative. Question marks also remain over the serious deficiencies in the original Garda investigation, including its failure to interview key suspects and a witness. The public deserves to know the truth about this.

Disturbingly, despite a direct question on the matter, it is unclear from the Minister's reply whether he has raised this case with the British Government. If he has not done so, I want a clear commitment as to when he will do so, as the assassination of an Irish public representative as a result of British intelligence collusion with a loyalist death squad is a matter of the utmost seriousness and of public importance. If he has done so, I would appreciate clarification as to exactly when the British Government was made aware of the outstanding matters necessary to complete the investigation. I need to know at

what level the matter was raised. Was it with the British Prime Minister or at ministerial level? When were the police-to-police inquiries made and has the PSNI or British authorities given a timeframe as to when the outstanding information and co-operation will be provided?

I submit to the Minister Sinn Féin's position that, just as in the Pat Finucane case and all other cases where there is evidence that British crown forces colluded with loyalist death squads to target Irish citizens, there is an urgent need for a full public inquiry into the assassination of Eddie Fullerton.

Mr. McDowell: As I have already put on the record of this House, the murder in 1991 of Mr. Eddie Fullerton, who was then a Sinn Féin councillor on Donegal County Council, was a most dreadful and heinous crime. I use the words "murder" and "crime" in respect of it. Regardless of who did it or why they did it, it is a murder and a crime, and the Deputy might note that. Unfortunately, to date, nobody has been made amenable for this appalling crime.

The so-called Ulster Freedom Fighters subsequently claimed responsibility for the murder, claiming that Councillor Fullerton was killed because he passed information to the Provisional IRA. It should be stated unequivocally that the subsequent Garda investigation indicated that there was no evidence to substantiate that claim, not that this is in any way relevant to what was cold-blooded, calculated and callous murder.

I am aware that since 2002 the Fullerton family has raised concerns about the murder and the ensuing investigations. In particular, the family has been calling for some form of inquiry into the matter. In April 2002, these concerns were raised directly with the Garda authorities in Buncrana. Subsequently, in June 2003, solicitors acting on behalf of the Fullerton family submitted to me a memorandum setting out these concerns, as well as outlining what is described as new evidence and new concerns. Included in these additional matters are references to a person characterised as a new "witness". This person made a statement to the Fullerton family's solicitors about events he allegedly witnessed shortly after the murder of Councillor Fullerton. According to the solicitors, these purported events pose radical questions for the integrity of the official Garda and RUC investigations into the murder.

In response to the submission of this memorandum and out of a genuine desire to seek to address the concerns of the Fullerton family, I referred the memorandum to the Garda Commissioner, who established a review team led by a chief superintendent to conduct a thorough and concise investigation into all matters of concern raised. The Garda review has been extremely extensive. I say that because I have seen the interim report, the scope of which has been enor-

mous. It has involved interviews with more than 120 people and the taking of more than 150 witness statements. Recently, I have been in receipt of that interim report from the Garda authorities on the current, incomplete state of the review.

Although I do not plan to go into detail on the matter, I can confirm to the Deputy that members of the Garda review team interviewed the person characterised as a new witness to clarify his recollection of events on the day of the murder. I am informed that this person has stated that he could no longer stand over the statement he made to the Fullerton family's solicitor and, instead, made a new statement to the Garda review team.

I am pleased to report that the Garda review is drawing to a conclusion. The only outstanding matters relate to the awaited results of a mutual assistance request to the British authorities and certain police-to-police inquiries with the Police Service of Northern Ireland.

I have heard suggestions that the British and Northern Ireland authorities are failing to co-operate with these requests. I have no reason whatsoever to believe, nor have I received any indication, that either the British or Northern Ireland authorities have failed or will fail to co-operate. In this regard, it is a simple reality that such cross-jurisdictional inquiries often take an extended period to complete. This is particularly the case in regard to mutual assistance requests, which are quasi-judicial in nature.

No final conclusions can be drawn from the review until such replies from the British and Northern Ireland authorities are received, evaluated and acted upon, as appropriate, by the Garda Síochána. Although I do not intend to publish the Garda report which I recently received, I have undertaken to contact the Fullerton family's solicitors with a full response to their concerns, as soon as all the outstanding matters are clarified by the Garda Síochána.

It should be noted that the Fullerton family and their solicitors have been kept informed of developments by the Garda chief superintendent in charge of the review, who met them in December 2004. The investigation file in this case remains open and I will be in contact with the family directly in due course when the current review of all matters raised with me is brought to a definitive conclusion.

Tribunals of Inquiry.

Mr. Costello: I wish to share time with Deputy McGinley.

I ask the Minister to make provision for legal representation for the McBrearty family at the Morris tribunal. The Taoiseach stated in the Dáil this morning that his legal advice was that the tribunal alone could allocate costs after a particular module was completed. I do not dispute this advice regarding the power of the tribunal but ask

that an arrangement be made similar to that made by the then Minister for Health and Children in April 2000 with the Irish Haemophilia Society regarding the Lindsay tribunal which enabled the society and its members to be legally represented for the duration of the tribunal. The arrangement worked perfectly well and a similar arrangement was made with regard to the victims of the Stardust fire in 1981. It may not be fully within the Minister's remit, but I am asking that the Morris tribunal briefly adjourn its activities while a suitable formula is worked out for granting legal representation.

The Morris tribunal was set up in 2002 mainly to deal with the injustices perpetrated on the McBrearty family by agents of the State. It has now been sitting for 320 days and at no stage has the McBrearty family received legal costs although they must attend daily and co-operate with the tribunal at all times. Television cameras recently showed a car boot containing reams of documents served by the tribunal on Frank McBrearty senior. Members of the family must research vast quantities of documentation and argue their case without the benefit of legal training or representation. At the same time, Mr. Justice Morris, the Minister for Justice, Equality and Law Reform, the Garda Commissioner, the Association of Garda Sergeants and Inspectors and the Garda Representative Association have all retained teams of lawyers for the duration of the tribunal.

The McBrearty family are no ordinary witnesses at the tribunal; they are at the heart of the Morris inquiry. Garda treatment of this family prompted the Morris tribunal to be established by the Oireachtas in 2002. What happened to the family over a sustained period is a grave matter of public importance. It is ironic and perverse that the McBreartys are the only participants who do not have the benefit of legal representation. They are discriminated against. Legal costs are now a barrier to justice for the family.

What is the value of proceeding with a tribunal that does not allow for meaningful engagement by the people at its heart? What credibility can its final report have? A fortune has already been spent by the State on legal costs and there is little sense in spending more money on an inquiry that has become quite farcical. Tribunals for the average citizen who is personally exposed as distinct from being sheltered by the State or by representative organisations have come to the point of being inoperable. We have a real problem which will not be resolved by the Minister burying his head in the sand or quoting law. It is time to recognise the reality, be brave, do the proper thing and stand by the spirit of Article 40 of the Constitution which states that "All citizens shall, as human persons, be held equal before the law."

Mr. McGinley: I thank Deputy Costello for giving me some of his very limited time. As a Donegal Deputy for almost a quarter of a century, I cannot be accused of jumping on every available bandwagon. However, I agree with the case which has been made so well by the Deputy. I reflect the opinion of most reasonable people in Donegal who I meet in my everyday line of duty.

The McBrearty family has gone through so much over the past eight years. They have been wrongly accused of murder, had their premises raided and their son was obliged to make a bogus confession to murder. There are a myriad of other points which I cannot go into but the Minister is aware of them all. The family has a basic human requirement, namely, legal representation.

I have only been in the courts once in my life. It is intimidating to go in and see the benches of legal people, senior counsel, barristers, solicitors and legal brains of this country. Frank McBrearty senior is an ordinary man. He emigrated at the age of eleven and earned enough money to start a small business in a Border town. He has survived thus far, although his finances and health must be in a very precarious state. The man must have the constitution of a horse.

I am told that some sort of legal technicality prevents the family from getting this basic right. I do not know whether it is in the Minister's power. I have no other agenda. I am a Deputy in the county although the family is not in my constituency. The Minister is one of the top legal men in the country. Surely some device is available to crack this nut and let the inquiry continue. The findings will be devalued and tarnished if the inquiry carries on without the McBreartys being represented.

Mr. McDowell: The position with regard to legal costs for the family in question has been raised on many occasions in this House. Before dealing with the costs issue, it might be helpful if I outline for the House the current position in regard to the tribunal as I understand it. Mr. McBrearty senior gave evidence to the tribunal last week. He returned yesterday and, having completed giving his evidence, he did not make himself available for cross-examination by counsel for the other parties but withdrew from the tribunal.

I understand that the tribunal has, as of today, finished hearing oral evidence in regard to the current module, which is called the Barron investigation module, and will hear final submissions shortly with a view to making a further report in the very near future.

It is regrettable that Mr. McBrearty has taken this course. In regard to legal representation for him and his family, the position is clear and the ground, as I said, has been traversed in this House on a number of occasions.

The family applied for, and was granted, a right to legal representation at the outset of the tribunal's business in the summer of 2002. It chose to exercise that right and was fully represented by counsel during the opening of the current module in Donegal in the summer of 2003. Work on that module was discontinued in September 2003 until June 2004, while the tribunal completed its hearings and published its report on the hoax explosives finds module.

I understand that the family has not been represented by counsel since the resumption of the Barron module in June 2004. I am not clear as to why the counsel and solicitors retained by the McBreartys failed to appear when the module resumed. If the legal team was demanding to be paid up front, I would be very surprised. Having undertaken to appear and having appeared on a different basis, it would be very unusual for a legal team to withdraw halfway through its retainer. As I will make clear, the tribunal has been dealing with the costs of each module at the close of each module. Accordingly, I stress no lawyer whose client co-operates with the tribunal will experience any undue delay in receiving payment. On the contrary, because the tribunal is dealing with costs on a modular basis, the legal team could expect prompt payment of its reasonable costs on the same basis as other witnesses with rights of representation. I also understand the tribunal made efforts at various times in recent months to secure the services of counsel who would act on behalf of the family, but this, however, was not acceptable to the family.

While I have stated it previously, I must make it clear once again that I do not have powers in regard to the granting of costs. Under the terms of the Acts, the question of costs is solely a matter for the tribunal. This has important practical implications for tribunals generally in their search for the truth. The Acts provide that a tribunal which, having regard to its findings and all other relevant matters, is of the opinion that there are sufficient reasons rendering it equitable to do so, can order the whole or part of the costs of representation of a person appearing before it to be paid, and those costs are then paid.

A tribunal, when determining whether costs should be paid, may take into account failure to co-operate with or to provide assistance to or knowingly giving false or misleading information to the tribunal. As has been observed on previous occasions, the net effect of this is that reasonable legal costs of participants are effectively guaranteed in advance provided those persons co-operate and are truthful in their dealing with the tribunal.

It is clear from the chairman's judgment on the costs associated with the first module to which I referred that he regards co-operation with the tribunal and truthfulness in giving evidence as matters of paramount importance. In deciding on

costs, he made deductions in some cases and rejected other applications where he was of the opinion that persons deliberately lied or otherwise hindered him in his efforts to get to the truth.

It is crucial for the effectiveness of that tribunal that this power is not undermined.

Interfering with it, however well-intentioned one's motives might be, would blunt the effectiveness of the tribunal in uncovering the truth. I appreciate that we are here discussing one family with a particular experience of the kind outlined by Deputy McGinley. However, there must be a clear and consistent principle behind the policy on the payment of costs which is applicable generally and not just to one individual. The Deputies should remember that I have consistently maintained that policy in the face of High Court challenges from a number of other parties to the Morris tribunal. This House will be aware that other witnesses attempted to force me into paying their costs in advance. They failed to persuade the High Court that they had any such entitlement.

I hope the McBrearty family — I met some members of the family but I do not want to go into that because it was a private meeting — can draw some comfort from the tone of the first report. Clearly the tribunal will be forthright in its comments and criticisms and will not hesitate to apportion blame where it considers it is necessary on the basis of the evidence before it. I reject the suggestion that the tribunal is in any way farcical or that its findings will be in any way undermined or devalued by the question of the representation or non-representation of one set of witnesses. On the contrary, I have no doubt that it will be an extremely fair report and that the tribunal will be extremely vigilant to help those people who are not represented to ensure that their interests are vindicated.

Mr. Costello: What about their legal representation?

Mr. McDowell: On the question of legal representation for the family, I would have expected that the family would be reassured by the prompt manner in which Mr. Justice Morris addressed the issue of costs arising out of the first module. It is clear that the chairman is well aware of the issues of the various parties with regard to their legal costs and has acted expeditiously. Costs are being dealt with on a module by module basis and are not being held over until the tribunal finally concludes its business in a number of years' time. This is clearly of significant assistance to all witnesses who have representation before the tribunal.

Other parties have secured legal representation at the tribunal and will have the payment of their costs assessed in the manner I outlined. The

McBrearty family is being treated no differently from other witnesses to this or other tribunals when it comes to the issue of legal representation and the payment of legal costs.

I understand that the tribunal is making significant progress and on this basis I again encourage the family to participate fully and to co-operate with the tribunal to the greatest possible extent. I note this evening that it has been suggested that I am being obdurate. However, I am satisfied that I am correct in upholding the authority of the tribunal. I am equally satisfied that if the McBrearty family for some reason will not accept legal representation on the same basis as other parties, the tribunal will be scrupulous in protecting its interests and in establishing the truth without such participation.

The system of awarding costs in tribunals is very fair and generous and, in the case of the Morris tribunal, very prompt in discharging the costs of co-operative witnesses. There has been public controversy concerning the massive legal resources that the State makes available to co-operative witnesses. However, it would be wholly wrong for me having refused some witnesses their costs in advance and having defended these cases in the High Court now to select another set of witnesses for special treatment—

Mr. Costello: These are not just witnesses.

Mr. McDowell: —and to guarantee their costs even if they choose not to co-operate with the tribunal or abide by its orders. That would be wholly wrong and I will not do it.

It is a matter of profound regret to me that for one reason or another these issues should continually arise in this House. I want to make it clear that I will not change my mind. It would be grossly unfair of me to change my mind at this stage, having taken a stance against others on exactly the same territory. The tribunal's work is far too important for me to interfere in a manner which could very easily be characterised as grossly arbitrary, having said to some people, including garda witnesses and people who have since resigned or been dismissed from the Garda Síochána that I would not pay their costs in advance.

Mr. Costello: That is the real reason.

Mr. McDowell: It would be wrong for me to say that I would make an exception in respect of other people who had counsel and solicitors working for them whose counsel withdrew for some reason that I still cannot understand, bearing in mind what I was used to when I was a barrister in practice. I cannot now reverse course and suddenly select one group of people for treatment, and I will not do so. The sooner that is understood and acted on and the sooner everybody concerned gets to co-operate with the tri-

[Mr. McDowell.]
bunal the better. I am convinced of one thing,
there will be a fair report——

Mr. Costello: It cannot be a fair report now.

Mr. McDowell: ——from that tribunal and the fact that lawyers for some reason or another were not willing to act for the McBreartys when other lawyers were willing to act for other people in similar circumstances will not affect the fairness or the validity of the tribunal's findings. I have said on a number of occasions in this House, and I repeat it, that I am not for turning on this issue. It would be wrong for me to do so. It would be

extremely unfair to some people against whom I have taken exactly the same stance who do not have public sympathy on their side.

Mr. Costello: That is why these people need legal representation.

Mr. McDowell: I will not interfere arbitrarily in this tribunal's affairs in a manner which would undermine its authority to get at the truth because the truth is what everybody in this House wants to see established.

The Dáil adjourned at 9.45 p.m. until 10.30 a.m. on Thursday, 14 April 2005.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

Questions Nos. 1 to 19, inclusive, answered orally.

Questions Nos. 20 to 55, inclusive, resubmitted.

Questions Nos. 56 to 64, inclusive, answered orally.

Social and Affordable Housing Programmes.

65. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government the level of management fees imposed on residents of social and affordable housing schemes throughout the country; and if he will make a statement on the matter. [11050/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Management fees are not applied by local authorities to their tenants in addition to differential rents. Rents paid by local authority tenants are used by local authorities to defray management and maintenance costs. The same position applies in relation to tenants of approved housing bodies. However, where houses are provided under the capital loan and subsidy scheme an annual management and maintenance allowance is paid in respect of each dwelling to the relevant approved housing body.

There are no details available in my Department of any management fees which may be levied on the owners of privately owned dwellings provided under the affordable housing schemes.

Planning Issues.

66. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if he has read a report (details supplied); if this report will have an impact on the guidelines for one-off houses in the countryside; and if he will make a statement on the matter. [11162/05]

78. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government his views on the Law Reform Committee of the law society's view that positive discrimination in terms of one-off housing is in some cases in breach of the Constitution, the European Convention on Human Rights and EU law; and if he will make a statement on the matter. [11022/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 66 and 78 together.

I am familiar with the recent report by the law society's reform committee entitled Discriminatory Planning Conditions: The Case for Reform.

Section 39 of the Planning and Development Act 2000, as was the case with previous planning legislation, provides that a condition may be

attached to a grant of planning permission for a house, specifying that the house must be occupied by persons of a particular class or description, with provision to that effect to be incorporated in an agreement under section 47 of the Act. In effect, occupancy conditions are applied in certain circumstances as a mechanism to facilitate a positive approach to applications from persons who are part or linked to certain rural communities in circumstances where a different application might have to be refused.

In addressing the issue of occupancy conditions, the guidelines on sustainable rural housing state that such conditions are only appropriate in certain cases such as permissions being granted to persons with roots or links to areas close to the larger cities and towns under strong pressure for urban generated development and in the case of permissions being granted to permanent residents in an area where there is an over-concentration of holiday or second home development. The guidelines use illustrative examples to demonstrate that people who fall into the category of having local roots or links would include people who have spent much of their lives in rural areas and are building their first homes, farmers and their families, returning emigrants, people involved in forestry, inland waterway and marine related occupations, teachers in rural schools and other people whose work is predominantly in rural areas. This list is not intended to be exhaustive; planning authorities are asked to carry out their own assessment of the rural housing needs to be catered for in the areas mentioned, taking account of local conditions and planning issues and to add to the list as appropriate.

I am aware that in administering the planning code, planning authorities are required to act in a manner that is consistent with the norms of administrative and constitutional law, the European Convention on Human Rights law, EU law and equality law.

Following the publication of the finalised guidelines under section 28 of the Planning and Development Act 2000 on sustainable rural housing, it is my intention to monitor the effectiveness of the guidelines and in that context I will continue to bear in mind the concerns of the law society's recent report.

Local Authority Housing.

67. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government the progress which has been made at a national level in allowing the sale of local authority flats to tenants; and if he will make a statement on the matter. [11169/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Draft proposals to introduce a tenant purchase scheme for local authority flats were forwarded to my Department by Dublin City Council in June 2004. Arising out of this a

[Mr. N. Ahern.]

working group, consisting of departmental and local authority officials, was set up to consider the matter. The group has met on a number of occasions and its work is continuing. The present position is that revised proposals are being prepared by Dublin and Cork City Councils for submission to the Department.

While a scheme for the purchase of local authority houses has been successfully operating for many years, the sale of local authority flats poses more difficult problems in particular in relation to property conveyance, insurance, the management of flat complexes and service charges. When the sale of flats was last examined in the early 1990's it was concluded that practical arrangements could not be guaranteed for the sale of flats that would be satisfactory for the purchaser, the local authority and the remaining tenants.

Present efforts are intended to revisit this matter with a view to seeing if the very real difficulties involved in the sale of flats can be overcome and a scheme satisfactory to all the key parties designed. Because of the complex issues involved I am not in a position at this stage to say when a decision will be reached.

Air Pollution.

68. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government his views on the report presented to the Clean Air for Europe steering group by the European Commission which shows that air pollution kills 300,000 Europeans annually; its implications for Ireland; and if he will make a statement on the matter. [11032/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): Ireland supports the EU Clean Air for Europe, CAFE, programme and the development of a thematic strategy which is due to be published later this year. The strategy will establish interim environmental objectives for air pollution for the purpose of protecting human health and the environment in the period to 2020, with an emphasis on particulate matter and ground-level ozone pollution. Other pollutants addressed in the programme include nitrogen oxides, sulphur dioxide, volatile organic compounds and ammonia.

Due to our geographic location and climatic circumstances, ground-level ozone pollution is not a problem in Ireland. The main source of particulate matter pollution is emissions from road traffic. This is borne out by the 2004 report by the EPA on Ireland's environment, which identifies emissions from road traffic as the greatest challenge to maintaining and improving air quality.

Air quality standards for a wide range of pollutants, including particulate matter, which are provided in EU legislation are transposed into national law under the Air Quality Standards Regulations 2002. Furthermore, a national programme for the progressive reduction of the four

trans-boundary air pollutants — sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia — will be announced shortly.

Any new measures emerging from, or necessitated by, the CAFE thematic strategy when finalised will be incorporated into national policy and implemented in Ireland.

Planning Issues.

69. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government if he will consider changing the planning regulations in order that decisions on proposed local authority development works made under Part 8 of the Planning and Development Act 2000 can be appealed to An Bord Pleanála; and if he will make a statement on the matter. [11173/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Development by or on behalf of a local authority which requires environmental impact assessment must be submitted to An Bord Pleanála for approval.

With regard to development by or on behalf of a local authority which does not require environmental impact assessment, the manager of the planning authority must consult the public and prescribed authorities. The manager must submit to the elected members of the local authority a report on the proposed development which describes the nature and extent of the development, evaluates whether or not it would be consistent with the proper planning and sustainable development of the area and summarises the issues raised in any submissions or observations made on the proposed development. The development may proceed unless the elected members vary or modify it or decide not to proceed with it.

I have no current plans to amend these provisions which were relatively recently endorsed by the Oireachtas in the context of the Planning and Development Act 2000 and the Planning and Development Regulations 2001.

Social and Affordable Housing Programmes.

70. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government the role he envisages the voluntary and community sector having in the provision of social housing in the next ten years; and if he will make a statement on the matter. [11124/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The voluntary and co-operative housing sector has an important contribution to make in the provision of social housing. By working in close partnership with local authorities, it plays a significant role in supplementing the efforts of local authorities in providing social housing in areas where particular housing needs have been identified. It is supported by my Department through two separate funding schemes, the capital assistance scheme, which

addresses the special housing needs of persons such as the elderly, disabled and homeless, and the loan subsidy scheme, which provides housing for families in need.

The Government is fully committed to developing and expanding the sector and to supplying the necessary resources and support to enable it to become an important and significant force and provider in the housing area. This commitment is reflected in the National Development Plan 2000-2006 which includes ambitious targets for output by the sector for each year of the plan. There has been a steady increase in output by the sector from a level of 579 units of accommodation in 1999 to reach a record output of over 1,600 units in 2004.

Capital spending on these schemes has been increased significantly from €47 million in 1999 to €183 million in 2004. In conjunction with this funding for the voluntary housing programmes, my Department has also initiated the development by local authorities of five-year action plans, commencing in 2004, for the delivery of social and affordable housing, including the voluntary programme, to ensure a systematic and integrated approach to the effective use of these resources. I am concerned to ensure that the considerable investment involved has benefits in the long-term in breaking cycles of disadvantages and dependency. In this regard, it is anticipated that the voluntary and co-operative housing sector will continue to be involved in the provision of social housing and that the output of the sector will reach the targets contained in the current and subsequent action plans.

Litter Pollution.

71. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the reason he decided not to proceed with the consultants recommendations of an anti-litter levy on chewing gum; the representations he received from the industry and the US embassy on this matter; and if he will make a statement on the matter. [11072/05]

108. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the nature of the representations made to him by companies (details supplied) and the Embassy of the United States regarding the proposed chewing gum tax; and if he will make a statement on the matter. [11034/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 71 and 108 together.

On foot of the success of the environmental levy on plastic bags, which was introduced in March 2002 and has resulted in a reduction in the dispensing of plastic shopping bags at retail outlets by over 90%, An Agreed Programme for Government contained a commitment to consider the extension of the levy on plastic bags to other materials which may be problematic from a waste management and-or litter perspective. The Litter

Monitoring Body, which is co-ordinated by my Department, has published two reports to date, in respect of the years 2002 and 2003, which provide valuable statistical data in relation to litter pollution in Ireland. In the light of the first Litter Monitoring Body report published in July 2003 in respect of the year 2002, my predecessor announced his intention to tackle the issue of litter caused by chewing gum, fast food packaging and automated teller machine — ATM — receipts, which were identified as significant elements of litter pollution.

To this end, a consultancy study was commissioned in September 2003 to carry out an analysis and recommend appropriate economic instruments, including environmental levies, that might be implemented to tackle the litter problems caused by these items. The consultancy study involved consultation with the relevant industry stakeholders. The consultancy report was released for public consultation on 23 September 2004.

In relation to chewing gum, the consultants' report proposed two options: (i) a mandatory 10% levy on chewing gum sales — an average 5 cent per pack — to be collected at manufacturer-importer-distributor level, which would generate an estimated €4-€5 million per annum for use in paying towards the clean-up costs of chewing gum litter; or (ii) a negotiated agreement between my Department and the industry involving the putting in place of a comprehensive action plan, incorporating intensive education and awareness campaigns, and including agreed funding levels with agreed tangible targets and timeframes aimed at changing consumer behaviour in relation to chewing gum disposal and reducing gum litter.

The consultancy report also recommended negotiated agreements with the relevant sectors in relation to fast food packaging and ATM receipts.

The purpose of the public consultation process was to obtain the views of relevant stakeholders and other interested parties on the report's recommendations. The deadline for the receipt of comments and submissions under the public consultation phase was 29 October 2004.

During the public consultation phase, I held a meeting with representatives of the chewing gum industry to discuss the consultants' report; this meeting was facilitated and attended by the Ambassador of the United States of America. The industry outlined measures and solutions that it was prepared to implement by way of a negotiated agreement as a means of addressing the chewing gum litter problem.

My Department has examined the various submissions made as part of the consultation process and having regard to both the recommendations of the consultancy report and the submissions received during the public consultation, I recently announced my decision to commence a process of negotiating agreements with all three of the relevant sectors.

[Mr. Roche.]

I believe this will give all three sectors — chewing gum manufacturers, the fast food industry and the banking sector — an opportunity to propose positive and meaningful measures to minimise the impact of the items they produce in causing nuisance litter. In accordance with the consultants' recommendations, the application of mandatory levies will be back on my agenda if any sector fails to propose effective measures, which will include an appropriate level of funding, to address the problems caused within an agreed timeframe.

Waste Management.

72. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the progress made to date in regard to his discussions with the Department of Social and Family Affairs regarding difficulties faced by those on low incomes in paying service charges, especially where there is no waiver scheme; and if he will make a statement on the matter. [11071/05]

88. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government if he intends to provide for a national waiver system for those on low incomes who are unable to pay service charges without undue hardship; and if he will make a statement on the matter. [11070/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 72 and 88 together.

The making of waivers in respect of waste charges connected with services provided by, or on behalf of, local authorities is a matter for the local authority concerned. My Department has no function in the matter.

The issue of waste charges in the context of low income persons-households has been raised in a social partnership context arising from Sustaining Progress. Discussions are continuing between my Department and the Department of Social, Community and Family Affairs in terms of identifying how any outstanding issues might be addressed.

Infrastructure Projects.

73. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the status with regard to the proposed critical infrastructure Bill, which was first announced in October 2003; when it is likely that the Bill will be published; its main features; and if he will make a statement on the matter. [11061/05]

121. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government his plans for a national infrastructure board; the stage of these plans; and if he will make a statement on the matter. [11051/05]

285. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government his plans to review the number of stages

which infrastructural projects have to go through before work can begin; and if he will make a statement on the loss of time that is being encountered in delivery of projects. [11467/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 73, 121 and 285 together.

I believe there is wide consensus that we should have a regulatory system for major infrastructure projects that delivers projects in the right place at the earliest possible time and in a cost effective way. In addition, the system must be capable of mitigating the impact of any major project on the environment and on people, and complying with all relevant national and international legal requirements.

Having examined the problems that have arisen in the area, the Government considers that legislation is desirable to address some issues arising in the approval process. Because of the complexity of the issues involved and the need to consult widely among my colleagues, the preparation of draft legislative proposals has taken some time. I am currently working on the proposals for a strategic infrastructure Bill and I intend to bring them before Cabinet shortly with a view to publishing the Bill as soon as possible.

In advance of the Government making a decision on these proposals, it would be inappropriate to elaborate on their detail. In general terms, however, it is intended to reduce the time required for obtaining development consent for necessary major public projects and to co-ordinate and streamline the different procedures now involved, while respecting the requirements of environment and heritage protection and the need for adequate public consultation.

Local Authority Housing.

74. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government his estimate of the number of unfinished housing estates here; and if he will make a statement on the matter. [11024/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not compile this information.

Election Management System.

75. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government if he has plans to introduce a scheme of automatic voter registration for persons reaching their 18th birthday; his views on whether such a scheme would be desirable; and if he will make a statement on the matter. [11019/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The compilation and publication of the register is a matter for each registration authority in accordance with electoral law and involves the carrying out of house-to-house or other local inquiries, including in many cases delivering registration forms to households

for completion. The draft register is published on 1 November each year and is made available for examination at post offices, public libraries, Garda stations, courthouses and local authority offices up to 25 November. The final register is published on 1 February and comes into force for a year on 15 February.

Each year, my Department undertakes an advertising campaign to coincide with the publication of the draft register to encourage electors to check the draft and ensure that they are correctly registered. Over the past number of years, the advertising campaign has included initiatives specifically targeted at young people.

Students who live away from home while attending college have the choice of being registered at their parents' address or their student residential address. Students pursuing a course of study on a full-time basis at an educational institution in the State, who are registered and living away from home and cannot attend their polling station, may apply for entry in the postal voters list.

Under the Electoral (Amendment) Act 2001, the grounds for making application for entry in the supplement to the register of electors were widened to allow, *inter alia*, a person who has reached 18 years of age on or before polling day to apply for entry in the supplement to the register; previously, the cut-off point was the closing date for the supplement.

While the accuracy of the electoral register depends to a significant extent on the co-operation and engagement of the individual citizen, I will keep under review the scope for further initiatives to help registration authorities to identify and target young people in this regard.

Planning Issues.

76. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the basis for the changes in the retail planning guidelines announced by his Department on 5 January 2005; the names of those retail concerns that made representations to his Department to have the guidelines changed; if his attention has been drawn to the serious concerns expressed about the possible impact of the change on existing retailers; if applications for developments under the new guidelines have yet been received; and if he will make a statement on the matter. [11059/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The recently amended retail planning guidelines, which have effect from 1 February 2005, provide that the floorspace cap on retail warehouses will no longer apply within the functional areas of the four Dublin local authorities and in the other national spatial strategy gateways. The gateway towns and cities are Athlone-Tullamore-Mullingar, Cork, Dublin, Dundalk, Galway, Letterkenny, Limerick-Shannon, Sligo and Waterford. This modification to the guidelines will only apply in

areas subject to integrated area plans under the Urban Renewal Act 1998.

The amendment to the retail planning guidelines follows a review of the floorspace cap on retail warehouses set in the retail planning guidelines, which were made in 2001. Those guidelines had prescribed a maximum floor area of 6,000 square metres gross retail floorspace for large-scale single retail warehouse development. This cap has been reviewed, taking account of the need to promote effective competition in this sector of retailing and of ongoing developments in retail formats, while continuing to respect proper planning and sustainable development.

To assist in carrying out the review of the floorspace cap, interested parties were invited to make submissions to my Department. Some 71 submissions were received and assessed. Of the 71 submissions received by my Department, 48 submissions were in favour of retaining the existing cap, 19 were in favour of the cap being increased or abolished and four submissions did not come down clearly on either side. Retail concerns, or agents acting on their behalf, who suggested changes in the guidelines in their submissions were IKEA, Tesco Ireland, Costco UK Limited and B&Q.

Following the closing date for the receipt of submissions relating to the review my Department arranged for the preparation of reports summarising the main points raised in the submissions on the review and analysing those submissions, with particular reference to the arguments for and against lifting the overall restriction on the size of retail warehouses nationally, as specified in the guidelines, in the context of the issues of traffic impact, the impact on city and town centres and the implications of any change for the national spatial strategy.

Options considered in finalising the review included: making no change in the existing guidelines; abolishing the overall size cap on retail warehouses nationally; increasing the size cap; making a specific amendment to the guidelines to allow for large-scale unique format stores; and providing for the non-application of the size cap in certain specified areas.

Taking account of the submissions made in the course of the review and various analyses carried out by my Department I decided, with the approval of the Government, that the revised retail planning guidelines would provide that the existing floor space of 6,000 square metres gross on single warehouse development would no longer apply in those areas, which are the subject of integrated area plans under the Urban Renewal Act 1998, within the functional areas of the four Dublin local authorities and in the other national spatial strategy gateways. The revised guidelines also specifically provide that to be acceptable from a planning point of view, individual retail warehouses in excess of 6,000 square metres must be located close to a road network with sufficient capacity to cater for development of the scale proposed, that any proposal for such

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a retail warehouse must be accompanied by a traffic impact assessment and that any potential impact on the vitality and viability of town centres will be an important consideration to be taken into account by planning authorities in determining applications for such development.

While I am aware that some existing retailers and their representatives have raised concerns about the impact on them of the changes to the guidelines, I am satisfied that the basis on which the changes have been made will minimise any adverse impacts and will have many positive benefits for the overall retail sector in Ireland and its customers.

Social and Affordable Housing Programmes.

77. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the progress made with regard to the announcement on 24 February 2005 to swap State-owned lands for private sites on which housing development has already been completed to help fast track the provision of the 10,000 affordable houses promised under Sustaining Progress; and if he will make a statement on the matter. [11064/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department has been examining an additional strategy as a means of speeding up delivery of affordable units under the affordable housing initiative, AHI, under Sustaining Progress. This consists of a land swap option which proposes that high value land in State ownership, which has been made available to the AHI, be exchanged with builders-developers in return for housing units already completed on a site or combination of sites owned by that developer. Rather than build units on the State land by way of the traditional procurement and development process, it is considered that this approach may have the advantage of delivering the units more quickly while at the same time ensuring value for money for the State asset.

The Harcourt Terrace site was advertised on 17 November on a pilot basis to test this approach. I understand there was considerable interest in this site and Dublin City Council, following a short-listing process, is currently in the process of selecting a successful bidder for the site. It is expected that negotiations will be completed shortly.

The outcome of the piloting of this approach, which is being closely monitored at all stages, will then be evaluated with a view to using the land swap option on other AHI sites.

Question No. 78 answered with Question No. 66.

79. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if he will update the House in relation to the delivery of social and affordable

housing through Part V of the Planning and Development Act 2000. [11120/05]

128. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that half of the country's local authorities have failed to acquire any social or affordable houses under the terms of Part V of the Planning Act 2000; the steps he intends to take to ensure that all local authorities make full use of this facility; and if he will make a statement on the matter. [11066/05]

135. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he will report on the benefits that have accrued to the State to date from the receipt of dwellings, financial contributions and sites under Part V of the Planning and Development Act 2000; and if he will make a statement on the matter. [11175/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 79, 128 and 135 together.

Part V of the Planning and Development Acts 2000-2004 is fully operational and all relevant residential planning applications are now subject to a Part V agreement. Apart from the provision of housing units to the local authority on or off-site, an agreement under Part V may provide for a range of other options. Notwithstanding the availability of these options, my Department's stated preference, which has been communicated to local authorities, is for the provision of housing units whether on-site or off-site.

Final figures are not available yet for 2004, but it is estimated that some 800 social and affordable housing units had been acquired by local authorities by the end of 2004; nearly 1,900 were in course of acquisition; and a further 2,800 were earmarked for acquisition on foot of Part V agreements with developers. In addition, nine land transfers to local authorities have been completed involving 6.72 hectares; a further 150 partially or fully serviced sites have been transferred to local authorities and voluntary housing bodies; and some €10 million has been received in payments in lieu and under the withering levy. It is clear from the returns that there has been activity in all of the city and county councils under at least one of the options available for complying with Part V.

It is envisaged that some 6,000 social and affordable units will be delivered under Part V between 2005 and 2007. Additionally, payments in lieu, which are ring-fenced for housing capital purposes only, together with land and sites accruing from the take-up of the alternative options will further supplement the overall provision of social and affordable housing. On this basis, I am satisfied that the provisions of Part V are being suitably progressed and that they will contribute significantly to the supply of social and affordable housing going forward.

Waste Management.

80. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government the new initiatives he intends to take to encourage waste minimisation; and if he will make a statement on the matter. [11043/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An effective basis for addressing our waste management responsibilities has been put in place through my Department's policy statements, *Changing Our Ways*, *Delivering Change* — 1998 and *Taking Stock Moving Forward* — 2004, statutory waste management plans largely prepared on a regional basis and the comprehensive regulatory framework now in place in relation to waste.

The Government's approach is based on the internationally recognised waste management hierarchy of prevention-minimisation, significantly increased levels of recycling, energy recovery and utilising landfill as the last resort for residual waste that cannot otherwise be recovered.

A key priority currently is the development and rollout of a national waste prevention programme. A core prevention team was established last year in the Environmental Protection Agency to develop and drive the programme — a draft programme was published by the agency in April 2004. The core prevention team is in the process of developing baseline studies as part of the initial phase of the programme. The five-year programme also envisages mandatory waste and material audits, waste prevention pilot schemes etc. The initial budget for the national waste prevention programme is €2 million.

A key component of the waste management system in Ireland has been the development of producer responsibility initiatives. I recently made regulations to further streamline the packaging waste regulations made in 2003. As I indicated when making the revised regulations, my Department is currently reviewing a number of policy aspects in relation to the operation of the packaging recycling regime currently in place. Excessive packaging is generated through a combination of poor packaging design, inefficient production or manufacturing processes and unsustainable consumption patterns, for example, by purchasing excessively packaged products. Taking action to prevent waste being generated in the first place is fundamental to the overriding objective of de-coupling economic growth from growth in waste arisings.

Despite the in-built incentive favouring waste prevention under the existing Repak scheme, greater efforts still need to be made by producers generally in reducing the amounts of unnecessary over-packaging of products placed on the market. Consumers also have a critical role in this regard by favouring products with less packaging. This message is being actively promoted in the *Race Against Waste* campaign.

My Department is currently developing regulations for further producer responsibility initiatives in relation to EU directives on waste electrical and electronic equipment and end-of-life vehicles; these directives are based on the promotion of waste prevention and minimisation objectives. Regulations implementing these will be made this year. Work is also under way in developing producer responsibility initiatives for waste tyres and for newsprint.

Recycling Facilities.

81. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the position regarding the proposed civic amenity centre for Drogheda, County Louth. [11150/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 49 of 30 September 2004 which sets out the background to the development of this facility.

I understand that Drogheda Borough Council has issued tenders for the construction works and is currently in the process of recommending the appointment of a contractor to commence work. My Department is awaiting receipt of a detailed breakdown of the revised costs. Upon receipt of this information further consideration will be given to the proposed project.

Planning Issues.

82. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the different roles and responsibilities of his Department and local authorities in regard to monitoring and enforcing the conditions of planning permission, building regulations and fire safety certificates; the number of personnel involved in enforcing the law in each case; if he has satisfied himself with the level of enforcement; if he has proposals for change in this area; and if he will make a statement on the matter. [11172/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The role of my Department in relation to local authorities is primarily to provide the policy, financial and legislative framework within which local authorities perform their functions.

The enforcement of planning control is more directly a matter for the planning authority, which can take action where a development requiring planning permission has not obtained this permission or where permission has not been complied with. The Planning and Development Act 2000 introduced a strengthened and simplified enforcement regime, with, among other things, greatly increased fines and a statutory obligation on planning authorities to take action in response to well-founded complaints about unauthorised development.

Data collected by my Department on local authority planning staff does not identify separ-

[Mr. Roche.] ately those engaged in enforcement. The enforcement provisions of the Planning and Development Act 2000 were commenced on 11 March 2002. While it is still early to establish its impact on the overall level of enforcement activity by planning authorities and while 2003 figures are not directly comparable to 2002 figures due to the changes in the legislative provisions, figures for 2003, the latest available, indicate an increase in the number of notices issued — 28% — and an increase in the number of notices complied with — 24% — and also an almost doubling in the number of convictions from 100 in 2002 to 196 in 2003.

The Building Control Act 1990 assigns primary responsibility for complying with the building regulations to the designers, builders and owners of the buildings involved. Under the 1990 Act, the role of local building control authorities is to monitor buildings for compliance with the building regulations and to institute enforcement action, where appropriate. The authorities are also empowered to issue and enforce fire safety certificates for the designs of non-domestic buildings and apartment blocks.

I propose to introduce a building control Bill before the end of 2005. The Bill will provide for, *inter alia*, strengthening of the enforcement powers of building control authorities. I understand that 41 building control officers are employed by building control authorities.

My Department and the City and County Managers Association have adopted a target of inspecting a representative sample of buildings — currently equivalent to at least 12% to 15% of buildings covered by valid commencement notices served on each building control authority. I understand that in the half-year ended 30 June 2004, the latest period for which complete data is available, all authorities were carrying out inspections and 30 — 81% — out of 37 authorities had reached the national target.

Waste Management.

83. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the nature of representations he has received on the proposed waste treatment plant in Waterford Port; and if he will make a statement on the matter. [11020/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I assume that the question refers to reports relating to a possible proposal by a private company to develop a solid waste treatment plant in Waterford Port on a commercial basis. Waste management facilities must comply with stringent planning and environmental standards and secure planning permission from the relevant local authority or An Bord Pleanála and environmental licensing from the Environmental Protection Agency.

I am advised that my Department received representations some time ago from individuals who

had concerns about the above possible development. My Department replied that it was legally precluded from becoming involved in the planning and EPA licensing processes.

House Prices.

84. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government the average increase in the price of a new house and a second hand house in Dublin and the rest of the country during 2004; the anticipated level of increase during 2005; and if he will make a statement on the matter. [11065/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Detailed information on house prices is set out in my Department's housing statistics bulletins, copies of which are available in the Oireachtas Library.

The rate of house price increase has generally declined in recent quarters and is now considerably lower than in the late 1990s. The figures for the third quarter of 2004 show this trend continuing with rates of increase well below those in 2003. Final statistics for the last quarter of 2004 are not yet available. My Department does not undertake forecasts of house prices. The consensus among market commentators appears to be that the trend of moderation in prices generally is likely to continue in the current year, even if variations in the overall trend occur in particular segments of the market from time to time. The likelihood of continued moderation is underpinned by the trend of housing output, with 2004 delivering the tenth year of record housing output and indications of a continued high level of output in 2005 and subsequent years.

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

Waste Management.

85. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government when his Department received the study prepared by the Health Research Board on the health implications of waste incineration; when he intends to publish his response to the study, which has been promised on a number of occasions; and if he will make a statement on the matter. [11073/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Health Research Board study on the effects of landfill and incineration was published in 2003. My Department, together with the Department of Health and Children and the Environmental Protection Agency, has been considering this report with a view to agreeing on a response to its findings. I accept that this process has taken longer

than originally anticipated, due primarily to the need also to consider a more recently published UK government report on a review of environmental and health effects of waste management.

Consideration of the issues has been concluded by the bodies concerned and an agreed draft response has been prepared, which I intend to publish shortly.

Nuclear Plants.

86. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government the discussions he has had with the British authorities in regard to the recent disclosure that 30 kg of plutonium are unaccounted for at the Sellafield nuclear plant; if he has sought an explanation from the British authorities as to the way in which this material could be mislaid; if steps are being taken to locate and secure the material; and if he will make a statement on the matter. [11057/05]

122. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the nature of assurances he received from British Nuclear Fuel Limited and the British Government regarding media reports of unaccounted plutonium at its facilities; and if he will make a statement on the matter. [11035/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 86 and 122 together.

On 17 February last, the United Kingdom Atomic Energy Authority, British Nuclear Fuels plc and Urenco (Capenhurst) Limited published details of the nuclear materials balance arising from the use of plutonium and/or uranium in their civil nuclear programmes during 2003 and 2004. Publication of these figures is a voluntary industry practice in the UK introduced in 1977 and repeated annually.

I have previously reported to the House on the improved co-operation and information exchange mechanisms put in place between the Irish and UK Governments on radiological matters arising from discussions under the terms of the UNCLOS provisional measures award. In accordance with these improved co-operation measures, I directed my officials to raise this matter with the UK authorities in order to establish the position regarding media reports to the effect that 30 kg of plutonium material had been “lost” or had “disappeared” at Sellafield.

Arising from these contacts with the UK Administration I understand that, in the figures published, some 30 kg of plutonium has been attributed as “Material Unaccounted For”. This term represents the difference between measured stock and the book account. I received assurances from the UK Government that the figures in this case related to a “book” discrepancy arising from measurement uncertainties and that there is no evidence to suggest that any of the apparent losses reported are real losses of nuclear material. It is not unusual for the accounting process to

indicate material unaccounted for and it can have a positive or negative value.

The figures published relate to 2003 and 2004 and have all been reported to EURATOM and the International Atomic Energy Agency under the UK’s various nuclear safeguards obligations. I understand that the figures returned are not the subject of further inquiry by these bodies and that they are all within international standards of expected measurement accuracies for closing a nuclear balance at the type of facility concerned.

The British Government does not believe the figures have any implications for the state of security at Sellafield. It has emphasised that nuclear materials are protected at all times and levels of security at nuclear sites are very high. All sites are required to comply with a security plan approved by the Office for Civil Nuclear Security and the measures taken exceed international requirements in this area. The Radiological Protection Institute of Ireland is currently reviewing the information available. Should high level action be indicated arising from their review of the information available on this matter, I will raise any matters arising directly with my ministerial counterparts in the UK.

On behalf of the Government, I will continue on a bilateral basis with the UK to articulate the concerns and protect the interests of Irish citizens in regard to nuclear reprocessing which gives rise to plutonium stocks and ensure these views are articulated consistently and cogently at relevant international fora such as the International Atomic Energy Agency and the European Union.

Waste Management.

87. **Mr. English** asked the Minister for the Environment, Heritage and Local Government his views on whether those companies categorised as self-compliers under the waste regulations are meeting their responsibilities to inform consumers that they are obliged to take back packaging waste; and if he will make a statement on the matter. [11037/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Waste Management (Packaging) Regulations 2003 as amended, which revised and replaced previous regulations made in 1997, are intended to facilitate the achievement by Ireland of the 50% packaging waste recovery target by end 2005 as set out in Directive 94/62/EC on packaging and packaging waste. These regulations provide the necessary legal framework to facilitate the recovery and recycling of packaging waste in Ireland.

All producers, including retailers, participating in the placing of packaging on the Irish market must segregate the packaging waste arising on their own premises into specified waste streams, that is, waste aluminium, fibreboard, glass, paper, plastic sheeting, steel and wood, and have it collected by authorised operators for recycling. In addition, major producers, that is, those who have an annual turnover in excess of €1 million and

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who place more than 25 tonnes of packaging on the Irish market, have additional responsibilities with regard to the recovery of packaging waste from their customers.

Under the 2003 packaging regulations, major producers have the option of either complying directly with their producer responsibility obligations, that is, self-compliance or, alternatively, getting an exemption from those requirements by becoming a member of a packaging waste compliance scheme. Repak Limited, established by Irish industry in 1997 to promote, co-ordinate and finance the collection and recovery of packaging waste with a view to achieving Ireland's packaging waste recovery and recycling targets under Directive 94/62/EC, is the sole approved compliance scheme for the recovery of packaging waste in Ireland.

Major producers, who opt to self-comply with the regulations, are required, *inter alia*, to accept from any person, free of charge, at each premises from which packaging, packaging materials or packaged products is supplied, packaging waste of a type or brand supplied by that major producer and adequate facilities must be provided by that major producer at each of the relevant premises for the acceptance, segregation and storage of such packaging waste from customers. A further obligation on self-compliers includes the placement of a sign at each entrance to each premises from which packaging, packaging materials or packaged products is supplied, informing the public that packaging waste of a type or brand supplied by that major producer will be accepted free of charge at that premises for the purposes of recovery.

I have recently made amending regulations to further streamline the existing 2003 packaging regulations. One of the principal changes under the new regulations is the introduction of a requirement on self-complying major producers to place notices in local newspapers at least twice a year — in the months of March and September — advertising their take-back facilities and their obligation to take-back, from members of the public, packaging waste free of charge of a type or brand supplied from their respective premises.

In addition, an obligation has also been introduced on local authorities to advertise lists at least once a year of major producers in their respective functional areas who are obliged to take-back packaging waste from members of the public. These new provisions will, together with the existing obligations for signage at each entrance to each premises, greatly enhance public awareness of the self-compliance take-back obligations with regard to packaging waste placed on the Irish market.

Question No. 88 answered with Question No. 72.

Planning Issues.

89. **Mr. Boyle** asked the Minister for the Envir-

onment, Heritage and Local Government when he expects to publish new guidelines for determining planning applications for the use of planning authorities to replace the 1981 regulations; and if he will make a statement on the matter. [11166/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department issued development control and advice guidelines in 1982 which contain advice and guidelines of a general nature in relation to the development control functions of planning authorities. These guidelines are currently under review and I expect to issue draft development management guidelines for public consultation by mid 2005.

Waste Management.

90. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government if his Department has now responded to the supplementary letter of formal notice from the European Commission expressing concern about the sufficiency of controls on the illegal movements of waste out of Ireland, which was to have been responded to by mid-January; the content of any such response; and if he will make a statement on the matter. [11088/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An additional letter of formal notice was received from the European Commission in relation to controls on irregular waste movements and illegal waste trafficking in Ireland. A formal response to this letter issued to the Commission on 18 February 2005 in order to meet the extended reply deadline of 18 February 2005.

It would not be appropriate to make a statement on this issue or to publish or generally make available copies of such correspondence with the European Commission, as it comprises material which could form the basis of pleadings in subsequent legal proceedings before the European Court of Justice.

Planning Issues.

91. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government when he expects to publish guidelines on one-off houses in the countryside; and if he will make a statement on the matter. [11161/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am pleased to advise the Deputy that earlier today I launched the finalised Guidelines for Planning Authorities on Sustainable Rural Housing. The guidelines constitute statutory ministerial planning guidelines under section 28 of the Planning and Development Act 2000, to which planning authorities and An Bord Pleanála are required to have regard in exercising their planning functions. Planning authorities are required to review and vary their development plans, where necessary, to ensure that their policies on rural settlement are

consistent with the policies set out in the guidelines.

A total of 105 submissions in relation to the draft guidelines were received by my Department from interested organisations and individuals. The submissions have been examined in detail by the Department and many of the suggestions for clarifying or improving the guidelines have been incorporated in the guidelines in their final statutory form.

Building Regulations.

92. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government his views on the disparity between the energy performance criteria for domestic heating installations in the UK, which now require in most cases that high performance condensing boilers are used, and the situation in this country in which lower energy performance criteria still appear to apply; and if he will make a statement on the matter. [11167/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand that Part L of the Building Regulations for England and Wales requires the installation of condensing boilers in new dwellings with gas fired heating systems from 1 April 2005, and with oil fired systems from 1 April 2007. When replacing a boiler in an existing house, the decision on whether to install a condensing or non-condensing boiler will depend on the outcome of a mandatory boiler assessment procedure.

In Ireland, the European Communities (Efficiency Requirements for New Hot Water Boilers Fired with Liquid or Gaseous Fuels) Regulations 1994 require that domestic boilers installed on or after 1 August 1994 meet minimum efficiency requirements laid down by EU Council Directive 92/42/EC of 21 May 1992.

The option of encouraging or requiring the installation of boilers to meet the equivalent UK standard is one of the issues being considered in the context of implementation of EU Directive 2002/91/EC of 16 December 2002 on the energy performance of buildings.

Decentralisation Programme.

93. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government the latest position in regard to the number of his Department's Dublin based staff who have applied through the central applications facility for decentralisation for the proposed new location for his Department at Kilkenny, New Ross, and Wexford; the grades of staff who have applied; and if he will make a statement on the matter. [11080/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is co-operating with the Department of Finance, the Decentralisation Implementation Group, DIG, and the Office of Public Works to ensure

the Government's decentralisation programme is implemented efficiently and effectively. In accordance with the Government decision on the first phase of moves under the programme, the transfer of my Department's headquarters to Wexford is included in the list of those organisations considered potential "early movers".

A total of 495 applications had been received at the central applications facility, CAF, priority cut-off date on 7 September in respect of the 661 posts to be decentralised from my Department's Dublin offices and which are fillable through the CAF. A total of 31 staff from my Department's Dublin offices have applied for decentralisation to the Department's proposed four locations in the south east — Wexford, Kilkenny, New Ross and Waterford. The grades and numbers involved are detailed in the following table. Some 139 staff of my Department have also applied for decentralisation to other Government Departments or agencies.

An implementation plan, which sets out the broad issues to be addressed in implementing the decentralisation programme for this Department, has been submitted to the DIG. My Department is in the process of drawing up a revised implementation plan dealing with issues arising in the context of the move to Wexford.

	Number
Principal Officer	3
Assistant Principal Officer	3
Higher Executive Officer	4
Administrative Officer	3
Executive Officer	5
Staff Officer	1
Clerical Officer	5
Accountant	1
Inspector	3
Senior Meteorological Officer	1
Archaeologist	1
Assistant Fire Adviser	1
Total	31

Environmental Policy.

94. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government the action he intends to take to ensure that Ireland meets its obligations to comply with EU law on environmental matters having regard to the announcement made by the Commission on 13 January 2005 that it has issued eight separate legal warnings over breaches of EU environmental law; and if he will make a statement on the matter. [11082/05]

105. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government the situation regarding eight infringement procedures being taken against Ireland by the European Commission regarding non-implementation

[Mr. Hayes.]
of environmental legislation; and if he will make a statement on the matter. [11039/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 94 and 105 together.

My Department maintains an intensive programme in relation to the transposition and implementation of EU environmental legislation. Some 200 pieces of EU environmental legislation, including more than 140 directives, have by now been transposed.

It is part of the role of the Commission to ensure that member states satisfactorily transpose EU legislation into their national laws and implement it effectively. To do this, the Commission raises issues in correspondence with member states and, if agreement is not reached on how to address the issue, may take a case to the European Court of Justice. My Department is in communication with the Commission on a range of issues at any given time and in addition meets regularly with Commission officials to identify how issues of alleged non-compliance can best be addressed. A high priority is given to addressing outstanding issues in consultation with the Commission and relevant stakeholders.

Correspondence from the Commission, which was the subject of their press release of 13 January last, is part of this ongoing process. Seven of the eight cases referred to are at the initial stages of the formal proceedings as set out in Article 226 of the Treaty. These cases refer to directives and regulations on waste, habitats, environmental impact assessment, urban waste water, protection of the ozone layer and emissions ceilings for certain atmospheric pollutants. The vast majority of issues are resolved without recourse to the court. However, the Commission's press release of 11 April 2005 indicates its intention to proceed to the court in the cases relating to waste and environmental impact assessment. In the eighth case, taken under Directive 91/676/EC on nitrates, the Commission has issued a letter under Article 228 of the treaty asking that the necessary measures be taken to comply with the judgment of the court. Communication with the Commission is ongoing in this case.

My Department, through the local authorities, the Environmental Protection Agency and the Office of Environmental Enforcement, continues to work towards maintaining a high level of environmental protection for Ireland.

Electronic Voting.

95. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the progress of his consideration of the First Report of the Commission on Electronic Voting which was published on 15 December 2004; the plans he has for the use of the electronic voting system; and if he will make a statement on the matter. [11077/05]

275. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if the electronic voting equipment can be adapted for other uses; and if he will make a statement on the matter. [11432/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 95 and 275 together.

I refer to the reply to Question No. 55 of 9 February 2005. I am giving full consideration to the views of the Commission as set out in its first report, and I will ensure that its analysis will inform and guide my Department's programme of further assessment, testing and validation of the system. I intend therefore that all of the Commission's recommendations for action should be appropriately addressed in the work ahead.

The timing of the further use of the system is dependent on the progress made with this programme of work and the dates on which future polls may be held. In these circumstances, the issue of alternative uses of the relevant equipment does not arise.

Environmental Policy.

96. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government if he will update the House on the work being carried out by his Department in relation to North-South co-operation on environmental issues. [11117/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department, together with the relevant Northern Ireland authorities, is continuing to take forward enhanced North-South co-operation and joint action in a range of areas including the following: work is continuing on the co-ordinated implementation of the EU water framework directive and in particular in relation to the development of common approaches for the typology, monitoring and classification systems to facilitate the reporting and monitoring required for the cross-Border river basins shared with Northern Ireland; my Department, together with the Department of Environment, Northern Ireland, is responsible for implementing the environmental protection and management measure of the EU INTERREG III A North South Programme 2000-2006. So far, 20 cross-Border projects, costing some €24 million, have been approved for part-funding under the programme. Of particular note is an ongoing project, costing an estimated €7.45million, the objective of which is to strengthen inter-regional capacity for environmental monitoring and management, improve public awareness and participation in water management issues and develop a number of river basin management strategies for cross-Border waters based on best practice in river basin management planning; the North-South Market Development Steering Group is continuing its work on the expansion of waste recycling on an all-island basis. Phase 1 of

a jointly funded study intended to determine the feasibility of establishing a paper mill on the island of Ireland has recently been completed and is currently being examined; authorities North and South are working together with a view to stamping out illegal movements of waste; an all-island initiative for the recycling of domestic fridges and freezers commenced in February 2004. The initiative was developed by the Environment Departments North and South, in co-operation with local authorities on both sides of the Border. The scheme involves the collection and recycling of waste fridges and freezers and the destruction of ozone depleting substances. The scheme has proved popular with members of the public as local authorities must ensure free access to civic amenity sites for the receipt of fridges and freezers from householders in order to qualify for funding from the Environment Fund. A total of 32 local authorities and 26 district councils are participating in the scheme. In November 2004 it was declared the winner of the UK National Recycling Awards in the category of Best Partnership Project for Recycling. Since the scheme commenced over 122,000 fridges and fridge freezers have been collected for recycling; work is continuing on developing opportunities for information exchange and raising environmental awareness in areas of common interest. The work includes the production or revision of a range of environmental literature, shared use of exhibition material, staff exchange and attendances at network meetings to facilitate communication and sharing of best practice; the Fire Services Cross Border Working Group, which functions within the North South ministerial health sector, is continuing to promote cross-Border fire services co-operation. The group assisted the National Safety Council to organise participation by Northern Ireland Fire Brigade in the National Safety Council's Fire Safety Week 2004 activities. This was the third year that this joint approach was taken. This initiative, first mooted at Fire Services Cross Border Working Group meetings, has been positively evaluated and it is intended that it will continue in 2005; my Department's National Parks and Wildlife Ser-

vice is involved in co-operation with the Environment and Heritage Service in Northern Ireland on the management of shared biodiversity resources, and specifically on developing a common approach to both threatened species and invasive alien species; and there is ongoing contact between my Department and the Department of Regional Development in the North for the purpose co-ordinating the implementation of the cross-Border aspects of the national spatial strategy and the regional development strategy for Northern Ireland.

Social and Affordable Housing Programmes.

97. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 162 of 9 February 2005 regarding the 10,000 housing target under Sustaining Progress, the number of houses in respect of which planning permission has been granted in regard to each local authority area listed; the number of houses which have begun to be constructed, and the number of housing completions; and if he will make a statement on the matter. [11062/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Having arranged for the provision of land sufficient to support the target figure of 10,000 potential units under the affordable housing initiative, the priority now is to ensure the earliest possible delivery of these housing units. While some time is necessarily required between a decision to build housing units and their being finally occupied, my Department is working closely with local authorities to ensure the earliest possible delivery of housing units. Some projects have commenced construction, the Harcourt Terrace site is being piloted as an alternative means of speeding up delivery of units. In addition, activity under the Part V arrangements, the affordable units of which are an important contributor to the 10,000 target figure, is now gathering momentum.

The information requested in relation to each county-local authority area is set out in the following table.

Affordable Housing Initiative Including Part V Affordable Units Breakdown by county of the housing units

County/Local Authority Area	Planning Permission Granted	Under Construction	Completions	Total Potential Housing Units
Clare	10	10	—	22
Cork				1,280
Cork City	26	26	—	710
Cork County	76	24	12	570
Dublin				3,920
Dublin City	359	239	34	1,540
Dún Laoghaire-Rathdown	87	84	3	270
Fingal	813	525	288	730
South Dublin	252	228	24	1,380
Galway				939
Galway City	2	2	—	54

County/Local Authority Area	Planning Permission Granted	Under Construction	Completions	Total Potential Housing Units
Galway County	20	15	5	885
Kerry	6	6	—	195
Kildare	48	38	10	700
Limerick City	—	—	—	50
Meath	37	26	11	450
Sligo	—	—	—	130
Waterford City	66	66	—	100
Wexford	—	—	—	60
Wicklow	63	50	13	50
Part V Affordable (other areas)	199	137	61	2,500
Total	2,064	1,476	462	10,396

Note

The potential yield from sites depends on site characteristics, housing mix, other facilities and sustainable development, that is, in terms of local development and in terms of meeting peoples' needs. The final number of units will therefore be determined through the planning process. In addition, greater activity under Part V may result in an increase to the projected total output. Completions are provisional pending receipt of final 2004 returns from local authorities.

Private Rented Accommodation.

98. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he will bring forward legislation in respect of the management of apartment complexes in the private sector including the community and voluntary sector. [11122/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I understand that apartment complex management companies are generally constituted as companies under the Companies Acts and required to comply with the provisions of company law, which is a matter for the Minister for Enterprise, Trade and Employment. The operation of such companies under their relevant memorandum and articles of association, including the employment of any property manager or management entity, is a matter for their members who are the owners of the properties in the developments to which they relate.

Arising from a commitment in An Agreed Programme for Government, a Law Reform Commission Working Group is currently examining the law in relation to management of apartment complexes and other multi-unit developments.

I understand that the Law Reform Commission has suggested to the Company Law Review Group certain modifications in the application of general company law requirements to management companies for multi-unit developments. These or any other proposals for legislative changes in this area arising from the Law Reform Commission Review would be a matter for consideration by the Government.

Waste Management.

99. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government his Department's policy in relation to the reduction of clinical waste; the changes he intends

to make; and if he will make a statement on the matter. [11046/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): National policy in regard to the management of hazardous waste, including hazardous clinical waste, is set out in the EPA national hazardous waste management plan which covers the period 2001-2006. The plan addresses the prevention and minimisation of hazardous waste, the recovery of hazardous waste, the collection and movement of hazardous waste and the disposal of such hazardous waste as cannot be prevented or recovered.

Earlier last year, my predecessor launched an ambitious national waste prevention programme aimed at delivering significant improvements in waste prevention and minimisation across all waste streams. This programme is being led by a core prevention team within the agency which will have the task of developing the programme in consultation with other stakeholders. A National Waste Prevention Committee was established to monitor the development of the programme and this committee has also taken over the co-ordination of actions to implement the national hazardous waste management plan.

Local Government Programme.

100. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government if he is considering amending the Local Government Act 2001 to allow for towns with a population of less than 7,500 to have their own elected town councils; and if he will make a statement on the matter. [11028/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Local Government Act 2001 was designed to modernise the legislative framework, support community involvement with local authorities in a more participative local democracy and underpin generally the programme of local government renewal, including the position of county and city councils

as the primary units of local government. The Act takes account of the recommendations of the 1996 Report of the Reorganisation Commission Towards Cohesive Local Government — Town and County regarding improved accessibility, interaction and linkages for non-local authority towns within county council areas.

The Reorganisation Commission's report noted the existence, due to historical circumstance, of town local authorities in a number of small towns. However, the commission's report stated that the existence of town authorities in small towns is not in itself a premise on which to base a case for the creation of new authorities in all or any other towns of that size. The Reorganisation Commission's report recommended that only towns with a population of 7,500 or over be eligible for consideration for the creation of a new town council, having concluded that the widespread creation of new town authorities was neither warranted nor feasible. In line with this, section 185 of the 2001 Act provides, *inter alia*, that qualified electors of a town having a population of at least 7,500 as ascertained at the last preceding census or such other figure as the Minister may from time to time prescribe by regulations and not having a town council may make a proposal for the establishment of such a council.

National Spatial Strategy.

101. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the progress made to date with regard to implementation of the national spatial strategy; and if he will make a statement on the matter. [11084/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Government has put a wide range of measures in place at national, regional and local levels to implement the national spatial strategy, NSS, and achieve its objectives over its 20 year timeframe.

The initial phases of NSS implementation focused on embedding the policy approach of the NSS within key Government Departments, their agencies and in regional and local authorities.

Significant milestones reached during this period included: the adoption by all regional authorities of regional planning guidelines, which set the strategic policy agenda for local authority development plans; substantial progress in national development plan capital investment programmes, endorsed by the NSS, to provide the critical catch-up infrastructure such as key road and rail links needed to support the achievement of more balanced regional development; the mid-term review of the national development plan, which signalled strongly the potential for further aligning NDP expenditure with the NSS planning framework, particularly in the environmental infrastructure and regional operational programmes; and planning implementation frameworks now put in place for the gateways of Cork, Galway, Limerick, Waterford and Sligo, with

work on similar frameworks advancing in other areas.

The proposals announced for substantial investment in new suburban rail services in the Cork area represent a significant example of a direct response from the Government to the strategic planning policies that have been put in place at local level.

Other practical examples of implementation progress include the requirement in agreements between the Department of Finance and other relevant Departments on multi-annual capital envelopes that Departments demonstrate how investments are being prioritised to implement the NSS; account is currently being taken of the NSS and regional planning guidelines in the preparation of a ten year investment plan for transport. The draft Dublin city development plan proposes a substantial increase in housing output in Dublin City to reduce urban sprawl and long-distance commuting and thus achieve one on the key objectives of the NSS. In Sligo, a series of private sector hotel, leisure, retail and commercial development totalling around €200 million in value have commenced since its designation as a gateway. The completion there of the inner relief road will provide further support for Sligo's development as a gateway.

Key priorities in implementing the NSS over the next 12 months will include: putting in place a monitoring framework to report on progress in implementing the NSS, with a special emphasis on up-to-date regional population and housing projections that take account of the latest CSO national population estimates of up to 5 million people by 2020; advancing a detailed study, in conjunction with key Departments, the development agencies and relevant local authorities, of the potential of the NSS gateways for accelerated development in housing, commercial and employment terms, including the identification of the key infrastructure priorities necessary to facilitate such development; intensifying efforts in co-ordinating activities in the areas of housing, environmental and water services infrastructure provision and local roads programmes in my own Department to support the objectives of the NSS; and building on bilateral links between my Department and other Departments and agencies in order to effectively link their strategic and longer term planning of investment to the priorities identified in the NSS and in regional planning guidelines.

Social and Affordable Housing Programmes.

102. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if he has completed his consideration of the NESC report published in December 2004, and the other recent reports which have a bearing on the housing sector; if it is his intention to bring forward proposals resulting from his consideration of these reports; and if he will make a statement on the matter. [11125/05]

106. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government the progress made by the Government in its consideration of the recent NESC report on housing; and if he will make a statement on the matter. [11058/05]

130. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if it is his intention to bring forward proposals to implement the recommendation in the recent NESC report on housing for the construction of the 73,000 units of social housing in net terms between 2005 and 2012. [11123/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 102, 106 and 130 together.

The Government is giving careful consideration to the findings of Report No. 112 of the National Economic and Social Council, Housing in Ireland: Performance and Policy, and other recent reports with a bearing on the issues arising.

The NESC report provides an important analysis of the Irish housing system and an agenda for the future development of policy. Importantly, the report recognises that the general thrust of existing policy is well directed. My Department is examining the issues raised in the report and is considering new measures that are desirable both in the short term and in the more medium term. These matters will be considered by Government shortly.

While this review of housing policies is timely, it will also be important to maintain a focus on delivery. The Government continues to support strong programmes of social and affordable housing, with investment of some €2 billion being made available for these purposes in 2005 to further increase the output of social and affordable housing. It is planned that the needs of in excess of 13,000 households will be met through various social and affordable housing measures in 2005. In addition, it is anticipated that a number of households currently in private rented accommodation will transfer to the new rental accommodation scheme now being introduced. These households will continue to be mainly accommodated within the private rented sector.

Five-year action plans developed by local authorities for social and affordable housing programmes will ensure that these resources are used to best effect to deliver the optimum level of quality housing in a manner which breaks cycles of disadvantage and dependency.

Local Authority Housing.

103. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government the number of households and individuals waiting to be housed by each local authority; and if he will make a statement on the matter. [11013/05]

151. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government if

his Department has prepared projections for the total numbers likely to seek local authority housing over the next ten years; and if he will make a statement on the matter. [11015/05]

154. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of local authority houses built and allocated by his Department through the various local authorities in each of the past three years, excluding housing provided by voluntary agencies or groups; the number of persons remaining on housing lists; when he expects, on the basis of the performance to date, to be in a position to meet the housing needs of all those remaining on local authority housing lists; and if he will make a statement on the matter. [11177/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 103, 151 and 154 together.

Statutory assessments of housing need are undertaken by local authorities every three years. The results of the last such assessment, which was undertaken by local authorities in March 2002, indicated that a total of 48,413 households were in need of housing. Detailed information on the results of the 2002 assessment was published in my Department's September 2002 quarterly edition of the Housing Statistics Bulletin, copies of which are available in the Oireachtas Library. The March 2005 statutory assessment of housing need has recently been undertaken by local authorities and they are now finalising the data from the assessment, which should be published in aggregated form later this year by my Department.

Total social housing provision for 2004, taking account of new local authority housing, vacancies arising in existing houses and output under other social housing measures, met the needs of nearly 13,000 households. In 2005, it is anticipated that the needs of in excess of 13,000 households will be met from the same measures. In addition, it is anticipated that a number of households currently in private rented accommodation will transfer to the new rental accommodation scheme now being introduced. These households will continue to be mainly accommodated within the private rented sector.

Question No. 104 answered with Question No. 64.

Question No. 105 answered with Question No. 94.

Question No. 106 answered with Question No. 102.

Social and Affordable Housing Programmes.

107. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government his views on the fact that only 809 affordable

housing units were built in 2004, less than 1% of total housing output; and if he will make a statement on the matter. [11038/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): While many housing units will also have been provided at affordable prices by the operation of the housing market around the country, some 2,000 units were provided through the various Government affordable housing schemes in 2004. I am satisfied, given current levels of activity on these schemes, that this figure will be exceeded in 2005.

Question No. 108 answered with Question No. 71.

Waste Management.

109. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the reason the Government has not yet submitted to the EU Commission the three year report on implementation of the EC landfill directive, Council Directive 1999/31/EC of April 1999, which was due in July 2004; when the report will be submitted; and if he will make a statement on the matter. [11078/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Article 15 of Council Directive 1999/31/EC on the landfill of waste requires member States to send reports to the Commission at intervals of three years on the implementation of the directive. The report is being finalised by my Department and will be forwarded to the Commission within the coming days.

This directive also requires member states of the European Union to achieve specified targets for the reduction of biodegradable municipal waste consigned to landfill. Under article 5 of the directive, member states are required to prepare and oversee the implementation of a national strategy on biodegradable waste and to notify the European Commission of this strategy. Each national strategy should set out measures to progressively divert biodegradable municipal waste away from landfill in accordance with agreed targets over a 15-year period.

In April 2004, Ireland's first draft national strategy on biodegradable waste, which was published for public consultation, set out a range of integrated measures designed to facilitate the achievement of these ambitious diversion targets. A copy of the draft strategy was submitted to the Commission. It is envisaged that the national strategy on biodegradable waste will be finalised and notified to the Commission before the autumn.

Quigley Report.

110. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the progress made with regard to implementation

of the recommendation made in the recent report of Mr. Dermot Quigley that his Department should review and consolidate its internal advice on all aspects of procurement; and if he will make a statement on the matter. [11060/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Substantial progress has been made by my Department in implementing the recommendation regarding procurement contained in the Quigley report. Procurement guidelines and practices in the Department have been reviewed and a set of consolidated guidelines has been made available to all staff. Revised procedures have been put in place to strengthen monitoring and control of procurement and intensive briefing and refresher training is being arranged for all staff engaged in procurement. Reference material on procurement has also been published on to the Department's Intranet and is readily available to all staff.

Additional resources are also being allocated to the Department's internal audit unit, and to its organisation unit which coordinates advice and monitoring in relation to the Department's procurement activities.

I am confident that these arrangements will enable my Department to achieve the improvement and consolidation of its procurement arrangements recommended by the Quigley Report.

Nuclear Plants.

111. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the latest position regarding the international legal action taken by this country with a view to securing the closure of the Sellafield nuclear reprocessing plant; and if he will make a statement on the matter. [11089/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 149 of 9 February 2005. The position is unchanged.

House Prices.

112. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the action the Government has taken to implement the recommendations of the All Party Oireachtas Committee's Ninth Progress Report on Building Land; and if he will make a statement on the matter. [11165/05]

140. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the action that has been taken or that he plans to take following the report of the All-Party Committee on the Constitution on the cost of building land; the specific measures that have been implemented arising from this report; and if he will make a statement on the matter. [11063/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 112 and 140 together.

The Government are giving careful consideration to the Ninth Progress Report of the All Party Oireachtas Committee on the Constitution, concerning private property, as well as Report No. 112 of the National, Economic and Social Council, Housing in Ireland: Performance and Policy, and a report by Goodbody Economic Consultants, within the context of their continuing commitment to meeting the broad range of housing needs. I intend shortly to bring proposals to Government in response to these reports.

End-of-Life Vehicles.

113. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the reason for the long delay in introducing regulations on end of life vehicles; the communications he has had with the EU Commission in regard to the proposed regulations; and if he will make a statement on the matter. [11083/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Enabling provisions to facilitate implementation of Directive 2000/53/EC on end of life vehicles, ELVs, were incorporated in the Protection of the Environment Act 2003. The delay in transposing and implementing the directive principally reflects difficulties in reaching agreement with the relevant sectors on the detailed mechanisms for the operation of the take-back arrangements required by the directive, including how such arrangements will be funded.

My Department has had correspondence and discussions with the European Commission in relation to various aspects on the transposition and implementation of the directive in Ireland. Legal proceedings were initiated against Ireland by the European Commission on the grounds that the directive was only partially transposed as the regulations on the detailed arrangements for implementation of the directive in Ireland had not been made. On 28 October 2004, the European Court of Justice made a judgment in this case and found that Ireland had failed to fulfil its obligations in relation to the full transposition of Directive 2000/53/EC on end of life vehicles.

I have had discussions with relevant sectors with a view to developing an effective and pragmatic approach to implement the directive in Ireland and I hope to announce my proposals shortly. I intend to make regulations later this year fully to transpose the directive's provisions and facilitate its implementation as soon as is possible.

Waste Disposal.

114. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if he will confirm that recent figures from the EPA show that builders are generating twice as much

waste as had previously been estimated; the implications of this for waste disposal policy; and if he will make a statement on the matter. [11074/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The preparation and publication of national waste statistics is a matter for the Environmental Protection Agency, EPA, and these statistics are published at three-yearly intervals by the agency. The most recent National Waste Database Report in respect of 2001 was published by the agency in 2003. I understand that the agency is currently compiling the database for 2004 which will include data in relation to the construction and demolition waste stream and will be finalised by end 2005.

In light of the significance of construction and demolition waste, the Government's policy statement, *Changing Our Ways*, September 1998, which provided a national policy framework for the adoption and implementation by local authorities of strategic waste management plans under which specific national objectives and targets would be achieved, set out specific targets for the recycling of construction and demolition waste of at least 50% of construction and demolition waste by end 2003 rising progressively to at least 85% by end 2013.

A national construction and demolition waste council was established by the construction industry in June 2002 as a voluntary producer responsibility initiative to facilitate the achievement of the national construction and demolition waste recycling targets. The council has recently launched its voluntary construction industry initiative which involves all key participants in the construction industry committing to a series of specific actions, which have the overall objective of increasing recycling rates for construction and demolition waste. The initiative aims to concentrate on the major waste fractions in the early years and establish the most suitable practices for Ireland through practical experience. It is envisaged that further steps will be initiated at a later stage to focus on the remaining elements of construction and demolition waste.

In tandem with the launch of the voluntary construction industry initiative, my Department announced new draft best practice guidelines on the preparation of waste management plans for construction and demolition projects for public consultation. The aim of the draft guidelines is to promote an integrated approach to construction and demolition waste management, throughout the duration of a project and to ensure the projects are designed to promote sustainable development, environmental protection and optimum use of resources. The guidelines introduce the concept of on-site construction and demolition waste management plans which would apply to projects above certain specified thresholds. It is my intention to finalise the draft guidelines shortly following a comprehensive evaluation of the submissions received from the

public consultation. The finalised guidelines will be submitted to the national construction and demolition waste council for their formal endorsement.

Waste Management.

115. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he will support the setting up of waste minimisation clubs to reduce waste; and if he will make a statement on the matter. [11047/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The small change programme for businesses was published in 2004, following consultation with key stakeholders which included IBEC, Repak, local authorities, Chamber of Commerce of Ireland, Enterprise Ireland and the Irish Waste Management Association. The programme forms part of the race against waste campaign which is funded by my Department.

The programme provides information and support to businesses on waste minimisation and recycling. It consists of a printed guide, an information service, a website, www.raceagainstwaste.ie, and seminars, generally hosted in partnership with the chambers of commerce. Between February 2004 and June 2005 over 30 such seminars will have taken place throughout Ireland. The seminars are well attended and provide practical help and advice directly to businesses on how best to minimise and recycle waste.

The small change programme encourages the setting up of waste clubs by smaller organisations in order to improve their waste management systems and negotiate better terms and services from local waste contractors. Race Against Waste, working with local chambers of commerce, has helped set up a number of waste minimisation clubs which have now been operating for almost a year. The experience gained will inform the drafting of guidelines, to be launched later in the year, to help establish and maintain additional waste minimisation clubs.

Recycling Policy.

116. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government the new initiatives he intends to take to encourage recycling; and if he will make a statement on the matter. [11044/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An effective basis for addressing our waste management responsibilities has been put in place through my Department's policy statements *Changing Our Ways*, September 1998, *Delivering Change*, March 2002, and *Taking Stock and Moving Forward*, April 2004, statutory waste management plans, largely prepared on a regional basis, and the comprehensive regulatory framework now in place under the Waste Management Acts 1996 to 2003.

The Government's approach is based on the internationally recognised hierarchy of waste management options which prioritises respectively waste prevention and minimisation, reuse, recycling and biological treatment, energy recovery and, finally, utilising landfill as the last resort for residual waste that cannot otherwise be recovered.

A range of measures designed to promote recycling are already in place and the available data shows that these are having a significant impact. These measures include the progressive roll-out of segregated household collection of dry recyclables, or kerbside green bin collection services, to over 560,000 households, or some 42% of all households in the State; the number of bring banks has doubled since 1998 and now stands at circa 1,700 and more are being provided on an ongoing basis; the number of civic amenity sites has nearly doubled, approximately 60 are currently in place and further recycling centres are at earlier stages of development; the mandatory obligation under the Waste Management (Packaging) Regulations 2003 on those placing packaging on the market to segregate specified packaging waste, for example, aluminium, fibreboard, glass, paper, plastic sheeting, steel and wood, arising on their premises and have it collected by authorised operators for recycling. It is widely accepted that this measure has contributed to a significant increase in the recycling rates for these materials in the commercial sector; the successful producer responsibility initiatives for packaging waste, farm plastics and construction and demolition wastes will be extended to other areas such as tyres, newsprint, end of life vehicles and electrical and electronic equipment; the development of markets for recyclable materials is to be taken forward under the aegis of a market development group which was established in July 2004; biodegradable municipal waste is now to be targeted for major improvements in recycling, and a national strategy on biodegradable waste to guide the efforts in this area will be finalised later this year; and the changeover to pay-by-use waste charging systems which commenced in January last will enable householders to reduce their waste charges by increasing their recycling rates thereby minimising the need for waste to be collected for disposal.

Significant progress has been made in raising recycling levels in Ireland in recent years. The latest figures available on municipal waste generation, recovery and disposal are contained in the National Waste Database Interim Report for 2003, published by the Environmental Protection Agency in December 2004, which reported that the recycling rate in the municipal waste stream has advanced to 28.4% in 2003, up from 20.7% in 2002. I envisage that further improvements in our recycling efforts will continue to be made as a result of the ongoing implementation of the local and regional waste management plans.

Social and Affordable Housing Programmes.

117. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government his views on the finding in the NESC report on housing that up to one-third of all new households formed in the period 2001-2006 will fall below the affordability threshold. [11119/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):

The estimate mentioned in the question, while referred to in the NESC report, does not arise from NESC but from a team of researchers assembled by four non-governmental organisations to study the first round of housing strategies prepared by local authorities. This study, entitled *An Analysis of Housing Strategies and Homeless Action Plans, 2002*, did estimate that approximately one-third of new households to be formed in the State between 2001 and 2005 would fall below affordability thresholds. However, the researchers also expressed some concerns, which are reiterated by NESC, about the accuracy of the calculations as they found wide variation in estimates of affordability across the different housing strategies, and reckoned that some over-estimation had occurred.

NESC suggested that the methodology in the housing strategies for estimating affordability problems and experience in using them will improve as authorities review and update their strategies. These strategies are an important tool in assessing overall housing demand. They inform decisions on the requirements for zoned and serviced land within development plans. The issue of those falling below affordable housing thresholds, has implications for local authorities' social and affordable housing programmes and the assessment of the contribution required from developers under part V of the Planning and Development Acts 2000-2004. In developing this approach, account has to be taken of the likely level of housing at affordable levels to be produced by the private market within the area of the plan.

Five-year action plans for social and affordable housing programmes have been developed by local authorities, at the request of my Department, in order to ensure that available resources are used to best effect in responding to the broad range of housing needs. Investment in housing in 2005 will be €2 billion, about double the level of spending in 2000. This will further increase the output of social and affordable housing. It is anticipated that the needs of in excess of 13,000 households will be met through various social and affordable housing measures in 2005. In addition, it is anticipated that a number of households currently in private rented accommodation will transfer to the new rental accommodation scheme now being introduced. These households will continue to be mainly accommodated within the private rented sector.

The Government are giving careful consideration to the broad range of issues raised by NESC and will consider whatever changes are required to better focus our efforts.

Environmental Policy.

118. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the action his Department is taking to meet the EU target of halting biodiversity loss by 2010; and if he will make a statement on the matter. [11052/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche):

The national biodiversity plan, which was adopted by Government and published in April 2002, sets out the framework necessary to provide for the conservation and sustainable use of biodiversity in Ireland over an initial five-year period. The plan details 91 actions aimed at halting biodiversity loss in Ireland. My Department has overall responsibility for its implementation.

The plan was developed having regard to the UN convention on biological diversity, to which Ireland has been a contracting party since 1996. The main target of that convention, as elaborated at its Sixth Conference of the Parties and subsequently endorsed by the World Summit on Sustainable Development in 2002, is to secure a significant reduction in the current rate of biodiversity loss by 2010. Critically, the plan was also developed having regard to the European Community biodiversity strategy and its four strategic action plans. Since the EU Gothenburg Summit in 2001, the EU has set a more ambitious target of halting the decline in biodiversity by 2010.

Key structures have been put in place in order to oversee and assist in the implementation of the national biodiversity plan in Ireland. An inter-departmental committee was set up and is currently being revitalised to drive forward the implementation of the plan. A national biodiversity research platform has been established which is assisting in prioritising the national biodiversity research agenda, as has a biodiversity forum to ensure involvement of all stakeholders in the implementation process. Moreover, arrangements are in progress for the establishment of a National Biological Records Centre under the aegis of the Heritage Council.

A key concept of the national biodiversity plan is the recognition of the importance of sectoral integration of biodiversity conservation. The plan makes it clear that the entire community, and not just Government Departments, local authorities and agencies, all share responsibility for halting biodiversity loss.

My Department is currently completing a review of progress in relation to all ninety one actions under the national biodiversity plan, with the assistance of a separate comprehensive analysis which has been submitted to me, at my request, by a sub-group of Comhar, the National

Sustainable Development Partnership. I expect to be in a position to submit this review to Government soon, after which it will be available to the Houses of the Oireachtas and to the public.

The most significant action which my Department has taken to assist in implementing the EU target has been the ongoing process of designation of special areas of conservation, SACs, and special protection areas, SPAs, for birds, which are areas of internationally significant scientific importance, as well as natural heritage areas, NHAs, which are areas of nationally significant scientific importance. To date, some 11.5% of the terrestrial area of the State has been or is proposed for designation under this process.

The plan also identifies the all-Ireland context as being of major importance. To this end, my Department works in co-operation with the Environment and Heritage Service in Northern Ireland on the management of shared biodiversity resources and, specifically, on developing a common approach to both threatened species and invasive alien species.

Moreover, personnel from the national parks and wildlife service of my Department engage actively at international and EU levels in the development of policies and initiatives aimed at combating biodiversity loss and meeting the 2010 target. In this regard, a major EU stakeholders' conference was held in May last year in Malahide, County Dublin, under our EU Presidency. Some 250 delegates and stakeholders from 25 member states and other European countries assembled to facilitate the completion of the review and audit of the EU biodiversity strategy. The very detailed message from Malahide, which was adopted at this conference, was an important step in allowing the European Commission to move towards drafting a communication on future EU priorities for biodiversity conservation and for meeting the 2010 target. It is expected that this process will be completed later this year.

Waste Management.

119. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the reason for delays in the implementation of the regional waste management plans; the action he intends to take in regard to speeding up the implementation of same; and if he will make a statement on the matter. [11164/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department's national overview of waste management plans, July 2004, identified significant progress in many areas in regard to the implementation of waste management plans by the relevant local authorities. However, it is acknowledged that further progress is also necessary if we are to achieve the objective of developing a fully integrated approach to waste management.

The local authorities concerned are now engaged in reviewing and updating the existing plans. I would hope that the adoption by local

authorities of the revised plans will place a renewed focus on implementation. In support of this, the authorities will be required to identify in their plans the key actions to be delivered each year and to prepare an annual progress report.

I am satisfied that implementation of waste management plans, which incorporate ambitious targets, is moving in the right direction as is evidenced by the latest EPA waste statistics, published in their 2003 interim report, which confirm the recent and rapid improvements in Ireland's recycling performance.

Regional Road Network.

120. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the funding that has been made available to enable a northern bypass non-national road to be constructed in Middleton; the further funding required to complete the bypass; his plans to make other such funding available; and if he will make a statement on the matter. [9539/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department approved grant assistance of €1,333,225 towards the cost of the Middleton northern relief road under the strategic non-national roads grants scheme in recent years. Details of payments to date and the allocation for 2005 are set out in the following table:

Year	Payment
	€
2002	36,794
2003	3,162
2004	19,360
2005	50,000 (allocation)

Further grants up to the approved limit will be allocated as the schemes progresses.

Question No. 121 answered with Question No. 73.

Question No. 122 answered with Question No. 86.

Environmental Policy.

123. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the changes made to the revised action plan on the nitrates directive due to be submitted to the European Commission; and if he will make a statement on the matter. [11055/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): On 22 December 2004, the European Commission indicated, by Letter of Formal Notice under Article 228 of the treaty, that the nitrates action programme submitted by Ireland on 22 October last did not comply with the requirements of the nitrates directive or the judgement issued against

[Mr. Roche.]

Ireland by the European Court of Justice on 11 March 2004. The Commission view is that the programme is inadequate and incomplete and needs to be strengthened in several respects.

Following consideration of the issues involved by Government a substantive response will be sent to the European Commission shortly.

Nuclear Plants.

124. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government the action which has been taken by him since assuming office in putting pressure on the UK Government to close the Wylfa nuclear plant on Anglesey Island in Wales; and if he will make a statement on the matter. [11168/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Since my appointment as Minister, I have availed of every opportunity to articulate and convey to the UK authorities at diplomatic and ministerial level the Government's continuing concerns regarding nuclear safety. These include our concerns about old Magnox reactors, such as those at the Wylfa nuclear power plant; we have consistently called for the early closure of these reactors. Those at Calder Hall and Chapel Cross have recently closed while the Wylfa plant, where safety concerns are less acute, is due to be decommissioned in 2010.

Ireland has also responded to various UK public consultation processes concerning the regulation of the UK nuclear industry covering such matters as the management of radioactive waste in the UK; a review of UK energy policy; and the UK strategy for discharges from nuclear installations. The Government has repeatedly contended in these responses that the risks and unresolved problems associated with the nuclear energy industry, when added to high research and capital costs, including decommissioning costs, as well as continued additional safety and security costs, mean that nuclear energy is not sustainable.

Planning Issues.

125. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government if he has been in contact with the Department of Transport regarding the placing of mobile phone transmitters in DART stations owned by CIE; his views on whether these transmitters should be subject to planning permission; and if he will make a statement on the matter. [11021/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There has been no contact between my Department and the Department of Transport regarding the matter raised in the question.

In July 1996 my Department issued guidelines for planning authorities on telecommunications antennae and support structures. The purpose of those guidelines was to assist planning auth-

orities, An Bord Pleanála, operators of mobile telecommunications services and the general public by providing guidance on dealing with telecommunications masts and base stations within the planning system. The guidelines advise that, in order to avoid unnecessary proliferation of masts, owners, that is, those controlling access to support structures and masts, would be expected facilitate co-location of antennae with other operators.

The exempted development regulations provide for the attachment, subject to conditions, of additional antennae to an existing antennae support structure and to existing public or commercial buildings other than education facilities, child care facilities or hospitals. The decision as to whether a particular development is exempt or requires planning permission is a matter for the planning authority or An Bord Pleanála, on appeal. Section 30 of the Planning and Development Act 2000 precludes the Minister for the Environment, Heritage and Local Government from exercising power or control in relation to any particular case with which a planning authority or An Bord Pleanála may be concerned.

Litter Pollution.

126. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government the reason he decided against a ban on ATM receipts; and if he will make a statement on the matter. [11036/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Following the success of the environmental levy on plastic bags, which was introduced in March 2002 and has resulted in a reduction in the dispensing of plastic shopping bags at retail outlets by over 90%, An Agreed Programme for Government contained a commitment to consider the extension of the levy on plastic bags to other materials which may be problematic from a waste management and-or litter perspective. The Litter Monitoring Body, which is co-ordinated by my Department, has published two reports to date in respect of the years 2002 and 2003 which provide valuable statistical data in relation to litter pollution in Ireland. In the light of the first Litter Monitoring Body report published in July 2003, in respect of the year 2002, my predecessor announced his intention to tackle the issue of litter caused by chewing gum, fast food packaging and automated teller machine, ATM, receipts, which were identified as significant elements of litter pollution.

A consultancy study was subsequently commissioned in September 2003 to carry out an analysis and recommend appropriate economic instruments, including environmental levies, that might be implemented as a means to tackle the litter problems caused by these items. The consultancy report was released for public consultation on 23 September 2004 and, with specific regard to ATM receipts, recommended that rather than apply a levy, a negotiated agreement

between my Department and the industry should be developed. The consultants recommended that this should involve the introduction of a standardised protocol by the banks and the adoption of improved litter controls at all outlets.

The negotiated approach would involve the establishment of specific targets and measures for litter reduction and may also require the banks to alter ATM programmes to require customers to confirm their request for ATM receipts. This confirmation should include advice on litter prevention. The consultancy study further recommended that failure of a negotiated agreement to meet agreed targets should, in the case of ATM receipts, result in the application of mandatory environmental levies to meet the clean-up costs associated with such litter, a 1 cent levy per ATM receipt generated, with a potential yield of circa €400,000 per annum, was proposed by the consultants.

On foot of a comprehensive examination of the various submissions made as part of the consultation process and having considered the recommendations of the consultancy report, I recently announced my decision to commence a process of negotiating agreements with the banking sector, fast food industry and chewing gum manufacturers. I am of the view that this approach will give all three sectors an important opportunity to propose positive and meaningful measures to minimise the impact of the items they produce in causing nuisance litter. In accordance with the consultants' recommendations, the application of mandatory levies will be back on my agenda, if any sector fails to propose effective measures, which will include an appropriate level of funding, to address the problems caused within an agreed timeframe.

Environmental Policy.

127. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government his views on the views expressed by the director of the National Museum regarding the proposed M3's route through the Tara/Skryne Valley; and if he will make a statement on the matter. [11027/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 57 on today's Order Paper.

Question No. 128 answered with Question No. 79.

Building Regulations.

129. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government his views on whether most new apartment developments comply with Part M of the building regulations; and if he will make a statement on the matter. [11174/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Half-yearly

statistics on enforcement of the building regulations, furnished by local building control authorities to my Department, do not give a breakdown by building type or for each of the 12 parts, A to M, of the regulations.

On the general issue of compliance with part M, I refer to the reply to Question No. 1080 of 12 April 2005.

Question No. 130 answered with Question No. 102.

Electronic Voting.

131. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government the total amount of public money spent to date on the storage of electronic voting equipment; if he is satisfied that appropriate guidelines are in place governing the allocation of contracts for the storage of such equipment; and if he will make a statement on the matter. [11079/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Information provided by returning officers to my Department indicates that the total annual storage cost of the electronic voting and ancillary equipment is some €658,000. Actual claims by returning officers are being processed by the Department of Finance for payment from the Central Fund. I am satisfied that the guidelines provided to returning officers in relation to the storage of electronic voting equipment were appropriate in the context of their statutory responsibility for running elections and referenda and their long-standing jurisdiction in such matters in their respective constituencies.

132. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government his views on the granting of an award to supply ancillary equipment for electronic voting to a person (details supplied); and if he will make a statement on the matter. [11031/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Office of Public Works conducted a number of open tender competitions for the supply of ancillary equipment for the electronic voting and counting system, including the contract referred to in the question, which was for the supply of voting machine transport trolleys. The contract was awarded to the lowest bidder.

Private Rented Accommodation.

133. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the number of landlords who had registered with the Private Residential Tenancies Board by the deadline of 1 December 2004; the number registered at the latest date for which figures are available; the way in which this compares with estimates of the number of landlords in the country; if there is a three month backlog for landlords

[Ms Lynch.] wishing to register; and if he will make a statement on the matter. [11068/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Private Residential Tenancies Board is an independent statutory body established by the Residential Tenancies Act 2004 and has statutory responsibility for the implementation of Part 7 of the Act dealing with the registration of tenancies. Requests for information relating to the matters raised in the question may appropriately be directed to the board at Canal House, Canal Road, Ranelagh, Dublin 6.

Local Authority Housing.

134. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government his views on whether the private sector has a role in the provision of local authority housing over the next ten years; and if he will make a statement on the matter. [11016/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): It is appropriate that the private sector should play a considerable role in the provision of social and affordable housing. Under Part V of the Planning and Development Acts 2000-02, private developers provide dwellings to local authorities for letting to households on their waiting lists. It is anticipated that in 2005 local authorities will acquire some 600 social housing units from private developers in this manner; this will be supplemented by affordable housing units provided under the same arrangements.

Private developers are also providing housing units to local authorities by way of turnkey developments under the local authority housing construction acquisition programme. It is expected that in 2005 some 500 units will be provided by way of turnkey developments.

In addition, my Department is actively promoting a number of public private partnership projects. The regeneration of Fatima Mansions by Dublin City Council, which is being undertaken as a PPP project, has already commenced construction. The city council is also developing PPP projects for the regeneration of the O'Devaney Gardens St. Bricin's area and St. Michael's Estate. The introduction of the new rental accommodation scheme will also extend the opportunities for private sector property owners to contribute to meeting the long-term housing needs of households currently in receipt of rent supplement payments.

Question No. 135 answered with Question No. 79.

Recycling Policy.

136. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government his views on whether the opening hours of

recycling centres are suitable for modern lifestyles and if more late night and weekend opening would be appropriate; and if he will make a statement on the matter. [11054/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The opening hours of local authority recycling facilities are an operational matter for those authorities. My Department is not involved in determining the operating conditions of such facilities, nor does it have detailed information on their opening hours. In the context of providing assistance towards the operating costs of recycling facilities, my Department encourages local authorities to consider the requirements of their customers and to ensure that, within available resources, they provide as flexible a service as possible at these facilities.

Waste Disposal.

137. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the continued deposition of untreated waste into landfill; and if he will make a statement on the matter. [11149/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): All landfills are now required to be licensed by the Environmental Protection Agency, and the types of waste which may be deposited in a landfill are determined by that licence. I am satisfied that in discharging its responsibilities, the agency operates to best international practice, including the need to comply with the requirements of the EU landfill directive.

Social and Affordable Housing Programmes.

138. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if he has examined and is satisfied with each of the five year action plans for social and affordable housing which have been developed by local authorities in the State; and if he will make a statement on the matter. [11121/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Action plans for local authority social and affordable housing measures for the period 2004-08 have been prepared by local authorities in consultation with my Department to provide a co-ordinated approach to all local authority housing measures in a strategic manner. The plans have been prepared on a county wide basis to incorporate town councils and separate plans have been prepared in respect of the five city councils. The current position is that the Department has indicated its broad approval and support in respect of 29 action plans. A further seven plans are being examined with a view to early agreement.

Ministerial Responsibilities.

139. **Ms Enright** asked the Minister for the

Environment, Heritage and Local Government his views on whether the abolition of Dúchas and the adoption of its duties by his Department have been a success; and if he will make a statement on the matter. [11029/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Dúchas was the title and brand name used by that division of the former Department of Arts, Heritage, Gaeltacht and the Islands which had responsibility for the State's built and natural heritage functions. Following changes in the functions of Government Departments in June 2002, my Department consulted with relevant stakeholders and examined arrangements for the discharge of the heritage function in other administrations to assist in identifying the most appropriate organisational arrangements for these functions in Ireland. In the light of the outcome of this process as set out in the report of the review of organisational arrangements in relation to the built and natural environment, the Government in April 2003 finalised arrangements in relation to heritage administration. My Department was given responsibility for policy and legislation in respect of the built heritage and for both policy, legislation and operational matters relating to the natural heritage. The Office of Public Works was assigned responsibility for operational and management functions in relation to the built heritage. The Dúchas brand was discontinued and my Department was re-titled as the Department of the Environment, Heritage and Local Government.

These organisational arrangements were designed to achieve the optimum use of the organisational resources available to the Government. They build on my Department's strengths in terms of experience of regulation and policy development, particularly in the environmental area, and the strong tradition of the Office of Public Works in the areas of conservation and property management of the State's property portfolio. The new arrangements have also created better integration and synergy between nature conservation and environmental protection policies and resources; and between arrangements for built heritage conservation and spatial planning. The relevant divisions in my Department have been reorganised on this basis. My Department is fully engaged with its new responsibilities in relation to heritage and I am confident that its commitment in this regard will be maintained.

Question No. 140 answered with Question No. 112.

Recycling Policy.

141. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government if he will establish a national recycling market centre to expand and develop more secure long-

term markets for recyclables; and if he will make a statement on the matter. [11048/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): One of the main barriers to improving and sustaining recycling performance is the lack of stable and economically attractive markets and outlets for recyclable materials and products manufactured from recycled products. The need for the establishment of a market development group, which would oversee the development of a market development programme, was outlined in the delivering change policy statement and the agreed programme for Government.

The market development group, established in July 2004, has an independent chairperson and comprises representatives from the Environmental Protection Agency, EPA, Enterprise Ireland, the National Standards Authority of Ireland, the Irish Business and Employers Federation, IBEC, the Irish Waste Management Association, the Small Firms Association, the Irish Small and Medium Enterprises Association, ISME, the City and County Managers' Association, the Clean Technology Centre, the Department of Enterprise, Trade and Employment and the Department of the Environment, Heritage and Local Government.

The programme, which the group is undertaking, will identify new applications and markets for recyclable material and secondary recycled products. The group has been asked to identify barriers to the use and marketing of recyclable material and to develop strategies to address these. The group will also play a key role in expanding North South co-operation on market development issues. The group intends to finalise a market development programme later this year.

Local Authority Housing.

142. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government if he has investigated the case of a €20 million housing scheme in Finglas, Dublin, that was not advertised in the European Journal; and if he will make a statement on the matter. [11025/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department is not involved in the financing or supervision of this scheme which, I understand, is being undertaken by the approved voluntary housing association under an agreement with Dublin City Council. Information relating to the procurement, management or progress of the scheme may appropriately be sought from Dublin City Council.

Environmental Policy.

143. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if his Department is involved in the policing of the plastic bag levy; if he has received reports of consumers not being charged 15 cent per bag; and if

[Mr. Kehoe.]
he will make a statement on the matter.
[11042/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Waste Management (Environmental Levy) (Plastic Bag) Regulations 2001 designate the Revenue Commissioners as the responsible authority for enforcing the collection of the plastic shopping bag levy. In addition, the regulations impose a supplementary requirement on retailers to pass on the full amount of the levy to customers, and this regulatory provision is being enforced by local authorities. The relevant enforcement officers have extensive powers to enter any retail premises, conduct any searches or investigations considered necessary and inspect or remove any records, books and documents for the purposes of any proceedings in relation to the levy.

My Department has had few complaints about non-compliance. However, I recognise the need to ensure that the efforts and commitment of the vast majority of retailers are not undermined by the non-compliance of a few. My Department wrote to local authorities in regard to the regulations and also met representatives of all local authorities to discuss enforcement and other aspects of the levy, prior to its introduction.

My Department subsequently issued a further detailed circular on enforcement to local authorities and also met local authority enforcement officers asking them to pay particular attention to the identification and follow up of any non-compliance with the law. All complaints received in my Department concerning non-compliance are forwarded to the relevant local authority and the Revenue Commissioners. The operation of the levy is also subject to the normal Revenue Commissioners auditing arrangements.

Consultancy Contracts.

144. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the cost of all work carried out for his Department by a person and company (details supplied); and if he will make a statement on the matter. [11026/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has paid fees for professional services totalling €321,625 including VAT to this company.

Waste Management.

145. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the lack of adequate recycling facilities and if he has proposals in this regard. [11115/05]

150. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to an increase in illegal dumping since the introduction of waste

charges; and if he will make a statement on the matter. [11030/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 145 and 150 together.

The determination of waste management charges is statutorily a matter for the relevant local authority in cases where it acts as the service provider. Where, as commonly occurs, a private operator acts as service provider then that operator will determine the charges. My Department has no function in relation to the setting of these charges.

It is Government policy that household waste collection services should be charged on the basis of usage to ensure a more complete application of the polluter pays principle. In accordance with that policy, as a matter of equity and in order to incentivise recycling, the pay-by-use method of waste charging was introduced nationally from January 2005. My Department is monitoring the operation of the various pay-by-use systems to ensure that public policy in this regard is being complied with.

I am aware of the possibility that increased waste management charges could encourage greater resort to illegal waste dumping. In relation to any such activity, whether prior or subsequent to the introduction of the pay-by-use system, the enforcement of the waste code is a matter for each individual local authority and the Office of Environmental Enforcement.

Very significant powers are available to local authorities under the Waste Management Act 1996 and the Litter Pollution Act 1997 to enable them to tackle illegal waste activity and littering and these powers were further strengthened by the Protection of the Environment Act 2003. Maximum penalties attaching to illegal waste activities were substantially increased in the 2003 Act.

To further assist local authorities in acting on these powers, over €7 million has been allocated from the Environment Fund to support a more vigorous approach to environmental enforcement, with a particular emphasis on combating dumping and other unauthorised waste activities. This is now being reflected in the presence of additional enforcement personnel on the ground. It is essential that there should be adequate powers and resources available to deal with those who would illegally dispose of their waste.

In relation to the delivery of recycling and recovery infrastructure, since 2002 over €50 million has been allocated nationally from the environment fund in capital grant assistance towards the provision of waste recycling and recovery facilities by local authorities. Recent reports from local authorities indicate that there is a total of approximately 1,800 bring banks, where varying materials are accepted, particularly glass, aluminium cans, paper and textiles. Reports also indicate that there are just under 60 civic amenity sites in operation nationwide. I expect to

announce a further significant tranche of capital grants towards the provision of waste recycling and recovery infrastructure in the coming weeks.

Departmental Programmes.

146. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government his views on the success of the PPP projects for which his Department has responsibility; and if he will make a statement on the matter. [11056/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): More than 100 PPP projects, with an estimated total capital cost of €2.1 billion, have been completed or are at various stages of progress in the local government sector. Dublin Bay wastewater and Cork, Limerick and Wexford main drainage projects are among the major projects which have been completed. Projects under way include a large number of water and wastewater projects which are being provided with funding from my Department on the basis of design, build and operate contracts; five waste sector projects where private finance will fund the capital cost of the infrastructure; two housing sector projects at Fatima Mansions and O'Devaney Gardens, Dublin where the private sector is delivering social and affordable housing in return for development rights on the remainder of these sites; two further housing sector projects which are being advanced under the affordable housing initiative at Jamestown Road and Infirmary Road, Dublin and eight projects in the local services sector which have emerged from local authority PPP seed fund. More than 70 further potential PPP projects are being investigated.

A second measure of success for my Department's PPP programme is the amount of private finance which is coming forward which, depending on the results of tendering processes still under way, is estimated to fall within a range of €550 million to €700 million. This relates to projects in the housing, waste and local services sectors, including projects such as Dublin thermal treatment waste to energy and the Fatima Mansions and O'Devaney Gardens housing redevelopments. Both the progress illustrated above across a diverse range of projects, together with the significant level of private financing being harnessed, indicate that my Department's PPP programme is performing effectively.

Homeless Persons.

147. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the number of move-on accommodation units for homeless persons and those at risk of homelessness in the State; and if he will make a statement on the matter. [11040/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The number of transitional and

move-on accommodation units funded under section 10 of the Housing Act 1988 in various local authority areas in 2004 was 568. This does not include social housing units provided directly by local authorities or voluntary bodies or units sourced in the private sector by resettlement services, the housing access unit operated by Threshold on behalf of the homeless agency or specialist units in other Departments. A breakdown of these categories is not readily available in my Department. Renewed focus is now being placed on the provision of move-on and permanent accommodation together with the supports necessary to enable homeless persons to move into independent living. I am confident that we will see a significant increase in assistance to homeless persons under these headings in 2005.

Funding available from my Department for recoupment to local authorities of costs incurred in the provision of accommodation and related services for homeless persons in 2005 is €51 million. This brings to €236 million the total funding available from my Department for this purpose since the implementation of the integrated strategy in 2000.

Departmental Programmes.

148. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if a decision has been made not to proceed with plans for the establishment of a national fire authority, a recommendation originally made in the report of the Stardust inquiry; if his attention has been drawn to the concern expressed by the Chief Fire Officers Association at the decision; and if he will make a statement on the matter. [11085/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): On 17 February 2005 I announced a fire services change programme in which I set out a strategy for the future development of the fire service. This strategy includes measures addressing the development of community fire safety programmes, the development of a risk based approach to the determination of fire cover standards, the introduction of a competency-based approach to recruitment, retention and career progression in the fire service and the enhancement of health, safety and welfare programmes within the fire service.

My priority under the change programme is not to pursue further institutional change at this time but to use the available resources to bring about direct improvements in these key areas identified in the report Review of Fire Safety and Fire Services in Ireland. All of the key stakeholder groups in the fire service are participating positively in the change programme and I am confident that this approach can take us forward and achieve real progress in modernising the fire service.

EU Directives.

149. **Mr. Rabbitte** asked the Minister for the

[Mr. Rabbitte.]

Environment, Heritage and Local Government if he has completed his consideration of European Court of First Instance decision to rule against Ireland for failure to protect human health through properly controlling waste dumps; the steps he is taking to ensure Ireland will in future comply with the European Commission's waste disposal directive; and if he will make a statement on the matter. [11081/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The opinion of the Advocate General is still under consideration but until the judgment of the European Court of Justice is given, scheduled for 26 April 2005, it would not be appropriate to comment on this matter. If the Court of Justice finds that a member state has failed to fulfil an obligation under the European treaty the state concerned is required to take the necessary measures to comply with the judgment.

Question No. 150 answered with Question No. 145.

Question No. 151 answered with Question No. 103.

Planning and Development.

152. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government his views on the recent report on civic and social life in suburbs presented at NUI Maynooth on 1 April 2005; the lessons that can be learned from it by his Department; and if he will make a statement on the matter. [11049/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have asked for a copy of the relevant symposium papers to be sent to my Department so that its findings can be taken into account in the ongoing development of planning policies.

The issues in the greater Dublin area relating to long distance commuter driven developments and people's quality of life require national, regional and local solutions. Implementation of the national spatial strategy will move Ireland towards a national level solution in terms of promoting critical mass in the regions to drive more balanced regional development and reducing the unbalanced development that drives urban sprawl and long distance commuting. A more integrated approach to planning, housing supply, transport and other infrastructure provision in the greater Dublin area is the other key dimension.

The policy and legislative framework for a more strategically focused planning system has been greatly enhanced. The national spatial strategy is Government policy, and the planning legislation has been substantially overhauled under the Planning and Development Act 2000 to provide, *inter alia*, for an interlocking hierarchy of plans ranging from the national spatial

strategy, to regional planning guidelines, development plans and local area plans.

The national spatial strategy and regional planning guidelines require the full support of the local authorities in their development plans. My Department will continue to work closely with regional and local authorities to ensure that development plans reflect the aims and policies of the national spatial strategy and regional planning guidelines.

Waste Management.

153. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he intends to increase the penalties for illegal dumping of waste; and if he will make a statement on the matter. [11023/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under section 32(1) of the Waste Management Act 1996 persons holding, transporting, recovering or disposing of waste cannot do so in a manner which causes or is likely to cause environmental pollution. Similarly, under the Litter Pollution Act 1997 persons are forbidden from depositing litter in a public place or anywhere that is visible from a public place. In addition, the owner or occupier of any lands has a statutory duty to keep the lands litter free. While enforcement is a matter for the local authorities and the Office of Environmental Enforcement, I will continue to ensure that the regulatory framework and the resources are appropriate to deal with the problem.

Very significant powers are available to local authorities to enable them to tackle illegal waste activity and littering, and these powers were further strengthened by the Protection of the Environment Act 2003. These include powers to halt vehicles and inspect premises. Maximum penalties attaching to illegal waste activities are substantial and were increased in the 2003 Act, with fines of up to €3000 and or a sentence of up to 12 months on summary conviction, with penalties for convictions on indictment increased to up to €15 million and or a sentence of up to ten years.

A major study has been commissioned by the Office of Environmental Enforcement to establish and document the extent of unauthorised waste activities in Ireland. Among the objectives of the project are to review and document current procedures and practices used by the relevant authorities to investigate unauthorised waste activities, as well as the use of powers available to tackle unauthorised activities. I will carefully consider the results of this study to identify any further actions or indeed legislative changes that may be necessary in consequence of its findings.

Question No. 154 answered with Question No. 103.

Water and Sewerage Schemes.

155. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve the contract documents for the provision of a sewerage scheme in Lecarrow, County Roscommon; and if he will make a statement on the matter. [11275/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Lecarrow was one of six locations included in a wider pilot programme undertaken by the national rural water monitoring committee to identify and test under Irish conditions innovative, cost effective solutions to the provision of wastewater collection and treatment systems in small towns and villages, based on low cost emerging technologies and the potential role for group sewerage schemes in extending domestic wastewater services to households outside the immediate catchments of the new sewage collection networks being provided under the programme.

My Department's examination of the tender report for the pilot programme submitted by Meath County Council, acting as procurement authority for the participating local authorities, has established that only two of the five short-listed contractors submitted valid tenders, that the tender values did not accord with the low-cost concept that was a fundamental element of the pilot programme and that the solutions offered did not provide the degree of innovation envisaged in the context of potential new approaches to wastewater collection and treatment for smaller agglomerations.

In light of the outcome of the tender process, but without prejudice to the wider pilot programme, my Department has conveyed approval to the five participating local authorities to withdraw from the grouped procurement arrangements under the pilot programme and for each authority to immediately proceed to individually invite tenders for the provision of stand-alone wastewater facilities at each of the locations involved, including Lecarrow, by conventional procurement, with a view to construction commencing later this year.

EU Directives.

156. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government when he intends to implement the EU directive on the energy performance of buildings; the progress which has been made in making the necessary regulations or preparing legislation; the correspondence he has had with the EU Commission on possible derogation from the directive; and if he will make a statement on the matter. [11276/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Energy Performance of Buildings Directive (2002/91/EC), EPBD, was adopted on 16

December 2002. EU member states must legally transpose the EPBD by 4 January 2006. I plan to include the principal transposition provisions in the proposed Building Control Bill 2005, which is due to be published in the autumn. This primary legislation will be supplemented by regulations under the European Communities Act 1972; and building regulations under the Building Control Act 1990.

Article 15 of the EPBD allows for deferment, up to 4 January 2009, for the practical implementation of the following more complex provisions: Article 7, mandatory energy performance rating or "labelling" of newly constructed buildings and of existing buildings when existing buildings are sold or let; Article 8, improvement of the energy efficiency of boilers; and Article 9, mandatory inspection of air conditioning systems.

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

Sustainable Energy Ireland, SEI, submitted a revised draft of the action plan, on behalf of the interdepartmental working group, for my approval in mid February 2005. I intend to shortly approve the publication of the draft action plan by SEI, for public and industry comment. At that stage, I will have a copy of the draft placed in the Oireachtas Library. Any deferment of implementation of Articles 7, 8 and 9 of the EPBD must be justified, in writing, to the EU Commission. Any submission by my Department to the Commission would be made when the implementation time scale is finalised following completion of the public consultation process on the draft action plan.

Average Industrial Wage.

157. **Mr. Morgan** asked the Taoiseach the percentage increase in the average industrial wage since 1997. [11288/05]

Minister of State at the Department of the Taoiseach (Mr. Kitt): Between 1997 and 2004 average weekly earnings for industrial workers increased by 51%. Average earnings per hour increased by 55% while average hours worked per week decreased by 2%. Estimates of weekly and hourly earnings for industrial workers for the years 1997-2004 are given in the following table. The category "industrial workers" includes operatives, maintenance workers, storekeepers, packers, cleaners, basic supervisory staff and apprentices working in the manufacturing, mining and electricity sectors, Nace 1-4. Estimates for 2004 are preliminary, as published in the industrial earnings and hours worked release published on 15 March 2005.

Industrial Workers, NACE 1-4

	Average earnings per hour (€)	Annual change	Average earnings per week (€)	Annual change	Average hours worked per week
	€	%	€	%	
1997	9.06		371.51		41.0
1998	9.53	5.2	387.56	4.3	40.7
1999	10.05	5.5	409.28	5.6	40.7
2000	10.66	6.1	436.20	6.6	40.9
2001	11.76	10.3	470.96	8.0	40.1
2002	12.68	7.8	501.51	6.5	39.5
2003	13.37	5.4	535.74	6.8	40.0
2004	14.05	5.1	561.70	4.8	40.0
% change 1997-2004		55.1		51.2	-2.4%

Health Services.

158. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the need to repair and refurbish the Estuary Centre, Lissenhall, Swords, County Dublin and her proposals to improve the working conditions of the trainees and staff at the centre. [11291/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for mental health services. Accordingly, my Department has requested the chief officer of the Health Service Executive's eastern regional area to investigate the matters raised and to reply directly to the Deputy.

Hospital Accommodation.

159. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the reason her Department has not yet sanctioned the funding for 19 additional beds in Wexford General Hospital; and if she will make a statement on the matter. [11292/05]

160. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if her Department will consider utilising the facilities under proper medical supervision at Ely Hospital, Wexford town to address the chronic overcrowding at Wexford General Hospital; and if she will make a statement on the matter. [11293/05]

161. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if her Department has sanctioned the funding for 19 additional beds in Wexford General Hospital; and if she will make a statement on the matter. [11294/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 159 to 161, inclusive, together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for progressing the health capital programme for hospitals. The detailed capital funding programme for hospitals for 2005 is currently being finalised in the context of the Capital Investment Framework 2005-09. This process is expected to be concluded in the near future and the HSE will then be in a position to progress its capital programme, in line with overall funding resources available in 2005 and beyond. In relation to utilising facilities in Ely Hospital my Department has requested the chief officer for the executive's south eastern area to reply directly to the Deputy in relation to this matter.

Health Services.

162. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if orthodontic treatment will be arranged for a person (details supplied) in County Carlow; the reason for the delay to date and if she will expedite a decision. [11295/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for orthodontic services. Accordingly, my Department has requested the chief officer for the executive's south eastern area to investigate the matter raised and to reply directly to the Deputy.

Housing Aid for the Elderly.

163. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will expedite approval for an application under the

special housing aid for the elderly scheme in the name of persons (details supplied) in County Kilkenny. [11296/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of the housing aid scheme for the elderly in Kilkenny, on behalf of the Department of the Environment, Heritage and Local Government. 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.

Cancer Incidence.

164. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if further research will be made into the high rates of cancer in Drogheda, County Louth; and if she will make a statement on the matter. [11322/05]

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 north eastern area to investigate the matters raised and to reply directly to the Deputy.

Medical Cards.

165. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children further to Question No. 135 of 22 March 2005, if she is satisfied that her Department was not involved in the development of the proposal to introduce the over 70s medical card before the decision on its introduction was announced in the Budget; and if she will make a statement on the matter. [11323/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Government decision to extend automatic medical card eligibility to all persons aged 70 years and over, with effect from 1 July 2001, was announced on budget day in December 2000. The measure was subsequently unanimously approved by the House.

My Department did not prepare an estimate of the cost of the initiative, but supplied such data as was readily available to it in early December 2000, to the Department of Finance to assist that Department in determining the likely cost in 2001.

166. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when a medical card will be renewed for a person (details supplied) in County Limerick. [11324/05]

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 mid-western area to investigate the matter raised and to reply directly to the Deputy.

Mental Health Services.

167. **Mr. Neville** asked the Tánaiste and Minister for Health and Children further to Question No. 178 of 8 February 2005, if the chief executive officer of the Mid-Western Health Board has referred the document to her Department; and if she will make a statement on the matter. [11325/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for mental health services in the executive's mid-western area. As the review document referred to by the Deputy was not submitted to my Department, I have no comment to make on the matter.

Hospital Staff.

168. **Mr. N. O'Keeffe** asked the Tánaiste and Minister for Health and Children if she will investigate the appointment of a consultant haematologist with an interest in child haematology to the Mercy University Hospital in Cork; and if the necessary arrangements will be made to have such an appointment put in place as soon as possible. [11326/05]

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 and the replacement and recruitment of consultant staff. Accordingly, my Department has requested the chief officer for the executive's southern area to investigate the matter raised and to reply directly to the Deputy.

Hospital Services.

169. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the details of the funding made available by her Department to the Blackrock Hospice, Blackrock, County Dublin; and if she will make a statement on the matter. [11327/05]

170. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the facilities that are in place at the Blackrock Hospice, Blackrock, County Dublin; the facilities and services that are not being utilised or made available; and if she will make a statement on the matter. [11328/05]

171. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the reason the full potential and facilities in place at the Blackrock Hospice, Blackrock, County Dublin have not been utilised or made available; and if she will make a statement on the matter. [11329/05]

172. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the action she will take to ensure that the Blackrock Hospice, Blackrock, County Dublin becomes fully operational; and if she will make a statement on the matter. [11330/05]

173. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if she has given consideration to the fact that, if adequate funding was made available to the Blackrock Hospice, Blackrock, County Dublin, the additional bed numbers and additional services would immediately free up beds in acute hospitals; and if she will make a statement on the matter. [11331/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 169 to 173, inclusive, together.

The further expansion of palliative care facilities is one of the specific actions included in the ten point plan to improve the delivery of accident and emergency services. I understand that the Health Service Executive, eastern region, has had discussions with Blackrock Hospice with a view to commissioning additional palliative care beds.

The executive now has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Accordingly, my Department has asked the chief officer for the executive's eastern region to reply directly to the Deputy on the issues raised.

174. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called to St. Luke's Hospital to begin treatment. [11333/05]

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 Mayo, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

Health Services.

175. **Mr. O'Shea** asked the Minister of State at the Department of Health and Children if funding will be provided for persons (details supplied) in County Waterford; and if he will make a statement on the matter. [11334/05]

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. This includes responsibility for protection and welfare services for children and adolescents under 18 years. Accordingly, my Department has requested Mr. Peter Finnegan, chief officer, Health Service Executive south eastern area, Lacken, Dublin Road, Kilkenny to investigate the matter raised and to reply directly to the Deputy.

Health Service Staff.

176. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children when it is envisaged that the Health Service Executive's midland area will pay psychiatric nurses employed in the Longford and Westmeath catchment area monies that are due to them; and if she will make a statement on the matter. [11371/05]

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 pay to psychiatric nurses. Accordingly, my Department has requested the chief officer for the executive's midland area to investigate the matter raised and reply directly to the Deputy.

Hospital Services.

177. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the reason for the transfer of the elderly medicine and rehabilitation wards from outlying units to the main building of Connolly Hospital, Blanchardstown; if she will confirm that funding has been made available for this project; and if she will make a statement on the matter. [11372/05]

178. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the circumstances surrounding the commissioning of Phase

II of the Blanchardstown Hospital development; if funding has been made available for the project; and if she will make a statement on the matter. [11373/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 177 and 178 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 hospital services at Connolly Hospital, Blanchardstown. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to examine the issues raised and reply to the Deputy directly.

Nursing Home Subventions.

179. **Ms Enright** asked the Tánaiste and Minister for Health and Children if a person who was not in receipt of an old age contributory or non-contributory pension is entitled to subvention or to a place in a Health Service Executive nursing home; and if she will make a statement on the matter. [11423/05]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy will be aware, the Health (Nursing Homes) Act 1990 and the Nursing Homes Regulations 1993 provide for the payment of subvention for private nursing home care for applicants who qualify on both medical and means grounds.

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 or 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 twelve months. Income from all sources is taken into account, including wages, salary, pension, allowances, payments for part-time and seasonal work, income from rentals and investments and savings. Income is assessed net of PRSI, income tax and the health contribution. 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.

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, the placement of a person would be in the first instance the responsibility of the Health Service Executive.

Organ Retention.

180. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children if she has studied the report of the Dunne inquiry; if she intends to publish the report; and if she will make a statement on the matter. [11470/05]

Tánaiste and Minister for Health and Children (Ms Harney): I received the report of the post mortem inquiry into paediatric hospitals on 31 March 2005. The report is currently being examined by my Department in consultation with the Office of the Attorney General.

Hospital Building Programme.

181. **Mr. Deasy** asked the Minister of State at the Department of Health and Children the progress that has been made on the proposed redevelopment of St. Vincent's Hospital, Dungarvan, County Waterford; and if he will make a statement on the matter. [11471/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act the executive has the responsibility to manage and deliver or arrange to be delivered on its behalf health and personal social services. As part of the executive's responsibility to prepare and submit an annual service plan for my approval, it is obliged under section 31 of the Act to indicate any capital plans proposed by the executive. In this process the executive can be expected to have regard to the full range of potential capital developments, its own criteria in determining priorities, available resources and any other relevant factors. The Health Service Executive's national capital plan is being examined by my Department.

Health Action Plan.

182. **Mr. Penrose** asked the Minister of State at the Department of Health and Children the work which has been carried out to date by the project team appointed to undertake an option appraisal for a health infrastructure in Athlone, County Westmeath; the action being taken by his Department to pursue the options in this regard; and if he will make a statement on the matter. [11472/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The position on the proposed health infrastructure development in Athlone is that an option appraisal has been completed. My Department subsequently conveyed approval last September to the Midland Health

[Mr. S. Power.]

Board to undertake a development control plan, DCP, for one of the sites in question at Clonbrusk. The process for the appointment of a design team for the DCP has commenced.

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 progressing the proposed capital development at Athlone. In the circumstances my Department has asked the chief executive of the Health Service Executive's midland area to investigate the matter raised and reply direct to the Deputy.

Hospital Services.

183. **Ms O'Sullivan** asked the Minister of State at the Department of Health and Children if he will implement the recommendations of the Wolfe report on St. Joseph's Foundation, Charleville, County Cork in order that it can continue to provide its full range of services; and if he will make a statement on the matter. [11490/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act the executive has the responsibility to manage and deliver or arrange to be delivered on its behalf health and personal social services. This includes responsibility for the provision of funding. Accordingly, my Department has requested the chief officer of the executive's southern area to investigate the matter raised and to reply directly to the Deputy.

Garda Stations.

184. **Mr. Deenihan** asked the Minister of State at the Department of Finance the position regarding the provision of a new Garda station at Castleisland, County Kerry; and if he will make a statement on the matter. [11342/05]

Minister of State at the Department of Finance (Mr. Parlon): The Department of Justice, Equality and Law Reform have confirmed the suitability of a proposed site for a Garda station in Castleisland, County Kerry and a valuation report on the site is being prepared by the Office of Public Works. Negotiations with the owner of the site will commence when the report has been completed. The Commissioners of Public Works hope to be in a position to make an offer to purchase the site in the near future.

Architectural Heritage.

185. **Mr. Durkan** asked the Minister of State at the Department of Finance if he has received information from agencies regarding the con-

dition of Connolly's Folly, Maynooth, County Kildare and the obvious need for action to preserve and restore the monument; and if he will make a statement on the matter. [11448/05]

Minister of State at the Department of Finance (Mr. Parlon): There is no change in the position regarding the preservation of the folly. I am not aware of any information received from agencies intimated by the Deputy.

Flood Relief.

186. **Mr. Durkan** asked the Minister of State at the Department of Finance if he has had discussions with Kildare County Council or other agencies with a view to improving the drainage or alleviating the risk of flooding at the Allenwood areas of County Kildare; if an integrated drainage programme is anticipated; and if he will make a statement on the matter. [11454/05]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works carried out drainage works at Allenwood in 2003 as agents for Kildare County Council. There are no proposals to carry out further works.

Tax Code.

187. **Mr. Timmins** asked the Minister for Finance the position with regard to the case of persons (details supplied) in County Wicklow; if their case will be examined with a view to allowing them the full tax credits and the home-caring spouse credit; and if he will make a statement on the matter. [11309/05]

Minister for Finance (Mr. Cowen): The position is that the carer's allowance being paid to the taxpayer's spouse is a taxable payment in common with most other social welfare payments. In the case raised by the Deputy the payment is being taxed through a curtailment of the taxpayer's tax credits and standard rate band.

I am advised by the Revenue Commissioners that a PAYE balancing statement granting the home carer tax credit for the year 2004 will issue shortly to the taxpayer. A certificate of tax credits issued on 29 March 2005 granting a PAYE tax credit to the taxpayer relating to his spouse's Social Welfare income. All credits due to the taxpayer have now been granted.

The Revenue Commissioners wrote to the taxpayer on 11 April requesting an estimate of his 2005 income to establish if the granting of a home carer tax credit is more beneficial than an increased rate band. On receipt of a reply any adjustments will be made.

Water Sports Vehicles.

188. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the position on proposals to assist local authorities in adopting regulations on the operation

of jet skis within their jurisdiction in which such controls are required; and if he will make a statement on the matter. [11355/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The maritime safety directorate and law division of the Department are currently working to bring forward an updated Maritime Safety Bill which takes account of amendments arising from the passage of the Bill through the Seanad Second Stage.

The Bill provides powers for local authorities to regulate the operation of jet skis and other mechanically propelled sport and leisure craft in their areas. It also increases penalties and includes provision for on-the-spot fines.

Alternative Energy Projects.

189. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his policy to promote the production of bio-diesel and other alternative fuels; and if he will make a statement on the matter. [11456/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In March 2004, my Department secured an amendment to the Finance Act 1999, which provides for the introduction of a pilot scheme for excise tax relief for biofuels. The European Commission has now given State aid clearance for the scheme. The pilot scheme will be publicly advertised very shortly and interested parties will be invited to apply for excise relief, through a competitive “call for proposals” process.

Biodiesel, along with other types of biofuels, are addressed in the EU biofuels directive. This directive sets indicative targets for the market penetration of biofuels in member states.

An interdepartmental group has been set up, chaired by my Department, to consider policy options for the development of a biofuels sector. As part of the group’s ongoing work, a liquid biofuels strategy study was published by Sustainable Energy Ireland, SEI, in December 2004. This report provides comprehensive details on the potential for the development of a biofuels market in Ireland and options to stimulate the market.

In relation to other alternative fuels, Sustainable Energy Ireland was established under the Sustainable Energy Act 2002 to promote and assist in the sustainable production, supply and use of energy in support of Government policy. A number of SEI research, development and demonstration programmes are currently in operation across all sectors of the economy addressing these strategic objectives.

Telecommunications Services.

190. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources

the discussions that have taken place in regard to the finding of a new anchor tenant for the Digital Hub; and if he will make a statement on the matter. [11457/05]

193. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if action has been taken to replace the anchor tenant at the Digital Hub; if the expenditure to date on the previous incumbent is recoupable; and if he will make a statement on the matter. [11460/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 190 and 193 together.

A consultation on the development of a new digital research entity in the Digital Hub was recently undertaken on behalf of my Department. The consultation focussed on a number of topics, including research type; research area; preferred management approach; partnership requirement; preferred tender process; level of institutional interest in the project; fit with existing academic priorities and plans; funding issues; definition of intellectual property model; and preferred approach to governance.

This consultation proposed that the new entity would undertake research in the general area of digital media, but that there would be greater focus on sustainable research and a more directive approach to research in a new business model. It also recommended better links to Irish universities, effective management and improved corporate governance, in accordance with general guidelines for State bodies. Based on the outcome of the consultation process, the Government will consider decisions regarding the shape of a new research entity and how an organisation or consortium to manage the facility could be selected.

Financing provided to Media Lab Europe by the Government was in line with contractual commitments entered into by the Government. While current expenditure allocations are not recoverable, the Government retains full ownership of the building in which the former facility was situated. It is my intention to make accommodation in this building available to the new entity, including the surplus of equipment, fixtures and fittings following the wind-up of the former tenant.

191. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if availability of broadband here is comparable to its availability in other European jurisdictions; if his attention has been drawn to the need to accelerate the programme in order to protect the economy; and if he will make a statement on the matter. [11458/05]

192. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if the provision of broadband to date is in accord

[Mr. Durkan.] with the revised projections of his Department; when he expects provision to be made available throughout the country; and if he will make a statement on the matter. [11459/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 191 and 192 together.

The provision of telecommunications, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, as regulated by the Commission for Communications Regulation, ComReg. The number of broadband customers is increasing rapidly and now stands at more than 140,000. For comparison, the January 2004 figure was 35,000.

The rate of uptake is dependent on access by the service providers to suitable infrastructure. However, the level of investment by the sector in high-speed broadband infrastructure has failed to keep pace with the demand for broadband. Therefore, my Department's regional broadband programme is addressing the infrastructure deficit, in co-operation with the local and regional authorities, by building high-speed open access metropolitan area networks, MANs, in 120 towns and cities nationwide using ERDF and Government funding under the National Development Plan 2000-2006.

The MANs programme is being rolled out on a phased basis and the 19 networks completed to date have come in on time and within budget. Work is under way on seven MANs and construction of a further 82 will commence during the next 12 months. Full details of the regional broadband programme can be found on my Department's website www.dcmnr.gov.ie.

For smaller towns and rural communities, my Department offers grant-aid of up to 55% of set-up costs to enable local groups to become self-sufficient in broadband, using the most suitable technology for their area. Under the broadband for schools project, every one of the 4,200 primary and post primary schools in the country will be provided with broadband by the end of this year.

According to the ComReg website, www.comreg.ie, there are over 45 different broadband offerings across a variety of technologies, including DSL, fibre, cable, leased lines and satellite technology. In essence, there are broadband technologies that can deliver broadband to any broadband consumer in Ireland. I have set the industry a target of 500,000 broadband customers by the end of 2006. The Government's broadband target is to be within the top half of EU countries by the end of 2007. That means a market penetration of around 14% of the overall population, which I believe is within reach.

Question No. 193 answered with Question No. 190.

Northern Ireland Issues.

194. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his views on the Northern Ireland Office's decision to downgrade the chief commissioner of the Equality Commission to a part-time post; and if he has raised this matter with the British Government. [11476/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Government's primary concern is to ensure that the new chief commissioner of the Equality Commission of Northern Ireland, who is expected to take office on 1 August 2005, has the required leadership, strategic and representational skills to chair one of the important institutions of the Good Friday Agreement. The quality and calibre of the prospective appointee will, therefore, be crucially important. In that regard, it is worth noting that the recent five-year review of the Equality Commission concluded that "the ability and competence of the post-holder should be considered to be of more importance than the issue of full-time or part-time tenure".

There have been preliminary discussions with the British Government on the matter. The British side has indicated that the post of chief commissioner has hitherto been full-time on account of the need to successfully amalgamate the four separate equality bodies that predated the Equality Commission of Northern Ireland. In its judgment, the post is now suitable to be exercised on a part-time basis. At the same time, the intention is that the precise time commitment of the new chief commissioner will be negotiated with the successful candidate.

Within the framework of the British-Irish Intergovernmental Conference, the Government expects to have further discussions with the British Government before the conclusion of the appointment process for a new chief commissioner.

Overseas Development Aid.

195. **Mr. Howlin** asked the Minister for Foreign Affairs if a new target date has been set by which Ireland's contribution to overseas aid will reach the 0.7% of GDP target; if his Department has set out a programme of interim annual increases to achieve this target within a specific timeframe; if he will consider the enactment of legislation in the current Dáil session to underpin Ireland's commitment to the 0.7% target in view of the Government's decision not to allocate 0.7% of GDP to overseas aid by 2007; and if he will make a statement on the matter. [11362/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The allocation for 2005 provides for an increase of €70 million in Government spending on official development assistance

this year. This will bring total Government aid to the developing world to approximately €545 million in 2005, the highest allocation in the 30-year history of the aid programme. In addition, the Government has agreed to provide further increases of €65 million in each of the years 2006 and 2007.

These substantial increases mean that over the three years from 2005 to 2007, €1.8 billion will be spent by Ireland on development assistance. As a result, Ireland will maintain its position as one of the world's leading aid donors on a per capita basis. This three-year multi-annual commitment, incorporating substantial annual increases, gives the Department a sound basis to carry forward the long-term planning which is so important for development work.

The Government remains strongly committed to achieving the UN target for expenditure on ODA. The issue of how best to meet the target, and in what timeframe, is under ongoing review. In this regard, and as I have stated previously, it is not intended that the commitment should be enshrined in legislation. The Department has recently launched a consultative process that will lead to a White Paper on development assistance and we look forward to receiving views from all interested groups and members of the public, including on the aid target dimension.

Human Rights Issues.

196. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if the Government will fulfil its duty to safeguard the rights of Irish citizens throughout the world and take urgent action to secure the release of persons (details supplied). [11482/05]

Minister for Foreign Affairs (Mr. D. Ahern): As the Deputy is aware, my Department has provided all appropriate consular assistance to the three men concerned. The position is that they each received sentences and fines as part of the decision made on appeal by the Columbian courts on 16 December 2004. However, I understand the legal process is not yet exhausted and that the defence is entitled to a further appeal to the Columbian Supreme Court. My Department will continue to monitor this case. However, I have no knowledge of the present location of the three men.

Northern Ireland Issues.

197. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the representations he has made to the British Government regarding the Inquiries Bill and its ongoing attempts to hide the truth regarding collusion in the killing of Pat Finucane. [11483/05]

Minister for Foreign Affairs (Mr. D. Ahern): As the Deputy is aware, the Government has been actively engaged on the issue of the Inquir-

ies Bill since it was first published and has been in regular contact with the British authorities at both political and official levels. The Government has also stayed in close contact with the Finucane family.

I raised the matter most recently with the Secretary of State for Northern Ireland at the meeting of the British-Irish Intergovernmental Conference in Dublin on 2 February last. The Taoiseach has likewise raised his concerns about the implications of the legislation directly with Prime Minister Blair, and has recently met again the Finucane family and its legal representatives. He also raised the case in his recent discussions with President Bush over the St. Patrick's Day period.

The Government is deeply disappointed that, despite its serious concerns and those of others, including Judge Cory and Lord Saville, the Bill was enacted on 7 April. The House can be assured that the Finucane family will continue to receive the full support of the Government in their pursuit of a full public inquiry that is compliant with the Weston Park agreement and the key requirements set out in the Cory report.

198. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his representations to the British Government over the PSNI's continuing use of plastic bullets and the recent vote of the policing board to introduce a new plastic bullet; his views on whether plastic bullets are lethal devices; and his further views on the demand that they be removed from use. [11484/05]

Minister for Foreign Affairs (Mr. D. Ahern): In ongoing discussions with the British Government through the framework of the British-Irish Intergovernmental Conference, the Government has consistently argued for the implementation of Patten recommendations 69 and 70 on finding an acceptable, effective and less potentially lethal alternative to plastic baton rounds. The Government will continue to support the search for alternative policing approaches to the management of public order situations.

The policing board agreed to proceed with the deployment of the attenuated energy projectile, pending further research, on the basis of its increased safety and the fact that this brings the PSNI into line with police services in Scotland, England and Wales under guidelines established by the Association of Chiefs of Police. The SDLP dissented, and also pointed out that PBRs have not been fired in Northern Ireland for well over two years.

On the more positive side, there has also been a welcome overhaul in the approach to public order situations in Northern Ireland in recent times. For example, other options are now available to the PSNI, such as the use of water cannons. This has been brought about because of the new policing structures, in which the SDLP plays

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a key part, and has been reinforced both by a revision of the guidelines and training for use of plastic bullets and by the introduction of a reporting arrangement whereby each firing of a plastic bullet must be referred to the Police Ombudsman for investigation.

Sports Capital Programme.

199. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the position regarding an application for funding for a group (details supplied) in County Louth; and if he will make a statement on the matter. [11283/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme, which is administered by the Department, allocates funding to sporting and community organisations at local, regional and national levels throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on 5 December and 6 December last. The closing date for receipt of applications was 4 February 2005. All applications received before the deadline, including one from the organisation in question, are 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.

200. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the position regarding an application for funding for a group (details supplied) in County Louth; and if he will make a statement on the matter. [11353/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports

capital programme, which is administered by the Department, allocates funding to sporting and community organisations at local, regional and national levels throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on 5 December and 6 December last. The closing date for receipt of applications was 4 February 2005. All applications received before the deadline, including one from the organisation in question, are 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.

Job Creation.

201. **Mr. O'Dowd** asked the Minister for Enterprise, Trade and Employment the number of jobs created in County Louth in Drogheda, Dundalk and Ardee since 2000; and if he will make a statement on the matter. [11350/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Under the Industrial Development Acts, support for job creation and investment on a regional or local basis comes within the remit of the industrial development agencies. IDA Ireland is actively marketing individual areas as locations for additional foreign direct investment, while Enterprise Ireland is concentrating on the development of indigenous industries. The 35 city and county enterprise boards, CEBs, have responsibility for the micro-enterprise sector.

Employment statistics are maintained on a county basis and the tabular statement shows the numbers of new jobs created in County Louth by each of the agencies for each of the years 2000 to 2004.

Number of new jobs created by each of the development agencies in County Louth in each of the years 2000 to 2004.

Year	Enterprise Ireland	Louth County Enterprise Board	IDA Ireland
2000	243	57	1,012
2001	535	92	155
2002	265	26	179
2003	239	52	39
2004	554	117	101

202. **Mr. O'Dowd** asked the Minister for Enterprise, Trade and Employment the capital expenditure by the job creating agencies in job creation for County Louth; the individual funding for each year since 2000 for Drogheda, Dundalk and Ardee; and if he will make a statement on the matter. [11351/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Under the Industrial

Development Acts, support for job creation and investment on a regional or local basis comes within the remit of the industrial development agencies. IDA Ireland is actively marketing individual areas as a location for additional foreign direct investment, while Enterprise Ireland is concentrating on the development of indigenous industries. The 35 city and county enterprise boards, CEBs, have responsibility for the micro-enterprise sector.

The tabular statement sets out the total capital expenditure of each of the three agencies in

respect of County Louth for each of the years 2000 to 2004.

Total investment by each of the development agencies in County Louth in each of the years 2000 to 2004.

Year	Enterprise Ireland	Louth County Enterprise Board	IDA Ireland (property-related capital projects)
	€	€	€
2000	1,665,919	195,935	26,237,357
2001	3,135,792	308,228	357,606
2002	1,407,491	275,360	3,358,047
2003	1,276,173	178,898	3,985,787
2004	1,194,956	299,767	3,026,565

Maximum Price Orders.

203. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment if he will introduce a freeze on the price of alcohol at retail level until at least 2006; and if he will make a statement on the matter. [11359/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The policy on prices followed by this Government and by most Governments since price controls were abandoned in the 1980s is that prices should be set by competition in the marketplace.

While a maximum prices order was made under the Prices Act in July 2000 to freeze the price of certain drinks sold in pubs, hotels and restaurants, the order lapsed after six months as its impact on prices was not particularly significant. I would not consider it appropriate, therefore, to make an order to freeze the price of drinks at this stage. The Retail Price (Beverage in Licensed Premises) Display Order 1999, which requires the display of a price list of a selection of the most popular drinks immediately outside or inside each entry to a licensed premises, enables consumers to know the prices being charged before they enter a particular premises so they can take their custom elsewhere if they believe those prices to be unreasonably high. There is some evidence from recent media reports that consumer power may be having a far greater effect on drink prices than maximum price orders ever did.

Work Permits.

204. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment the procedures whereby the spouses of non-nationals can secure work permits, in circumstances in which their spouses have already been legally working here for many years. [11486/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): On 18 February 2004 the Tánaiste announced the introduction of a new initiative to facilitate easier access to the Irish labour market by spouses of certain skilled non-EEA nationals working in Ireland.

These new measures are confined to the spouses of persons working here on working visas

or work authorisations, to spouses of certain intra-company transferees and spouses of certain academics and researchers. In cases where some medical professionals are still working on work permits these will be dealt with on a case by case basis.

It is not intended generally that the spouses of persons on work permits would benefit from these new arrangements. The spouses of persons in respect of whom work permits have been issued are eligible to seek employment and have prospective employers apply for a work permit in the same way as for all non-EEA workers. However, where the immigration authorities have granted a spouse visa to permit family reunifications, such visas are granted on the condition that the spouse does not work. In such cases, my Department is precluded from considering work permit applications in respect of that spouse.

Detailed guidelines on how to apply for work permits as well as the eligibility criteria and procedures relating to the new spouses scheme are available on my Department’s website at www.entemp.ie.

Social Welfare Benefits.

205. **Dr. Upton** asked the Minister for Social and Family Affairs if he will extend the back to school clothing and footwear allowance to include the orphan’s payment as a qualifying payment. [11300/05]

Minister for Social and Family Affairs (Mr. Brennan): The back to school clothing and footwear allowance scheme assists persons in receipt of certain payments when children start school each autumn.

The scheme operates from the beginning of June to the end of September each year and is administered on my behalf by the Health Service Executive. In 2004, 70,577 applications were approved under the scheme which benefited some 152,400 children at a cost of €17.028 million. The allocation for 2005 is €18 million.

While there are no immediate plans to extend the allowance to recipients of other payments, such as orphan’s pension and allowances, I intend to keep this area under regular review for consideration in a budgetary context.

206. **Mr. Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo is not in receipt of the free television licence. [11336/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned was awarded the household benefits package, including the free lifetime television licence, and An Post was informed accordingly.

The address on the An Post database for the person concerned did not match the address forwarded by my Department and the licence issued to the address held by An Post. My Department has contacted An Post which has amended its records and a free lifetime television licence will issue as soon as possible to the correct address.

Social Welfare Settlements.

207. **Mr. Deasy** asked the Minister for Social and Family Affairs if the terms of a settlement reached with a person (details supplied) will be extended to other Waterford dockers who found themselves in a similar position; and if he will make a statement on the matter. [11488/05]

Minister for Social and Family Affairs (Mr. Brennan): The position in this instance is that an out of court settlement was reached in the case of one Waterford docker without any implication of liability on behalf of my Department. The settlement applied to the person concerned alone and does not apply in the case of other dockers.

Motor Cycle Facilities.

208. **Mr. Bruton** asked the Minister for Transport if he will consider extending the use of bus lanes to include motor cyclists; if comparative studies of the accident rate involving motor cyclists have been undertaken and if these will be reduced by permitting the use by motorcycles of bus lanes. [11305/05]

Minister for Transport (Mr. Cullen): The use of bus lanes is provided for in the Road Traffic (Traffic and Parking) Regulations 1997 and 1998. The primary purpose of bus lanes is to facilitate and promote bus-based public transport. The regulations, which have national application, generally limit the use of bus lanes to buses and, in the case of with-flow bus lanes, to cyclists also. Having regard to the role of taxis in providing on-street immediate hire service, an exemption to the restriction on the use of with-flow bus lanes is allowed in respect of taxis when they are being used in the course of business.

An overriding concern is the carrying capacity of bus lanes and the potential that their primary role to provide bus priority could be undermined if other vehicles are allowed access. I do not have any plans to extend access to bus lanes to motor cyclists.

Public Transport.

209. **Ms O. Mitchell** asked the Minister for

Transport the number of buses in the Dublin Bus fleet; and if he will make a statement on the matter. [11343/05]

Minister for Transport (Mr. Cullen): Bus Átha Cliath has informed me that at the beginning of 2005, the company's fleet comprised 1,062 buses.

210. **Ms O. Mitchell** asked the Minister for Transport the number of routes operated by Dublin Bus; and if he will make a statement on the matter. [11344/05]

Minister for Transport (Mr. Cullen): Bus Átha Cliath has informed me that the company operates 207 distinct bus routes.

Taxi Hardship Panel.

211. **Ms O. Mitchell** asked the Minister for Transport if he will respond to calls for a review of the taxi hardship scheme. [11346/05]

Minister for Transport (Mr. Cullen): The taxi hardship payments scheme is based on the recommendations and parameters set out in the taxi hardship panel report, as approved by Government. Payments under the scheme do not represent compensation but rather compassionate payments in respect of extreme personal financial hardship. The taxi hardship payments scheme is being administered by Area Development Management Limited, ADM, on behalf of my Department and the process is nearing completion.

I have no proposals to make payments over and above those recommended by the taxi hardship panel nor are there any proposals to reopen either the terms of the taxi hardship panel report or the Government's decision in relation to it.

Driving Tests.

212. **Ms Enright** asked the Minister for Transport the reason a driving Artic test route in Tullamore has been suspended; when this route will be restored; and if he will make a statement on the matter. [11411/05]

Minister for Transport (Mr. Cullen): My Department had to suspend the testing of drivers of articulated vehicles in Tullamore as access to an area where reversing manoeuvres were carried out was no longer available. These manoeuvres must be carried out at a safe location and it had not been possible to identify a suitable location. An alternative location has now been identified where the manoeuvres can be undertaken and driving tests will resume shortly in this licence category at the Tullamore test centre.

However, in order to implement changes to the test in this licence category, in the immediate future, it will be necessary to secure off-road compounds so that certain manoeuvres can be carried out safely. My Department is in discussions with the Office of Public Works in order to secure a suitable off-road compound in Tullamore.

Misuse of Drugs.

213. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on the work of the British-Irish Council on the misuse of drugs which is being led by the Government; the Irish representatives involved; and the progress made in developing a framework for future co-operation in the areas of demand reduction and supply reduction. [11475/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy may be aware, the British-Irish Council was established under the Strand Three Provisions of the Good Friday Agreement as a forum to promote the harmonious and mutually beneficial development of relationships among the peoples of these islands for its members to exchange information, discuss, consult and co-operate on matters of mutual interest within the competence of relevant member administrations.

At the first British-Irish Council Summit meeting in December 1999, it was agreed that the Irish Government would take responsibility for advancing work in regard to the problems of misuse of drugs. At the BIC Summit in Dublin on 30 November 2001, members agreed elements for a framework for future BIC co-operation in this regard focusing on the two key areas of demand reduction, incorporating prevention and treatment, and supply reduction, incorporating law enforcement. The drugs strategy unit of my Department has the lead in this regard, with input and representation from other Departments and agencies as appropriate.

In this context, members have organised conferences and seminars on a range of topics including targeting the proceeds of drugs trafficking, the diversion of young people at risk of drug misuse, opportunities for training and employment to recovering drug misusers, drugs awareness campaigns, emerging trends and treatment modalities in drug misuse and business support for anti-drugs strategies. Ministers have also met on three occasions to review work and agree future priorities.

In the current year, a number of themed meetings are being held with members leading on a range of topics. To date, one such meeting has taken place on the topic of drug-related deaths which Wales hosted in Cardiff. Two more meetings are planned for the coming months on the topics of children of substance misusing parents in Scotland and formal and informal education work with young people in Guernsey. In addition, Ministers will meet in July to review this work and discuss future activities in this area.

The Government remains committed to the work of the British-Irish Council as part of the institutional framework of the Good Friday Agreement. It provides a unique opportunity to work together, in a practical manner, to examine the complex issues of drug misuse and further

enhance co-operation between members. Ireland is very pleased to continue to be the lead administration in this important work.

Rural Social Scheme.

214. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if there is an allowance for a dependant child in third level education for a person (details supplied) in County Mayo participating on the rural social scheme; and if he will make a statement on the matter. [11332/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The rural social scheme was introduced in 2004 to provide directly improved rural services and at the same time securing an income and employment support for farmers and fishermen who can no longer make a viable living on the land from such work.

The rates of payment for those transferring from farm assist, unemployment assistance and unemployment benefit, if previously on community employment, are the same as that for community employment. If a participant's current social welfare payment includes a reduced rate for an adult dependant, then participants will be paid that equivalent on the rural social scheme. Similarly, if the payment includes an increase in respect of a child dependant, then a participant will be paid that equivalent.

The person concerned was in receipt of unemployment benefit from the Department of Social and Family Affairs in respect of himself, an adult dependant and two child dependants. My Department has recently confirmed that the person concerned did not have an entitlement to payment in respect of a child attending full-time third level education. A person in receipt of unemployment benefit does not receive a child dependant increase for children over 18 in full-time education unless s/he has exhausted 156 days of their benefit. The person concerned had exhausted just 60 days of his unemployment benefit payment.

Appointments to State Boards.

215. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs if adequate representation will be provided for the people of Tourmakeady by the use of his nominating rights to nominate a representative for the Tourmakeady area; his views on whether the area urgently needs proper representatives; and if he will make a statement on the matter. [11491/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Prior to 1999, the board of Údarás na Gaeltachta consisted of 13 people, seven of whom were elected from three constituencies. Three of these were elected from the Mayo, Galway and Meath Gaeltacht. In 1999, the board was expanded to consist of 20 people, including 17 elected members.

Section 15 of Údarás na Gaeltachta (Amendment) (No. 2) Act 1999 provides for the

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election of two persons to the board of Údarás na Gaeltachta for the area comprising those parts of the Gaeltacht situated in County Mayo, including Tuar Mhic Éadaigh. As well as serving on the board of Údarás, they also serve on the regional committee for the area comprising those parts of the Gaeltacht situated in Counties Mayo, Galway and Meath. The function of the regional committee is, *inter alia*, to provide an effective decision-making structure that takes cognisance of local development needs. I believe the Mayo Gaeltacht has been and remains well served by its board members and also by the rest of the board, with particular reference to those members representing the Galway, Mayo and Meath Gaeltacht that are on the regional committee.

In accordance with existing legislation, I will shortly nominate the chairperson and two members to the board of Údarás. I am sure that the Deputy will agree that, when choosing nominees, it is incumbent on me to take into consideration the overall development needs of the Gaeltacht.

Grant Payments.

216. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food if the single payment entitlements of a person (details supplied) in County Cork will be reviewed. [11352/05]

Minister for Agriculture and Food (Mary Coughlan): An application for consideration under the *force majeure*-exceptional circumstances measure of the single payment regulations was submitted by the person named on 2 November 2004.

The person named has been notified that the circumstances outlined by him do not satisfy the criteria for *force majeure*-exceptional circumstances under article 40 of Council Regulation (EC) No. 1782-2003. The person named has been advised that he can appeal the decision to the Independent single payment appeals committee who will carry out a full review of the circumstances outlined.

Milk Quota.

217. **Mr. Deenihan** asked the Minister for Agriculture and Food if a person (details supplied) in County Kerry will qualify for milk quota; and if she will make a statement on the matter. [11354/05]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the national reserve are granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system. It also examines applications from producers whose herds have been restricted by animal disease in the current milk quota year.

A completed animal disease scheme application form was received from the named person in December 2004. On its receipt in the Department a hardship scheme form was sent to him for completion in January 2005. When this is returned I will have the case referred for consideration to the tribunal. Due to the urgency of the matter my officials have contacted the person concerned directly.

Grant Payments.

218. **Mr. Naughten** asked the Minister for Agriculture and Food the action she is taking to address the SBP overshoot; if there is a legal entitlement to recoup an overshoot in the 21 month premium; the discussions she has had with the EU commission regarding the issue; and if she will make a statement on the matter. [11360/05]

Minister for Agriculture and Food (Mary Coughlan): Ireland's quota under the special beef premium scheme is 1,077,458 animals, comprising animals in the bull-first age categories. Under the provisions of Council Regulation (EC) No 1254/1999, where the quota is breached in respect of the bull-first age category, the overshoot must also be applied to the second age category animals. This is not a new provision and it also applied when the overshoot reduction was applied in respect of the 2002 scheme.

The extent of the overshoot of the national quota for the special beef premium scheme and the numbers of farmers who will receive a reduced payment can only be definitively established when all applications are fully processed. This processing involves computer validation and, where errors or inconsistencies are highlighted in such validation, those cases require individual attention. Therefore, it will be appreciated that given the volumes of applications involved, it will take further time to establish the definitive level of quota overshoot, as ineligible animals and animals applied on in excess of each applicant's stocking density limit of 1.8 livestock units per hectare will have to be excluded from the overshoot calculation.

My objective is to make balancing payments to special beef, suckler cow and slaughter premium applicants, affected by the quota excess, at an early date based on an estimated special beef premium scheme overshoot. A final residual payment can issue in respect of the special beef premium when the exact quota position has been established.

I will continue to explore all aspects of the quota overshoot problem, bearing in mind the provisions of the EU governing regulations for the special beef premium scheme.

Some 220,000 balancing payments totalling over €98 million have already issued to farmers under the 2004 suckler cow, special beef and slaughter premium schemes — these payments have been made to farmers who applied for no more than 25 special beef premium animals.

Question No. 219 withdrawn.

220. **Mr. J. O’Keeffe** asked the Minister for Agriculture and Food if the level of single payment will be reviewed for a person (details supplied) in County Cork. [11487/05]

Minister for Agriculture and Food (Mary Coughlan): A certificate of provisional entitlements under the single payment scheme issued to the person named on 7 October 2004. This statement included a detailed breakdown of how the provisional entitlements were calculated.

Farmers are advised that, if not satisfied that the statement is correct, they may seek a review by completing a provisional entitlements review form which is available from all local offices of my Department and from my Department’s website.

To date a review form has not been received from the person named.

Work Permits.

221. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the procedures involved for non-nationals working here on work permits in applying for citizenship. [11485/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is open to any non-national to apply for a certificate of naturalisation if he or she satisfies the statutory criteria set out in the Irish Nationality and Citizenship Act 1956, as amended.

A general precondition is that the applicant worker must have been lawfully resident in the State for a continuous period of one year immediately before the date of application and for a total of four years during the eight years immediately preceding that year.

Asylum Applications.

222. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied); and if he will make a statement on the matter. [10353/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): This case came under the terms of the Dublin II regulations, formerly the Dublin Convention. The regulation is intended to prevent the phenomenon of “asylum shopping” across Europe and sets out criteria for determining which member state is responsible for examining an asylum application. At the same time it guarantees applicants that one state will process their application, thereby preventing the creation of “refugees in orbit”, a situation which had pertained in Europe prior to its introduction in 1995. Under the Dublin Convention and now the Dublin II regulations, the office of the refugee applications commissioner can, on the basis of the relevant criteria, request another state to accept responsibility for an asylum application and have it processed in that other state.

The woman referred to by the Deputy and her two daughters made an asylum claim in Ireland on 28 November 2003. Following investigation, it was determined by the office of the refugee applications commissioner, and later upheld on appeal by the office of the refugee appeals tribunal, that the UK was the appropriate country pursuant to the provisions of the regulation to process the family’s application as the woman concerned had already made an asylum claim there in March 2003. She was kept informed of developments throughout the course of her asylum application in Ireland and would have been made aware of the consequences of it coming under the terms of the Dublin II regulation.

The UK accepted responsibility for the case and the woman and her daughters were transferred to Heathrow Airport, London, by the Garda National Immigration Bureau on 8 July 2004. It is for the UK, and not Ireland, to examine the woman’s asylum claim and afford her and her children any protection status they may require.

Coroners Service.

223. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform if he will make urgent changes to the Coroners Act in view of the case of a person (details supplied); his views on whether the Act is adequate to deal with the proper evaluation of the situation; his further views on whether urgent reform of the Act is necessary to address this situation before there are further fatalities; his further views on whether €6.35 is an adequate penalty for a person who refuses to attend a coroners court when summonsed to do so; his further views on whether this second fatality would not have occurred had adequate provision been made before now in the Coroners Act; and if he will make a statement on the matter. [11008/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to Question No. 81 answered along with Questions Nos. 96, 137 and 743 of yesterday’s date.

Garda Transport.

224. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the reason for the delay in replacing the desperately needed Garda marked car for a location (details supplied) in County Wexford; and the action being taken to provide an immediate replacement; and if he will make a statement on the matter. [11297/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the vehicle in question, a 1.6 Ford Focus marked patrol car, was crashed on 28 November 2004. Due to the damage sustained, the vehicle was written-off.

In the event of a Garda vehicle being involved in an accident, the Garda driver forwards a completed MT15 form to the fleet management

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section. The MT15 is a preliminary report of the accident, which notifies the fleet management section of the occurrence of the accident and the circumstances surrounding that accident. The public service vehicle inspector then assesses the damage to determine the viability of repairing or replacing the vehicle. The normal procedures that apply, should the vehicle be deemed a write-off, is that a new vehicle will be issued as soon as possible, subject to availability. If a new vehicle is not available immediately, a temporary replacement may be issued, pending the availability of new vehicles.

As an acceptable replacement vehicle was not yet available a loan car was assigned to the area on a temporary basis on 11 February. In the intervening period, between the accident and 11 February, a vehicle from an outlying station in the Gorey district was used. The loan car was subsequently replaced by a new Opel Astra marked patrol car on 7 April.

I am further informed that the Opel Astra will be replaced by a 1.6 Opel Vectra within the next two weeks, or sooner, depending on availability.

Garda Deployment.

225. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the number and location of community gardaí in the Louth and Meath areas; and if he will make a statement on the matter. [11298/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the number and location of all community gardaí attached to Garda stations in the Louth-Meath division, as at 12 April 2005, was as set out in the following table.

District	Sergeants	Gardaí
Drogheda	0	1
Dundalk	1	3
Ashbourne	0	3
Balbriggan	0	1
Navan	0	3
Total	1	11

In relation to Garda resources generally, I am very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with a commitment in An Agreed Programme for Government in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will now be drawing up plans on how best to distribute and manage these additional resources. In this context, the needs of the Louth-Meath division will be fully considered

within the context of the needs of Garda divisions throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda Traffic Corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

Citizenship Applications.

226. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if he will expedite an application for post-nuptial citizenship in the name of a person (details supplied) in County Kilkenny; and the reason for the delay in dealing with this application. [11299/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A declaration of acceptance of Irish citizenship as post nuptial citizenship was received in the citizenship section of my Department on 13 October 2004 from the person referred to in the Deputy's question.

The current average processing time for such declarations is approximately ten months from the date of lodgement. Declarations are processed in chronological order save in very exceptional circumstances. Since no such circumstances have been put forward in this instance, I consider it would be inappropriate to expedite it. It is likely that the processing of the declaration of the person will be finalised by August 2005. I will advise the Deputy and the applicant when the matter has been concluded.

Visa Applications.

227. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform when an application by the spouse of a person (details supplied) in Dublin 12 will be processed and a decision communicated to the person concerned; and if he will make a statement on the matter. [11339/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application referred to by the Deputy was received by my Department on 8 March 2005.

In the interests of fairness, all visa applications are dealt with strictly in date received order unless there are extenuating circumstances which would warrant prioritisation. On the basis of the information supplied to my Department, no such circumstances appear to exist in this case.

As visa applications take, on average, four to six weeks to process, a decision should be expected to be reached in this case in the near future. The applicant will be notified of any decision as soon as possible. The decision will

also be available on my Department’s website, www.justice.ie via the visa decisions link.

Garda Deployment.

228. **Mr. O’Dowd** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in the Drogheda area; the number stationed each year since 2000; and if he will make a statement on the matter. [11340/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Drogheda Garda district as at 31 March 2000, 2001, 2002, 2003 and 2004 and as at 12 April 2005 was as set out in the following table.

Date	Strength
31/03/00	108
31/03/01	109
31/03/02	111
31/03/03	106
31/03/04	103
12/04/05	108

The number of community gardaí attached to Drogheda Garda station in one member at garda rank. I have been informed that local Garda management has currently no plans to increase the number of gardaí involved in community policing at Drogheda.

Garda personnel assigned to Drogheda, together with overall policing arrangements and operational strategy are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and the best possible service is provided to the public.

In relation to Garda resources generally, I am very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with a commitment in An Agreed Programme for Government in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will now draw up plans on how best to distribute and manage these additional resources. In this context, the needs of Drogheda Garda station will be fully considered within the context of the needs of Garda districts throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda Traffic Corps. One thing I

have already promised is that the additional Gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

229. **Mr. O’Dowd** asked the Minister for Justice, Equality and Law Reform if there are plans to provide extra community gardaí for the town of Drogheda; and if he will make a statement on the matter. [11341/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Drogheda Garda district as at 31 March 2000, 2001, 2002, 2003 and 2004 and as at 12 April, 2005 was as set out in the following table.

Date	Strength
31/03/00	108
31/03/01	109
31/03/02	111
31/03/03	106
31/03/04	103
12/04/05	108

The number of community gardaí attached to Drogheda Garda station in one member at garda rank. I have been informed that local Garda management has currently no plans to increase the number of gardaí involved in community policing at Drogheda.

Garda personnel assigned to Drogheda, together with overall policing arrangements and operational strategy are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and the best possible service is provided to the public.

In regard to Garda resources generally, I am very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with a commitment in An Agreed Programme for Government in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will now draw up plans on how best to distribute and manage these additional resources. In this context, the needs of Drogheda Garda station will be fully considered within the context of the needs of Garda districts throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as

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part of the new Garda Traffic Corps. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

Coroners Service.

230. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that there is no obligation on a coroner to hear the views of the next of kin of a deceased person before reaching a decision on whether to hold an inquest; if his attention has further been drawn to the fact that penalty provisions within the Coroners Act are totally outdated; when he will introduce revised legislation in Dáil Éireann to deal with the Coroners Service; and if it will deal with these issues. [11382/05]

Year	Deportation orders made 1999-31 March 2005	Deportation orders effected 1999-31 March 2005
1999	101	6
2000	940	187
2001	2,025	365
2002	2,430	521
2003	2,411	590
2004	2,915	599
2005 (to 31 March)	448	74

Prior to the commencement of the Immigration Act 1999, deportation orders were made pursuant to the provisions of Article 13(1) of the Aliens Order 1946. This legislation was found to be unconstitutional by the courts in the *Laurentiu* case of 1999 and was replaced in November 1999 by the current Immigration Act. Statistics for years prior to 1999 are not readily available, but the number of deportation orders made and effected in those years would have been small.

The status and location of those with deportation orders which have not been effected by the Garda National Immigration Bureau is as set out in my earlier replies referred to above.

I should also say that in the same period, November 1999-March 2005, 2,580 persons have returned home voluntarily before a final determination was made about their asylum applications or before a decision was made on whether to deport them.

Refugee Status.

232. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if, in the interests of fairness, he will reconsider his decision retroactively to apply the three-year residency requirement for refugees applying for Irish citizenship to those whose applications were

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(**Mr. McDowell**): I refer the Deputy to my response to Questions Nos. 81, 96, 137 and 743 of 12 April 2005.

Deportation Orders.

231. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the number of deportation orders granted in each of the past ten years; the number of these which have been fulfilled; the reason for the failure to fulfil and implement the remainder; the status and location of the illegal immigrants against whom deportation orders have not yet been fulfilled; and if he will make a statement on the matter. [11383/05]

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(**Mr. McDowell**): I refer the Deputy to the reply I gave to Questions Nos. 100 and 712 on Tuesday, 12 April 2005. The following table contains details of the numbers of deportation orders made and effected since the commencement of the Immigration Act 1999 in November, 1999.

made but not finally determined prior to May 2004. [11473/05]

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(**Mr. McDowell**): There has been no change in policy regarding the determination of applications for naturalisation from persons who have applied for or been granted a declaration under the provisions of section 17 of the Refugee Act 1996. Persons who have been granted refugee status have a statutory entitlement to reside in the State regardless of whether they are Irish citizens.

Residency Permits.

233. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of applications for leave to remain here on the basis of humanitarian and compassionate grounds which he has reviewed since assuming office, by country; the number he has approved and the number he has rejected, by country; and if he maintains a record of the reasons for his decisions. [11474/05]

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(**Mr. McDowell**): Leave to remain, outside that granted on the grounds of parentage of an Irish born child or marriage to an Irish or EU national, is considered in the context of deciding whether to deport a non-national. It is considered, irres-

pective of whether an application or representations are made to the Minister. In deciding every case the Minister must have regard to the relevant legislation, which is section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 relating to prohibition of refoulement. Leave to remain is granted as a consequence of deciding not to make a deportation order, after considering the particular facts and circumstances of each individual case, includ-

ing any representations made by or on behalf of the person concerned. The grounds for granting leave to remain are therefore many and varied and are not just limited to humanitarian and compassionate considerations alone. A statistical record of such reasons is not maintained by my Department.

The following table outlines the number of cases considered and the outcomes of those decisions since I took office on 6 June 2002.

Year	Number of cases considered	Number of deportation orders made	Number granted leave to remain
2002 From 6 June	1,215	1,119	96
2003	2,497	2,411	86
2004	3,090	2,915	175
2005 To 31 March	463	448	15
Total	7,265	6,893	372

Given the number of decisions, it would involve a disproportionate use of staff resources and time to provide a detailed breakdown by country of the hundred or more nationalities involved.

Sentencing Policy.

234. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on the need for more consistent sentencing in sexual assault cases and training for the judges who hear them. [11477/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The traditional approach to sentencing is for the Oireachtas to lay down by law the maximum penalty appropriate to a particular offence and for the courts, having considered all the circumstances of a case, to impose an appropriate penalty up to that maximum. This approach reflects the doctrine of the separation of powers. The courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions. While the Legislature lays down the possible punishment range, it is for the courts to exercise discretion in deciding the punishment while taking account of all the circumstances of the case and the offender.

In general, the penalties for sexual offences are very severe. Life imprisonment is the maximum penalty for rape and other serious sexual offences. The maximum sentence for sexual assault was increased to allow for cases where a number of assaults took place over an extended period of time. The Sex Offenders Act 2001 provides for a maximum sentence of ten years for sexual assault of a person aged over 17 and 14 years where the victim is under 18.

Insofar as consistency of sentencing is concerned, the Criminal Justice Act 1993 provides that the Director of Public Prosecutions may, where it appears to him that a sentence imposed by a court is unduly lenient, apply to the Court of Criminal Appeal to review the sentence. The

Director of Public Prosecutions is totally independent in the carrying out of his functions.

The Courts and Court Officers Act 1995 enables me, as Minister, to provide funds for judicial training courses arranged by the Judiciary. In this regard, funds are made available to the Judicial Studies Institute, which was established by the Chief Justice for the purposes of judicial training. I understand that the issue of sentencing has been examined by the institute in the context of its training programme.

School Staffing.

235. **Mr. Timmins** asked the Minister for Education and Science the plans she has to improve the staffing levels at a school (details supplied) in County Wicklow; and if she will make a statement on the matter. [11284/05]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by applying the enrolment of the school on the 30 September of the previous school year to a staffing schedule, agreed between my Department and the education partners. The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes.

In accordance with the staffing schedule, the staffing of the school referred to by the Deputy for the school year 2004-05 is a principal and 15 mainstream class teachers based on an enrolment of 439 pupils at 30 September 2003. In addition the school has one resource post, one learning support post and a temporary language support post.

My Department will finalise the staffing schedule for the 2005-06 school year shortly and thereafter notify school boards of management. According to data submitted to my Department

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by the board of management, the enrolment on 30 September 2004 in the school was 436 pupils. The staffing for the 2005-06 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 2005-06 school year has issued.

I trust that the Deputy is aware of the proposed new system for resource teacher allocation, which involves a general allocation for all primary schools to cater for pupils with higher incidence special educational needs: borderline mild and mild general learning disability and specific learning disability. This system also applies to those with learning support needs who are functioning at or below the tenth percentile on a standardised test of reading and-or mathematics. My Department is reviewing the proposal to ensure that it provides an automatic response for pupils with common higher incidence special educational needs. The review involves consultation with educational interests including the National Council for Special Education before it is implemented in September 2005.

School Placement.

236. **Mr. O'Shea** asked the Minister for Education and Science if school places will be secured for persons (details supplied) in County Waterford; and if she will make a statement on the matter. [11285/05]

Minister for Education and Science (Ms Hanafin): The National Educational Welfare Board is aware of the circumstances referred to by the Deputy and is currently working with the family and with schools in the area to secure school places for the children in question. The family have been advised regarding their entitlement to appeal a decision of suspension for more than 20 days in a school year to the Secretary General of my Department, under section 29 of the Education Act 1998. However, to date, no such appeal has been received in my Department.

Pupil-Teacher Ratio.

237. **Mr. Noonan** asked the Minister for Education and Science if she has examined the submission made to her by the INTO for smaller class sizes and for the replacement of unqualified primary teachers with qualified teachers; if she

has responded to the INTO; and if she will make a statement on the matter. [11286/05]

Minister for Education and Science (Ms Hanafin): I am aware of the INTO's position on these matters. The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29 pupils, it is generally because a decision has been taken at local level to use the school's teaching resources to have smaller numbers in other classes.

Significant improvements have been made in this area in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996-97. The pupil teacher ratio, which includes all the teachers in the school including resource teachers, has fallen from 22.2:1 in the 1996-97 school year to 17.44:1 in 2003-04. More than 4,000 additional teachers have been employed in our primary schools since 1997. These additional teaching posts have been used to reduce class sizes, to tackle educational disadvantage and to provide additional resources for children with special needs. Significantly smaller class sizes have been introduced in disadvantaged schools involved in the Giving Children an Even Break-Breaking the Cycle programme, with approximately 47,700 pupils in 243 participating schools availing of reduced class sizes of either 15 or 20 pupils per class.

In line with Government policy, I am committed, to delivering further reductions in class sizes for our schools. I have informed the INTO that priority must, and will, be given to children with special needs and those in disadvantaged areas. The recruitment and appointment of teachers to fill vacancies in an individual school is a matter for the board of management of the school concerned. Unqualified teachers should only be employed in exceptional circumstances and when all avenues for recruiting qualified personnel have been exhausted. The primary sector has experienced a shortage of trained teachers in recent years, mainly as a result of the large number of posts created to reduce class sizes, to cater for pupils in disadvantaged areas and to provide for those with special educational needs. The difficulties being experienced are aggravated by the number of teachers availing of career breaks and job sharing schemes.

My Department introduced a range of measures to address the shortage of qualified teachers and the number of unqualified teachers in our schools has significantly reduced. My officials will shortly be contacting all schools employing unqualified teachers with regard to recruitment of qualified personnel for the coming school year. I am committed to ensuring that the shortage of qualified teachers will be eliminated as speedily as possible and in this context my

Department will continue to consider new initiatives and keep existing initiatives under review.

Third Level Colleges.

238. **Mr. O'Dowd** asked the Minister for Education and Science the position regarding the provision of a third level college for Drogheda; and if she will make a statement on the matter. [11287/05]

Minister for Education and Science (Ms Hanafin): I have not received any proposal in regard to the provision of a third level college for Drogheda and therefore I am not in a position to make a statement on the matter.

Millennium Fund.

239. **Dr. Upton** asked the Minister for Education and Science the reason the millennium fund has been transferred from the area partnerships to the Higher Education Authority; the way in which the new scheme will be advertised to potential persons; and if she will make a statement on the matter. [11301/05]

Minister for Education and Science (Ms Hanafin): The national office for equity of access to higher education proposed by the action group on access to third level education has been established within the Higher Education Authority and has been fully operational since February 2004. The remit of the national office is to facilitate inclusive and equitable access to higher education from under-represented groups and promote improved participation by students from socio-economically disadvantaged backgrounds, students with a disability and mature "second-chance" students. The national office is now responsible for access measures formerly handled by the Department, namely, the student assistance fund, the fund for students with disabilities and the millennium partnership fund for disadvantage.

Area Development Management, ADM, Limited, under whose aegis the area partnerships operate, has administered the fund since its introduction in the 2001-02 academic year and has continued to do so since the establishment of the national office. The millennium partnership fund for disadvantage provides assistance to partnership companies and community groups to develop their own support schemes for students from disadvantaged families.

The national office has commenced a review of all existing spending programmes to widen access. A review of the millennium fund was commissioned by the national access office as part of the overall review of funding programmes which is being carried out as part of the national plan for achieving equity of access to higher education. A report has been prepared and is being examined by the national office for equity of access in

the context of its overall review of funding programmes.

School Closures.

240. **Mr. Ring** asked the Minister for Education and Science the reason a school (details supplied) is closing; and if she will consider leaving this school open. [11313/05]

Minister for Education and Science (Ms Hanafin): The future viability of the school referred to by the Deputy is a matter of concern to my Department in view of the low and declining enrolment. The school has a current enrolment of seven pupils. The school authorities have been issued notification in accordance with section 11 of the Education Act 1998, that it is proposed to withdraw recognition from the school. Section 11 of the Act also provides for a period of three months during which time I will consider any representations made by the board, the patron, the teachers or the parents concerned. It is, therefore, open to the school community to exercise that provision in the legislation.

Ultimately, if having considered such representations, I, as Minister remain of the opinion that the number of pupils attending or likely to attend the school is such, or is likely to be such as to make the school unviable, then recognition will be withdrawn with effect from the end of June 2006. In the event that recognition is withdrawn from the school alternative and appropriate education facilities will be made available for those pupils who are enrolled in the school on that date and require those facilities.

Pupil-Teacher Ratio.

241. **Mr. Kehoe** asked the Minister for Education and Science the steps she has taken to reduce the pupil teacher ratio in primary schools following the programme for Government of 2002; the average pupil-teacher ratio for primary schools at that time; the pupil-teacher ratio now; and if she will make a statement on the matter. [11314/05]

Minister for Education and Science (Ms Hanafin): The Deputy should note that significant steps have been made in this area in recent years. The pupil-teacher ratio, which includes all the teachers in the school, including resource teachers, has fallen from 18:1 in the 2002-03 school year to a projected 17.4:1 in the current school year.

More than 4,000 additional teachers have been employed in our primary schools since 1997 when the pupil-teacher ratio was 22.2:1. These additional teaching posts have been used to reduce class sizes, tackle educational disadvantage and provide additional resources for children with special needs.

In line with Government policy my Department will continue to provide further reductions

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in the pupil teacher ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs, those from disadvantaged areas and those in junior classes.

Schools Refurbishment.

242. **Mr. G. Mitchell** asked the Minister for Education and Science if she will include funding for schools (details supplied) in Dublin 10 in the summer works scheme; and if she will make a statement on the matter. [11315/05]

Minister for Education and Science (Ms Hanafin): The schools referred to by the Deputy made a joint application under the summer works scheme 2005 but were unsuccessful as the application was not accompanied by the necessary consultant's report. The appeal by the schools and subsequent professional's report is being reassessed in the school planning section of my Department. Contact will be made directly with the school authorities when a decision is taken on the matter.

School Staffing.

243. **Mr. G. Mitchell** asked the Minister for Education and Science if an appointment of one extra class teacher at a school (details supplied) in Dublin 8 will be made by September 2005; when she expects the class sizes at this school to meet the target in the programme for Government of 2002; and if she will make a statement on the matter. [11316/05]

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. The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes.

In accordance with the staffing schedule, the staffing of the school referred to by the Deputy for the school year 2004-05 is a principal and five mainstream class teachers based on an enrolment of 155 pupils at 30 September 2003. In addition, the school has an extra mainstream class teacher due to its developing status. The school also has one resource post and one temporary language support post. My Department will finalise the staffing schedule for the 2005-06 school year shortly and thereafter notify school boards of management.

According to data submitted to my Department by the board of management of the school,

the enrolment on 30 September 2004 was 180 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the agreed staffing schedule. Significant improvements have been made to the pupil-teacher ratio at primary level, which has fallen from 22.2:1 in the 1996-97 school year to 17.44:1 in the 2003-04 school year. In line with Government policy, my Department will continue to provide further reductions in the pupil teacher ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs, those from disadvantaged areas and those in junior classes.

School Transport.

244. **Mr. Aylward** asked the Minister for Education and Science if she will approve the application for school transport for children residing in the Barracore and Doninga area of County Kilkenny (details supplied); and if she will make a statement on the matter. [11317/05]

Minister for Education and Science (Ms Hanafin): The provision of transport to the school referred to by the Deputy in the details supplied is under consideration.

School Accommodation.

245. **Mr. Ó Feaghail** asked the Minister for Education and Science her Department's plans to deal with the additional demands that have arisen for primary school places in Droichead Nua; if there is active engagement between the planning unit of her Department and the planning section of Kildare County Council; if, in view of the inability of the local Catholic schools to meet the existing demand, she envisages the construction of a new Catholic primary school in the area; and if she will make a statement on the matter. [11318/05]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department is responsible for planning the provision of suitable cost effective accommodation to underpin the delivery of first and second level education. Key functions of the section are ensuring that there are sufficient pupil places available at first and second level schools and that the use of existing accommodation is optimised. Active engagement with local authorities, particularly in rapidly developing areas such as County Kildare, is a critical element of planning the timely delivery of adequate school provision.

Officials from the school planning section have in recent months met with officials from Kildare County Council with regard to monitoring demographic changes and assessing the likely impact of planned new developments in County Kildare on school provision in the area. An application from the St. Conleth's Parish, Newbridge, under the

patronage of the Bishop of Kildare, to establish a new primary school in the Newbridge area for September 2005 is one of a number of applications being assessed by the new schools advisory committee. A decision on the application will be communicated to the patron body and made public shortly.

School Staffing.

246. **Mr. Stanton** asked the Minister for Education and Science the number of schools that have received notification from her Department indicating that schools are over staffed as a result of the impact of the new circular for special needs, DES Circular SP.ED. 01/05; the impact this circular will have on small schools in particular; and if she will make a statement on the matter. [11319/05]

Minister for Education and Science (Ms Hanafin): The circular referred to by the Deputy relates to issues concerning the establishment of and the transfer of certain functions to the National Council for Special Education, NCSE.

I take it that the Deputy is referring to the proposed new system of resource teacher allocation to primary schools. In light of the reality that pupils in the high incidence disability categories of mild and borderline mild general learning disability and dyslexia are distributed throughout the education system, my Department, in consultation with educational interests, developed a general model of resource teacher allocation to schools to support students in these disability categories. This model, which was announced by my predecessor in 2004 to come into effect from September 2005, was designed to put in place a permanent resource in primary schools to cater for pupils in these categories. DES Circular SP ED 09/04, which issued to schools in June 2004, introduced this new model.

The model was constructed so that allocations would be based on pupil numbers, taking into account the differing needs of the most disadvantaged schools and the evidence that boys have greater difficulties than girls in this regard.

The advantages of using a general allocation model are as follows: it facilitates early intervention as the resource is in place in the school when the child enrolls; it reduces the need for individual applications and supporting psychological assessments; it puts resources in place on a more systematic basis, thereby giving schools more certainty about their resource levels; it gives more security to special education teaching posts and makes special education teaching a more attractive option; it allows flexibility to school management in the deployment of resources, leading to a more effective and efficient delivery of services and it will automatically adjust a school's general allocation on the basis of changing enrolment.

This is a model for resource allocation to schools. These resources may in turn be allocated, as appropriate by schools to those pupils with special educational needs in the categories mentioned and to pupils with learning support requirements.

I have made it clear that while I am in favour of using a general allocation model for the reasons I have just given, I am conscious of the particular difficulties that the model announced last year could cause for small and rural schools if implemented as originally announced. For this reason, I have asked my Department to conduct a review of the model announced last year. The review will be completed in the coming weeks and its outcome will be announced in time to be implemented for the next school year.

School Enrolments.

247. **Mr. Lowry** asked the Minister for Education and Science if she will reconsider the use of primary circular 32/03; and if she will make a statement on the matter. [11320/05]

Minister for Education and Science (Ms Hanafin): My Department's policy regarding the retention of pupils in primary schools is set out in primary circular 32/03 which issued to all primary schools in December 2003.

Under my Department's policy, pupils should only repeat a year for educational reasons and under no circumstances should an additional grade level, middle infants or a repeat sixth class, operate through the retention of all or a substantial number of pupils for a second year at a grade level. The level of provision now available should enable pupils to make progress in keeping with their needs and abilities and to move consecutively through the different class levels in the school in keeping with their peers.

In addition, pupils who have completed sixth class must not transfer to another primary school to repeat sixth class. In the event that a school were to enrol pupils from another school to repeat sixth class the pupils shall not be included as eligible pupils for staffing and other purposes. Capitation and other grants in respect of such pupils shall not be paid.

The primary school curriculum is designed as an eight year course, including a two year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year.

I am aware that there may be individual cases where a principal teacher, following consultation with the learning support teacher or resource teacher and class teacher and parent or parents of the pupil may conclude that a pupil would benefit educationally by repeating a grade level. In such cases, as outlined in Circular 32/03, my Department would allow the retention provided there is an educational basis for it, and there is a clear programme for the pupil to follow.

[Ms Hanafin.]

The compulsory school starting age in a national school is 6 years of age and rule 64(1) of the rules for national schools provides that a child must be at least 4 years of age before she or he may be enrolled in a national school.

In accordance with the rules and programme for secondary schools, a child may be enrolled as a recognised pupil in a post-primary school provided that he or she is not less than 12 years of age on 1 January of the school year and who has, as a rule, completed a full course of primary education. There are no plans at present to review Circular 32/03.

School Staffing.

248. **Mr. Coveney** asked the Minister for Education and Science when a school (details supplied) in County Cork will be granted the resource teacher applied for. [11321/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy currently has the services of a shared learning support teacher based in the school together with part-time resource teaching hours.

I take it that the Deputy is referring to the resource teacher allocation that will be available to the school following the introduction of the proposed new model of resource teacher allocation. In light of the reality that pupils in the high incidence disability categories of mild and borderline mild general learning disability and dyslexia are distributed throughout the education system, my Department, in consultation with educational interests, developed a general model of resource teacher allocation to schools to support students in these disability categories. This model, which was announced by my predecessor in 2004 to come into effect from September 2005, was designed to put in place a permanent resource in primary schools to cater for pupils in these categories.

The model was constructed so that allocations would be based on pupil numbers, taking into account the differing needs of the most disadvantaged schools and the evidence that boys have greater difficulties than girls in this regard.

The advantages of using a general allocation model are as follows: it facilitates early intervention as the resource is in place in the school when the child enrolls; it reduces the need for individual applications and supporting psychological assessments; it puts resources in place on a more systematic basis, thereby giving schools more certainty about their resource levels; it gives more security to special education teaching posts and makes special education teaching a more attractive option; it allows flexibility to school management in the deployment of resources, leading to a more effective and efficient delivery of services and it will automatically adjust a

school's general allocation on the basis of changing enrolment.

I have made it clear that while I am in favour of using a general allocation model for the reasons I have just given, I am conscious of the particular difficulties that the model announced last year could cause for small and rural schools if implemented as originally announced.

For this reason I have asked my Department to conduct a review of the model announced last year. The review will be completed in the coming weeks and its outcome will be announced in time to be implemented for the next school year. At that stage all schools, including the school referred to by the Deputy, will be informed of their allocation for the 2005-2006 school year.

249. **Mr. Naughten** asked the Minister for Education and Science further to Question No. 43 of 3 February 2005, the conclusions of the review into resource teacher supports in primary schools; and if she will make a statement on the matter. [11356/05]

250. **Mr. Naughten** asked the Minister for Education and Science the action she is taking to ensure that no primary school pupil has less resource teacher support in 2005-06 academic year when compared with the current year; and if she will make a statement on the matter. [11357/05]

251. **Mr. Naughten** asked the Minister for Education and Science the action she is taking to ensure that children with dyslexia receive adequate resource teacher support in 2005-06 academic year; and if she will make a statement on the matter. [11358/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 249 to 251, inclusive, together.

The review of the proposed model of resource teacher allocation to primary schools is ongoing. The outcome of the review will be announced in the coming weeks, in time to be implemented for the next school year. My objective is to ensure that the revised model provides an automatic response for pupils with common mild learning disabilities, including dyslexia, while at the same time ensuring that pupils currently in receipt of service continue to receive a level of service appropriate to their needs.

Special Educational Needs.

252. **Mr. Stagg** asked the Minister for Education and Science if a special needs assistant and resource teaching hours presently allocated to a person will remain available to the person on transfer from one national school to another (details supplied); if she will ensure that such resources continue to be allowed to the person in question; and if she will make a statement on the matter. [11365/05]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that the National Council for Special Education, NCSE, which was established recently and which has been operational since 1 January 2005, is responsible for processing applications for special educational needs, SEN, supports.

A total of 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 officials have been in contact with the NCSE and arrangements are being made to have the local SENO contact the school regarding the matter.

Site Acquisitions.

253. **Mr. P. McGrath** asked the Minister for Education and Science the location, site size and cost of all school sites, throughout the State, acquired in each of the past five years; and if she will make a statement on the matter. [11367/05]

Minister for Education and Science (Ms Hanafin): Details regarding the school sites acquired by my Department over the past five years are being compiled at present and will be forwarded directly to the Deputy.

Schools Building Projects.

254. **Mr. P. McGrath** asked the Minister for Education and Science if she will report on progress made towards building a sports hall at a college (details supplied) in Dublin 15; and if she will make a statement on the matter. [11368/05]

Minister for Education and Science (Ms Hanafin): As part of a review of all projects for the 2005 capital programme, the application for capital funding from the school authority to which the Deputy refers was assessed against the published prioritisation criteria for large scale building projects which were revised last year following consultation with the education partners. Under this review, all projects were assigned a band rating and the progress of individual projects is being considered in the context of the school building programme from 2005 onwards.

School Staffing.

255. **Mr. Kehoe** asked the Minister for Education and Science the status of the application for a special needs assistant for a person (details supplied) in County Wexford; when a decision will be made available to the school; and if she will make a statement on the matter. [11369/05]

Minister for Education and Science (Ms Hanafin): The Deputy may be aware that the National Council for Special Education, NCSE, which was established recently, and which has been operational since 1 January 2005, is responsible for processing applications for special edu-

cational needs, SEN, supports. Seventy-one 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 an application for SEN support has been received and the matter has been referred to the local SENO for determination. The SENO will be in contact with the school authorities shortly.

School Accommodation.

256. **Mr. Kehoe** asked the Minister for Education and Science the action which is being taken to reduce classroom sizes to deal with the serious overcrowding at a school (details supplied) in County Wexford; and if she will make a statement on the matter. [11370/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers has an application with my Department's school planning section for a GP room and a home school liaison room. My officials are examining the school's enrolments and have asked the inspector to visit the school and prepare a report on its long-term needs. Following consideration of the inspector's report, my Department will be in contact with the school authorities.

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.

The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes.

In accordance with the staffing schedule, the staffing of the school referred to by the Deputy for the school year 2004-05 is a principal and seven mainstream class teachers based on an enrolment of 195 pupils at 30 September 2003. In addition the school has the services of one full-time resource post, a shared resource post and a shared learning support post. My Department will finalise the staffing schedule for the 2005-06 school year shortly and thereafter notify school boards of management.

According to data submitted to my Department by the board of management of the school, the enrolment on 30 September 2004 was 201 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the agreed staffing schedule.

Significant improvements have been made to the pupil-teacher ratio at primary level, which has fallen from 22.2:1 in the 1996-97 school year to 17.44:1 in the 2003-04 school year. In line with

[Ms Hanafin.]

Government policy, my Department will continue to provide further reductions in the pupil teacher ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs, those from disadvantaged areas and those in junior classes.

I trust that the Deputy is aware of the proposed new system for resource teacher allocation which involves a general allocation for all primary schools to cater for pupils with higher incidence special educational needs — borderline mild and mild general learning disability and specific learning disability. This system also applies to those with learning support needs, that is, functioning at or below the 10th percentile on a standardised test of reading and-or mathematics. My Department is currently reviewing the proposal to ensure that it provides an automatic response for pupils with common higher incidence special educational needs. The review involves consultation with educational interests, including the National Council for Special Education. The revised procedure for providing a general allocation of resource hours to schools will be announced in the coming weeks, in time to be implemented for the next school year.

Irish Language.

257. D'fhiafraigh **Mr. O'Shea** den Aire Oideachais agus Eolaíochta an bhfuil sé i gceist aici an coibhneas céanna ceapachán múinteoirí atá ag Gaelscoileanna a thabhairt do Scoileanna Gaeltachta ós rud é go bhfuil an coibhneas céanna coinneála acu le cúpla bliain anuas agus an ndéanfaidh sí ráiteas ina thaobh. [11390/05]

Minister for Education and Science (Ms Hanafin): Cuirfear ceist na scoileanna gaeiltachta san áireamh nuair a bheidh na rialacháin maidir le ceapacháin múinteoirí i leith na scoilbhliana 2005-06 á aithbhreithniú.

258. D'fhiafraigh **Mr. O'Shea** den Aire Oideachais agus Eolaíochta cathain a dhéanfaidh sí cinneadh i dtaobh an Ionaid Oideachais Gaeilge atá molta do Choláiste Íosagáin, Baile Mhúirne, agus cén fath atá leis an moill mhór, ós rud é gur casadh an fód don fhoirgneamh nua i 2000 agus go bhfuil cead pleanála faighte dó agus an ndéanfaidh sí ráiteas ina thaobh. [11391/05]

Minister for Education and Science (Ms Hanafin): Tá machnamh á dhéanamh agam faoi láthair ar na roghanna éagsúla a bhaineann le tionscadal an Ionaid. Ba é an plean a bhí ann i dtús báire ná an tionscadal seo a lonnú ar láithreán úrnua. Bhí an tionscadal le cur chun tairsceana agus chun tógála sa bhliain 2004. Ach tháinig ceisteanna aníos maidir leis an láithreán ab fhearr don Ionad agus táthar sin á scrúdú faoi láthair. Nuair a dhéanfar cinneadh faoin méid sin, rachfar ar aghaidh leis an tionscadal tógála a

mbeidh gá leis i gcomhthéacs chlár tógála agus athnuachana um fhoirgnimh scoile 2005-2009.

Schools Building Projects.

259. **Mr. Ó Fearghail** asked the Minister for Education and Science if her attention has been drawn to the proliferation of temporary accommodation at a school (details supplied) in County Kildare; and her Department's proposals to upgrade facilities at this school. [11392/05]

Minister for Education and Science (Ms Hanafin): The project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria for large scale building projects which were revised last year following consultation with the education partners. Under this review, all projects were assigned a band rating and the progress of individual projects is currently being considered in the context of the school building programme.

The Deputy will be aware that I have made a number of announcements in relation to the 2005 school building programme since the beginning of the year. Last month, I announced details of 43 school projects which are being authorised to proceed to architectural planning immediately. I will be making further announcements on projects which will progress, on a phased basis, into the architectural planning process in the next 12 to 15 months. The proposed project at the school in question will be considered in this context.

Foireann Scoile.

260. D'fhiafraigh **Mr. O'Shea** den Aire Oideachais agus Eolaíochta ag éirí as Ceist Pharlaiminte 347 an 28 Deireadh Fómhair, cén fáth go mbíonn oidí feabhais Béarla ar fáil i ngnáthscoileanna agus nach mbíonn oidí feabhais Gaeilge ar fáil i nGaelscoileanna; agus an ndéanfaidh sí ráiteas ina leith. [11469/05]

Minister for Education and Science (Ms Hanafin): Sa chás go bhfuil scoil ag feidhmiú trí mheán an Bhéarla, ba chóir do na hoidí an tacaíocht foghlama a chur ar fáil thrí Bhéarla sa scoil san. Sa chás go bhfuil scoil ag feidhmiú trí mheán na Gaeilge, ba chóir tacaíocht foghlama a chur ar fáil trí Ghaeilge de réir mar is cuí.

Ba chóir go mbeadh ar chumas gach múinteoir náisiúnta lán-cháilithe, múinteoirí feabhais ina measc, teagasc trí mheán na Gaeilge. Fairis sin, tá sé de chúram ar bhoird bainistíochta ghaelscoileanna múinteoirí a fhostú a bhfuil an cumas sin acu. Sa chóimhthéacs sin, níl aon idir-dhealú indéanta idir múinteoir feabhais agus múinteoir ranga.

Adult Education.

261. **Ms O'Sullivan** asked the Minister for Education and Science further to Question No. 604 of 22 March 2005, if her attention has been drawn to the fact that circular PPT 17/04 from her

Department to VECs refers only to qualified teachers; if teachers working in the adult education service who are not qualified teachers will receive their right to equality of remuneration and conditions of service for equal work under the Protection of Employees (Part-Time Work) Act 2001; and if she will make a statement on the matter. [11478/05]

Minister for Education and Science (Ms Hanafin): The Protection of Employees (Part-Time Work) Act 2001 provides that a part-time employee has a *pro rata* entitlement to the pay and conditions of employment of a comparable full-time employee.

Circular letter 17/04 refers to the revision of rates of pay for qualified part-time teachers employed by vocational education committees. The revised rates of pay are in accordance with a collective agreement reached in respect of fully qualified part-time teachers and are *pro rata* the rates of pay of a fully qualified full-time teacher. The collective agreement has been approved by the Labour Court under the relevant provisions of the legislation. The terms of the circular letter do not apply to unqualified teachers employed by VECs. Such teachers are paid a rate of pay which reflects their status as unqualified teachers.

School Transport.

262. **Ms O'Sullivan** asked the Minister for Education and Science if she has considered the request for children in the Mungret, Raheen and Clarina area of County Limerick to be included in the school transport catchment area for a school (details supplied) in County Limerick; and if she will make a statement on the matter. [11479/05]

Minister for Education and Science (Ms Hanafin): For the purposes of post-primary education provision, the country is divided into catchment areas. Under the terms of the school transport scheme, a pupil is eligible for school transport if he or she resides 4.8 km or more from the post-primary centre in the catchment area in which they live.

Eligible pupils who wish to attend a post-primary centre other than their appropriate one may be allowed transport on school services from within the catchment boundary of the centre being attended, subject to there being spare accommodation available on the school transport service and provided that no additional State cost is incurred. An eligible pupil who is approved for catchment boundary transport is not guaranteed school transport for the duration of his or her education at that centre. As a concessionary measure, continued transport will depend on the availability of space on the school service to that centre each school term.

The provision of school transport to the school referred to by the Deputy in the details supplied

will be considered under the terms of the scheme and in the context of the outcome of the centralised application system for enrolments for pupils in Limerick city.

Departmental Programmes.

263. **Ms O'Sullivan** asked the Minister for Education and Science if she has decided to provide financial support to the Union of Secondary Students for its ongoing costs; and if she will make a statement on the matter. [11480/05]

Minister for Education and Science (Ms Hanafin): I met with representatives of the Union of Secondary Students recently and discussed the question of financial support from my Department for the Union amongst other matters. I have informed the Union of Secondary Students that I am willing to consider requests from their organisation for financial assistance for specific projects, such as their annual general meeting or the hosting of conferences. I do not think it appropriate for my Department to contribute to the running of a representative body such as USS. My Department does not provide such funding for the Union of Students in Ireland, nor indeed for the teaching unions, but we do for parents.

School Transport.

264. **Mr. J. O'Keeffe** asked the Minister for Education and Science if free school transport will be sanctioned for persons (details supplied) in County Cork. [11481/05]

Minister for Education and Science (Ms Hanafin): The children referred to by the Deputy in the details supplied are not eligible for free transport to the school in question as they reside nearer to a school that closed and amalgamated. In the case of amalgamations, the national school children for whom the closed national school would have been the nearest, had it remained open, are eligible for transport to the school of amalgamation only.

However, concessionary fare-paying transport to the school referred to in the details may be considered on the condition that the agreement of the board of management of the school of amalgamation is received and provided there is room available on the service to the school after all fully eligible children have been accommodated.

House Prices.

265. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the degree to which investors and owners of second properties have inflated house prices since 1997; his further views on whether measures should be taken to ease this; and if he will make a statement on the matter. [11308/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The unprecedented demand for housing, fuelled mainly by rapid economic growth and demographic changes, has been the major driver of house price increases in recent years. While precise information is not available, it is clear that there has been significant activity over this period by investors and owners of second properties. This is to be expected in a growing economy. While at different times and locations this may have an impact on prices, there can be gains in terms of the supply of private rented accommodation, tourist accommodation or the revitalisation of areas.

Against this background, the Government's strategy is to increase housing supply to meet the diverse demand. A particular focus of attention is on measures to improve affordability and access to housing for new households. While we have taken measures in the past to quell demand by limiting potential for investment, this was necessarily short-term in recognition that action undertaken to increase the housing supply would take longer to have effect in order not to disturb the supply of private rented accommodation in the long term. Focussing on sustaining supply at levels to meet demand is the key objective of policy. In this way we seek to bring moderation to house price increases.

The success of these measures is demonstrated by the substantial increase in annual output of newly built houses, which has almost doubled in the past seven years and house prices have moderated somewhat from their high levels in the late 1990s. The consensus among market commentators is that the general trend in moderation of prices is likely to continue in 2005. I am pleased to say indicative data available to the Department suggests strong activity by first-time buyers in the housing market. We will continue to monitor and review housing developments and policies as necessary.

Nuclear Safety.

266. **Mr. Timmins** asked the Minister for the

	2000	2001	2002	2003	2004
	€ ,000	€ ,000	€ ,000	€ ,000	€ ,000
Totals	144,097	221,153	315,753	300,013	226,694

Information on the number of housing units provided under the various affordable housing schemes in each local authority area is published in my Department's housing statistics bulletins, copies of which are available in the Oireachtas Library and also on the Department's website at www.environ.ie.

268. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government

Environment, Heritage and Local Government if his Department has a role in the protection of nuclear materials that may be transported in the State; and if he will make a statement on the matter. [6732/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I assume the Deputy refers to radioactive material and devices incorporating radioactive material which are referred to as nuclear devices in the Radiological Protection Act 1991 and are routinely transported by road within the State to hospitals, research laboratories and to or from sites where industrial radiography is performed.

Transportations such as these are regulated under licence from the Radiological Protection Institute of Ireland. The licence obliges the licensee to comply with the International Atomic Energy Agency regulations for the safe transport of radioactive material and any possible additional requirements set out in the licence. Furthermore, in the case of the transportation of very large sources used in medical product sterilisation facilities, the Garda are informed when such transportation is taking place. Transportation of nuclear material, including fissile materials such as uranium 235 or plutonium, does not take place within the State.

Housing Provision.

267. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the amount of money spent by the State and local authorities on the provision of affordable housing in each of the past five years; and the number of units of affordable housing provided in each of those years. [11289/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Total State spending on affordable housing, including non-Exchequer financing, for each of the past five years is set out in the following table.

Information on expenditure by local authorities on the provision of affordable housing is not available in my Department.

the amount of money spent by the State and local authorities on the provision of social housing in each of the past five years; and the number of units of social housing provided in each of those years. [11290/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The total amount of capital

expenditure on the local authority housing construction-acquisition programme for the years 2000 to 2004, which is funded by a combination of Exchequer capital grants and local authority internal capital receipts, and expenditure under the voluntary housing schemes is set out in the

following table 1. The number of units completed in the years 2000 to 2004 under the local authority housing construction-acquisition programme and under the voluntary housing schemes is set out in the following table 2.

Table 1 — Capital Expenditure on Social Housing 2000-2004

Year	Local Authority Housing Construction/acquisition Programme	Voluntary Housing Expenditure — Capital Assistance & Capital Loan & Subsidy Schemes*
	€'000	€'000
2000	419,894	96,854
2001	670,958	142,642
2002	789,719	163,286
2003	695,476	210,685
2004	703,566 (Provisional)	182,526

*Excludes spending on the provision of communal facilities

Table 2 — Social Housing Completions 2000-2004

Year	Local Authority Housing Construction/acquisition Programme	Voluntary Housing — Capital Assistance & Capital Loan & Subsidy Schemes
	€'000	€'000
2000	3,207	951
2001	5,022	1,253
2002	5,074	1,360
2003	4,972	1,617
2004	4,510	1,607

Local Authority Funding.

269. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the total funding allocated by his Department to the local authorities in County Louth for each year since 2000; and if he will make a statement on the matter. [11348/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Information on

the outturn for the years 2000-04 of funding provided by my Department to Louth County Council, Drogheda Borough Council and Dundalk Town Council is set out in the following table.

The allocations or estimates of expenditure for 2005 for some programmes have not yet been finalised.

Authority	Outturn 2000-2004				
	2000	2001	2002	2003	2004
	€	€	€	€	€
Louth County Council	16,331,965	20,113,583	24,981,145	19,660,551	27,781,923
Drogheda Borough Council	16,453,413	8,576,743	12,405,162	14,012,717	16,156,304
Dundalk Town Council	16,760,002	15,217,023	11,661,527	12,795,792	16,866,313

Voting Arrangements.

270. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that some persons with a mental handicap are deemed ineligible to vote; and if arrangements will be put in place in order that such persons are permitted to vote with the assistance of their parent or companion. [11349/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Persons whose names are on the register of electors are generally entitled to vote at elections and referenda, according to their citizenship. Detailed requirements in relation to registration, the right to vote and the procedure for voting are set out in electoral law. Implementation of these is a matter for local registration authorities and returning officers, as appropriate.

[Mr. Roche.]

Under section 103 of the Electoral Act 1992, a voter whose sight is so impaired or who is otherwise so physically incapacitated or who is unable to read or write to such an extent that the person is unable to vote without assistance, may, on request, have his or her ballot paper marked by a companion. My Department has no proposals to alter the current arrangements in this regard.

Housing Provision.

271. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the position in relation to an application for sheltered housing by an association (details supplied) in County Donegal; and if he will make a statement on the matter. [11363/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer to the reply to Question No. 682 of 17 November 2004. Following the receipt of the documentation from Donegal County Council, which is responsible for the detailed administration of the voluntary housing scheme in its area, further clarification has been sought from the council and is awaited. When this is to hand the application will be further considered by my Department and the council will be advised of the outcome as soon as possible.

272. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has approved or appraised income limits in respect of eligibility for housing loans under SDA or shared ownership and rehousing directly by the local authority; if any provision has been made in such income limits in respect of non-earning adult or child dependents or if such income limits are applicable regardless of family size and, if so, the way in which this is deemed to be in keeping with the Constitution; and if he will make a statement on the matter. [11364/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Over recent years, the Government has introduced a broad range of targeted measures to address equally diverse housing needs. Affordable housing measures seek to support low income households by providing access to housing at discounted prices while housing loans are provided for those who cannot access finance from private institutions. To ensure effective targeting of resources to support households most in need, income limits are applied. The income limits distinguish between single earning households and those with two incomes, but do not take account of family size. Importantly, local authorities take account, in assessing applicants for loans, of the household's ability to finance the loan based on their net household income.

Income eligibility limits for the shared ownership scheme, affordable housing scheme and local authority house purchase loans were increased

last year. The limit is now set at €36,800 for a single income household and in the case of a two income household the income test requires that two and a half times the gross income of the principal earner plus once the gross income of the subsidiary earner does not exceed €92,000.

Lower income households who cannot afford to acquire a house in the private market or through an affordable housing scheme may seek social rented accommodation. There is no general income threshold set by my Department. Local authorities are responsible under the Housing Act 1988 for assessing housing needs in accordance with their scheme of letting priorities. In making this assessment, local authorities have regard, *inter alia*, to the income and family circumstances of the applicant. These arrangements operate to ensure that due account is taken of housing need and personal circumstances, and no constitutional issues arise.

Electronic Voting.

273. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the full extent of the expenditure to date including consultancy, security, storage, public relations or other fees associated with or accruing from the electronic voting debacle; the anticipated expenditure in the future; his plans to protect the taxpayer against liability for such proposals in the future; if action has been taken or is likely to be taken to prevent a reoccurrence; and if he will make a statement on the matter. [11428/05]

274. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the reason expenditure was authorised on the electronic voting proposals in the absence of scientific confirmation on the aspects of verification, integrity, security and reliability; and if he will make a statement on the matter. [11430/05]

276. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if advice in regard to proceeding with electronic voting was sought or received from political advisors, civil servants, public relations consultants or others; if there was conflict in the advice offered; if anyone advised not to proceed with the proposals; if so, the reasons therefor; and if he will make a statement on the matter. [11433/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 273, 274 and 276 together.

The Government decided in February 2000 to move to electronic voting and counting so as to secure a range of identified benefits compared to the current manual arrangements, including more democratic outcomes through the minimisation of invalid votes and the more accurate counting of votes; provision of a higher level of service to the public; greater flexibility and speed in the voting and counting processes; and greater use of modern information and communication technologies.

The decision followed extensive research on electronic voting systems and experiences in other countries, and input from a range of sources on legislative, financial and practical considerations, including from representative returning officers, Department officials and other Departments in the course of interdepartmental consultations. I am not aware of any advice given not to proceed with the project.

In the development and implementation of the project, my Department commissioned internationally accredited institutes-companies to carry out extensive testing of the voting machine equipment and election management and count software associated with the introduction of electronic voting and counting in Ireland. All the test results, including an architectural and code review of the software, endorsed use of the chosen system and these test reports have been made publicly available. The Commission on Electronic Voting in its first report has confirmed that the system is capable of gathering and counting votes at elections with a high degree of accuracy, secrecy and efficiency, while pointing to the desirability of further testing and quality assurance.

The total cost to date of the electronic voting and counting project is €51.65 million. Apart from annual storage and insurance costs which, based on information provided to my Department by returning officers, amount €658,000, it is not possible at this stage to quantify additional costs that may arise in relation to the electronic voting and counting system. In any event, such costs are likely to be small relative to the capital investment already made.

Question No. 274 answered with Question No. 273.

Question No. 275 answered with Question No. 95.

Question No. 276 answered with Question No. 273.

Local Authority Housing.

277. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the total land bank available for housing in the ownership of the various local authorities throughout the country; the total acreage of land utilised for housing purposes in the past seven years; the extent to which the housing need has been addressed through this land bank; and if he will make a statement on the matter. [11435/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department does not have information on the total amount of land utilised for housing purposes in the past seven years. For the past number of years my Department has monitored overall levels of zoned residential lands. The results of the sixth national inventory

of such land indicated that there were 12,500 hectares of serviced residential land as at 30 June 2004. This would give an estimated yield of 367,000 housing units.

Information was also returned at the time of the 2004 survey on lands in local authority ownership which could be used for housing. However, the information is incomplete, and my Department is not satisfied that in its present form it gives the overall picture on this issue. My Department intends to obtain more detailed and further information as part of the 2005 survey on this aspect.

The above data will only afford a picture of lands available at a point in time. Our focus over the past number of years has been to encourage local authorities to acquire sufficient land to meet the needs of their housing programmes and this has been facilitated through borrowing. In total €438 million has been borrowed between 2000 and 2004 from the Housing Finance Agency for land acquisition purposes. No local authority has been refused approval to acquire land for housing purposes.

Recently, my Department has urged local authorities to acquire adequate land in order to meet the social and affordable housing needs as set out in their five-year action plans. We will continue to support borrowing for such land acquisition where it is necessary and appropriate.

278. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the total acreage provided through the various local authorities to voluntary agencies in the past seven years; the number of housing units provided; and if he will make a statement on the matter. [11438/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Available information on the number of units provided in each local authority area in respect of the voluntary housing schemes is published in my Department's quarterly and annual housing statistics bulletins. Copies of the bulletins, including September 2004, are available in the Oireachtas Library and the information contained in the bulletins is also available on the Departments website at www.environ.ie.

Water Quality.

279. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the plans he has to ensure the quality and adequacy of supply in respect of domestic drinking water; and if he will make a statement on the matter. [11440/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In order to meet anticipated demand for water and water treatment facilities, the national development plan provides for investment of €4.4 billion in water services infrastructure up to the end of 2006,

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approximately three times the amount expended during the 1994-99 period. Substantial increases in water treatment and storage capacity are being achieved as a result of this increased investment. Schemes completed since 1997 have produced additional drinking water treatment capacity equivalent to the needs of a population of 985,000. The increase in storage capacity over the same period was sufficient to meet the requirements of a population of 1,575,000.

Details of approved proposals for further new and upgraded public water supply schemes are set out in my Department's Water Services Investment Programme 2004-2006, a copy of which is available in the Oireachtas Library. The schemes included in the programme are mainly derived from regular assessments of needs undertaken by local authorities, at my Department's request, as an input to the overall strategy for meeting additional water supply and treatment requirements.

Successive EPA reports on drinking water quality verify the fundamentally good quality of public drinking water supplies in Ireland. The most recent EPA report, for 2003, confirms a compliance rate with mandatory drinking water standards for public water supplies of 97.7%. In addition, earlier this year, I announced a record allocation of €125 million for the 2005 rural water programme. The main focus of this allocation is on upgrading group water schemes using sub-standard private sources. These schemes serve approximately 4% of households nationally and planned upgrades are being advanced as a matter of urgency.

Overall, the resources being put in place should ensure that the coverage and quality of the national water supply infrastructure adequately caters for all demands placed on it.

Water and Sewerage Schemes.

280. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself that sewerage and water treatment systems available or proposed here are adequate and in keeping with technological advancement; if his attention has been drawn to the failure of some such plants in the past five years; the action he proposes to address this important issue; and if he will make a statement on the matter. [11441/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department's policy in regard to public water and wastewater treatment facilities is to promote innovation, value for money, effective management and optimum long-term protection of infrastructural investment. As part of that process, public private partnerships, employing the design-build-

operate model, have been adopted as the standard procurement method for the provision and management of new water and wastewater treatment works being funded under my Department's water services investment programme.

The design-build-operate model offers a number of distinct advantages over traditional procurement, including single point responsibility for design, construction, operation and maintenance; better allocation of risk, resulting in greater certainty of final capital cost; access to new and innovative technologies with associated technical and economic advantages; and professional operation and maintenance standards backed up by penalty clauses.

My Department has also established and funds the water services national training group which provides training facilities across a wide range of competencies for some 2,000 local authority personnel involved in the operation of public water services infrastructure. Capital funding has been provided by the Department for the construction of dedicated regional training centres at four locations nationally.

In addition to practical training for day-to-day operations, the water services national training group has also undertaken a number of important initiatives to improve local authority management and supervision, both of water services infrastructure directly operated by their own personnel, and operational contracts under public private partnerships. The performance management system is one such initiative and provides a template for recording and reporting on all aspects of operational performance in the case of water and wastewater treatment plants. Implementation of the performance management system is mandatory in the case of public private partnership contracts and local authorities are also encouraged by my Department to utilise it to optimise their own operational arrangements.

The treatment standards achieved by individual water and wastewater treatment plants are identified in the regular reports produced by the Environmental Protection Agency in regard to drinking water quality and urban wastewater discharges. These reports assist local authorities in focusing on operational deficiencies, where they occur, and also help my Department to identify new infrastructural requirements for inclusion in the water services investment programme. The programme, covering the years 2004 to 2006, includes more than 800 individual schemes and is available in the Oireachtas Library.

Investment under the water services investment programme in the provision of new and upgraded water services facilities, together with improved operation and management structures, has produced a 97.7% compliance rate with mandatory drinking water standards, as reported in the most recent Environmental Protection

Agency drinking water report for 2003. Ireland has also achieved a 90% compliance rate with the end 2005 requirements of the EU urban wastewater treatment directive. All remaining schemes needed to attain full compliance have been approved for funding in the Water Services Investment Programme 2004-2006. The corresponding compliance rate in 2000 was only 25%.

Local authorities will this year for the first time report on their performance against a range of 42 service indicators covering the full spectrum of local government activity, including the percentage of drinking water analyses results in compliance with statutory requirements. This will allow members of the public and elected representatives to assess the performance of their authority and to see how their local authority is performing year on year. This process is intended to facilitate the identification of good practice and to encourage all local authorities towards improved performance.

281. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has received advice from or given instructions to Kildare County Council in the matter of the permanent alleviation of methane gas permeation at Main Street, Leixlip, County Kildare; if, having regard to his previous discussions in the issue, he will give an indication; and if he will make a statement on the matter. [11444/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The lower Liffey valley sewerage scheme is included in my Department's Water Services Investment Programme 2004-2006 to commence construction this year. The scheme, under which the wastewater collection systems in Leixlip, Kilcock, Straffan, Celbridge and Maynooth will be upgraded and improved, also includes measures to eliminate odours from the existing collection system in Leixlip's Main Street.

Contract documents for the scheme were submitted to my Department by Kildare County Council in February. Further information requested from the council in the meantime has since been received and is under examination in the Department. It will be dealt with as quickly as possible.

Regional Road Network.

282. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the position in regard to road and bridge realignment proposals at Bond Bridge, Maynooth, County Kildare; the anticipated completion date for the works; the total cost involved; and if he will make a statement on the matter. [11447/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the

reply to Question No. 282 of 9 February 2005. The position is unchanged.

Library Projects.

283. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government when it is anticipated that the new library in Leixlip, County Kildare will become operational; and if he will make a statement on the matter. [11450/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In July 2001, my Department approved a proposal by Kildare County Council for the acceptance of a tender in relation to the provision of a new library at Leixlip. I understand that the library is currently under construction and that the local authority hopes to be in a position to open it to the public in autumn 2005.

Architectural Heritage.

284. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which representations, discussions and negotiations have been made or received with reference to the possible preservation and restoration of Donadea Castle and ancillary buildings, having regard to their historical significance; and if he will make a statement on the matter. [11453/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 278 of 9 February 2005. Donadea Castle and its associated buildings are an integral part of Donadea Forest Park, which is in the ownership of Coillte Teoranta. Any development proposals in respect of the property would be matter, in the first instance, for that organisation. My Department is not aware of any plans regarding the future restoration of the castle.

Question No. 285 answered with Question No. 73.

Water and Sewerage Schemes.

286. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government his views on whether the current procedures for water and sewerage schemes should be tightened up to allow a faster delivery of projects. [11468/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The procedures for the advancement of projects approved for funding under my Department's water services investment programme are intended to optimise progress through the planning, tender and construction phases, taking necessary account of

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mandatory procurement and other legislative requirements and the policy of delegating maximum responsibility to local authorities who are responsible for the provision of the infrastructure.

An informal working group, comprising officials of my Department and of the City and County Managers' Association, is at present engaged in a detailed review of the current procedures with a view to identifying measures to further streamline the process, having regard to the financial and statutory responsibilities of the parties involved. I expect the group to report before the summer.

Housing Grants.

287. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government if a person (details supplied) in County Tipperary will qualify for consideration for a new house grant. [11489/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): There is no record of the receipt of an application for a new house grant from the person named at the address given. Applications for a grant, which was terminated as and from 14 November 2002, were required to be received in my Department by 4 December 2002.