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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 14 April 2005.

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DÁIL ÉIREANN

—
Déardaoin, 14 Aibreán 2005.
Thursday, 14 April 2005.

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

—
Paidir.
Prayer.

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.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the serious misgivings being expressed about the effects of unmonitored levels of chemical fluoridation of drinking water on public health; the correlation between dental fluorosis and bone fractures in children, the Republic's rate of dental fluorosis which is triple that of Northern Ireland where fluoridation is banned and the failure to implement the recommendations of the forum on fluoridation to reduce limits of fluoride in drinking water.

Mr. Sargent: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the public outcry over the crisis in hospitals, including the generous offers from members of the public of portacabins and equipment as a practical gesture to accident and emergency departments which are so chronically under-resourced at present.

Mr. Eamon Ryan: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: that the current arrangements for drift netting of wild salmon at sea may place the State in breach of the UN Convention on the Law of the Sea which places obligations on the State for the conservation of migratory wildlife, and the condemnation by the UK authorities of our drift netting policy which has now become an issue in the upcoming British general election.

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

Mr. Kenny: It will be a shock when the Ceann Comhairle approves one of those matters.

An Ceann Comhairle: Some day.

Order of Business.

The Tánaiste: It is proposed to take No. 18, Garda Síochána Bill 2004 [*Seanad*] — Second Stage (resumed); and No. 17, Land Bill 2004 [*Seanad*] — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that the taking of any divisions demanded on Nos. 18 and 17 shall be postponed until immediately after the Order of Business on Tuesday, 19 April.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with the postponement of any divisions demanded on Nos. 18 and 17 agreed to? Agreed.

Mr. Kenny: I wish to raise three issues with the Tánaiste. No legislation regarding the nursing home charges is contained on the A list of legislation. When does the Tánaiste expect to be able to introduce such legislation? Will that legislation deal with the problem of lump sum payments which might result in pensioners having their pensions reduced? Will it also address the matter of the private nursing homes and the Statute of Limitations?

I raise this matter in a non-political fashion as I know the Tánaiste has an interest in it. Last night we debated cancer screening programmes, in particular BreastCheck. The radio advertisement for BreastCheck certainly does not do justice to women who live in the west and south and should be revisited. It is offensive to women who live in parts of the country where the programme does not apply.

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

Mr. Kenny: I suggest that we have a debate next week on the report the Government will have received from the Dublin Airport Authority in respect of the issues of security at Dublin Airport. I understand that from 6.30 a.m. to 9 a.m., some 44 flights were delayed. There are reports of security staff entering planes before crews and pilots.

An Ceann Comhairle: We cannot go into detail on the matter.

Mr. Kenny: We should have a full discussion about the matter next week.

The Tánaiste: Legislation will be needed to deal with some elements of the nursing home charges issue. It is intended to have that legislation passed by the Houses of the Oireachtas by the end of this session. The legislation, if required, will deal with the issue of ensuring that

[The Tánaiste.]

the moneys to be paid back will not be used to prevent people getting social welfare entitlements. In other words, it will not be used for the purposes of means-testing people, which would be very unreasonable. This may be done through the proposed legislation or there may be another mechanism for doing so. The issue of private nursing homes is separate. The proposed Bill will provide for the repayment of those in public institutions. Litigation is pending regarding the private nursing home issue, which will be vigorously defended by the State. I believe everybody would accept we could not possibly pay for everybody in a private nursing home.

Last night I said the Government was committed to ensuring BreastCheck was rolled out in Cork and Galway and in place by 2007. One would wish that population screening programmes could be carried out for the whole country at once. Unfortunately that is not possible. In every other country we reviewed this has been done on a phased roll-out basis, which is happening in this case. The commitment is to have it in place by 2007.

The Minister for Transport advises me that he is not certain when he will have the Dublin Airport Authority's report. Clearly any discussion that might take place in the House should be discussed by the Whips.

Mr. Rabbitte: Will the Tánaiste clarify her answer about the long-stay nursing home charges? We now receive queries from people wishing to know when they are likely to receive some refund under whatever redress scheme the Tánaiste might announce. I have come across some cases of people *in extremis* who are desperately in need of some alleviation.

In her speech at her party conference, the Tánaiste promised further involvement by the private sector in the health service. Did she mean Mr. Ben Dunne and other benefactors through the "Liveline" programme?

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

Mr. Rabbitte: I wonder if the health service, like Mr. Charles Haughey, will end up dependent on Ben Dunne.

An Ceann Comhairle: We cannot have a debate. The Deputy has other opportunities to raise the issue if he so wishes.

Mr. Rabbitte: With regard to the letter concerning Gama Construction written by the Tánaiste to the then Minister for Transport, Deputy Brennan, and published today, I wrote to the Tánaiste at that time about the same employer—

An Ceann Comhairle: The matter does not arise on the Order of Business. We cannot have

an omnibus question time on the Order of Business.

Mr. Rabbitte: —complaining about a company being undercut.

An Ceann Comhairle: I ask the Deputy to obey the Chair.

Mr. Rabbitte: May I ask about No. 6 on the legislative programme? I would have finished by now if the Ceann Comhairle had permitted me.

An Ceann Comhairle: The Chair cannot allow an omnibus question time on the Order of Business or make a special rule for a Deputy.

Mr. Rabbitte: The Ceann Comhairle is right. When will the Employees (Provision of Information and Consultation) Bill come before the House? Is it not extraordinary that during the Tánaiste's period in the Department of Enterprise, Trade and Employment her officials and inspectors carried out an investigation when complaints made to me, the then Minister for Transport, Deputy Brennan, and others concerning that employer were communicated to her Department directly, yet she gave a clean bill of health to Gama practices?

An Ceann Comhairle: We cannot have a debate.

The Tánaiste: On long-stay charges the intention is to have the legislation passed before the summer recess. As this will obviously be a mammoth logistical task, we are going to tender to get assistance because the last time the health service was in a position in which repayments had to be made, it took a considerable length of time — I believe it was up to three years — to reimburse a relatively small number of people in comparison to the number involved in the current case. I hope we will start to make repayments towards the end of the year, beginning in autumn, but it will not be before the summer.

On the issue surrounding work permit legislation, the Bill in question will be before the House during this session. Complaints were also made to me at my constituency clinic and investigated on my behalf on at least two occasions when I was Minister for Enterprise, Trade and Employment. I have asked my press officer today to publish the outcome of those investigations as presented to me by officials on that occasion. It is not correct to state nothing was done as the complaints were investigated.

Mr. Rabbitte: I did not say nothing was done but asked how the Department ended up giving Gama a clean bill of health.

The Tánaiste: If one appoints experts to do these things and they carry out inquiries or an audit is carried out on behalf of the company—

Mr. Broughan: The Department did not have many experts at its disposal.

The Tánaiste: Let us be reasonable.

Mr. J. O'Keeffe: Is the Tánaiste blaming officials again?

The Tánaiste: No, I am simply stating it is not the case that the matter was not investigated.

An Ceann Comhairle: I ask Members to confine their questions to matters relevant to the Order of Business.

The Tánaiste: While we have some private sector investment in the health services, we need more capital investment in the service. We welcome Irish or other money if it becomes available to provide services. Generous as €30,000 is, one can imagine how much it would do in the context of €12 billion.

Mr. Quinn: Private sector investment costs the health service more than public sector investment.

Ms Burton: The Tánaiste is responsible for underspending the Department's capital allocation by 13%. She is so incompetent she cannot spend her own money.

An Ceann Comhairle: Allow the Tánaiste to speak without interruption. She was asked a question regarding No. 6 on the legislative programme.

The Tánaiste: As I stated, the Bill will be taken this session.

Mr. Sargent: On No. 35, the charities regulation Bill which currently comes under the Department of Community, Rural and Gaeltacht Affairs, will the Department of Health and Children have a role in this legislation given that it deals with regulating charities? Will the Bill formalise the role of private benefactors?

An Ceann Comhairle: We cannot discuss the contents of the Bill.

Mr. Sargent: On the promised legislation, about which I must ask a question since the Ceann Comhairle ruled my request under Standing Order 31 out of order, given that the Sea Fisheries Bill is a subject of discussion in the Labour Party in Britain—

An Ceann Comhairle: The Deputy may not make a speech.

Mr. Sargent: Although the Bill is due to be taken in this session, will it be given priority because of drift netting of salmon around our coast?

The Tánaiste: The Sea Fisheries Bill will be taken this session. It would be normal for all Departments affected to be consulted on the charities regulation Bill.

Mr. Naughten: Last January the Minister for Agriculture and Food stated in the House that the Tánaiste and Minister for Health and Children would introduce legislation which the Minister for Agriculture and Food could amend to facilitate revised food labelling. To what legislation was she referring and when will it come before the House? When will the House take Second Stage of the Parental Leave (Amendment) Bill and Report Stage of the Adoptive Leave Bill?

The Tánaiste: I am not in a position to indicate when the House will take Second Stage and Report Stage of the two Bills but I will make inquiries and have somebody communicate with the Deputy. On the labelling of food, the Minister for Agriculture and Food is anxious that the source of beef be displayed. The matter is being examined because we may need to go beyond this.

Mr. Naughten: No legislation is pending.

The Tánaiste: Legislation will be required.

Ms B. Moynihan-Cronin: What assurances can the Tánaiste give women in County Kerry following a report that the Health Service Executive proposes to close the maternity department of Tralee General Hospital?

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

Ms B. Moynihan-Cronin: It arises under the nurses and midwives amendment Bill. Is the Government about to do another U-turn on the Great Southern Hotel Group and is it proposed to introduce legislation to facilitate that?

An Ceann Comhairle: Questions must be confined to promised legislation.

The Tánaiste: As the Deputy is aware, many members of the Government are very supportive of the Great Southern Hotels when they spend their holidays in the Deputy's constituency.

Mr. S. Ryan: Will they carry through their support and ensure the group is not privatised?

An Ceann Comhairle: Allow the Tánaiste to continue, please.

The Tánaiste: We will have to ensure the hotels start to make some money. The nurses and midwives Bill will be taken next year.

Mr. J. Higgins: Since the Tánaiste carries a major personal responsibility for the Gama exploitation scandal—

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

Mr. J. Higgins: Yes. The Minister for Enterprise, Trade and Employment, Deputy Martin, indicated last night that he wants the labour inspectorate report on Gama published as soon as possible, laid before the Oireachtas and debated in the House. As soon as the High Court gag is lifted, will the Tánaiste provide for a major debate on the implications of the labour inspectors' report? In regard to legislation, will the Tánaiste promise that any legislative changes pointed to by the report in light of the experience of the Gama scandal will be immediately fast-tracked in the House?

The Tánaiste: Officials on behalf of the Government made presentations overseas encouraging companies to tender for work here to complete the national development plan. At the time they were made everybody was told they would be subject to European tender procedures, labour laws would have to be honoured and there could be no discrimination. No doubt was left about this in the official presentations made by officials in a number of cities overseas to encourage companies to enter the Irish market. The Minister for Enterprise, Trade and Employment will publish the labour inspectors' report if and when he can. He has given a commitment that a debate will be held in the House. Clearly, if there is any legislative gap on this matter, it will be rectified.

Mr. J. Higgins: Would the Tánaiste like to apologise for her role in the matter?

The Tánaiste: I had no act, hand or part in bringing the company in question to Ireland. What I did, as Minister for Enterprise, Trade and Employment, was encourage investment in this country anywhere I went. I also encouraged employees to come here and would still do so. I regret very much the circumstances which are emerging regarding this case. It is a disgrace and I would not stand over it.

Mr. J. Higgins: How could the company get away with it for five years?

An Ceann Comhairle: I call Deputy Stanton.

Mr. Stanton: I have been trying to get a response to a question for some time.

Mr. Broughan: There are other cases about which we are not aware.

Mr. McDowell: What else does the Deputy know about?

Mr. Broughan: The point is whether the Minister investigated them.

Mr. J. Higgins: He applied for—

An Ceann Comhairle: I ask Deputy Joe Higgins to show the same courtesy to Deputy Stanton as was afforded to him.

Mr. Stanton: I have tried to get some information about the fact that the Commission to Inquire Into Child Abuse Act 2000 (Additional Functions Order 2001) was struck down by the courts. I was given to understand that the Child Abuse Amendment Bill 2005 would deal with this but I am now told that it will not. What is the Government's response? Legislation has been promised. When will it be seen and what is the Government going to do about it? This affects many people with babies who—

An Ceann Comhairle: We cannot have a debate on the issue.

The Tánaiste: That legislation was published on 24 March and is ordered for Second Stage.

Mr. Stanton: It will not deal with the issue.

The Tánaiste: The Deputy will have to discuss the matter with the Whips. I cannot deal with it here.

Mr. Stanton: It will not deal with the fact that this order was struck down. I have raised this on a number of occasions and have been informed of it this week by way of a reply to a parliamentary question which indicated that it is not envisaged that the child abuse amendment Bill will address the issue of the vaccine trials. I want to know when the Tánaiste will bring forward an amendment or primary legislation to deal with it, as promised.

The Tánaiste: The reason it cannot is because the Supreme Court has said that the witnesses, by virtue of age and other factors, cannot give evidence. There is no point in having an inquiry if the key witnesses are not in a position to participate. This is a fact and I think the group understands this. I have spoken to some members of that group. We must be realistic and we cannot have an inquiry just for the sake of it, if we cannot get the facts.

Mr. McDowell: The lawyers would like that.

The Tánaiste: On the vaccine trials, the Supreme Court said one cannot call these witnesses by virtue of their age.

Mr. Stanton: The Minister for Justice, Equality and Law Reform makes a joke out of everything.

An Ceann Comhairle: The Deputy cannot have a debate on the issue.

Mr. Quinn: I ask the Tánaiste to explain why the long-promised Building Control Bill has been delayed for so long. It is wonderful to behold that the country is experiencing an unprecedented level of activity in the construction industry. However, it is without the safeguards and consumer protection associated with this Bill. Can one assume that it is due to the influence of the Galway Races hospitality tent and the builders there that have prevented this?

An Ceann Comhairle: We cannot have a debate on this issue.

Mr. Quinn: Why then is it taking so long? Can it be contracted out to some other parliamentary draftsman with nothing to do? More than three years have passed.

The Tánaiste: I cannot explain why it has taken so long. I am told it will be published later this year.

Mr. Quinn: This is the standard reply which unfortunately the Tánaiste must give because it is the information she has been given. However, it will be the same next year. I invite the Tánaiste to consult with the Minister for the Environment, Heritage and Local Government, Deputy Roche, to consider whether the Bill can be contracted out to be drafted.

An Ceann Comhairle: The Deputy has made his point.

Mr. Quinn: It is a serious problem.

Mr. Kehoe: The Tánaiste is probably aware of the bed crisis in Wexford General Hospital over the past number of years. Are any Bills being brought forward that will improve the position in Wexford General Hospital because—

An Ceann Comhairle: On promised legislation only. I call Deputy Seán Ryan,

Mr. Kehoe: I have gone through the legislative programme and I cannot find anything—

An Ceann Comhairle: I call Deputy Seán Ryan. The Chair suggests to the Deputy that he submits a question to the Minister for Health and Children.

Mr. Kehoe: I will not sit down until I get an answer because the crisis in Wexford General Hospital has gone out of control.

An Ceann Comhairle: Deputy Kehoe can only ask a question on promised legislation. I call Deputy Seán Ryan.

Mr. Kehoe: There were 35 people on trolleys last week.

An Ceann Comhairle: Deputy Kehoe is being disorderly. The Deputy can bring the matter to the attention of the Minister for Health and Children during Question Time.

Mr. Kehoe: I was elected to represent the people of Wexford here.

An Ceann Comhairle: The Deputy is not entitled to raise the matter on the Order of Business.

Mr. Kehoe: This has gone on for too long. I am not sitting down until I get an answer.

An Ceann Comhairle: Deputy Kehoe is being disorderly and I ask him to resume his seat.

Mr. Kehoe: I am not sitting down until I get an answer.

An Ceann Comhairle: The Chair will be obliged to deal with the Deputy. This sort of behaviour cannot be allowed on the Order of Business.

Mr. Kehoe: I am not sitting down until I get an answer.

An Ceann Comhairle: It appears to the Chair that the Deputy wishes to leave the House. Does the Deputy wish to leave the House?

Mr. McDowell: The Deputy has no further commitments until next Tuesday.

Mr. Kehoe: It is absolutely scandalous. It is not just happening in Wexford but throughout the country.

Mr. Callely: Bye-bye.

An Ceann Comhairle: I am going to ask the Deputy to leave the House unless he resumes his seat immediately.

Mr. Kehoe: It is an absolute disgrace. If the Ceann Comhairle could see what is happening—

An Ceann Comhairle: Deputy Kehoe, you are to leave the House. It is obvious to the Chair that Deputy Kehoe wishes to leave the House.

Mr. Kehoe: It is an absolute scandal in Wexford General Hospital.

A Deputy: The waiting lists are someone else's problem.

Mr. Kehoe: This cannot continue. We had 35 people on trolleys last week and they have run out of beds. They have to use trolleys. There is no money for them.

An Ceann Comhairle: The Deputy is out of order.

[An Ceann Comhairle.]

I move: "That Deputy Kehoe be suspended from the service of the Dáil".

Question put.

A Deputy: Vótáil.

An Ceann Comhairle: Under Standing Order 61, any division is postponed to take place immediately before the Order of Business on the next sitting day. The Deputy must now leave the House.

Mr. Kehoe: I am not leaving the House until I get an answer.

Mr. S. Ryan: Get a trolley. Wheel him out.

An Ceann Comhairle: In view of the Deputy's refusal to leave the House, the sitting is suspended for five minutes.

Sitting suspended at 10.55 a.m. and resumed at 11 a.m.

Mr. S. Ryan: Could the Tánaiste explain why there appears to be a lack of commitment on the Government's part towards the Pharmacy Bill?

An Ceann Comhairle: I call on the Tánaiste.

Mr. S. Ryan: I wish to finish my question.

An Ceann Comhairle: We cannot have a debate on this issue. I am moving on to the next item.

Mr. S. Ryan: There is an inconsistency on this issue.

An Ceann Comhairle: I am pressing on with the next item as it is after 11 a.m.

Mr. S. Ryan: We were told in the spring that the Pharmacy Bill would be introduced in 2005. However, the Minister says she does not know when the Bill will be introduced.

An Ceann Comhairle: The next item is No. 18, the Garda Síochána Bill. The Deputy will be called first on Tuesday.

Mr. S. Ryan: I have raised a question. I am raising a point of order.

(Interruptions).

An Ceann Comhairle: Deputy Seán Ryan is being totally disorderly.

Mr. S. Ryan: It is a legitimate question.

An Ceann Comhairle: When the Tánaiste was called to answer, Deputy Seán Ryan refused to resume his seat.

The Tánaiste: There are issues relating—

Ms McManus: Under what authority is the Ceann Comhairle making these decisions to cut off speakers?

An Ceann Comhairle: My predecessors have made the same decisions.

Ms McManus: I am entitled to ask this question.

An Ceann Comhairle: If Deputy McManus reads Standing Order 26, she will see the Chair is correct.

Ms McManus: I am entitled to ask this question. The Ceann Comhairle has denied me the right to ask it.

An Ceann Comhairle: I have not denied the Deputy any rights.

Ms McManus: What is happening here is wrong. I indicated to the Ceann Comhairle at the beginning of the Order of Business that I wished to ask a question.

An Ceann Comhairle: Deputy McManus's name is not even on the list.

Ms McManus: That is because you deliberately ignored me.

An Ceann Comhairle: The Deputy will withdraw that remark.

Ms McManus: The Ceann Comhairle nodded at me.

An Ceann Comhairle: I did not deliberately ignore Deputy McManus. The Chair does not deliberately ignore anyone. Deputy McManus must withdraw the remark.

Ms McManus: I withdraw the remark but I find it impossible to believe that we are now being denied our rights to ask legitimate questions.

An Ceann Comhairle: Deputies are not being denied their rights.

Ms McManus: Deputy Seán Ryan was denied the right to ask his question properly.

An Ceann Comhairle: He was not denied the right to ask his question.

Ms McManus: Deputy Crawford is being denied his right to ask questions and I was denied my right to ask questions.

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

Ms McManus: We are not being treated fairly in this House.

An Ceann Comhairle: I call on Deputy McManus to resume her seat.

Ms McManus: We are not given the right to ask legitimate questions of this Government.

An Ceann Comhairle: Deputy McManus should allow the Chair to deal with the query.

Ms McManus: It is the job of the Ceann Comhairle to ensure that the right questions are asked.

An Ceann Comhairle: I call on Deputy McManus to resume her seat. If she continues to rise while the Chair is speaking, she will be asked to leave.

(Interruptions).

An Ceann Comhairle: The Deputy knows that Members of this House leave it because they wish to do so. They leave the Chair with no option but to ask them to leave.

(Interruptions).

An Ceann Comhairle: Regarding the point of order raised by Deputy McManus, Deputy Seán Ryan asked a question on the Pharmacy Bill, the Tánaiste was called upon to answer that question and when she was called to speak, Deputy Seán Ryan proceeded to make a statement about the Bill, which was out of order. I call on the Tánaiste to reply to Deputy Ryan's question on the Pharmacy Bill.

The Tánaiste: I do not know who mentioned the spring session as the Bill is a mammoth piece of legislation and it certainly will not be published this year. However, I am examining bringing forward issues surrounding fitness to practice in a smaller Bill that can be completed more quickly.

An Ceann Comhairle: I call Deputy Crawford.

Mr. Howlin: The Ceann Comhairle said that Members leave the House because they want to. That has an implication for my constituency colleague, Deputy Kehoe, which is unfortunate and I do not think it was intended by the Chair as it would imply Deputy Kehoe's motivation was less than the real motivation which was to underline a constituency point. I ask the Ceann Comhairle, on reflection, to withdraw the remark.

An Ceann Comhairle: Deputies know what is permitted and what is not permitted on the Order of Business. If Deputies persist in breaking the rules on the Order of Business in the manner in which they were broken this morning, the Chair has no choice but to ask them to leave the House.

Mr. Howlin: I genuinely believe that implication was present in the Ceann Comhairle's remark. I call on the Ceann Comhairle to withdraw the remark.

An Ceann Comhairle: There was no implication whatsoever in my remark.

Mr. Howlin: Deputy Kehoe was merely seeking to highlight the bed crisis in Wexford General Hospital.

An Ceann Comhairle: Deputy Kehoe knew the consequences of persisting with his behaviour.

Mr. Crawford: In eight days decisions will be made regarding the Nitrates Directive. I ask the Tánaiste to organise a full debate on the directive in this House in the coming week.

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

Mr. Crawford: A debate on agriculture is necessary. Poultry, pig and other farmers will be put out of business.

An Ceann Comhairle: Deputy Crawford should be orderly.

Mr. Crawford: My conduct is orderly.

An Ceann Comhairle: Deputy Crawford's conduct is not orderly.

Ms Lynch: Does the Tánaiste intend to ensure implementation of the promise made by Séamus Brennan under the Air Navigation Indemnity Bill that all airports would be left debt-free on the breakup of Aer Rianta?

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

Mr. Timmins: Earlier, the Tánaiste asserted that what was emerging about the treatment of the workers in Gama Construction was disgraceful and I agree with her. Does she also agree that the treatment of the unsecured creditors of IFI who are owed €26 million by this Government, which is a major shareholder, is also disgraceful?

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

Mr. Timmins: What plans does the Tánaiste have to facilitate payment to those creditors who have recently been told after two years that they will only receive €74,000?

An Ceann Comhairle: Deputy Timmins must conclude.

Mr. Timmins: I would like to ask the Tánaiste when we can expect to see the introduction of the Company Law Consolidation and Reform Bill?

An Ceann Comhairle: Deputy Timmins should allow the Tánaiste to answer his question.

The Tánaiste: The Bill does not deal with the issue of liquidation but it will be introduced in 2006.

(Interruptions).

An Ceann Comhairle: I ask Deputy Timmins to resume his seat and show some respect for the House.

Mr. Broughan: My question concerns three pieces of marine legislation. Regarding what happened this morning to Deputy Kehoe, we discussed——

An Ceann Comhairle: This does not arise under marine legislation.

Mr. Howlin: He did not say it.

Mr. Broughan: I have not said anything. We discussed the issue on the Adjournment. I was nearly thrown out yesterday. Deputy Kehoe was thrown out today. We do not usually have a senior Minister here to discuss such issues and we cannot raise them elsewhere. That is the difficulty.

An Ceann Comhairle: Deputy Broughan is aware that he can raise this elsewhere.

Mr. Broughan: One cannot. It is impossible.

An Ceann Comhairle: There are other ways to raise this issue.

Mr. Broughan: Can I ask——

An Ceann Comhairle: If the Deputy is not happy with Standing Order 26 I suggest he ask for it to be amended. The Chair will be delighted to implement it.

Mr. Broughan: I am trying to be helpful by explaining the reasons, which the Chair knows. On the matter of the harbours Bill, does the Tánaiste intend to have a fisheries harbours Bill as well? What has happened to the foreshore Bill?

The Tánaiste: The harbours Bill is intended for 2006 but I do not know if it deals with the second issue the Deputy raised. I understand that the foreshore Bill is being reviewed.

Mr. S. Ryan: It is being eroded.

The Tánaiste: It is being reviewed.

Ms McManus: When the Tánaiste became the Minister for Health and Children, she gave a commitment to resolve the accident and emergency crisis and that there would be significant improvement by March 2005.

Mr. Howlin: That is right.

Ms McManus: There has been no improvement. The problems have been getting worse. Nurses are going out today to——

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

Ms McManus: Yes. It is now clear the money the Tánaiste has allocated to her initiatives——

An Ceann Comhairle: We cannot have a speech at this time.

Ms McManus: I am only getting started. Does the Tánaiste intend to bring in a Supplementary Estimate to ensure that there will be sufficient funds for dealing with the accident and emergency crisis which she has so far failed to do?

With regard to the legislative programme, the Tánaiste has indicated there will be a new Bill concerning nursing home charges that will come into effect shortly. As it does not seem to appear, where is this in the legislative programme?

Why is there such a major drift in the legislation for which she is responsible? In September 2004, the alcohol products (control of advertising, sponsorship and marketing practices/sales promotions) Bill was promised for early 2005 but was changed to late 2005 in the most recent legislative programme. The medical practitioners Bill was promised for early 2005 but, according to the recent programme, has been moved to early 2006. The adoption (Hague Convention, adoption authority and miscellaneous) Bill was promised for 2006 but is now scheduled for mid-2006. Despite what the Tánaiste claims, it is not possible to tell from this programme when the nurses (amendment) Bill will be ready. The same applies to the pharmacy Bill, which was promised for 2005. Neither is it possible to determine when the Voluntary Health Insurance board (corporate status) Bill, to which the Tánaiste referred when discussing the case of Vivas Health on 13 April, will be ready, even though it was promised for 2005.

Mr. Quinn: Is the Tánaiste sorry she moved?

Ms McManus: The Bill providing for the health information quality authority was promised by the Tánaiste for shortly after the Health Bill but there is no indication of when that will now occur. Mr. Kevin Kelly, the executive chairman of the Health Service Executive, stated this morning there will be further legislation on accountability and that he had held discussions with the Tánaiste on this issue. However, there is no indication of such legislation either.

We have a legislative programme and we ask questions in the House but every time we do there is a different answer.

An Ceann Comhairle: The Deputy has made her point. Allow the Tánaiste to answer.

Ms McManus: It is important to have clarity on this issue. The extent of the drift in terms of legislation under the tenure of this Minister for Health and Children—

An Ceann Comhairle: Allow the Tánaiste to answer the question.

Ms McManus: ———is quite disturbing.

The Tánaiste: The Deputy may laugh but there is no drift.

Mr. Quinn: That is absolutely wrong.

The Tánaiste: I am making substantial changes to the heads of the medical practitioners Bill as we must ensure we get this right. It is better to do so and have the Bill next year than to have it as it is this year. I have given a commitment to the House that I will publish the heads of many of the Bills Deputy McManus mentioned, as it would be helpful from the point of view of public debate.

No legislation has been promised on accountability. Perhaps Mr. Kelly was speaking about regulations that can be made under the Act we passed before Christmas 2004. The issue of charges has consumed many of my Department's resources over the past three months in terms of finances and manpower owing to the issue's implications. It is a current priority as we must make repayments to honour the Supreme Court decision on the one hand and seek to protect taxpayers' money as best we can to invest what resources are available in health care on the other.

There will be a Supplementary Estimate for this year but not to get additional moneys for the areas Deputy McManus mentioned. People must learn to live within their budgets. We are spending a considerable amount of time on this. Budgets for hospitals have doubled in recent years. However, a Supplementary Estimate will be needed because we were unable to charge for the first three months of 2005 since December 2004, for example, which brings a shortfall of almost €40 million to the health service. We must deal with this and other issues concerning the change of accountability from the Department to the HSE.

Mr. Costello: I will be brief. In light of the devastating criticism of St. Patrick's Institution by the inspector of prisons, as published in today's newspapers, when will the prison service Bill be introduced to remove responsibility for running prisons from the Minister for Justice, Equality and Law Reform and enable them to be run properly?

The Tánaiste: It is not possible to say at this stage.

Ms O'Sullivan: The Tánaiste indicated the legislation intended for before this summer will

only deal with public beds and publicly contracted beds. How does she intend to deal with this matter? Will it be by way of legislation? There is an issue of people in private nursing homes who are entitled to public beds or who may be in acute hospitals and occupying beds because they cannot afford long-term care despite their entitlement to it. Will this be dealt with by way of legislation?

An Ceann Comhairle: Is legislation promised?

The Tánaiste: The issue of the charges will concern public beds. The pending litigation with regard to private nursing homes and the State's liability for their costs will be vigorously defended by the State. This country cannot afford to pay for all the private nursing home costs.

Ms O'Sullivan: What about the rights of people to these beds?

An Ceann Comhairle: We cannot have a debate on this.

Mr. Boyle: On a point of order, why were only two Members of the Technical Group asked to contribute to the Order of Business as opposed to half a dozen from the other two Opposition groups?

An Ceann Comhairle: The Chair apologises. Deputy Boyle will be the first Member called next Tuesday.

Mr. Boyle: I am asking for a ruling on this matter.

An Ceann Comhairle: There will be no ruling.

Mr. Boyle: There is usually a degree of proportionality in the Order of Business. I indicated—

An Ceann Comhairle: The Chair was unaware that the Deputy was offering.

Mr. Boyle: ———a number of times.

An Ceann Comhairle: As the Deputy can appreciate, there was much to sort through this morning.

Mr. Boyle: I indicated at precisely the same time as Deputy Crawford and the Chair could not miss either of us given where we are sitting.

An Ceann Comhairle: I refute the implication that the Chair is refusing to write names. At the same time the Chair writes names, the Chair is listening to the questions being asked to ensure they are on the Order of Business. The Chair apologises to any Deputies who raised their hands but did not have their names noted. A number of Deputies raised their hands three or four times to ensure the Chair did not miss them. I suggest this course of action to Deputy Boyle.

Mr. Boyle: Perhaps Members must engage in histrionics to get attention in the House.

Garda Síochána Bill 2004 [Seanad]: Second Stage (resumed).

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

Mr. Crowe: I begin by reiterating an important part that was made by our party spokesperson on justice. Despite what some Members on the Government side of the House, Sinn Féin does not see the Garda Síochána in the category as the RUC-PSNI. We acknowledge the Garda as the State's legitimate police service and recognise and applaud the good work done by many gardaí in our community over the years.

Mr. Quinn: Does that include Detective Garda Jerry McCabe?

Mr. Crowe: Yes, it does. However, confidence in the Garda is diminishing in many working class communities and the case for fundamental reform is well-established and timely. Sinn Féin has published detailed reform proposals to restore community confidence, which we submitted to the Minister for Justice, Equality and Law Reform for his consideration prior to this Bill's publication.

My colleagues will go into more detail on our proposals to establish a policing board for civilian oversight and community policing partnerships at district levels for local community accountability, which differ from the Minister's proposed Garda inspectorate in Part 5 and the joint policing committees in Part 2, sections 30 to 34.

I turn to our proposal to establish a Garda ombudsman for this State to investigate allegations of Garda misconduct and abuse of power and to end the culture of impunity which is quite different in several major respects from the ombudsman commission proposed by the Minister in Parts 3 and 4 of the Bill.

Sinn Féin recommends the establishment, on a statutory basis, of a fully independent Garda ombudsman to investigate police misconduct. Impunity for police misconduct is a major human rights issue around the world. It is not limited to the Six Counties nor to this State. Last year, an Amnesty International report on Europe revealed that impunity is endemic in most European jurisdictions. We accept that the level and extent of misconduct here is not equivalent to that of the RUC-PSNI but that does not mean people in this jurisdiction do not deserve the same standard of protections as their Northern counterparts. Indeed, Strand Three of the Good Friday Agreement stipulates that equivalence is an obligation on the Irish Government.

Sinn Féin's proposals for a Garda ombudsman are based on the Patten reform model which is consistent with UN and Council of Europe standards on policing. While Patten was, and remains,

a compromise for Sinn Féin, we have accepted it as the absolute minimum acceptable standard for a human rights compliant and accountable policing service. The ombudsman element of the Sinn Féin Garda reform package is, therefore, consistent with the Good Friday Agreement in that it relates to harmonisation of human rights protections which, as set out in Strand Three, must be at least equivalent in the two jurisdictions on the island. The Minister cannot extract himself from his obligations in this regard.

This is not only our view. We welcome the growing consensus that only an ombudsman can provide an effective complaints mechanism and that nothing less than an ombudsman can command full public confidence. Leading human rights groups in this State, the Human Rights Commission, the Irish Council for Civil Liberties and Amnesty International have endorsed this as the most appropriate model for the gardaí. Amnesty International went further, advocating it as a model for police services throughout the EU. Other progressive political parties, such as the Labour Party and the Green Party, have also accepted it.

Consistent with the recommendations of the Irish Human Rights Commission, Sinn Féin proposes that a Garda ombudsman must be an open, merit based appointment selected on the basis of published criteria. It must be established separately from any body charged with a Garda management function or with a mandate to review Garda efficiency and effectiveness. It must be adequately resourced and staffed full time. It must be granted the necessary legal powers and resources to conduct independent investigations. It must be allowed a scope of investigations that include the special detective unit unless and until that unit is disbanded.

It must be authorised to question witnesses, compel document disclosure and access locations at will. It must be granted the same legal powers as gardaí to arrest and hold criminal suspects related to its own investigations. It must be empowered to determine breaches of Garda disciplinary code and to refer evidence of criminality on the part of gardaí to the Director of Public Prosecutions. It must be empowered to resolve appropriate complaints informally with the complainant's consent or to resolve complaints formally by assigning penalties and remedies, including recommendation for disciplinary action, dismissal, changes in policy or procedure or compensation to the complainant. It must be empowered to investigate systemic problems, including policies and practices, and make general recommendations to eliminate causes and classes of complaints. Where determined necessary by the ombudsman, this should include matters of national security.

The Garda ombudsman must be empowered to conduct independent investigations on matters of public interest on his or her own volition or on the request of the Minister without the need for a complainant. Investigations should be compul-

sory in the cases of certain violations involving loss of life, excessive force, ill treatment in custody, discrimination and political interference. Of critical importance for justice in this State and necessary for a real end to impunity, it must have retrospective investigative powers. Any information that becomes available to the Director of Public Prosecutions, which indicates Garda misconduct, should be automatically referred to the Garda ombudsman. Gardaí under investigation should be afforded the full protection of due process rights. Both parties should be afforded equal treatment before the law, including full disclosure and access to legal aid in cases where there is need and an opinion of sufficient merit.

The Garda ombudsman must be required to produce an annual report for publication, including statistics, identified trends or patterns, analyses and recommendations. The Government must establish a mechanism for effective interaction, sharing of information and collaborative investigation that enables the Garda ombudsman and the Police Ombudsman for the Six Counties to work together.

As the Irish Human Rights Commission has argued to the Minister, this reform is not only necessary to respond adequately to the criticism of the existing complaints system and recommendations raised repeatedly by the UN human rights committee and the European committee for the prevention of torture over ten years, it is also required to conform with both the European Court of Human Rights jurisprudence on standards of independence and impartiality in police conduct investigations and the Good Friday Agreement provisions on equivalent human rights protections between jurisdictions.

We welcome the Government's recognition that internal investigations and the Garda Complaints Board have proved totally inadequate. Both Governments' commitments to establish an independent complaints procedure date back to 1973. This issue must be resolved in the proper way without further delay. We have an opportunity now to shape the policing of the future for the people of Ireland and it is critical we get it right.

I recognise and welcome that since Sinn Féin made its submission to the Minister, he has moved away from his fundamentally flawed earlier Garda inspectorate model which wrongly combined investigatory with management functions and, in many ways, replicated the flaws of the current system. I acknowledge that he has taken on board several of our recommendations. However, the newly proposed ombudsman commission still does not get it right. The Minister's new model has also been criticised again by the Human Rights Commission. It has raised the following concerns which we share.

The appointment and dismissal processes are still not fully independent and transparent. Complaints can still be referred to the Garda Commissioner without the complainant's consent. Six months, the general time limit for complaints, is

unreasonably short and restricts access to justice. The Garda Commissioner retains too much power over the investigation process and we could still end up with ineffective internal investigations where the outcome was less than death or serious harm. There is no obligation whatsoever on the commission to formally investigate serious cases involving allegations of torture, sexual assault or other abusive behaviour on the grounds of race or sexual orientation or political opinion if the end result was less than serious injury or death. Investigations can still be restricted in the name of national security and the commission still lacks the power to initiate investigations into individual incidents or systemic patterns of misconduct or abuse. These are the main concerns. There are others which my colleague, Deputy Ó Snodaigh, will treat in greater detail on Committee Stage.

I hope the Minister will accept Sinn Féin's constructive amendments to strengthen this aspect of the proposed legislation as I very much want to be able to throw my party's support behind this reform effort when the Bill returns to the House on Report Stage. I do not want ministerial intransigence to force me into a position of voting against this Bill.

I urge the Minister to go the extra mile and accept the consensus on the ombudsman issue and the broader issue of the validity of the Patten reform model for this jurisdiction. If he does so, he will have introduced legislation which commands all-party support. I urge him to take this opportunity to make genuine policing reform his positive lasting legacy as Minister for Justice, Equality and Law Reform.

Mr. O'Dowd: I welcome the Bill and the debate which deal with the fundamental issue of how the Garda operates and how the service can be improved and the service that we, as politicians, think ought to be provided. Listening to the last speaker I am delighted Sinn Féin is talking about human rights. Sinn Féin and its fellow travellers in the IRA have a dismal and appalling human rights record North and South.

Mr. Quinn: The Deputy should not kid himself, they are only talking about it.

Mr. O'Dowd: I am not kidding myself. This is the party that has a baseball bat in one hand and an election poster in the other. It is time for them to make that step from the gun and the baseball bat to democracy. If they do that it will be welcome and overdue. To sit in a democratic Parliament and mouth the words it has just mouthed is insincere and hypocritical in the absence of such a commitment and decision from the party and its different organisations, which are all the one.

The issue of the Garda is one on which the Government campaigned strongly. In *The Irish Times* of the election date on www.ireland.com the security correspondent wrote that the significant difference between Fianna Fáil and the

[Mr. O'Dowd.]

Labour Party, Fine Gael and others was on the key issue of the Garda, and the fact that Fianna Fáil promised to recruit an extra 2,000 gardaí two years ago. This was the first time that had been proposed and it was an important and significant development. Obviously it was expected that would happen within weeks or months. We are two years down the road and still waiting for a fundamental change in the number of gardaí on our streets in towns, cities and communities. It was a con job by the Government in the general election campaign but we intend to hold it to that promise. We will continue to push for more and a better resourced Garda capable of providing a 21st century service to which the public is entitled.

An issue that arose recently was the number of gardaí on duty on St. Patrick's Day. We read in the national newspapers prior to the day that more gardaí would be on duty in Dublin and in cities and towns and everybody thought that was great. When it was over we heard there were more gardaí on duty on St. Patrick's Day around the country than ever before. However, when one tables a Dáil question and asks specifically about County Louth and how many gardaí were on duty in the towns of Drogheda, Dundalk and Ardee on St. Patrick's Day one is told that information is not available, that it is a reserve function of the Garda Commissioner to keep secret as an operational matter.

Where is the transparency and openness on Garda policy? What PR stunt is being pulled by the Department of Justice, Equality and Law Reform in the context of the number of gardaí on duty post the event? I do not want to know how many will be on duty tomorrow in Dublin city or any of those operational matters which it is important should not become public. After the event, surely the political system and the public are entitled to know if we are being protected or if it is all rubbish and PR stunts from the Government and, particularly, the Minister for Justice, Equality and Law Reform. I am appalled at the lack of information on a basic fundamental issue of how many gardaí are on duty, where they are and what they are doing post the event. I hope this will be covered in the Bill.

I note the Bill refers to changed fundamental approaches between the Garda and the local community. One of those changes is important and useful as it involves local authorities in local police issues. Recently in Dundalk an important public meeting was attended by the Garda and local authority members which was fully reported on in the local newspapers. This was the first indication of a new move between the Garda and the community, led by the political system. This is the type of policing the people need in their local communities — transparency, openness and co-operation between the Garda and the community. The local elected representatives are the proper people to debate the issue and inform

Garda opinion. I welcome that move which is welcome also by the Garda who do a good job.

One of the key issues in Ireland is the lack of CCTV in many towns and cities, although it is in some of the major cities. In regard to modern policing, the Garda superintendent in Dundalk made it clear that is what he wants. He was photographed in the newspaper with approximately 16 screens behind him. People in Dundalk feel safe and secure, and rightly so, because they have CCTV. However, when one moves down the road to Drogheda there is no such CCTV system in place. The Garda superintendent in Drogheda wants it also. When I tabled a Dáil question to our wonderful Minister for Justice, Equality and Law Reform asking what was happening in regard to CCTV in Drogheda, the response was to wait until the end of 2006 and, if one was lucky, it might be available in 2007. There are 17 such applications before the Minister, but none of the towns is as large as Drogheda, and all will have CCTV in place. However, the Minister is lightening the burden on the Garda Síochána by seeking a new method of tendering for this equipment.

Let us get the facts right. The biggest town in Ireland is Drogheda and it does not have CCTV in place. Under this Government it will not have it until 2007. That is not acceptable. I have written to the Minister asking him to meet with a deputation from our community to make a strong case to him in person. CCTV has to be at the heart of modern policing.

A change in policy is needed from the top on where and how we do our policing, particularly late at night. There is no point in having Garda stations manned successfully from 9 a.m. to 5 p.m. when at night, particularly at weekends, there is only a limited number of gardaí on duty. The reality is that public disorder occurs mainly on Friday and Saturday nights. That is when we need a greater number of gardaí and their presence on the streets. If one speaks to the Garda, some of its members express the fear that if there are inadequate numbers on duty they will be personally exposed to assault and attack which, sadly, has happened.

Mr. Quinn: It is a legitimate fear.

Mr. O'Dowd: It is a real fear. Why are more gardaí not rostered for weekend and night duty? Is it a question of the Government not being prepared to pay the overtime? Clearly it is not prepared to recruit the gardaí. That is the nub of the issue in regard to public order offences throughout the country. CCTV is not in place in enough towns and cities nor are there enough gardaí on duty at night.

I refer to a photograph which appeared in the *Drogheda Independent* recently. It was of mounted gardaí on horses in the town. The next week I looked at the Dundalk newspaper and saw the same photograph. I wondered whether the horse had galloped up and down during the week

or if the horse was on a PR course around the country. I welcome the fact that mounted police were on duty on at least one occasion in Drogheda and that the same horse appeared in Dundalk. I do not know what the facts are but I thought it was funny. I welcome it and I would like to see more. Let us be modern.

Let us look at what has happened in America, New York and Los Angeles where the whole police organisation was changed to put them on duty on rota when one knows there will be trouble. Why have a Garda station full of gardaí from 9 a.m. to 5 p.m. and few on duty at night?

When travelling to Dublin during the past few days I have noticed an increase in the number of gardaí on patrol on the motorway. That is good, helpful and constructive. While the Garda may be on duty the number of cameras for the purpose of catching speeding motorists is inadequate. There ought to be hundreds more cameras on motorways and on the approaches to towns which are high risk accident areas without the necessity to take a garda from other work to do that job.

This morning a wonderful gentleman suddenly decided to skip down the bus lane to get into town earlier, leaving the rest of us motorists stranded in a queue, which has become longer since this Government took office. I suggest that speed cameras be used on the bus lanes in place of gardaí. It would be a practical and cost-effective measure, even though I acknowledge the worth of a Garda presence.

I wish to highlight the difference in Garda numbers in different towns with which I am familiar. I will not name the towns. One town may have no garda on street duty at 8 p.m. or 9 p.m. while in other towns many gardaí are on duty. Different policies regarding the number of gardaí on the beat seem to apply in different areas. I am not suggesting that gardaí are moved from area A to area B but rather that the numbers in the main towns should be augmented.

The link between the community and the gardaí has been broken by that wonderful invention, the Garda car. The garda on the beat is a key element. I noticed on a recent visit to America that police bicycle patrols are used. These are cost-effective and efficient. I was a member of the Garda Síochána and the exercise would have kept me slimmer. Modernisation in the form of a rapid response unit is required. More gardaí on the streets give a sense of security.

I was in Philadelphia at a waste management conference which was not a junket in the political sense. I noticed that at 6 p.m. all the major city intersections had a police patrol in place. Everybody knew they were there and it was a deterrent. I was aware of the efficient and low-key presence of the police on the streets of Philadelphia which is not apparent in Dublin or in other cities and towns because gardaí are not doing those jobs.

I question why the Garda is not provided with more resources and why there is not a fundamental change in their operational methods. I urge the Minister of State to take these points on

board in a constructive manner. People must feel safe. I presume everyone in this House brings their car keys upstairs at night — unless one is a Minister. In my constituency many people are robbed at night. Thieves can remove double glazing panels, enter the house, take the car keys and drive off into the night. What is being done about this? People do not feel that their cars are safe outside the front door. That professional thieves are travelling from the cities to commit these crimes. As a benchmark of how this Government is not working and of the lack of proper policing, I ask the public to judge the effectiveness or otherwise of the policing system and in particular its level of resourcing by the Minister for Justice, Equality and Law Reform. People judge it according to whether their car will still be there in the morning. This crime is becoming endemic and I ask the Minister of State to examine strategies for dealing with it. One strategy would be to have more gardaí on duty at night and to have greater vigilance on the motorways in order to intercept the speeding thieves.

My constituency colleagues and I are fully supportive of the Garda. The Garda Síochána in County Louth are extremely helpful to us and will help solve any problem in a constructive manner. I do not mean we interfere with the business of the Garda but rather we identify problems which have arisen in the community. The biggest problem of all in our society is anti-social behaviour. I would like to see many more community police on duty in urban communities. I have put down a parliamentary question today to the Minister on this matter.

Poorer communities which experience unemployment are also more likely to have a drugs problem. It is essential to have a better link between the people and the Garda. In Drogheda a Garda sergeant has been nominated to deal with the issues arising in one part of the town. People know the community gardaí and therefore they respect them. When I was young everybody knew the local gardaí. They were leaders in the community and their families were known. It is too impersonal now and contact has been lost. I do not wish to hear people complaining that the Garda response to calls is slow or non-existent. Part of the duties of the Garda Síochána is to build up strong links with the community. The juvenile liaison officers have a positive interaction with schools and young people.

I welcome the Bill and look forward to the Minister changing the operational procedures of the force and investing in better resources, particularly for the communities which most need this support.

Mr. Carey: Like other speakers, I welcome the Bill and I am pleased to have the opportunity to speak on Second Stage. Before dealing with the detail of the Bill, I wish to pay tribute to the Garda Síochána. It has a very proud record of service to the country since its foundation and it has evolved into quite a modern and well-

[Mr. Carey.]

developed police force. Some members have given great years of service to the force and some have given their lives to protect us. A school colleague of mine, Tony Hickey, who retired as Assistant Commissioner a few weeks ago, was one of the greatest policemen of our time. I wish him a very long and happy retirement.

I listened to many speakers because I was Acting Chairman for some of the debate. I listened to Deputy Crowe extolling the virtues of the Patten report. I regard the Patten report as a very good report. However, the Patten Commission was set up to reorganise a fundamentally dysfunctional police force. To cut to the chase, if Sinn Féin and Deputy Crowe are so enamoured of all the provisions of the Patten Commission's recommendations, why then are they not members of the policing boards and of the district policing partnerships, of which they are such great fans? To be frank, the Chief Constable and his management team has done a really good job. A police force must have the confidence and the co-operation of the community. The PSNI is working towards this goal and the Chief Constable is doing a good job in achieving this.

The Garda Síochána has been policing with the consent and co-operation of the community in this Republic. I acknowledge that improvements need to be made, that deficiencies exist and that reforms are required. It gives me no pleasure to listen to re-enactments of the Morris tribunal activities on night-time radio programmes or to read about them in the newspapers. It is not pleasant to hear about miscarriages of justice which arose due to inadequate or faulty Garda investigations or instances where the Garda has been at fault and has not been prepared to admit its failings.

However, we are not comparing like with like. The Garda Síochána polices with the support of the vast majority of people in the Republic. There are models in parts of the United Kingdom and the United States which we can usefully consider. However, to suggest that everything proposed in Northern Ireland should be replicated in this State is to miss the point. I urge Sinn Féin in the strongest terms and with whatever authority I might have in this House to join wholeheartedly and unreservedly in policing in Northern Ireland. This would be one of the greatest confidence-building measures it could make.

An issue that is constantly raised with me is that of Garda numbers. Two places in which police numbers are tightly regulated and controlled are Northern Ireland and South Africa. I would hold neither of these models as example of good policing. There is no doubt Garda numbers must be increased and the projected expansion to 14,000 is probably inadequate. I presume those involved in strategic management in the Garda and the Department of Justice, Equality and Law Reform are examining the census figures, which indicate not only a rapidly increasing population

but the development of a very diversified population.

Garda recruitment policies should be modified so that the different community interests and ethnic groupings are allowed to contribute to policing. For example, the requirement that gardaí must be competent in Irish must be reconsidered in a thoughtful manner. I am reluctant to discard the Irish language requirement but such issues must be examined if we are to have a police force that reflects all aspects of the community.

We should discuss the provisions of the Bill in a spirit of constructive appraisal of the Garda Síochána. Our objective is to improve policing and we all want to facilitate the modification and fine-tuning of structures devised in different times and social conditions to suit the circumstances of the new century. Several Members observed that emphasis is placed on different aspects of policing in different areas. There may be significant emphasis on community policing in one locality, for example, because there is a senior garda who is driving that almost as a personal interest. Gardaí in another area might concentrate on tackling drug abuse. We must devise a mix of structures which will ensure a coherent form of policing that is fine-tuned to society's needs.

In this context, it is important to note that this legislation is introduced not to undermine but rather to underpin the Garda Síochána and the work it carries out to protect our freedoms as individuals and as a society. The Bill undoubtedly contains the most comprehensive and possibly the most important legislative provisions on policing ever to come before this House. The importance of the legislation, its aims and functions heighten the need to get it right and necessitate the time we have taken to have a comprehensive debate and to receive submissions from interested parties.

I compliment Dublin City Council and the Lord Mayor of Dublin, Councillor Michael Conaghan, on the establishment of its commission on policing. The recommendations of that commission will contribute to a further enlightenment in respect of the provisions of this Bill. I was in Ballymun earlier this week for a meeting of the local safety forum at which the Lord Mayor outlined his vision of policing and the interaction between local authorities and the Garda. This consultation represented a model of best practice in that it involved the Garda chief superintendent, the superintendent, an inspector and a sergeant from the Garda drugs squad, together with an assistant city manager, the local area manager, representatives of residents' associations and delegates from the Health Service Executive.

The main recommendations of the Lord Mayor's commission have been well rehearsed elsewhere. The Minister has taken on board many of them in the area of engaging with local authorities by giving them a say and inviting them to be partners in the development of a consensus

policing arrangement in their communities. This is the way forward but it is important that we get this process right. A similar forum I attended in another locality last month turned out to be a very unfocused discussion which lacked coherence. In effect, it was a whingeing forum for those present.

One key difference between these two experiences was that the Ballymun meeting was attended by the most senior representatives responsible for the allocation of resources from the local authority and the Garda. The other meeting was attended by members of the excellent community policing unit but nobody more senior than the sergeant and inspector. The Minister should bear this in mind when framing statutory instruments and secondary provisions in the Bill. It is important that we ensure the provisions in this regard are adequate if we are serious about engaging local authorities and community interests.

The Bill's proposals reflect the outcome of a review of the Garda Síochána carried out under the Government's strategic management initiative. In doing so, it aims for greater clarity, democratic accountability and transparency within the force. It is fair to say we are experiencing a period in which confidence within the Garda is diminished because of lack of transparency. The implementation of this Bill can effect a change in this regard provided it enjoys the goodwill of all those involved. We can enact as many legislative provisions as we desire but without the support of the Garda authorities and staff representative organisations, the three-legged stool of policing will not work.

The encouragement and receipt of submissions from interested parties over a period was an important element of the development of this Bill. It is to be hoped that during the debate on Committee Stage some further refinements will be possible. The Bill sets out for the first time in law the functions and objectives of the Garda. The roles of and relationship between the Minister and the Garda Commissioner are defined openly and transparently. For example, it provides that the Minister is entitled to set policing priorities. In addition, it puts in place new and comprehensive reporting requirements for certain matters, including the plans of the Commissioner for the year ahead and his or her assessment of the previous year.

There is an argument that there should be an independent Garda authority. The Minister has contended that this would preclude this House's role as the forum to which policing is directly accountable. I am not certain

12 o'clock I agree with that argument and hope it might be possible to review it. It is possible for this Parliament to have an oversight function in policing without being in any way restrictive in the negative sense.

The Bill brings the management structures of the force into the 21st century, particularly in respect of staff appointments and reviews. The

Commissioner is being assigned new powers and responsibilities regarding the distribution of the force, financial matters and civilian support staff. These new powers are balanced by more comprehensive accountability measures, including the establishment of a statutory audit committee with independent members. Why does such a committee not exist already? It should be a given in any organisation, be it a policing organisation or commercial body. Nonetheless, if we must set such provisions in stone to have a policing force in which we all can have confidence, let us go down that route. I recall few enough examples of questionable practices in terms of management or accountability. There may be examples from earlier times.

The most fundamental and welcome development in the Bill is in section 31. It provides for the establishment of joint policing committees with Garda and local authority representation. I referred to this already. This measure will probably be the one that will win the confidence of the public.

Many Members have referred to Garda visibility. I do not want to quote extensively from the findings of the Lord Mayor's commission on crime but some of the quotations from the submissions of the focus groups that met the commission are constructive. Many communities reported that they are under-policed. They identified an apparent lack of interest on the part of local gardaí in what is considered to be minor crime. Some stated there was no visible police patrol in their area. The lack of a consistent visible police presence in the community is a continual complaint. The focus groups also contended that the need for Garda foot patrols is a must. People want to see a visible Garda presence on the streets, both day and night, and believe a squad car driving around occasionally does not solve or prevent the problems.

There is no doubt that the issue of Garda visibility is critical. I am not pretending that seeing one or two gardaí will transform people's perception of the need for a proactive police force, but I believe it makes a considerable difference. The very fact that gardaí can be seen is important. Many have adverted to the fact that it results in fewer groups congregating around shopping centres, for example. It can influence the problem of young and not-so-young people drinking in public, both day and night. There seems to be an epidemic involving people racing around our parks and streets on micro-motorcycles and scrambler bikes. When people ring up a Garda station about this, they are told the gardaí can do nothing because a squad car is not available. This undermines people's confidence in the Garda.

There is no doubt that there are examples of good practice by gardaí. Deputy O'Dowd reminded me of the use of bicycles by gardaí. This initiative began in Tallaght and Clontarf and has now been adopted elsewhere, including in my constituency.

Mr. Quinn: It is very good.

Mr. Carey: There is no doubt that it has made a considerable difference. That gardaí on bicycles can cross footpaths and go down alleyways means they can arrive at their destination without been spotted. One of the downsides of the use of very colourful Garda vehicles in urban areas is that they can be seen from a great distance. They are spotted before they come anywhere near the point of criminal activity and, by the time they arrive, the perpetrators are long gone. Addressing this aspect of Garda visibility is acutely important.

There is no doubt that there has been much development in co-operation with residential bodies and communities to fight crime more effectively. We started off on a bad footing with anti-drugs marches and other such initiatives. In some cases, it may have been a calculated objective of the organisers to present themselves as an alternative policing force. However, we have surmounted this problem. Through good leadership in the Dublin metropolitan area and through the work of successive assistant commissioners, we have made good progress. We have recognised that crime and anti-social behaviour need to be dealt with by society as a whole. We do the police a great disservice by lumbering upon them responsibility for everything dysfunctional in society.

The level of co-operation must be enhanced. Society's problems will not be solved by greater policing but would certainly be reduced by it. There are examples of good practice. The crime diversion projects have been in existence for a long time and have been very low-key but they are now well-integrated into the youth service.

It is a pity people talk about anti-social behaviour as if everybody is involved in it and as if every young person on the street walking in a group of five or six is guilty of it, whatever it might be. It is uncomfortable to have a group of seven to ten teenagers playing football on one's street or leaning against one's garden wall but, from my experience in youth work, I note that the vast majority of them are only up to what youngsters generally get up to, namely, talking rather loudly, playing rather loudly——

Mr. Quinn: They could be up to much worse.

Mr. Carey: They could be up to an awful lot worse. There is an onus on the Government to provide creative and constructive alternatives for young people. To be fair, it is beginning to do so. Alternatives include all-weather soccer or football pitches, skateboard parks and youth clubs which they can use should they wish to do so. It is important that we continue to invest in our youth services so the young will have alternatives to anti-social behaviour. If they do not avail of the alternatives, it is fair enough to come down hard upon them with a series of community-based sanctions.

In my constituency of Dublin North-West there have been incidents of anti-social behaviour which caused serious problems. There is no doubt that because of the lack of action by the estate manager, Dublin City Council, and a lack of engagement by the Garda, people have taken the ultimate step of leaving the area. It is a pity. It happens regularly that older people, many of whom are widows, simply cannot cope with rowdy behaviour on their street. On one road in particular, which has 26 houses, three requests have been made in the past month by residents asking the local authority to buy back their houses so they can live out their older years in peace and quiet in a more secure environment.

I compliment the Minister on introducing the Bill. I had intended to address the issues of the Garda ombudsman and inspectorate but, unfortunately, I have run out of time. Perhaps there will be another opportunity for me to ventilate some of my reservations on these issues.

Mr. Quinn: I was pleasantly surprised to be in the House when Deputy Crowe from Sinn Féin delivered a panegyric on the Patten report. The Minister of State was not present to hear it.

I felt as if I was sitting in the Reichstag in 1930 listening to a member of Hitler's Nazi Party praising the contribution of the Jewish community to German culture over the previous century. The level of hypocrisy and cant he enunciated, in the course of which he conceded that Garda Jerry McCabe made a positive contribution to policing while being murdered by members of the Sinn Féin organisation — otherwise known as the Provisional IRA — was a democratic *dénouement* such as I have not experienced in a long time. I bring it to the attention of Members who were not here at the time and refer them to the written record in case they do not believe me.

In principle I commend this measure which has been a long time coming and contains some positive elements but does not go far enough. One of the great achievements of the new State in the 1920s was to introduce unarmed "civic guards", as my mother called them, against the background of the politicisation of the RIC as an instrument of an oppressive State prior to 1920, and during the War of Independence and the Civil War. Many people perceived the RIC as an embodiment of armed state terrorism.

One cannot praise highly enough all the people who made that a reality. Deputy Costello cited Commissioner Michael Staines, the first Garda Commissioner, "The Garda Síochána will succeed, not by force of arms or numbers, but by their moral authority as servants of the people." This quote also features on our policy document of 2000. The perception and wisdom behind that observation, uttered so many years ago, is as relevant today as it was then.

On occasion I have had to work closely with members of the Garda Síochána whom I admire as individuals and as an organisation. I admire the way in which they have consolidated their own

working arrangements and shown solidarity with one another, through support systems such as their credit union, medical scheme and sporting facilities. This is testimony to an extraordinary level of energy, skill and creativity which has endowed their members and the wider community.

My criticism is constructive rather than denunciatory. Of all the institutions of State the Garda Síochána is the only one that has not been significantly reformed since 1923-24. We have reformed political parties, amended the Constitution and overhauled different areas of society. This Bill attempts to go part of the way to renew the Garda Síochána but it does not go far enough. The Bill contains two core elements, the creation of an ombudsman and an inspectorate.

I do not agree with Deputy Carey that the Patten report was intended for a different kind of social institution. Chris Patten brought together a group of internationally respected consultants and authorities in the area of policing, including a person deeply involved in the reorganisation of the New York Police Department, and a Member of the Oireachtas, Senator Maurice Hayes. Mr. Patten had varied political experience, having been Governor of Hong Kong and prior to that a member of the British Cabinet.

The report contained 175 recommendations of which between ten and 15 related to the peculiarities of the divided society of Northern Ireland. At least 150 of the recommendations were consultancy advice for what constitutes good policing practice in a modern state. We need good policing practice because bad policing practice is synonymous in the minds of many with oppression by a "police state".

Citizens must have a sense of comfort, ownership and equality with their local police. In general, that has been our experience but as our society changes that relationship will change too. The police must respond to reinstate the balance that existed hitherto. This Bill will not achieve that.

The Labour Party wish to see a Garda authority included in the Bill. This should comprise representatives of civic society, drawn either by nomination from this House or through the social partners but in an objective manner. For example, An Bord Pleanála has been depoliticised and the Minister no longer appoints its members.

The relationship between the Garda and the Department of Justice, Equality and Law Reform is not sufficiently open, comprehensive or pluralist to restore the balance of trust between the Garda Síochána and the citizen. There are historic reasons for that. The Minister argued in the other House, and Deputy Carey repeated the argument today, that because he is accountable to this House for the police force the establishment of an authority alongside him, the Commissioner and the operational force would diminish that reporting relationship. The logic of that, when carried to its conclusion, is to suggest that

because the board of the Industrial Development Authority is responsible for the operation of the authority its existence in some way diminishes the accountability or reporting relationship between the Minister for Enterprise, Trade and Employment with this House. That comparison reveals the weakness of the argument by the Minister for Justice, Equality and Law Reform.

The authority would have a broader social composition and a different relationship with the Garda Síochána from that of the Department. It would therefore be able to say many things that need to be said to the Garda Síochána in private at a monthly board meeting. The revelations of the Morris tribunal show that all is not well in the Garda Síochána. I regret that the Minister has not taken up the proposal we and others made for a Garda authority in 2000.

Ordinary law-abiding citizens experience horror at the prospect of making a complaint to the Garda. For example, recently I received a telephone call from a constituent in his late 60s whose son had got into trouble with the Garda. He said his son was no saint and probably was at fault in this incident. The gardaí beat up his son and when he went to complain about this he could not find anyone with whom he could talk in the local Garda station. There was no one available to sit down and discuss what happened, even when he was prepared to accept that his son had contributed to the late-night fracas. Instead his complaint resulted in a series of summonses and charges against his son. This man, who attempted to go to the complaints board, got absolutely no satisfaction whatsoever. However, to go back to my first point, his sense of the positive relationship he felt he had with the local gardaí had been forever irreparably damaged. If we do not reform radically and ensure the processes of resources and transparency are provided for the new inspectorate and complaints system, the erosion of that relationship, which has commenced, will continue to do great damage to the fabric of our society. I urge the Minister to elaborate on Committee Stage how he intends the provisions of the complaints procedure to function.

I have some reservations about the ombudsman structure. I like the idea of it being a three person body rather than a single individual. There is a certain strength in that, even though our proposal was for a single ombudsman. Unless it has the resources and objectivity to investigate complaints in a manner similar to Nuala O'Loan in Northern Ireland, it will not restore the sense of trust which is necessary in Ireland to get the kind of relationship citizens, the State and the gardaí as an organisation need. For example, if the structures that exist in Northern Ireland were transposed to here, when the unfortunate incident occurred in Abbeylara — it was an unfortunate incident for all concerned — the police authority in Northern Ireland would have arrived on the scene and preserved it independently of the local gardaí, which did not happen. There must

[Mr. Quinn.]

be operational independence if the ombudsman structure is to be effective. I hope the Minister will outline precisely how he proposes to do that.

The second area to which I want to refer is management efficiency, that is, the access we have to the gardaí and the gardaí have to society. Perhaps the Minister of State will correct my interpretation if I am incorrectly informed. My understanding is that when the Garda Síochána was established, the Dublin Metropolitan Police organisational structure was effectively butt-jointed to the RIC provincial structure across the rest of the State, and the number of Garda stations in the Dublin area, which provide a 24-hour, seven days a week service, has not changed since then.

The cost of running a 24-hour, seven days a week service is enormous and extremely inefficient. Dublin South East does not need six Garda stations within five kilometres of each other, open 24 hours, seven days a week. These stations were provided at a time when the gardaí's mobility was determined by how fast they could cycle a bike. It is no longer necessary to provide a 24-hour, seven days a week service. There is a need for a presence in the areas where the current Garda stations exist, but many people just go to the Garda station to get an application form or a passport form signed, which is a nine to five type service. This service does not have to be provided on Saturday and Sunday. Having spoken in the past to two Garda Commissioners, there are great internal difficulties in getting management and work practice changes within the Garda. If a Garda authority had the capability to discuss these matters, many of the necessary reforms in terms of the perception of the gardaí would be capable of being implemented and would have a positive effect. Many of the personnel who are tied up servicing these Garda stations could be out on the beat.

Is there a need for gardaí to retire at 57 years of age? On what basis is that positive? What was the original reason for gardaí being required to retire at 57 years of age? Given the collective wisdom these people have accumulated in the Garda force, including their knowledge of their local community, why are they forced to retire at 57 when they could be retained? They could move to a nine to five type operation. They could become community gardaí and carry out many of the duties that can be done by someone with that wisdom and experience. The cost of putting one on pension at the age of 57 is expensive. Someone of that age is likely to live much longer, because they may take up a second career, than someone who retires at 60 or 65. I would like the Minister to address why these gardaí, with their level of expertise and experience, cannot be kept within the service.

Questions must be asked about the number of gardaí who are tied up in courts for whole sessions. Is there a better way of dealing with this issue? Is there a way in which this garda resource

can be pooled? There may be reasons of natural justice and legal requirement which would render that suggestion non-viable. For people like me, and others, who have some management experience of examining different operations, it appears there are many practices in the Garda that need to be addressed. The wage structure is distorted in that the basic salary of a garda is quite low but the take-home income is augmented substantially by a whole set of provisions, allowances, overtime rates and so on. This is all fine and dandy when one is working, but when one retires, one's pension is based on the basic salary, which is far less attractive. Perhaps it is time for a major review of that structure so that the flexibility of working practices, which is clearly required, could be obtained.

The third point I would make on that aspect of policing is similar to the point made earlier by Deputy O'Dowd, namely, the need to examine the rostering structure. Does the timetable have to remain as it was 30, 40 or 50 years ago in light of the patterns of behaviour, particularly at weekends. As many as 2,000 people could be in Camden Street at 3 a.m., many of whom may be obnoxious, unruly, drunk and terrifying to any young garda or couple of gardaí who may be sent to try to stop some raucous developing into a major incident. This aspect of policing would terrify me. If there is occasional over-reaction by individual gardaí to threatening circumstances, while I do not condone it, I can certainly understand it. There is nothing more frightening than such a large crowd, particularly at that hour of the morning.

Is there a need to maintain the existing levels of rostering and patterns of deployment of gardaí, which were established in a much different time, to deal with patterns of social behaviour at weekends, not just in Dublin but throughout the country, as Deputy O'Dowd said in regard to Drogheda and Dundalk? I do not think so. I do not know if the Bill will give the Minister and the Commissioner the power to bring about these changes. A Garda authority would have the capability to raise these issues. Perhaps in the comfort of a dialogue between it and senior Garda management, it could put forward proposals that would bring about the changes that are clearly needed.

I support Deputy Carey who praised my colleague and friend, the Labour Lord Mayor of Dublin, Michael Conaghan, for his initiative in setting up the commission on policing in Dublin and for taking the comments and submissions of people from across the city. It is a very good report which I commend to the Department, the Commissioner and the Garda Síochána. The report has many insights, some of which are not comfortable to hear. However, these are the insights we must listen to the most whatever our organisation or walk of life. Michael Conaghan and his team have done a particularly good job in putting together a report which reflects the con-

cerns of the people of this State at the turn of the century.

There is a serious mismatch between the necessity to have good community policing and the way in which the community garda is treated by middle and senior management within the Garda force. This issue arose at a Labour parliamentary party discussion some weeks ago. For example, there is an impression that the community garda is moved on once he or she gets to know the people in their locality, that there is no accumulation of knowledge, wisdom or expertise and that the job is regarded as temporary to move in and out of on to something else. I would like to know if that is an incorrect impression. Perhaps a coherent management case could be made for a permanent section of community policing within the Garda Síochána. It would be a wider specialised group than the special detective units and others. People could make a career in community policing within the force, not necessarily moving from one set of duties to another.

The Garda Síochána will provide professional argument and statistics to disprove my next observation. The sight of gardaí on the street provides a level of comfort for many people who do not need the gardaí and are not at risk or being robbed. This is particularly true for those who feel vulnerable, which is half the population of this country. Most women feel vulnerable on frequent occasions when out on the street or on their own. Most men find this hard to hear, but I invite them to talk and listen to women. Seeing a garda on the street provides a level of comfort. It is irrelevant whether one needs the services of the garda. Seeing a fire escape in a building also provides a level of comfort, but how many people have ever had to use one? However, it is comforting to know that the provision and safeguard is there.

An Ceann Comhairle: The Deputy should conclude.

Mr. Quinn: The deployment of gardaí, the role of community police and the relationship between our modern society, with its increasingly varied cultural mix of people from different backgrounds and countries, should be reflected in the structure of the Garda Síochána. There should be a restored relationship between gardaí and the public at large. This relationship has been damaged, and this Bill goes some way to repairing it. However, it does not go far enough and the Minister should rethink some of his proposals.

Ms Sexton: I welcome the opportunity to speak on this important legislation. This Bill replaces various Garda Acts dating back 80 years while providing the reforms necessary for the efficient and effective operation of a modern police force for a modern Ireland and is cognisant of our ever-changing society.

I congratulate the Minister for his commitment to legislative reform to ensure that Ireland has

the justice and policing system it needs and deserves. I welcome the extensive consultation process which preceded the introduction of the Bill and, in particular, the input from Garda management and associations, the Human Rights Commission and the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights which contributed in no small way to this legislation.

The Minister for Justice, Equality and Law Reform has time and again demonstrated his and the Government's commitment to the people. His work rate, steadfastness, legislative programme and forthrightness are leading to the greatest ever reform of the justice system. Yet he still takes time out to demonstrate his obvious interest in improving citizens' quality of life and visited my constituency last week.

The Minister is proceeding with the expansion of the Garda Síochána, but is acutely aware of the greater demands for Garda resources and has restated his confidence that the Commissioner, who is responsible for the distribution of personnel across the country, will ensure that places such as Longford will continue to benefit from increased manpower in line with ever growing demands.

The Minister also took the opportunity last week to review plans for the decentralisation of the Irish Prison Service and I welcome his reaffirmation of his Department's commitment to the programme and his message to those who suggest that the commitment to roll-out the project is not there. The Department now has control of the relevant site and is about to tender for the contract. Some 170 people will work in the new headquarters, attached crèche, stores and logistics section.

I also welcome the progress made by the Minister with regard to the Longford courthouse. The entire county is delighted that the project is going well, that the adjoining buildings have been demolished and that one of the finest buildings in Longford is being conserved for its original purpose.

I am grateful to the Garda Síochána. No matter what discussions we have regarding reforms, accountability and transparency, I still have the utmost faith in and respect for our police force. This State was born out of conflict and civil war and we are indebted to every person who has served as a garda since its foundation, putting their lives on the line in its defence. This State would not have survived without the service and protection of the Garda Síochána.

I had a very positive experience growing up beside the old Garda barracks in Longford and this experience is true for the vast majority of our citizens. It is important that brave and dedicated members of the force hear us state this fact.

Our discussions of this and other Bills in the House must not lead to the demoralisation of any honest serving member of the Garda. They must know that we admire and appreciate their work, dedication and commitment to the State in a

[Ms Sexton.]

society that is more aggressive and less respectful of authority.

Last Monday, one such dedicated garda apprehended a person in the process of robbing €5,000 from a post office. He received a knife wound to the stomach but successfully detained the thief and the money was recovered. We must acknowledge the courage and dedication of members of the force when proposing legislation.

As a former local authority member I warmly welcome the provisions in this Bill for the involvement of local councillors and elected representatives in dealing with specific local issues. The issue of policing at local level on local issues has been contentious and it is gratifying that the Minister has taken those views on board. Its inclusion in the Bill will have a fundamental impact on public confidence in community policing.

There is an impression that the provisions in the Bill are merely a duplication of provisions pertaining in other countries, with particular reference made to the UK. It is inevitable that certain similarities will exist with regard to policies implemented in other countries. It would be negligent not to study successful models prior to drafting Bills and amendments. However, the measures proposed in this Bill reflect the specific situation in Ireland and do not, as suggested, merely replicate those of other countries.

Ireland has a single national police force responsible for all policing matters and the intelligence and security functions relating to the security of the State. Members have borne this in mind in their deliberations and debate on the Bill.

A review of the Garda Síochána took place under the Government's strategic management initiative, and Part 2 of the Bill sets out provisions in this regard. I welcome the clarification of the role and objectives of the Garda Síochána and the definition of its relationship with the Minister and Government of the day.

Two other elements of the Bill, namely, the mechanisms for dealing with complaints against members of the force and the means of improving democratic accountability for their actions, have clearly drawn much attention. Parts 3 and 4 will provide welcome reform of complaints procedures against members of the force. It establishes a new independent body, the Garda Síochána ombudsman commission, to replace the existing complaints board. It is the duty of this House to do all it can to ensure citizens have the utmost confidence in those in whom we entrust extraordinary powers. In light of this, I welcome the provisions of the Bill. It is clear that the current system does not command the full confidence of the public in light of recent inquiries. It is imperative for gardaí that this be addressed. It is welcome that the ombudsman commission will be able to act on its own initiative in cases or on a referral from the Commissioner or the Minister. It is a positive development that the commission will not have to wait for a complaint to emanate

from the public before instituting an investigation.

I reiterate, contrary to spurious claims of gardaí investigating gardaí, that the Bill does not provide for that. Irrespective of the method chosen by the commission to investigate complaints, ranging from the most serious allegations, including possible criminal offences, to those at the lower end of the scale, including breaches of discipline, it will retain total control and direction over the whole proceedings. I stress it will retain total control. Furthermore, the commission will also be able to enter into arrangements with members of other police forces or any other bodies to engage police officers or other persons on a temporary basis to assist it in carrying out its investigations.

Part 5 reforms existing accountability arrangements. Again, this is most welcome. In a time when our democracy and the political institutions of the State are topics of contemporary discussion among the public and media, we must ensure there is a proper separation of powers. We must also ensure that those charged with oversight of the force have correct information at their disposal.

Part 5 provides for the establishment of an independent Garda Síochána inspectorate as a means of improving democratic accountability for the actions of the Garda Síochána. The main functions of the inspectorate will be to ensure that the Minister for Justice, Equality and Law Reform of the day will have objective information on which to base comments made before the Houses of the Oireachtas. That is only right and proper. This will have a welcome and positive impact on the relationship between the Executive, the Legislature and the justice system, as well as the ombudsman commission.

The inspectorate proposed in this Bill will take a thematic approach to policy issues. Standards, practice and performance will be benchmarked to comparable international policing experiences. This can only be welcomed by all Members of the House. The key objectives of the inspectorate will be to ensure and promote efficiency and effectiveness in the Garda Síochána and also to provide advice and support to the Minister. It is common sense that the Department with a statutory oversight role in regard to the Garda Síochána, namely, the Department of Justice, Equality and Law Reform, is empowered by knowledge.

The Bill contains provision for significant reform of the Garda Síochána. We must not underestimate the duty upon us when exercising our power in this regard. It is fundamental to the security and proper democratic functioning of this State, yet the fundamental point remains that members of the public must have total confidence in the transparency and accountability of the force we empower to police them. It is for this reason that I welcome and endorse this Bill.

Mr. Connolly: I extend a welcome to this Bill but not without some misgivings and reservations.

The Garda Síochána has served this nation extremely well as an unarmed Garda force over the past 83 years since the foundation of this State. It has a proud record of service to the people since the formative years of the State when its future was anything but assured.

The introduction of this legislation at the outset of this century is particularly timely and appropriate since it is generally accepted that Garda reform is a necessity given the changing circumstances of Ireland today. In the past, a famous garda used to patrol Baggot Street and dispense his own form of justice. Many people welcomed that. It was an effective form of garda patrol but today we cannot have the luxury of a garda patrolling the way that garda used to patrol Baggot Street some 30 years ago.

The force is seriously undermanned and there is unfinished business in terms of the recruitment of an additional 2,000 gardaí promised in the 2002 general election and in the 2002 programme for Government. Promises were made at that time and the people expected that extra gardaí would be recruited. The Garda expected that additional gardaí would come on stream and hopes were risen only to be dashed. The promise of an extra 2,000 gardaí indicates that the force is understaffed by 18%. That must have a serious effect on morale and on the force's ability to man different events, police towns and be at the beck and call of the public at all times. Even if the number of gardaí were doubled, that would not cure all the ills in society because it has changed. The behaviour of society has changed dramatically in recent years. What people feel they can get away with has also changed.

Another factor that cannot be overlooked is the notion of parental control. Parents have a role to play. More often than not, if a garda knocks on the door of a family home concerning a child who has misbehaved, it is more likely that the garda will get a barracking rather than the child. While there should be a balance, gardaí should have the support of the public which they do not always have. Effectively, much of the time gardaí try to perform their duties while looking over their shoulders. A garda may wonder whether to arrest a child for doing A, B or C or may think that if he or she does so, his or her life will not be worth living. That is not a good way of doing business.

We also have the concept of neighbourhood watch. When driving through a community area a number of years ago one would see signs for the neighbourhood watch scheme. I am not sure that the scheme is as effective as it should be. It is based on the notion of neighbours looking out for each other. The signposts are there but that does not mean action is being taken. There are displayed to warn off criminals and to let them know they are being watched, but I doubt if the scheme is as effective as it should be. Members of the public have a role to play in that regard. They must be additional eyes and ears for the

gardaí and pass on information to them that they consider relevant.

I live in a Border constituency and crime, particularly cross-Border crime, is rife there. The Garda and the PSNI know the offenders involved in stealing and other criminal activity but unless the offenders are caught in the act of stealing or in the possession of stolen goods, little or nothing can be done about it. Special Garda task forces have been assigned to these Border groups but it is well nigh impossible to apprehend them. They are basically opportunists who walk past a car and if they see a key in the ignition, they hop into it and drive it across the Border. They will generally find a mobile number of the car owner and will contact him or her and demand money for the safe return of the car. Such incidents have happened.

There was an incident where a four-wheel-drive jeep was stolen and driven across the Border. Money was to be delivered for its safe return and when the amount handed over was not correct, the criminal almost drove the people who handed over the money off the road in an effort to point out that a certain amount of money was demanded and the owner was not prepared to pay up.

Some members of the public almost present on a plate an opportunity for criminals to steal by leaving a door unlocked or a key in the ignition of a car. The public must co-operate to a greater extent with the Garda. Gardaí need the assistance of the public. That cannot be stressed enough.

We have got into the habit of minding our own business. There was a time when people would know that if a stranger came to an area, he or she would be watched or if a person called to his or her neighbour, he or she would be told that A, B or C had called to his or her house. That time is gone. We do not know what is happening in the lives of our next door neighbours. Society has gone that way.

Society should be more aware of people who might call to neighbours' houses, particularly neighbours living on their own, because there are many chancers and criminals on the move who are impossible to catch. They can move about with impunity and call to a house and if they find somebody home, they will come up with a silly excuse such as looking for a dog. Society and neighbours have a major role to play in this regard.

While I know the Garda comes in for criticism over various matters, the criminal has a new way of operating. A criminal is more likely to inform a garda of his rights than *vice versa*. While the Garda might know an individual is guilty, until he is caught in the act it is impossible to do anything. This reflects the type of society in which we live. The Garda needs the public's help in this regard, which cannot be underestimated.

Current recruitment appears to be barely sufficient to replace those retiring from the force, which is another bone of contention. I know of many gardaí, who are much younger than I am,

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 who qualify for retirement but do not necessarily want to retire. As morale is low in the force and because they know they must retire at a particular age, some gardaí decide to leave and the level of early retirement can become a problem. We are losing some very experienced members of the Garda, particularly detectives who have built up a role and are well respected in society. They might have just reached the pinnacle in the performance of their duties and are told they have done their service and must go, which is very frustrating. In addition to recruiting an additional 2,000 gardaí we should also consider retaining the very experienced gardaí in the force. The haemorrhage taking place is not good. If the chief executives of a business were forced to retire at the age that gardaí retire, many companies would have gone to the wall. This matter needs to be revisited.

To combat today's crime levels and the changing nature of crimes, the Garda needs to be fully resourced with state-of-the-art technology and retraining may also be required. In the past gardaí were trained in observational skills. However, gardaí now need many more new skills and some of them may need to be retrained to deal with today's criminal.

The establishment of the Garda ombudsman commission receives two cheers. An office along the lines of the Police Ombudsman for Northern Ireland would be less unwieldy. Ms O'Loan has discharged her duties with equanimity and no little skill, and has engendered considerable respect from all sides in the North. The Police Ombudsman for Northern Ireland has proven to be most effective in investigating police complaints and building public confidence. It is generally perceived that the Garda complaints board has had problems with accountability and there was a deficit in public confidence. I do not believe an ombudsman commission of three individuals is necessary when the Northern ombudsman has had such an impeccable record since her appointment. However, it is welcome that the new ombudsman commission will enjoy complete independence from the Garda in that none of its members will be gardaí, and this should help gain public confidence. There will no longer be concern over complaints against the Garda being investigated by gardaí.

One of the functions will be to investigate certain practices, policies and procedures of the Garda Síochána, thus ensuring that no lower-ranking garda is made a scapegoat. This practice happened in the past and was not healthy. It is evident that the provisions for the ombudsman commission have been influenced by the recommendations of the Patten report. A major recommendation of that report was the establishment of a police authority. This could have been adopted to advantage here by the establishment of a Garda authority. In the all-party negotiations in the North, strenuous efforts have been made to get Sinn Féin to join the Northern Ireland Pol-

icing Board. However, having an equivalent authority here seems unacceptable.

Appointments in the upper ranks of the Garda are still carried out on a political basis, which can be seen as a type of political patronage. For many years the allocation of State briefs was done on a political basis and was finally taken out of the hands of politicians in the late 1970s when the last gravy train had rolled out of the four goldmines. Subsequently, judicial appointments were partly de-politicised by their transfer to a commission which submits a shortlist to Government for final selection. Similarly, senior Garda officer appointments, from superintendent up to Commissioner, are still in the gift of the Government of the day, which is hardly satisfactory. While I do not cast any aspersions on the individuals appointed, it does not send the right signal. A Garda authority should have exclusive responsibility for such appointments, thus bringing real change in the manner of appointment and promotion in the upper ranks of the Garda Síochána. Appointments and promotions throughout the force should be free of political influence and should be made independently, transparently and purely on merit and overall suitability. In legal circles it has long been the perception that young barristers and solicitors needed to align themselves with one of the main political parties to progress in their chosen calling. Rightly or wrongly, this is a general perception, and we have all seen prominent examples in the main political parties.

It is perceived that a garda needs to be well connected to particular Garda officers to progress on the promotion ladder to the pinnacle of the force. By placing such promotions in the hands of a Garda authority, the Minister would strike a major blow for the concept of promotion solely on the grounds of ability. The notion that promotions were carried out on political grounds would also be dispelled, with a consequent boost for morale within the force. A Garda authority would also be in a position to organise transparently independent interview boards to provide for promotions within the force at levels lower than superintendent. It is here that the independent nature of such a Garda authority would come into its own with wide representation from various community organisations.

The proposals for volunteer Garda reserve members or "generic gardaí" are ill-considered and not fully thought out. Considering the amount of training over three years that applies to full-time gardaí in the Garda training college, it would be impossible for these part-timers to perform full-time policing duties. What criteria would be laid down for them and how would they relate to the public? How would they be selected and resourced? Would the Garda have any responsibility to the family of a volunteer who was injured or even killed in the line of duty? We have had occurrences of Garda recruits being killed in the past having been brought out of Templemore at short notice and one must ask what would happen in the event of a lack of train-

ing. Would their medical and other bills be taken care of in a period of protracted illness or injury?

I submit that the proposals for volunteer gardaí amount to an attempt to recruit replacements for the 2,000 extra gardaí that the Government has failed so far to deliver. The period of training cannot be overlooked. Putting in people who are not properly trained or resourced does not send the right message and would create a second-rate member of the Garda. To whom would they be accountable? If they only perform a few hours' duty per week, it would be necessary to sign up many more than 2,000 to provide adequate coverage, which would not be good for the morale of the force. Why should we believe that 15,000 or 20,000 suitable recruits would volunteer for a police force? The spirit of volunteering is hardly alive and well in post-Celtic tiger Ireland to that extent. Many issues remain to be teased out. This proposal was tossed out without a full exploration or discussion of its consequences with the proper authorities. It is always healthy to discuss proposals of this nature with representative bodies, in this case the Garda Representative Association, which have useful contributions to make. Before appointing a new force without adequate training it would be useful to listen to the views and ideas of members of the force, and I understand this did not take place.

With a current complement of 12,000 Garda members, Ireland's ratio of police to 100,000 population is still well below the European average. The raw fact is that we do not have the necessary numbers. Many rural barracks are being closed down, specifically in my area where stations have hitherto been well manned. This development has not gone unnoticed among criminals who are well aware that the only available police resource in large areas of north Monaghan at night is a single Garda car.

Gardaí must think long and hard before apprehending a person committing a minor public order offence. They must consider the time, resources and effort required to take the person in question into custody, given that no gardaí will be available to look after the needs of the community while the case of the individual in question is being processed. Criminals make hay, so to speak, during the periods when the Garda is under-resourced. It is common in my area for crime to be committed during daylight hours when Garda resources are stretched. These problems must be addressed.

With rising levels of violent crime and a growing culture of drink, drugs and violence, the promised 2,000 additional gardaí are needed more than ever. The Government has barely two years left in which to implement its commitment, which means an additional 1,000 gardaí will have to be recruited this year and next if it is to keep faith with the public. My reservations notwithstanding, I intend to support the Bill.

I trust the Minister will take on board some of my suggestions. I appeal to members of the public

not to stand back, point a finger at the Garda and argue it must do more. Instead, we must ask what we can do to make life easier for gardaí and assist them in the performance of their functions.

Mr. Mulcahy: With the permission of the House, I will share time with Deputy Tony Dempsey.

Acting Chairman (Deputy Costello): Is that agreed? Agreed.

Mr. Mulcahy: I welcome this timely and necessary Bill. I have full confidence in the members of the Garda Síochána. As a person who has been in public life since 1995, my experience, virtually at all times, has been that the gardaí whom I have met in the discharge of my duties have acted with diligence and integrity, on many occasions, to their own detriment. We are lucky to have men and women of the highest calibre in the Garda. The question which arises, however, is not the integrity, general ability and dedication of individual members of the Garda Síochána but the management, direction, policy, philosophy and effectiveness of the force as an organisation. We must make this distinction.

There are caveats to my first statement. As with all sections of society, not all gardaí have covered themselves in glory. In every walk of life, there will always be people who do not adhere to the highest standards. Like many others, I read the first interim report of the Morris tribunal which deals with the explosives module. It opens one's eyes to learn that in one part of our island Garda practices were not of the highest standard.

I commend Mr. Justice Morris for the excellent work he is doing. The position in which Mr. McBrearty finds himself demands attention. Although I am not necessarily calling for a precedent to be made in his case, the House must recognise that the McBrearty module is the cornerstone of the Morris tribunal, which will find it difficult to continue with the level of probative excellence required, evident in the explosives module, unless Mr. McBrearty is provided with proper legal representation. I understand the position in which the Minister finds himself and I am aware the matter has been the subject of a High Court decision. For this reason, I do not wish to be pre-emptive as there may be good policy reasons for the Government's inability to assist Mr. McBrearty at this stage.

Nevertheless, some mechanism must be found to address the issue because if the current module of the tribunal were to continue without proper representation for Mr. McBrearty, questions regarding the fairness of its hearings could well arise under the European Convention of Human Rights. I do not wish to interfere in the process. Mr. Justice Morris is doing a good job and is constrained by the fact that he must implement the law. While we must respect the decision of the High Court, the Government needs to closely examine this matter. I apologise for digressing but

[Mr. Mulcahy.]

debate on legislation on the Garda Síochána is an appropriate forum for placing on record my views on the matter.

While the vast majority of members of the Garda Síochána are of outstanding integrity, the force as a whole and its effectiveness, training and so forth need to be scrutinised. When the spotlight has been placed on the Garda, it has been found wanting in several areas and continues to face major challenges. In recent days, for example, several Deputies have raised the issue of anti-social behaviour, about which, as a Deputy, former councillor and Lord Mayor of Dublin, I am well aware. In addition, the Garda must contend with organised crime, white collar crime, international drug and people trafficking gangs and crime cartels. It is not equipped, trained, organised or engineered to face up to these challenges with the same degree of professionalism as the criminals and must go further in pursuing a vision of excellence. I welcome the legislation in so far as it will advance this process.

While the Bill contains several important features, sections 11 and 13 on the appointment of the Garda Commissioner are critical. The Commissioner should be appointed by the Government and, with his or her assistant commissioners, held ultimately responsible to the Government because it is responsible to the House. I do not believe in establishing immutable quangos with no responsibility to anybody, including this House, as we have seen in other sectors.

I ask that consideration be given to establishing a policing board or authority. Why is such provision missing from the Bill, given that the need for a policing board has been recognised in Northern Ireland? Why do we not have a board of seven or 11 people, even on a consultative or advisory basis, who could reflect minority interests, the urban-rural divide or gender divisions? Such a board, consisting of people from different backgrounds, could consult, advise, monitor and assist the Garda Commissioner and his staff. Without some form of board or authority, the Commissioner acts on his or her own. The Minister, the Commissioner and then the Garda Síochána operate a kind of vertical transmission of power and authority without, for want of a better phrase, any horizontal involvement by the stakeholders in society. This is missing from the Bill. Perhaps the Minister might consider the insertion on Committee Stage of some form of advisory or consultative board for the Commissioner, much as the RTE authority assists the Director-General of RTE. Such a board should not become part of the chain of command, but should be there to be of assistance.

I strongly support the idea of volunteer members. I am glad to see the new idea of joint policing committees and the involvement of local authorities. Since the foundation of the State, this has been the biggest gap in our policing. This was not always the case and if one looks back to the 18th and 19th centuries, one sees much greater

involvement by local communities with magistrates and local policing. For some reason, when we adopted our model in the 1920s and 1930s, all local involvement was eradicated. As an aside, we also had real meaningful local involvement in the health sector, in local health committees until they were abolished in the 1970s. At present, we again see the evolution of a superstructure system without the real involvement of local communities. I welcome the section which will involve local authorities. Local authority members are in the best position of anyone to know what is happening in local authority estates. Councillors are the people who genuinely know what is going on at street level. It will be of enormous benefit to have them, along with officials from the county, city and urban councils, politicians and police officers sitting together.

Section 41 is very important. It pertains to the liability of members of the Garda Síochána while performing their duty. I am not certain that this is covered by the Bill. I do not believe that the Garda Síochána should be fettered in the performance of its duties. It would be a bad day if every time a garda lifts his or her baton or tries to move someone on, he or she would be amenable to being sued or complained against. There is a danger that we will reduce the Garda to an inefficient force that is afraid to assert itself. Sometimes the Garda Síochána has been afraid to assert itself to the correct degree. Naturally, if an individual garda breaks the law, he or she must be amenable to the law. The Garda Síochána is not above the law and gardaí must work within it. That said, there is a very fine balance between doing so and the avoidance of fettering or restraining the Garda Síochána. If one crosses that line, one might end up with an ineffective Garda force. I am somewhat concerned that this is not covered by section 41 of the Bill.

The Garda Síochána ombudsman commission is central to this legislation. It is overdue and has been relatively well drafted in the Bill. I applaud the fact that no past or serving member of the Garda Síochána can be a member of the commission. It is important that the commission should be an independent body that will exercise its powers independently of the Garda Síochána. The power of search of Garda stations is too cumbersome. The idea of being obliged to give notice to the Garda Commissioner and the Minister rules out the possibility of emergency raids on Garda stations where bad things might be happening. Given the subject matter of the Morris tribunal, it appears they were. There must be a facility whereby the Garda ombudsman commission can enter a Garda premises quickly in an unfettered way without providing the Garda station with advance notice. This facility is available elsewhere in that the High Court can order what is known as a *quia tenet* injunction or an Anton Pillar order to search a premises. The European Commission has the power to do so under the competition rules. European Commission officials can enter any business in the

State under EU competition rules. Why must a Garda station be sacrosanct and above this sort of examination? I agree that such searches should only be carried out in exceptional cases.

Section 105 pertains to the proposed Garda Síochána inspectorate. In general, this section is too weak and needs to be beefed up. There are only a few paragraphs on the matter. It does not appear to take the idea of an inspectorate seriously. An inspectorate is an essential part of any large organisation, leaving aside the Garda Síochána. It is very important in terms of keeping up standards within a force of 12,000 or 14,000 officers.

In a general sense, I welcome this Bill and its main thrust. We need an efficient workmanlike Garda Síochána which is fully equipped to meet the crime and public order challenges of the 21st century. We do not need the Garda Síochána to be constrained, shackled or fettered. It should be able to go about its business without fear or favour and without the fear of being sued over the slightest matter. Gardaí should not be subject to frivolous or vexatious complaints and I notice that this is one of the grounds on which complaints may be overruled. However, where gardaí transgress, they must be amenable to the law and of all the sections in the Bill, the ombudsman commission is particularly important. This will go a long way to restoring public confidence in the Garda which, on an individual basis, is very much deserved. It contains some of the finest public servants in the country.

Mr. T. Dempsey: Gabhaim buíochas leis an Teachta Mulcahy as ucht ama a roinnt liom. Tá áthas orm seans a fháil labhairt ar an mBille seo. Fadó, ní raibh baint ar bith le hobair na Gardaí leis an gnáth-dhuine. An lá atá inniu ann, áfach, toisc go bhfuil fás ar choireanna ar fud na tíre, tá dlúthbhaint le saol an ghnáth-dhuine ó lá go lá le hobair na nGardaí. When canvassing in the general election, the recent by-elections and the local elections, the subject of crime was continually raised by those whom I canvassed. I can understand this because we have evolved into a society where many people, particularly in isolated rural areas, feel afraid living in their own homes.

I congratulate the Minister on bringing forward a framework that will allow the Garda Síochána operate in the new circumstances. Criminals and their work can only be defeated when parents, teachers, gardaí and ordinary people co-operate in the ambition to defeat them. The old Irish saying, “Ní neart go chur le chéile”, was never more true. In short, community policing is what the new world requires. The Garda Síochána will rely on the community and the community will interact with the Garda Síochána.

I saw a wonderful example of this in Cyprus last week in a little village called Piale where the gardaí working for the United Nations use community policing without recourse to sanctions. I witnessed at first hand and heard the muktar from the Turkish Cypriot community and the

Greek Cypriot community pay an incredible tribute to the work of our gardaí as members of the United Nations. The people placed the gardaí ahead of any other country in the world in their efforts to involve themselves in community policing.

The role of neighbours will be extremely important in the future, irrespective of what legislative framework is introduced. People no longer know who their neighbours are, which is probably the result of urbanisation. I am interested in new directives on planning introduced by the Minister for the Environment, Heritage and Local Government yesterday because we need to repopulate rural Ireland so we have more neighbours and more community involvement.

I am interested in the objectives of the Bill. The Bill has three main objectives, the most interesting of which states that a new legislative structure for the management of the Gardaí will be introduced. That legislative structure recognises for the first time the changed communities in which gardaí operate. I, like Deputy Mulcahy and other speakers, congratulate the Garda on their hard and continuous work in very changed and straitened circumstances. Another of the Bill's objectives is the establishment of an independent Garda Síochána inspectorate, which will provide independent advice to the Minister for Justice, Equality and Law Reform on the efficiency and effectiveness of the Garda. This is a very important measure. The operational responsibility does not stop with the Bill.

I congratulate the Minister of State, Deputy Tom Parlon, who is here, on opening a new Garda station in New Ross and on progressing a new Garda station for Wexford. The location of Garda stations will be extremely important in the future. I know that Deputy Parlon will probably empathise with that sentiment. We must build Garda stations in the centres of communities. I know it is uneconomical and not feasible to have two or three stations in a provincial town like Wexford. If it was feasible, I would recommend that we had two stations in Wexford town rather than one. However, I am a realist and there is only a certain amount of money available. I am glad that Wexford is getting a new station. The location of that station in Wexford and the location of other stations will be very important.

Putting Gardaí back on the beat and releasing them from the bureaucratic office work they appeared to be engaged in, which could be done by someone with different training and not necessarily a law enforcement training background, is extremely important. The training of the gardaí is extremely important. Courses in the Garda College in Templemore must take account of the new need for the gardaí to be involved in the community, whether it is with the GAA, rugby clubs or soccer clubs. It could be any aspect of community life where the gardaí can be involved and get to know the people and the people get to know them. I would like to see the day when gardaí would help in training a local

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school team. I know this is happening in many areas. A former Garda in Wexford, Seamus Keevans, who is involved with organising school GAA leagues has played a very important role in the community.

Deputy Mulcahy spoke about the need for effective policing and I agree with him. The Bill will enhance the level of democratic accountability and that is very important. *Quis custodiet ipsos custodes* is an old Latin saying. Who will guard the guards? The vast majority of gardaí excel at their duties and have nothing to fear from democratic responsibility. This should not be seen as challenge, rather it should be regarded as a form of assistance to gardaí. Justice must be seen to be done. It is important that justice is seen to be done at the Morris tribunal. It is also very important that people have recourse to the full protection of the law even when they do not have the money to afford it.

I congratulate the Minister on the level of consultation because community policing is about consultation and I know he consulted with approximately 15 bodies and personnel. Tá áthas orm tacaíocht a thabhairt don Bhille.

Mr. Hogan: I welcome this legislation which seeks to carry out additional reforms in An Garda Síochána. I wish to acknowledge the work done by the Garda since the force was established in 1922. Any democracy of which we can be proud requires an independent police force so we can have full confidence in it in the performance of its duties. The necessary resources should be prioritised to ensure that citizens are protected to the greatest extent possible from criminality and subversion. When one examines the history of An Garda Síochána and the manner in which it was established in very difficult times for this State, one can see that the force has come through turbulent times in an independent way and has protected people of all shades of opinion, including political opinion. The force can stand the test of time, without fear or favour, through the great work it has done over those years, which is a testimony to the force's importance in our community.

This Bill contains many important initiatives, particularly the one relating to the establishment of a Garda inspectorate. Over the last number of years, certain individuals in An Garda Síochána have besmirched the good name of the force. I suppose that is inevitable in every occupation. There is often a temptation to overstate these issues but in the interest of An Garda Síochána, the establishment of a chief inspectorate is important so that citizens can continue to have full confidence in the Garda and to aid the further development of personnel in it. This will ensure people can continue to say the force is operating to the best quality standards and has the best training appropriate to its duties.

Various Deputies reflected on the changing population patterns and the changing require-

ments for the police force. Garda numbers do not reflect the enormous contribution required to police new suburban estates and rural areas. We need more gardaí living in communities rather than being centralised in various other locations. The decision some years ago to downgrade and close local rural Garda stations and centralise Garda personnel in geographical areas was mistaken. Efficiency is one thing but the effectiveness of a police force is more important from the citizen's perspective. The effectiveness of any police authority can only be judged by the goodwill of the community and the effectiveness of the Garda in solving and preventing crime. I am thinking of examples in my constituency in places like Castlecomer and Thomastown, which were identified as the right locations for centralising Garda personnel to cover a particular geographical area. I do not expect that if a crime is committed in a rural area ten or 12 miles from those locations that the Garda will be there in time to deal effectively and quickly with it. The Garda should revert to the traditional pattern of living as close as possible to the people they are serving and being engaged with the community. That is why community policing is essential for the future in expanding estates in urban areas around the country. Many communities have lost contact with the Garda and the Garda has lost contact with them. That is part of the problem we have with current crime levels.

Anti-social behaviour was mentioned. This is not a new issue but very little has been done to address it. The role of parents, people in authority and the Garda Síochána is important in this regard. There will not be an improvement in juvenile delinquency or anti-social behaviour issues until such time as parents are penalised for not having knowledge of the whereabouts of their children. That must be addressed urgently in this House.

The issue of accountability is important and I welcome the enshrining of joint policing committees in this Bill as it will allow local authority members and Members of the Oireachtas to engage more fully in the Garda Síochána. There is a temptation for some gardaí to operate independently without dealing with the representatives of the people. That is a mistake they made over the years and it is essential that the Minister for Justice, Equality and Law Reform explains the precise reasons and criteria as to how the Garda Síochána should engage with public representatives. We were elected by the people. Police authorities expect to get the resources to carry out their work from this House. It is only prudent that the Minister insists on the fullest possible accountability through public representatives about the manner in which policing duties are carried out.

Drugs and organised crime are growing issues of serious concern, not only in major urban centres but throughout the country. I often fail to understand why the Garda are not resourced to target the drug barons and chief architects of

criminal gangs on a 24-hour basis, seven days per week to put them behind bars. The State's resources should be targeted in a more concerted way to ensure people are protected, which is not the case currently.

The Garda Síochána has made a significant contribution to the protection of our citizens and this Bill is essential in ensuring better standards of accountability in our police force. I urge the Minister to implement as soon as possible the community policing aspects he has commented on. I would err on the side of the citizens' protection from subversion and criminality as a priority in a democracy. It is important that power is not abused and the role of the chief inspectorate will be critical in maintaining the public's confidence in the Garda Síochána.

Mr. Durkan: I welcome the opportunity to speak on this Bill. I had notes prepared but they are not to hand. One must soldier on regardless in such circumstances.

Mr. Browne: I am sure the Deputy will find enough to say.

Mr. Durkan: I welcome the Bill. It purports to re-examine the administration of our police force. It is timely to update the administration of justice and policing in every country on a regular basis. The original legislation in this respect dates back to 1925. There have been many changes in Ireland in the intervening period, including in the area of crime. I listened to many of the contributions and people tend to stand in awe of some of the horrific crimes that have taken place and the surge in anti-social behaviour, disorderly conduct etc.

Two issues come to mind. First, it is necessary to have the people's confidence in the administration of justice. They must be on the side of the law and must see that the administration of justice, prevention and detection is open, even-handed, transparent and in accordance with the law. A number of arrests took place in certain parts of the country after a recent festive week-end. I do not know whether that information is true or false as the number of such incidents tends to be exaggerated. We should never kill the butterfly with the sledgehammer. If something must be done, do it, but do not exceed what is needed.

I think back to about 20 years ago, to the time Jack Charlton's famous "army" travelled all over the world and was hailed as a jovial bunch of friendly, law-abiding citizens who, according to themselves, were able to drink everybody else under the table while remaining friendly and courteous. This was one of the new wonders of the world, but I do not know where it has gone in the meantime. Without any shadow of a doubt, there is now total disrespect for authority, other people's property and attempts to suggest that people stay within their own areas without imposing their ways and wills on other citizens.

We have all encountered residents in local authority and other estates who, having appealed to people who are young and not-so-young to be a little quieter and so on, receive abuse. Many people who have lived all their lives in residential areas now want to leave, to be transferred, as they cannot live there any longer. That is a sad reflection on our society and on the way we have become. Regardless of the supposed Celtic tiger, a little bit of respect for the rights of others and law and order goes a long way. This Bill may deal with this matter.

However, I worry that we rush for more legislation every time there is a crisis in the justice area. This presupposes that the existing legislation is incapable or insufficient to deal with the job, but that is untrue. The oldest way out in the book is to say when something goes wrong, "why do we not have more legislation?" Legislation does not enforce the law. That is a matter for the Minister for Justice, Equality and Law Reform. It is not useful for Ministers to say, as is the habit in this House, they have no responsibility over an area and that it is a matter for someone else. We have devolved responsibility to a series of people to such an extent that eventually no one will have responsibility. The roots of many of our problems can be found in this practice. No one expects the Minister for Justice, Equality and Law Reform, Deputy McDowell, to get involved in the day-to-day running of the business, such as transferring people, but when something goes wrong the Minister is bound to his responsibility. He must call in senior Garda officers immediately and ask them what is happening.

In the past few months there was a major robbery in Belfast that should have set off alarm bells all over this country. The Minister should have called in all senior police officers and laid down certain guidelines in the circumstances arising from that robbery and the likelihood of others taking place. Two or three more occurred in the meantime, yet nothing happened. Only a week ago, in the face of another such atrocity, the Minister finally decided to call in the Garda Síochána and private security firms to discuss the matter with them.

I do not know what he was thinking about for the past two or three months — this is not a political point but a fact of life — but if there was a real intention to do anything about this matter, it would have been done then. As soon as the first of these robberies took place, it was well known that there would be more and that the same technique would be used, and so it happened. Why was something not done about this? The production of legislation is only a camouflage in these circumstances. It does nothing, good, bad or indifferent, other than act as a pretence of going through the motions.

The daily escalation of gun crimes, organised crime, drug-related crimes, paramilitary crime, money laundering, racketeering and protectionism in recent years is unacceptable. The Minister for Justice, Equality and Law Reform used to tell

[Mr. Durkan.]

the House that he knew what he knew and he saw what he saw, that he had the information, but if he had all this information, why did he not do something about it? What was tying his hands? I am tired of listening to the excuse "My hands are tied, I can do nothing about these things." It is about time somebody started to take responsibility. That simply means the Minister for Justice, Equality and Law Reform taking responsibility and giving directions and instructions and not being afraid to stand over them. That is important.

If what happened here occurred in a banana republic, one would excuse it by saying it was a banana republic. We do not have the bananas except to skid on them from time to time. The major heists we have seen would put the professionals of bygone years in Chicago to shame because those here do a more professional job and with impunity. We have an unarmed police force, which is good although it has its disadvantages. I heard noises recently in the undergrowth to the effect that legally held guns were about to be monitored and that more restrictions were to be introduced on how they should be stored and dealt with. It would be much better if the authorities were employed looking after the illegal guns which are used regularly. What really took the biscuit a few weeks ago was when an unfortunate bar employee was shot with a sawn-off shotgun. It was reported in the newspapers that the situation was not life-threatening. Whoever wrote that a volley from a sawn-off shotgun was not life-threatening did not know what they were talking about.

There are no situations in which a sawn-off shotgun or a shotgun is discharged other than in life-threatening situations. How many people have lost their lives already? How many people have lost limbs? Not so long ago a well known publican in this city lost a limb as a result of such an attack. Will somebody do something about the use of guns and violent crime? A proper sentence must be imposed, even if it must be a mandatory one. People do not take out a sawn-off shotgun to comb their hair or stir their tea but rather to blow somebody's head off which they do on a regular basis. It is about time we copped on, stopped pussy-footing around and did something about this issue. Something can be done if there is a will. If there is no will or if the Minister is afraid he will upset somebody, then that is a different ball game and he should tell us that. Unless something serious is done about gun crime, it will get worse. The introduction of this Bill will in no way affect it.

I have tabled a series of parliamentary questions over recent years to the Minister and his predecessor on money laundering, the laundering of drug related money and the proceeds of robberies. I have also asked about the number of organised gangs and where they are located. However, the Minister was coy in many of his replies — he is coy much of the time — to the

extent that he said it was almost impossible to assess the size of the criminal fraternity in terms of organised gangs and that it would not be possible to establish how many operate as a unit and as independent entities. I find that very hard to believe. Almost every time we read a newspaper we read about somebody who is known to the Garda and, I presume, to the Minister. Surely the Minister speaks to gardaí and asks them an odd question from time to time. Surely he asks them how many of these people there are and what they are doing.

It appears money-laundering is big business and is working well. I tabled parliamentary questions some time ago to the Minister for Finance on this issue. With quite low interest rates in the banks, it is much more lucrative in terms of investment in the legitimate marketplace to be involved in money-laundering. Journalists in this city who write about crime seem to know much more about how the system works and how lucrative it is than the Minister for Justice, Equality and Law Reform.

The Minister is a very nice fellow. I believe he may have injured himself when he swung off that telegraph pole in the course of the last general election and that a low flying aircraft may have buzzed him and disorientated him because, leaving aside his geniality and joviality, he seems to have difficulty addressing the tough issues. He complains about them as if he were a bystander or a pedestrian passing comments on the terrible events that happen under his watch.

Mr. Broughan: He blames everyone but himself.

Mr. Durkan: Correct. This is new because when the Minister was in opposition, he used to point the finger at the then Government and ask it what it was doing.

Mr. Browne: That was a long time ago.

Mr. Durkan: To give him credit, the only thing the Minister has not done so far is come across to this side of the House to point the finger at the Government. However, he has done almost everything else, including complaining in public and telling the media and the public how awful the situation is and that something must be done about it.

The greatest laugh of all time is that after the most recent horrendous armed robbery which netted a cool €2 million — the national lottery is not in the same league in that this is a much more lucrative business — the Minister called in the private security firms and gave them 105 days to get certain security measures in order. What was he thinking? What were the 105 days for? Must more robberies take place in the meantime? Is there another reason the Minister gave them that length of time? Why did he not call those people in immediately after Christmas when it was obvious there was a serious problem of organised

crime? If he had done so then, it would have been much more beneficial.

Legislation is necessary and provides the basis on which a police force or a Minister may take action. However, unless there is a will on the part of the Minister to take direct action rather than blame somebody else, then the legislation is of no benefit or use.

In recent years I have listened to various experts talk about a part-time police force. There is no place for such a force. There is no way other than to have a full-time, properly paid and equipped police force under the control of the Commissioner and the Minister. Unfortunately, that costs money but that is how it has been since the foundation of the State, even though it had no money. I do not accept the notion that we can have cheap policing on the side.

I refer to another issue which I have brought to the attention of the public and this House. I was glad to note that something said by a retiring chief constable in the UK approximately ten years ago was referred to at the conference of the Association of Garda Sergeants and Inspectors. On the chief constable's retirement — he could not say this before it because he would have been fingered — he said a huge wall was being built between the public and the police force although the British people were generally very supportive of and co-operated with their police. He said that as a result of the need for the police to continually enforce traffic laws, there was antipathy towards the police and it was not receiving that same degree of co-operation. I have said that several times over the years but nobody paid any attention. I was glad to note gardaí said that at their conference because they know what they are talking about.

Traffic management and traffic law must be enforced by the Garda so far as it can be done. The way to make friends is not in enforcing it on a straight road or dual carriageway when the road is clear given that most of the time one can travel at only five or seven miles per hour because of traffic jams.

In recent years I have tabled parliamentary questions about traffic accident black spots all over the country. Lo and behold some Minister decided to put cameras on the black spots. I would have thought it would be better to identify what was wrong with the road in the first place, and why so many were killed in a particular area. In one part of my constituency 21 people were killed over an 18 year period on the same road, at the same intersection and there was a reason. It should be a simple matter to deal with issues directly rather than indirectly.

The Garda Síochána has a difficult job to do. Some of its members have fallen by the wayside, like some politicians, some medical practitioners and some religious. No organisation is perfect. If anybody wishes to point the finger it can be pointed everywhere. It is not sufficient to say that because one falls by the wayside that everybody is guilty. We should never allow that to be

accepted in respect of any profession. It is important that the Garda has the full support and confidence of the general public. The best way to do that is to ensure the administration of the law is above board, that it is clear, accountable and transparent and in accordance with the legislation. I hope this legislation will be of some benefit but it will be of little benefit to anybody unless the Minister gets involved in addressing the issues that confront him.

Mr. Broughan: I am delighted to have the opportunity to welcome the Garda Síochána Bill 2004. Although my party will table some amendments, the Labour Party broadly welcomes the Bill. I congratulate and commend the Garda Síochána on the service it has given to the State since 1924. The last comprehensive legislation in this area was the 1924 Act. It is timely that the Minister is coming forward with this far-reaching legislation for the purpose of modernising and upgrading some of the structures of the force.

During the 80 years the Garda Síochána has served us, generally it has done a splendid job. While all professions are important and play their part in the civic and economic structure of the State without security one has nothing, and this includes the Government or a senior citizen who, alone at night, is terrorised by a gang. Throughout those decades the Garda Síochána has served us well. The Acting Chairman will join with me in commending the local gardaí in Dublin North-East and the districts that serve the division, particularly the force under Superintendent Noel McLoughlin, Superintendent Nicholas Conneally and Inspector Eddie Hyland who run the three stations in our constituency. Throughout the year, and especially at Hallowe'en when there was significant disorder, it has always responded faithfully to the urgings of the general population and has carried out its work diligently.

I am delighted to have been facilitated in meeting with the senior Garda staff in our three stations on numerous occasions. I welcome that level of co-operation. Our part of Dublin city has been well ahead of the legislation in regard to local involvement. Six or seven years ago I proposed to Dublin City Council the establishment of a joint Garda-local authority committee with the support of our superintendents and local government staff under manager Declan Wallace. That committee is in operation for the past three or four years with the last two city councils. It is always helpful for colleagues, local representatives and national representatives to turn up to Darndale village centre and put across to the superintendent and his staff, face to face, the issues we think should be dealt with. In our constituency we have foreshadowed much of the development we welcome today, such as local accountability, policing plans and so on.

In the past the major problem in my local Garda station and other areas was the serious lack of resources with, perhaps, only 25 people to man a major urban station and only one patrol

[Mr. Broughan.]

car available. The Government has still not addressed those deficiencies. As my colleague said, we are still getting the same mantra about crime as we heard three years ago. From last Saturday it appears the Progressive Democrats Party is a caring party, like those in Opposition. The Minister has had three years to address the grave problems of anti-social behaviour, Garda modernisation and so on which Deputy Rabbitte articulated yesterday morning. So far, the Minister for Justice, Equality and Law Reform, Deputy McDowell, has failed to do so. We saw the spectacle of him on media last week and the previous week berating security companies and every Tom, Dick and Harry except the person who is responsible for the whole situation in regard to armed robberies and the use of firearms, namely himself. He needs to look at his own track record which is not good.

The input of my party into the gestation of the Bill has been important. I tabled a number of justice Bills particularly in regard to the plague of joy-riding. I welcome the fact the Government has implemented some of my proposals. It is fair to say that for the generation of Labour politicians, of whom I am a member, from the late 1980s and early 1990s, even before the Prime Minister of the United Kingdom came up with the phrase “tough on crime and tough on the causes of crime”, that was precisely our policy. If one looks through Labour Party documentation of the past ten or 15 years, it is clear that we did presage some of the key features of the Bill, particularly our proposals for legislation for a Garda authority and Garda ombudsman as issued by Deputy Howlin in November 2000. It is prefaced with an interesting quote from Michael Staines, the first Commissioner of the Garda Síochána who said that the Garda Síochána will succeed not by force of arms or numbers but by its moral authority as servants of the people. In that document we put forward some seminal reforms.

Obviously, the issue of a Garda authority has not been dealt with — things are still centralised in the Minister’s office. That is an issue that should be addressed in the future. I commend the Minister on bringing forward the county policing liaison committees. While the Bill provides for a Garda ombudsman, we would have gone further but the ombudsman commission includes some of the basic proposals we suggested more than five years ago. Similarly, we stress the role of human rights in the work of the Garda Síochána.

It is fair to say the Labour Party foreshadowed many of the issues in the Garda Síochána Bill. The Taoiseach issued a challenge to us to support aspects of legislation which are prepared to be tough on crime. The Labour Party and I have no problem with that because we have always been tough on crime. We know the situation at first hand because being a smaller party we work hard on

the ground and we know what is happening every day and night.

Crime prevention is the key element of policing. I refer to the National Crime Council which was an interesting initiative of the previous Minister for Justice, Equality and Law Reform. It was chaired by the distinguished former public servant, Pádraic White. It issued its crime prevention strategy for Ireland. Many of its recommendations on crime prevention are as valid today as they were when the strategy was published a few years ago, particularly in respect of the necessity for local involvement, local crime prevention plans and youth diversion. Valuable work has been done on the youth diversion schemes in the past decade. I commend the Garda Commissioner and the Minister for continuing that programme. Speaking from experience in my constituency and the north side region, the work done by the youth diversion programme has played a significant role in turning a number of young men away from a life of crime and desolation.

Unfortunately, the overall track record of the past three years is disappointing, particularly with respect to the plague of anti-social behaviour. My party leader graphically outlined the problem about which I have been in contact with the Minister on numerous occasions, which is the situation of the person who is regarded as different, very often living in a corner house in a local authority or a private estate. They are often tormented night and day. It is disappointing that the incidence of robbery of goods in transit and the discharge of firearms has increased year on year by over 50% during the Minister’s time in office and to which he must give serious attention in the coming months.

The Minister has stated that this Bill is the most far-reaching legislation since 1924. In his contribution to the Second Stage debate in the Seanad he commended Senator Maurice Hayes for his contribution to the legislation. I welcome the provisions in section 19 for a strategy statement and the setting of priorities by a Minister. I also warmly welcome the establishment of local policing plans. The Minister may recall that the first such plan was in the Kilmainham area approximately four or five years ago under Commissioner Byrne. I am informed by colleagues in Dublin South that this was outstandingly successful.

I warmly welcome the annual policing plan which allows the Minister invigilate the performance of gardaí while not interfering in operational matters. I welcome everything to do with the independence of the Garda Síochána in respect of its financial responsibilities and the management and structure of the force. I particularly welcome the provisions in section 31 on the local policing commissions, one of which was established in the area of Dublin North Central and Dublin North East four or five years ago and has proved to be important and valuable. I also welcome the provisions for the service of the Garda

Síochána in other forces, including the PSNI, and the Minister's initiative in providing for volunteer members of the force.

In the United Kingdom the local knowledge of constables plays a significant part in bringing about a direct and local response to issues. In Japan the force has a local tier which knows every family in the district and there is no need for continuous re-education of the force. I ask the Minister in his remaining period in office to properly resource community gardaí. They have been the Cinderella force for the past eight to ten years. We are all familiar with members of the force who have done heroic work in that role but were then sent on Border duty and this was a problem. They are pulled away from work they are doing very well, such as meeting young people in youth clubs and football clubs. I ask the Minister to consider putting a senior Garda officer in charge of community policing because this would be deeply appreciated.

Deputy Mitchell and I share the view that a regional police force should be considered. The idea of having a regional Dublin force was to provide a level of continuity in order that new members did not need to become educated about particular districts. Community policing needs to be strengthened.

I welcome the proposed replacement of the Garda Síochána Complaints Board by the independent Garda Ombudsman Commission. Citizens have complained about the length of time it takes to deal with complaints. In one case a complaint was made to the Garda Síochána Complaints Board by Mr. Kevin Tracey, 11 Park Lane, Chapelizod, Dublin 20. He called to my clinic and that of the Minister and effectively asked for a complaint he had made to the board to be dealt with and reported. He made that complaint approximately two or three years ago. I have a file containing quite serious allegations which he has made. It is disappointing that the board did not report on his complaint. It is unfair that no report is available on serious allegations made. In the case of Mr. Tracey's complaint, the new Garda Ombudsman Commission would have the resources and the structures to deal with it in an efficient manner.

There are some aspects relating to time limits which may require examination. The Garda Síochána Complaints Board is an independent body which does not report to the Minister and certainly does not report to me, but what happens when it takes on a case and just sits on it, as is alleged in this case? For the sake of the family of the complainant, Mr. Tracey, and everybody else, the complaints made should be dealt with and laid to rest. I mention this case because I had no other opportunity to do so. I ask the Minister to ensure the case is addressed.

I welcome the provisions in respect of the accountability of the Garda Ombudsman Commission, in particular in respect of offences which may have been committed as a result of the misbehaviour of a member of the force. I welcome

the powers granted to it, including the power to investigate and examine records and documents in a Garda station. It is a positive development that the provisions of the Garda Síochána (Complaints) Act 1986 will be replaced by a more accountable and transparent structure.

The Taoiseach challenged the Labour Party earlier this week on the type of measures that might be introduced to tackle the plague of anti-social behaviour. Public representatives have received much correspondence on this issue. Before Hallowe'en last year, I asked the Minister for Justice, Equality and Law Reform to examine the problems arising in communities during what should be a wonderful festival for one or two evenings. However, the Acting Chairman and I are aware that in some parts of our constituency, it becomes a two or three-month period of horrific noise and mayhem. On certain nights, some localities have been compared to the first nights of the US invasion of Baghdad because of the constant booming noises.

The Minister has told me it would be difficult for this House to introduce radical measures on fireworks. At his party conference last weekend, however, he seemed to make a great virtue of taking difficult decisions. The Progressive Democrats Party has become caring like the Labour Party and its members seem to be hedging their bets when it comes to potential partners in a new Administration. It is time for the Minister to take action on fireworks bearing in mind that the Hallowe'en period is less than five months away.

I commend the Minister on the introduction of the Bill and the examination of some fundamental policing structures. The Labour Party's 2000 policy document included a proposal for an independent Garda authority, and this is an issue that should be considered in regard to the administration of the force. The Garda Síochána has served our country and our communities very well. I commend the men and women of the Garda who have done their job so well, particularly in my constituency on the north side of Dublin in recent decades. We must acknowledge the heroic contribution of many gardaí, some of whom lost their lives in the service of the State. In addition to this Bill, I appeal to the Minister to provide the funding to ensure that superintendents have the necessary resources in terms of manpower, equipment and other support mechanisms, especially in hard-pressed urban stations throughout the country. In this context, I wish the Bill well.

Ms C. Murphy: I wish to focus on several aspects of the Bill. It is to be generally welcomed because it consolidates previous legislation dating back to 1924. At a time when many feel overloaded with information, it is helpful that the legislative provisions can be simplified in this manner. A positive development is that the issue of human rights is built into the Bill in several places. A significant feature of section 7 is that the Garda Síochána will be statutorily obliged to

[Ms C. Murphy.]

have regard to the importance of upholding human rights in the performance of its functions. It is to be hoped that an awareness of this obligation will be incorporated into Garda training and that there will be opportunities on an ongoing basis to focus on that aspect. This obligation will add to the authority of the force.

We can only have confidence in our police service if it performs to the highest standards. It is not only in the public interest but in the interest of the Garda itself that this should be the case. The Bill represents a serious attempt to ensure such standards prevail. The proposed code of ethics provided for in section 16, which will be incorporated into the disciplinary framework, is critical. It grounds the conduct of the Garda within the terms of the European Convention on Human Rights which represents a good foundation stone for legislation on this matter.

The Garda human rights audit highlighted the perception of community members that insufficient resources were devoted to community policing and that community consultation was minimal. I support the provisions of section 32 for enhanced co-operation between the Garda and the local authorities through the establishment of joint policing committees. However, I have serious concerns that this measure may be inadequate in practice. The joint committees must be capable of producing a response. What is required is not another layer of analysis but rather a practical response.

The formal relationship between the Garda and local authorities is positive. As a member of a town council for 17 years, I was witness to some useful co-operation in this regard. It was clear people wanted to be reassured that local gardaí were aware of the issues and concerns in the community and to be confident they would focus on areas of heightened concern. However, it was difficult to deliver information to the public because gardaí were, understandably in some cases, reluctant to release information into the public domain. This information might relate to ongoing issues such as complaints about groups of youngsters frequenting a particular location, for example. If gardaí have devised a plan of action to counteract such problems, it is not desirable that it should be outlined in the local newspaper.

Satisfying public expectation in terms of information, therefore, was not always possible. Notwithstanding the difficulties I have outlined, there seemed to be a particularly conservative attitude to the provision of information on the part of the Garda. It would have been helpful if gardaí had been more forthcoming in this regard. In this context, we should bear in mind that section 45 of the Local Government Act 2001 provides that the public and media should normally be permitted to attend local authority meetings unless such access is not in the public interest. Does this provision have any bearing in respect of the joint committees and could difficulties arise in this regard?

The establishment of the joint committees will introduce an entire layer of additional bureaucracy at local government level, albeit some of it very productive, including the new county development boards, strategic policy committees and community and voluntary fora. It may take some time to see a result from these new strata of administration because, by their nature, they represent a focus on the long-term view. They also require a significant additional level of administration in terms of costs and staff resources. Such commitment of resources cannot be bypassed in respect of the functioning of the joint committees. There must be some transfer of funds to local authorities to enable the committees to work in practice.

There may be an expectation that the committees will represent merely a feeding of information to the Garda. However, such consultation may involve a dialogue in both directions.

For example, I chaired a county development board and noted that issues were raised by the Garda. Some of its proposals were resource-dependent. It is difficult to respond if there is not a transfer of funds to deal with the issues raised, including traffic-related issues. For example, a very good suggestion to reduce the time gardaí spend addressing traffic back-up, making reference to filter lanes into housing estates or off major roads, had resource implications. It had such implications for the Garda because the necessary infrastructure was not in place; thus it was investing time doing something that could have been done in a different way. Unexpected issues with resource implications may crop up in the context of the relationship between the local authorities and the Garda. These need to be dealt with.

I know from experience that members of the public raise issues associated with vandalism and anti-social behaviour. They do so right across the spectrum, irrespective of the community in which they live. Often they are reluctant to draw attention to problems in an area close to where they live because they are seriously concerned they will be intimidated if they are identified as having drawn attention to the problems. This is partly why such problems are under-reported. I have seen people being singled out for reporting anti-social behaviour. This makes difficult circumstances very much worse.

The relationship between the local authorities and the Garda could be of assistance regarding the closure of laneways and lighting up dark spaces, for example. Often assistance merely involves moving the problem on and, therefore, the cause is not dealt with. I know policing is part of the solution but it does not represent the total solution.

While canvassing for the local elections last year, I had time to listen to the electorate. Many raised concerns about anti-social behaviour and vandalism and linked the problem to the inadequacy of facilities. Over and over, they talked about the kind of place in which they wanted to

live and in which they wanted their children to grow up. I felt their message was very hopeful but it will only remain hopeful if it is delivered upon. Policing is only one aspect of this matter. We must consider the others.

In the developing county of Kildare — the only county of which I have direct experience — there has been a population increase in the order of 50,000 in the past ten years. This substantial increase amounts to one third of the population. An increase in Garda resources has not matched population growth. There should be a relationship between population growth and the provision of facilities and services, including gardaí. When I refer to resources, I do not refer solely to personnel but also to physical infrastructure.

During almost every election campaign the electorate in Leixlip, the town in which I live, draws attention to the need for a Garda station in the town. It was promised during the term of the Government before last but has still not materialised. People become fairly cynical when promises are made at election time and not delivered on. There should be accelerated delivery of such basic facilities as a desk for people to work from and a place to which people can call to make their complaints and raise concerns. If such a premises only allowed for form filling, it would still represent a Garda presence and be important. For example, there is a Garda office in Leixlip that opens for two hours a day. I am focusing on Leixlip but the resource issue is prevalent throughout the constituency. I have no doubt that the message of the electorate is similar in all other developing areas.

Section 14 of the Bill establishes a basis in law for the resources of the Garda Síochána to be supplemented by providing for the appointment, by the Garda Commissioner, of persons as volunteer members of the force. I will be amazed if many volunteer. I have some concerns about this approach to policing. If one offers a service voluntarily, one can also withdraw it voluntarily; thus we may not have the continuity we need.

We all know gardaí do a difficult job and often put their lives at risk. Under section 14, we will be asking people to do the same in a voluntary capacity. I have serious concerns about the protection they will be offered. What protection will be offered to their families in the event of their receiving a serious injury, or worse?

Consider the level of training required and the specific reference to the need to have regard to human rights which will lead to this training being further developed. What level of training will the volunteers in the force receive? Will they be trained to the same standard as other members of the force? It is difficult to believe they will be trained to the same standard, given the time it takes to train an officer to such a standard.

I am concerned there will be disproportionate numbers of volunteers in certain areas and staffing issues in others. What impact will this have in the assignment of new gardaí? There could be considerable resistance to the initiative if it is

regarded as too much part of the solution such that the professional full-time force will not comprise the dominant part of the organisation. What will be the practical impact of voluntary policing? I do not believe a significant number will volunteer.

The proposal for a Garda ombudsman represents an improvement. While it is important to have improvements, the proposal does not go far enough. We have a tendency in this country to go 50% of the way in respect of many measures. I would have preferred if this matter had been dealt with fully rather than in an incremental way. I am concerned that the proposal does not represent the whole solution.

The Morris tribunal must be a deep source of concern to members of the Garda. It is probably of most concern to the most honourable members of the force which comprise the dominant group. In recent years I have had an opportunity to interact with members of the Garda on behalf of constituents. I have the highest praise for some of the work they do which often goes unnoticed. Often gardaí have interacted positively with others at flashpoints. They have found imaginative ways to deal with them.

I understand time is required to train extra gardaí but the delay in deploying the extra 2,000 gardaí is such that the casualty of the service has been in the area of community policing. This is a positive development in which interventions can be imaginative. In that regard, the quicker those 2,000 gardaí are available, the better. A Garda presence gives people a great deal of comfort.

Policing is not the only solution to anti-social behaviour. A societal issue must also be addressed, as must a resourcing issue in terms of how we construct our communities. It is not just a question of building more and more houses, one must provide the necessary facilities and services. If one examines the studies carried out in prisons, one will note a direct relationship between anti-social behaviour and prisoners not being members of sports clubs or other community organisations. These issues must be dealt with. This will require investment in communities. While the Bill does not cover this specifically, it will produce the results we seek only if investment is made in remedying the cause of problems as well as in policing.

Mr. Hayes: I welcome the opportunity to speak on this wide-ranging Bill. The debate too has been wide-ranging. The Bill replaces all Acts in this area since 1924 which is a sweeping and courageous initiative that merits serious discussion. No matter who we are or where we live we depend on the Garda Síochána. We need a well-manned, well-equipped police force to make us secure in our homes, on the roads and in our daily lives. As our society develops, problems increase and there is more pressure on the Garda Síochána to deliver a better service and inspire confidence in the community.

[Mr. Hayes.]

The key objective of the Bill is to establish an independent Garda Síochána ombudsman commission to replace the existing complaints board. The current system for dealing with complaints against members of the force does not command full public confidence. The complaints board has pointed to the problems of the current arrangement. A new mechanism is needed to ensure openness, transparency and public confidence in the investigation of complaints against members of the Garda Síochána and the method of that investigation.

Many people have cited problems with the Garda in their areas but the number of complaints against the Garda Síochána in my clinics and constituency office is small. When I follow these up I find more often than not that the complaints do not stand up, and that is a good sign. Transparency, however, is the key to this Bill because it inspires the public with the confidence that it has a police force that supports it in its daily life.

I welcome the Minister's decision to dissolve the complaints board and opt for the ombudsman model which Fine Gael has advocated for some time. I welcome in particular the power given the ombudsman in section 94(4) to initiate an investigation. That is welcome but the scope of such an investigation should be widened considerably so that the ombudsman can examine more general policing practices.

We have one national police force, while many countries have several giving rise to a need for very different structures. Britain, for example, has over 40 regional police constabularies and several national law enforcement agencies including its intelligence services. In addition to being a police force the Garda Síochána functions as an intelligence service, which is important in dealing with the drug culture that has developed throughout the country and determining its source.

The Bill also provides for a joint policing committee involving Garda and local authority representation. This year there is a focus on local authority membership, functions and local democracy. For the first time committees will provide fora where the gardaí and local authorities can co-operate to address local policing and other issues under the management of the local authority. It is important that the Garda representatives put a strong case for their interests to be taken into account.

The strategic policy committees feed into local authorities and members of local authorities are active on the ground, thanks to the abolition of the dual mandate. This increased focus on the community can add knowledge to meetings of strategic policy committees, county development boards or county councils. There is scope for expansion in this area with the knowledge these local representatives can share with the Garda Síochána. The feeding of information between the Garda and the local authority is a welcome development.

Some years ago, soon after I became a Member of the Seanad, some concerned business people spoke to me about the crime level in Tipperary town. It seemed from their account of the problem that there was very little policing in the area. There was only one way to address that. I set up a meeting with the local superintendent. Since then we continue to meet on a regular basis to keep each other informed. That was one of the best things I did because bringing together concerned people and the authorities in the town made an impact. The results have all been positive. Both sides understood how much work was being done by the Garda Síochána as an organisation and the gardaí on the street.

As I go about my daily business I am struck by the lack of police on the ground. There is a need to get more police officers on the beat. The presence of gardaí walking the street, keeping an eye on and being involved in communities gives people a sense of security.

The Garda Síochána is undergoing serious change to which it devotes time and effort. Gardaí spend a great deal of time at their desks writing reports. We need more gardaí on the street where their role should be more focused.

The condition of some rural stations throughout the country is not satisfactory. The Minister should examine the closure of Garda stations in some of the smaller towns and villages throughout the country in light of the development which is taking place in these areas. People are crying out for these stations to be re-opened. Whatever about the way Garda resources are divided in different Garda divisions, the local man on the beat and local stations have stood the test of time. This brought gardaí into contact with the local community and resulted in mutual respect. I do not think the public has the same respect for the gardaí they had when I was attending school. The proposal to have gardaí in local stations must be discussed. It will be stated that stations are not being closed. However, the truth is that most of the Garda stations in my constituency are either closed or there is no one in them, which is a poor reflection on the Government. This issue needs to be addressed so that people can become more integrated with the Garda force.

There are enormous problems with crime in society. Crime figures have increased. The Minister may say the problem is in hand and crime figures are decreasing. This is not what I witness in my constituency. There is also the problem of anti-social behaviour among young people, and there are not sufficient gardaí to deal with these problems. Now is not the time to be overly political but the truth is that 2,000 gardaí were promised during the last general election campaign. People expected more gardaí to be put on the streets, which has not happened. The Minister should deal with this issue in the forthcoming budget, and not wait until the next general election campaign. It should be dealt with over a certain timescale. Given the increase in the population, immigrant figures and problems in society,

a genuine effort should be made to put more gardaí on the streets.

If the requests I have made are dealt with, there will be more confidence in the force. I welcome this broad-ranging Bill. We all depend on the gardaí. The security of the State depends on the gardaí. My party established the Garda Síochána, of which we are proud. However, there needs to be improvements and adjustments to the force. I commend the Minister for bringing forward the Bill. I ask him to take on board the points I made on behalf of the public. I spent much of my time in County Meath during the recent by-election campaign and I witnessed at first hand the concerns of people living in communities at the lack of Garda activity throughout the county. There is a need for more gardaí in communities.

I am pleased to have had an opportunity to contribute to this debate. I ask the Minister to take on board the points I made.

Mr. Ferris: Before speaking on the Bill, I want to deplore comments made by Deputy Quinn who used this opportunity to make scurrilous remarks about the contribution of my colleague, Deputy Crowe. I will defend absolutely my right, and that of each Sinn Féin Deputy, to speak on the Bill and the issue of policing. The communities we represent, both North and South, have just as much right to a proper policing service as those represented by Deputy Quinn. Sinn Féin has made a constructive contribution to the policing debate in this House. I commend my colleague, Deputy Ó Snodaigh, on the work he has done.

Sinn Féin aspires to establishing an all-Ireland police service which is among the best in the world. It must be fully modern, efficient and effective, able to respond to evolving challenges, representative of the population, accountable to local communities and working in partnership with them, underpinned by a human rights and community service ethos, meeting or even exceeding international best practice standards for policing. We are ambitious to create real security in our communities and we have positive policy alternatives to offer.

We now have a police force in the Six Counties that has not severed itself from its legacy of human rights violations and which is still ultimately controlled by the British Government. Meanwhile, the Garda Síochána in this jurisdiction has been undermined by under-resourcing, lack of proper oversight, lack of local and public accountability, corruption and a culture of impunity for misconduct. Present oversight mechanisms in particular are very poor. It is not acceptable that neither the Garda Commissioner nor the Minister for Justice, Equality or Law Reform could answer my colleague, Deputy Ó Snodaigh, when he asked the total number of serving gardaí who have been charged with or convicted of a criminal offence, and the number for each type of offence. No wonder an MRBI

poll from one year ago found that more than 50% of young adults had no confidence in the gardaí.

We need to be positive, not negative in our approach to this issue. What is needed now is comprehensive reform and strong legislation to change the culture of impunity and the lack of oversight and accountability in the future. We are committed to engaging constructively in the process of change until such time as an all-Ireland service can be established in the future. I am, therefore, pleased to have the opportunity to comment on this long overdue Garda reform Bill, to point out some of its shortcomings and to encourage the Minister for Justice, Equality and Law Reform to accept the constructive proposals and amendments that will be tabled by Sinn Féin.

Earlier, my colleague, Deputy Crowe, dealt with the aspects of the legislation regarding the need for a single Garda ombudsman, in keeping with the Good Friday Agreement strand 3 commitments to equivalence in human rights protection between both jurisdictions. I will deal primarily with the need to establish a policing board for civilian oversight — a mechanism that would provide much stronger accountability and transparency to the public than the Minister's proposed Garda inspectorate based on the British model in Part 5 of the Bill.

The Minister will say it is untenable for Sinn Féin to boycott the policing board in the Six Counties, yet call for the establishment of an equivalent body to oversee the gardaí in this jurisdiction. Let me clarify this. There is no contradiction whatsoever in our position. The establishment of a policing board is an essential element of the Patten police reform package. The Patten model is widely recognised as representing international best practice in policing. It is also consistent with UN and Council of Europe standards on policing. It was developed in the context of the peace process for application in the Northern context as a necessary element of conflict resolution. Patten was put together by a team of international experts, including a Canadian who helped to guide police reform for post-apartheid South Africa. The Patten report is still considered by many to be state of the art and to have international relevance and application. Sinn Féin believes the Patten package is far from optimal, but we accept it as representing an appropriate minimum standard. We could not accept anything less than the full Patten report.

We do not find the Patten's policing board model objectionable, rather the PSNI. While we maintain that the Garda Síochána is in need of comprehensive reform, as both Deputies Ó Snodaigh and Crowe have previously stated, we also believe it is a legitimate police service. The same cannot be said about the PSNI which continues to retain human rights violators on active duty, block access to the truth about collusion, retains its political policing arm, the special branch, and plastic bullets.

Sinn Féin recommends the establishment on a statutory basis of a fully independent civilian pol-

[Mr. Ferris.]

icing board, separate from the Garda Síochána and the Garda ombudsman's office. Its purpose would be to hold gardaí fully to public account.

The policing board would act as the civilian body to which the Garda Commissioner was accountable. In this way it would fulfil the other aspects of the remit of the Minister's proposed inspectorate, providing management oversight on issues of recruitment, qualifications, training standards, equipment, accommodation, organisation methods and best practice.

Sinn Féin proposes the policing board be independent of Garda management and representative of the population served by the Garda. We recommend it be composed of one third cross party elected representatives, one third representatives of statutory bodies and one third representatives of community and voluntary sectors. It should have at least 50% female representation and take into account the need for other social and economic representatives. Members of the board must be selected by a transparent, merit-based appointment process independent of the Garda Síochána, and members and the chair must be selected on the same basis as the ombudsman. Elected representatives should be disqualified from holding the office of chairperson.

The policing board should be empowered to appoint senior gardaí on the basis of a transparent process to review their performance and hold them accountable. The board should be required to meet monthly and in public with the Garda Commissioner and to receive his reports on operational management. It should be able to request and receive all manner of information from the Commissioner. If it is in the public interest that such information be kept confidential, the board should be allowed to hold *in camera* sessions to deal with specific matters.

The policing board must have the power to request a report from the Garda Commissioner on any matter pertaining to policing. It should have the authority to establish short, medium and long-term strategic priorities and objectives together with the Commissioner as part of a process of agreement on strategic and annual policing plans. It should be responsible for monitoring performances as well as budget management against the agreed policing plans or any other indicators it regards as suitable.

The board should have the power to make recommendations on resource allocation and policy change to the Minister who would be obliged to take due regard of such recommendations. It should also be able to refer matters as appropriate to the Garda Ombudsman or Comptroller and Auditor General. It should be able, if necessary, to establish an independent inquiry into any matters it regards pertinent. Provisions for such inquiries should be framed to emphasise the board's independence.

In the interest of full public transparency and accountability, the board should be required to publish annual reports of its activities.

We welcome the emerging international consensus regarding a need for independent, civilian oversight in order to establish full police accountability. However, the Minister's proposals in this Bill will not deliver the full independence and civilian oversight the Irish people deserve and should be revised to include provisions for an independent, civilian policing board.

We welcome the Minister's recognition that Garda oversight and investigation functions should be separate, as argued by Sinn Féin, the Human Rights Commission and others. I also welcome that the Minister has, in Part 5 of the Bill, altered his original proposal of a Garda inspectorate which wrongly combined investigatory and management functions and, in many ways, replicated flaws of the current system. He has taken several of our recommendations on board. However, the newly proposed Garda inspectorate is still not right and is not quite up to the standard set out in Sinn Féin proposals.

While former members of the Garda will not be allowed sit on the inspectorate, the Government is still allowed to appoint former police officers from other states according to section 107. This means, theoretically, that former RUC members could be appointed to the board. The appointment process is merit based, but it is still not transparent. Despite claims in section 109(7), the inspectorate will not be independent of the Minister, who retains overall control of its work, according to section 109(2)(a). Provisions in section 109(5) allow the Minister to suppress the publication of inspectorate reports at his discretion. Furthermore, in section 112, the chief inspector shall not "question or express an opinion on the merits of any policy of the Government or a Minister of the Government." The inspectorate is also not required to meet in public.

The Minister's new model has also been criticised by the Human Rights Commission and the Irish Council for Civil Liberties, which have raised several concerns which we share. The Human Rights Commission objects to the retention of the existing system of political appointment of senior officers within the Garda, the broad discretionary powers granted to the Minister with regard to the operation of the force and, in particular, section 23 which specifically directs the Garda Commissioner to have regard to Government policy as well as to the law and relevant regulations. This is not a formula for a policing service that is accountable to the public it serves, but for a police force that is accountable to Government parties first and foremost. This is not acceptable.

The ICCL agrees the Bill does not go far enough to address the management crisis in the Garda Síochána or the culture of denial and lack of accountability. It further states that in granting broader ministerial powers of oversight and direction, the Bill "runs the risk of overcentralisation and politicising" of the force and "would ultimately undermine its independence". We

would say it further politicises the force. The ICCL rightly observes that “no other public body in Ireland composed of more than 10,000 individuals can utilise as broad a range of discretionary powers with serious implications for human rights ... it is unacceptable to allow one ministerial position to exert such influence over the gardaí”. I welcome the ICCL endorsement of the policing board model offered by Patten.

Independence is not optional but a fundamental cornerstone of democratic policing which is why Sinn Féin is concerned about the Minister’s failure to use this opportunity to establish a policing board for accountability and oversight.

I have issues in my constituency of Kerry North. I refer to a statement from Deputy Hayes regarding the Garda Síochána Complaints Board. He states that very few complaints have been made. How many successful complaints have gone before the complaints board? In my experience it is a waste of time, which is regrettable.

I must also bring to the attention of the Minister that Deputy Ó Snodaigh wrote to him on four occasions on 13 October 2002, 12 November 2002, 28 February 2003 and 29 May 2003 seeking that he meet Sinn Féin Deputies concerning a serious injustice to a person in my constituency, James Sheehan. He was arrested on the grounds that a gun was allegedly discovered in his car. In a subsequent search of his house 12 rounds of ammunition were discovered. A file was sent to the DPP. Seven years later he received a letter from DPP informing him that the charges against him had been withdrawn even though he was never charged.

Many Deputies raised a question on that case with the Minister and all referrals in that respect were to the Garda Complaints Board. This case represents a denial of equality of treatment. Is it because we are Sinn Féin Deputies that we are not entitled to a response from the Minister? Is it because the man in question was a Sinn Féin member that we did not receive one? From 1988 to the present day he has carried the stigma of a gun having being discovered in his car, which he said was not there. He was never brought before the courts.

Mr. McDowell: Is it a stigma for the Deputy to have a gun in his possession?

Mr. Ferris: I am making a point even if the Minister does not want to listen to it.

Mr. McDowell: The Deputy brought a boatload of guns into this country.

An Leas-Cheann Comhairle: Order, please.

Mr. McDowell: How is it a stigma to have a gun in a car? The Deputy never apologised for doing that.

Mr. Ferris: Deputy Ó Caoláin and other Sinn Féin Deputies asked the Minister to meet them and he denied them that. He has denied our equality of treatment in this House in terms of a meeting to raise this issue with him.

Mr. McDowell: Does the Deputy think there is a stigma in having a gun in his possession? He brought a boatload of guns into this jurisdiction.

Mr. Ferris: I bring to the Minister’s attention the case of the late John O’Shea who died tragically when a Garda report influenced an inquest carried out by Professor Harbison who said that his judgment was formulated on what he was told by the gardaí, namely, that the man died from hypothermia. Yet under cross-examination from Michael Finucane he admitted that under oath, and he also changed his verdict. We and the family of the late John O’Shea have asked the Minister for a proper independent investigation into his death. Is it again because he is a member of Sinn Féin that his family was denied that?

We need accountability not only from the Garda Síochána but from the Minister to the people I represent and who democratically elected me. It is the people who decided to elect me and the other Sinn Féin Deputies, and the Minister has no right to treat us as second class citizens.

Mr. McDowell: I have a right to point out that people like the Deputy get elected under false pretences.

Mr. Ferris: I challenge the Minister to meet me and my colleagues concerning the two issues I raised.

Mr. McDowell: The Deputy never told the people that he was a member of the army council.

Mr. Ferris: I regret that I have to bring these issues to the floor of this House to get a response from the Minister. He has denied me and my colleagues a response.

Mr. McDowell: The Deputy will get a response.

Mr. Ferris: The Minister has denied and refused us a response. He has abused his office in denying us a response. I ask him to facilitate us by having a meeting. I ask him as Minister for Justice, Equality and Law Reform and as a public representative of the people of this country to facilitate the people of this country who have been abused. I challenge him to do that.

I hope the Minister will accept Sinn Féin’s constructive amendments to strengthen the oversight and the management aspects of the proposed legislation, as this will be necessary if our party is to support the Bill, which we very much want to do. We want a policing service that is account-

[Mr. Ferris.]
able, that has as its core equality and that represents all our people equally. We want a policing service like the one in the Six Counties with which all the people feel comfortable.

Mr. McDowell: I sincerely hope we will not find certain equipment in the back of Sinn Féin election workers' vans.

Mr. Ferris: I ask the Minister to consider the proposals we have put forward. He should listen for a change. He is not infallible. He does not know everything.

Mr. McDowell: I know a lot about the Deputy.

Mr. Ferris: The Minister should listen to the people who are talking to him. He should listen to the relatives of the late John O'Shea. As of yet we have not had an account from the gardaí of what happened that man on that night. The Minister should read James Sheehan's submission and his letter to him which stated what happened to him. As of yet, the Minister has not given him justice.

An Leas-Cheann Comhairle: Reference should not be made to individuals.

Mr. Ferris: I challenge the Minister to give justice equally to all the people.

Mr. English: It is always more fun when the Minister is here; we are able to have much more of a debate on such issues.

I am pleased to have this opportunity to speak on the Bill. I wish to focus on some relevant issues at national and local level which I hope will add to the Bill.

The Bill is badly needed. Its main objectives are to reform the law relating to the administration and management of the Garda Síochána and to set up the ombudsman commission and the Garda inspectorate. All three objectives are needed to bring clarity and inspire more public confidence in the force. I receive very few complaints about gardaí, as I am sure do most Deputies. The force is a big organisation with up to 14,000 members and there are bound to be a few bad eggs. They are found in every organisation, be it politics, the church, or the GAA. We must accept that. In general, gardaí do an outstanding job and the force has much to be proud of. We owe its members a great deal and everybody is aware of that.

It is important for us to put laws in place which will help restore the utmost faith in the Garda Síochána to give people confidence in its members and to give gardaí, including new people entering the force, confidence to stand tall and proud. They do a tremendous job and we should be back them up. This legislation will go

a long way to bring clarity and to restore confidence in the force. It will make it easy for a person with a complaint to have it dealt with rather than depending on Deputies to ask questions, being afraid to make a complaint or having a doubt about doing so. The procedure for dealing with a complaint will be clear. While I receive few complaints about gardaí it is important that there is a proper structure in place in which everyone has confidence.

The existing structure for dealing with Garda complaints is not old, it was set up in the 1980s and it has worked quite well. This structure is being put in place to affirm people's faith in the system. The ombudsman commission will be a positive measure in that respect.

Since the foundation of the State the Garda Síochána has played a pivotal role in safeguarding the public in the ever developing society in which we live. In recent years the geographic and demographic make-up of Ireland has changed considerably. This Bill must provide the framework for appropriate changes within the Garda Síochána. By adequately reforming the law relating to the administration and management of the Garda Síochána, this House can allow the force to meet the changing needs of society. To do so we must look to society and bring the experiences gained here to the gardaí and elsewhere. The Minister and the rest of us are guilty of quoting figures, comparing figures for various years. We must realise that life in 2005 is very different from life in 1996, 1997, 1981 and 1982. We have come a long way. There is no point saying there are more gardaí now than there were in those years. The circumstances are different. We need more gardaí now. The Minister's party the other Government party pointed out that we needed an additional 2,000 gardaí three years ago. I presume we need even more than that now. Everyone is aware that society has changed. We need to adapt the force in terms of numbers and how its members do their job if we are to properly serve and protect citizens and ensure they have confidence in the system. There is no point in comparing current figures with figures for previous years and I will not do that.

This Bill paves the way for community policing and for local authorities to become involved in that. I and others dealt with gardaí when organising the St. Patrick's Day parade and festival in Navan, with which the Minister might not be familiar. Like many other towns on that day last year, problems arose in Navan due to the abuse of alcohol by young people. That was partly the fault of the organisers because we probably had the wrong band playing in the wrong place which drew the wrong crowd and other things happened which contributed to the problems that arose. Many of the problems arose from a lack of communication between the festival committee, the gardaí and other groups organising events.

We decided this year to make sure that we got it right and the gardaí had the same approach. We met three months in advance with the local superintendent, Sergeant Gerry Smith, Sergeant Seán Farrell, Sergeant Pat Gannon and a few others. I commend the excellent job they did. We met and discussed what would happen on the day and the week of the festival. There were three or four meetings following that and everyone was very clear about what had to be done, where problems might arise and how we could solve them without using brute force or muscle power but by simply having a presence and doing things right. We followed the advice of the gardaí and they listened to advice we gave them.

On the day four or five times more gardaí than last year were present, which made a major difference. The whole event went off without trouble. I believe three arrests were made, which is expected during a normal weekend. This was down to co-operation and everybody recognising they had a job to do. In the heat of that activity the Garda foiled a robbery which otherwise might not have been caught. A few gentlemen decided to come from Dublin to rob the local bookie and were caught in the act as a result of the greater Garda presence. This shows it can help in running an event smoothly, protecting a town and avoiding trouble on the streets while at the same time solving other crimes. This does not necessarily need to involve gardaí. The proposed volunteer force could also get involved in running such events as well as protecting the area from crimes such as robbery.

Freeing up Garda resources to work on the front line is of vital importance and we need to recruit more civilian staff, for example, a psychologist or press officer, to take over from Garda officers who are qualified specifically to tackle crime. I do not see why the force needs a garda as its press officer. The political parties have press officers who were not politicians before becoming press officers. There are plans to redeploy 300 or 400 gardaí, who are tied up doing specific duties, to work on the streets. The sooner this happens the better. While the Bill may pave the way for such change it is not spelt out. It gives more power to the Commissioner to consider introducing more civilians. Having trained members of the force carry out tasks that members of the public could do makes little sense.

In general the State boasts of an excellent workforce who have received a first-rate education. It is now time to mobilise the people in assisting the Garda Síochána in its duties. I recently spoke to an Irish person who graduated with a master's degree in criminal psychology in the UK. She now works in the police support staff there having not been trained as a police officer. More than half if not two thirds of the police workforce in the UK is made up of support staff. While I understand they are still called policemen

and policewomen they are not trained as police officers. This goes a long way towards freeing up the police to do the task for which they have been trained. It can be seen that considerably more scope exists for freeing up trained Garda personnel to tackle crime on the front line. The woman I mentioned, who is the same age as I am, could not get a job in the Garda Síochána despite her qualifications. She would have to train in Templemore, serve some years on the beat and work her way up. We are losing such people who could fit in at different levels of the Garda Síochána.

Even if we recruit such people, I understand they would need to complete an induction course. However, to expect someone of 33 with two children to leave a job and take a very low wage for up to two years is not sustainable. It is not a viable option for many people who would like to find a role in the Garda Síochána. We should find a way to make it possible for people to enter at different levels of the Garda or to move career into the force. While it is acceptable for students on leaving school to go to college for three or four years without being paid, this does not work later in life. Perhaps scope exists for some of the educational institutes to run a diploma or certificate course in preparation for joining the Garda. The Department of Justice, Equality and Law Reform does not need to organise all the training and the Minister may have some ideas on the matter. I presume the Bill will open the door to such change.

While the new 35-year age limit for joining the Garda Síochána is a significant improvement it is still too low and could easily be set at 40 or 45. I know that to get value for having trained gardaí we want to get 20 or 30 years service from them. They could continue to work until 65 or even 70 and repay the State for their training. On the subject of training, how much retraining and continual training and assessment of gardaí is carried out? While some people might question the ability of some gardaí fresh out of training, 20 years later they might not be as active and might not have received scenario training etc. Other professions need to update their training and employees need regular retraining.

We need to recruit more civilians to carry out particular tasks in the force. Many clerical workers in the former health boards tell me they have no work to do and could be put to better use elsewhere. Without sacking anybody we could move people to different positions and get better use from them. While it might not be possible to get them to move immediately they could do so after completing a short course. This would free up gardaí to go and do the job they want to do and for which they have been trained, which is working among the people solving and preventing crime.

Section 29 provides that the Garda Commissioner shall have direct responsibility for the

[Mr. English.]

distribution and stationing of members of the Garda Síochána. This is probably the way it was, which might have been acceptable in the past. However, we need to debate the provision of funding for the development of new and existing Garda stations. I wrote to the Minister about the Garda station in Laytown, which is manned on a part-time basis. The population along the east coast has exploded and what once were small rural villages are now sprawling urban centres. Residents demand a full-time and more dedicated presence from the Garda in this area. Will the Commissioner be given the resources to properly police these areas? While Garda stations are being closed in some areas, will new ones be provided in areas of population growth? The infrastructure needs to be established to allow for the stationing of gardaí in such centres of growth before crime gets out of control there. Often we act too slowly and by the time we realise we need to appoint more gardaí to an area the damage has already been done. This could have been prevented by having gardaí in place from the start. While I understand we do not have an endless number of gardaí to move around, we need to consider taking some action in this regard.

When the Commissioner is deliberating as to where to station the gardaí the Minister might point out to him the following information on my county. In 1996, Navan had one garda for every 270 people, which was the same as it had been in 1981. We now have one garda for every 450 to 500 people. While I know people will say it is not necessary to have gardaí everywhere, people want to see a Garda presence and we need to realise we are short on personnel. The Louth-Meath division now has seven fewer sergeants. With the population increasing some criminal elements have moved from Dublin into the region. We should be reacting to this by having more criminal units. The counties of Meath and Louth have insufficient PULSE computers for the gardaí to do their job and they spend much time travelling to stations with a computer, which seems strange in this modern day and age.

Chapter 4 of the Bill addresses co-operation with local authorities and arrangements for obtaining the views of the public. Earlier I referred to our experience in Navan with the St. Patrick's festival. I fully support the concept of local authorities working with the Garda in committees and forums. The Bill suggests that the sergeant does not necessarily need to act on the outcome of such meetings. While we cannot expect these forums to tell a sergeant what to do, he or she should be strongly encouraged to act on the recommendations of those committees. The local authorities and voluntary groups involved in those committees will want to see results. There is no point in turning up every few months for a chat, shaking hands and going off again — that

will not work. If we want community involvement it must deliver results and people must see action.

The Minister asked for comment on who should be involved in policing committees. Membership should not be confined to those involved in local authorities but should include members of community organisations. While making these arrangements will present a major problem, it is vital that membership is drawn from a broad spectrum. Given that members of local authorities, for example, can become conditioned and may miss the point, the policing committees and fora must have a broad membership mix.

Section 32 requires local authorities to take action when requested to do so by the Garda for the purposes of facilitating the force in patrolling a certain area, prevent and solve crime and so forth. Issues such as the provision of lighting and pedestrian walkways will need to be addressed to allow the Garda to act, react and move around. Certain Government policies, however, will prevent local authorities from taking the necessary action. Pedestrian walkways between adjacent estates, for example, are often the location of trouble and anti-social behaviour. These and certain corners or end rows in estates tend to become the local hang-out area. Planning rules requiring pedestrian access points, therefore, cause disputes between local authority members and planners.

As a local councillor, I argued, for example, that certain access points would cause major trouble because to push people from other parts of a town through an estate is to ask for trouble, given that people from different estates do not often mix well. Planners are able to throw back the argument that no changes can be made because an alleyway or access point is stipulated under planning rules. There is scope for change in this regard to enable community gardaí to identify minor problems and request local authorities and community policing committees to take action.

Community policing is a brilliant initiative which does not enjoy the prestige it deserves. In addition, community gardaí do not always receive the respect or opportunities they deserve. My local area has several community gardaí who do excellent work in solving and preventing crimes. For example, they are involved with young people through a range of organisations. At a recent committee meeting, members were informed that a senior garda once described community policing is an "unaffordable luxury". This form of policing is not unaffordable when one takes a long-term perspective because it will solve and prevent problems. Furthermore, it is a necessity, not a luxury. We need gardaí who are involved in all aspects of community life.

The debate about community policing tends to focus on towns. Community gardaí are also required in rural areas and villages to mix with

people and prevent crime among all groups, not only young people. For example, a community garda should step in and warn those whom he or she suspects may be drink driving or driving a car with technical faults that he or she will be caught. The pat on the shoulder and warning to cop oneself on used to be common crime deterrents and should be one of the features of community policing.

The proposal to introduce a volunteer reserve force reflects a similar move in the United Kingdom. It is an excellent idea which should proceed. The Minister's target is to recruit a force numbering 1,400. He will have to consider whether background checks will be required because retired members of other organisations may wish to volunteer. While the establishment of a new force will be a considerable task, I hope a pool of expertise will become available and the volunteers will be free to do a range of duties. I am not convinced they should have the same level of responsibility as members of the Garda Síochána. It could create problems if volunteers with less training and pay were allowed to perform the same role as fully trained, full-time gardaí. The new force offers a way forward in that it will add to current resources and provide more people on the ground to do policing work.

Many Garda duties could be carried out by other bodies. I support the decision to privatise the operation of speed cameras, for instance, but I do not understand the reason that, under law, the number of people permitted to direct or control traffic is so restrictive. Will the Minister consider allowing staff of local authorities to be trained to direct traffic? Many of our towns suffering from infrastructural deficits could make good use of local authority personnel, rather than gardaí, during heavy traffic periods, for example, at rush hour or in the event of breakdowns or oil spills. Traffic wardens could be trained for this purpose. A little imagination is required. Will the Minister confirm that the Bill leaves a door open for alternatives to be explored and, where necessary, implemented?

Mr. O'Shea: I will make a few brief points on the Bill in the short time available to me. It is a pity no consultation or discussion process, such as that undertaken by the Patten Commission in Northern Ireland, was carried out prior to the drafting and publication of the Bill. People must buy into law and unless they are involved and engaged there is a strong possibility they will be more suspicious than is warranted when the legislation is finally produced. While the Minister could contend that appointing a commission before producing legislation would cause delay, the exercise would be worthwhile, not only in terms of getting the Bill right but also in cultivating a sense of ownership which is important in

terms of the interplay between the citizen and the institutions of the State in regard to law.

The Bill does not provide for the appointment of an ombudsman but proposes to establish a three-person commission. The weakness of this proposal is that essentially the buck will not stop with a specific individual. A similar problem is evident in the case of children presenting in schools with anti-social behaviour. In such cases, many agencies will become involved in dealing with the child but the weakness is that there is no bottom line co-ordination and no single individual has ultimate responsibility for the child. Children in these circumstances will then go through the education system, being passed from Billy to Jack, so to speak, and will leave school without being properly prepared for the world outside.

I tabled a number of parliamentary questions to the Minister recently regarding a statement by the Governor of Mountjoy Prison, Mr. John Lonergan, that he believe there is a significant level of ADD among prisoners. I have heard of research carried out in the United States which appears to indicate that a large proportion of the prison population suffers from ADD. Treatment is available for ADD, ADHD and ODD, which are learning disabilities with an anti-social base.

There are many elements to crime. The manner in which individuals develop in the system can be conducive to later involvement in crime. A great deal can be done in this regard.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Irish Language.

1. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil aird á tabhairt aige ar na tuairimí agus na moltaí i dTuairisc Bhliantúil an Choimisinéara Teanga agus an ndéanfaidh sé ráiteas ina dtaobh. [11558/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Mar is eol don Teachta, tá sé molta ag an gCoimisinéir Teanga ina thuarascáil tionscnaimh, mar atá molta agam féin, go bhfuil gá le díospóireacht náisiúnta maidir le múineadh na Gaeilge sna scoileanna. Tá tagairt déanta aige freisin maidir le cé chomh hannamh is a mbíonn díospóireachtaí trí Ghaeilge i dTithe an Oireachtais.

Tá an tuarascáil dírithe go príomha, ar ndóigh, ar an obair a bhí ar bun ag an oifig ó bunaíodh í ag tús na bliana anuraidh. Fáiltím go mór roimh an tuarascáil seo. Táim ag tnúth go mór, sna blianta beaga amach romhainn, le toradh ní

[Éamon Ó Cuív.]

hamháin ar shaothar mo Roinne féin i ndáil le scéimeanna faoi Acht na dTeangacha Oifigiúla a aontú le comhlachtaí poiblí, ach freisin ar shaothar Oifig an Choimisinéara Teanga maidir le monatóireacht a dhéanamh agus comhairle a chur ar fáil faoi fheidhmiú na scéimeanna sin.

Níl aon amhras ach go bhfuil obair agus dúshlán mór romhainn i réimsí éagsúla maidir le caomhnú agus forbairt na Gaeilge. Is cinnte go bhfuil ionchur tábhachtach déanta ag an gCoimisinéar Teanga san díospóireacht phoiblí faoi na réimsí sin.

An méid sin ráite, is eol don Teachta, ní foláir, go bhfuil Fóram na Gaeilge bunaithe agam chun comhairle a thabhairt dom ar shaincheisteanna a bhaineann le cur chun cinn na Gaeilge, ina measc inmholtacht plean straitéiseach 20 bliain le spriocanna réalaíochta a réiteach don Ghaeilge sa Stát agus na tosaíochtaí maidir le cur i bhfeidhm Acht na dTeangacha Oifigiúla.

Mr. McGinley: Tá gar déanta ag an Choimisinéir Teanga do na Gaeilge agus go bhfuil sé i ndiaidh cur os comhair ár geuid súile fíricí a bhí ansin le fada — chomh fada agus a bhaineann sé leis an Ghaeilge sa chóras oideachais agus úsáid na Gaeilge sa Dáil. An aontódh an tAire liom, anois nuair atá Acht na dTeangacha Oifigiúla á chur i bhfeidhm, go mbeidh éilimh i bhfad níos mó agus níos leithne ar dhaoine ag a bhfuil ard-chumas Gaeilge labhartha agus, go speisialta, scríofa leis na tuairiscí seo a chur ar fáil ar son na mbord Stáit? Ceann de na deacrachtaí is mó atá ag na Ranna seo agus na heagrais seo ná daoine a fháil go bhfuil caighdeán cuí ard go leor Gaeilge acu leis an obair thábhachtach seo a dhéanamh. An bhfuil aon phleananna ar siúl le déanamh cinnte go mbeidh na daoine ar fáil a bheidh ar a gcumas é seo a dhéanamh? Má bhaineann an teanga stádas oifigiúil amach san AE, agus tá dul chun cinn déanta ansin ar na mallaibh, beidh éileamh ar an chineál chéanna daoine. Cad iad na pleananna atá againn fá choinne an chorps de dhaoine ard-oilte sa teanga a chur ar fáil a dhéanfaidh freastal ar riachtanais Acht na dTeangacha Oifigiúla agus i riachtanais stádas oifigiúil san Eoraip.

Éamon Ó Cuív: Tá an Teachta tar éis teacht go geroí na ceiste. Phlé muid an cheist seo nuair a bhí an tAcht teanga d'fheidhmiú agus arís nuair a bhí plé ar bun maidir leis an Ghaeilge san AE. Ag an am sin, chuir mise béim ar cheist soláthar daoine lena seirbhísí a chur ar fáil agus nach raibh aon mhaith leagan síos sa dlí go mbeadh chuile chineál seirbhíse ann mura mbeadh na daoine ann lena gcur ar fáil.

Tá go leor ar bun. Bíonn daoine ag ceapadh gurbh é an bealach is fearr fadhbanna a réiteach ná le holl-phlean mór nó oll-spriocanna móra — the big bang approach. Réitear an chuid is mó

fadhbanna trí obair laethúil ag bogadh rudaí ar aghaidh.

Is dócha go bhfaca an Teachta fógra ag Fhoras na Gaeilge ag iarraidh córas cáilíochtaí ag baint le haistritheoirí. Tá sin riachtanach mar caithfidh bheith cinnte go bhfuil an caighdeán ann. Caithfidh cúrsaí cuí tríú leibhéal a bheith ar fáil fosta. Is chuige sin go ndearna mé airgeadú ar Acadamh na hOllscolaíochta Gaeilge. Is chuige sin go raibh mé chomh tacúil leis an obair atá ar bun ag Coláiste na hOllscoile i nGaillimh ag bunadh na hionaid seachtracha, ceann acu i nGaoth Dobhair agus péire i mo dháilcheantar féin. Tá an ceart ag an Teachta, tá gá le hoiliúint. Tá mé tar éis plé a dhéanamh le go leor grúpaí agus daoine éagsúla, lucht na hollscoile ina measc, go leanúnach agus ceann de na rudaí a dúirt mé ná go gcaithfidh breathnú ar an margadh anois. Don chéad uair riamh, caithfidh an t-oideachas agus an margadh bheith fite-fuaite lena chéile. Don chéad uair i riamh níl daoine ag déanamh staidéir ar an Ghaeilge ar chúiseanna teibí, tá postanna ann. Caithfidh breathnú ar an margadh agus na riachtanais agus na cúrsaí oiliúna agus ollscolaíochta a bheith ann le freastal air sin. Tá riar de sin ar bun le bunadh na gcúrsaí aistriúcháin sna hinstiúdaí tríú leibhéal, rud nach raibh ar fáil cúpla bliain ó shin.

Mr. McGinley: An bhfuil an tAire sásta go bhfuil sé ar a chumas an tseirbhís seo a chur ar fáil go fóill agus go bhfuil na daoine againn faoi láthair?

Pointe eile a rinne an coimisinéir ná easpa Gaeilge agus phlé muid anseo é. Dúirt an tAire gurbh fhéidir le TG4 níos mó a dhéanamh le poiblíocht a thabhairt don méid Gaeilge a labhartar anseo. An ndearna sé teagmháil le TG4 faoi sin? An bhfuil teagmháil déanta aige leis an Aire Oideachais agus Eolaíochta a bhfuil cúramaí theagasc na Gaeilge uirthi faoin dualgas atá orainn daoine le Gaeilge ar chaighdeán ard a chur ar fáil?

Éamon Ó Cuív: Maidir leis an Aire Oideachais agus Eolaíochta, bíonn plé leanúnach idir an bheirt againn agus idir ár Ranna fosta.

Ba mhaith liom go mbogfadh rudaí ar aghaidh níos gasta ach tuigeann an Teachta nádúr an chórais. Ní dhearna mé iarratas oifigiúil le TG4 ach tá mé cinnte go bhfuil sé eolach faoin méid a dúirt mé. Is dócha go bhfuair sé poiblíocht an-mhaith agus nach gá domsa é sin a rá go díreach. Níor mhaith liom go gceapfaí go raibh mé ag tabhairt treoracha d'aon eagraíocht craolacháin sa tír seo ceard le déanamh ach tá an moladh a rinne mé ar eolas ag TG4 agus bheadh síil agam go mbreathnódh an stáisiún go báúil air. Bheadh sé thar chinn don Teach seo. Ag deireadh an lae, tá muid ag caint ar chraoladh seirbhíse poiblí agus tá sé tábhachtach go bhfreastalófaí air sin. Caithfear spás a thabhairt do TG4 breathnú air.

2. D'fhiafraigh **Mr. O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta ar tháinig a Roinn féin agus an Roinn Oideachais agus Eolaíochta le chéile fós chun breithníú a dhéanamh ar mholtaí an ghrúpa oibre a bunaíodh i 2002 chun ceist an oideachais trí Ghaeilge a phlé; agus an ndéanfaidh sé ráiteas ina leith. [10305/05]

Éamon Ó Cuív: Glacaim go bhfuil an Teachta ag déanamh tagairt do thuarascáil an ghrúpa oibre idir-ghníomhaireachta don oideachas tríú leibhéal sa Ghaeltacht.

Bunaíodh an grúpa oibre sin sa bhliain 2002 faoi chathaoirleacht na Roinne Oideachais agus Eolaíochta le hionadaithe ón Roinn sin, ó mo Roinn, ón Údarás um Ard-Oideachas agus ó Údarás na Gaeltachta chun plean forbartha don oideachas tríú leibhéal sa Ghaeltacht, a bhí réitithe ag grúpa ollscoileanna, a mheas.

Cuireadh tuarascáil agus moltaí an ghrúpa faoi mo bhráid agus faoi bhráid an Aire Oideachais agus Eolaíochta anuraidh. Ó mo thaobh, táim ag breathnú ar na moltaí agus ar na féidearachtaí agus tig leis an Teachta a bheith cinnte de go mbíonn teagmháil idir mo Roinn agus an Roinn Oideachais agus Eolaíochta ar bhonn leanúnach.

Mar is eol don Teachta, tá sé leagtha síos mar sprioc ag mo Roinn ina ráiteas straitéise don tréimhse 2003-05 go bhféachfar le “ceist oideachais tríú leibhéal trí Ghaeilge a chur chun cinn”. Ar ndóigh, is faoi chúram an Aire Oideachais agus Eolaíochta go príomha atá an fhreagracht sin. Agus é sin ráite, aithním go bhfuil ceist an oideachais tríú leibhéal mar thosaíocht fíor-thábhachtach do thodhchaí na Gaeilge agus mar riachtanas ar leith ó thaobh chur i bhfeidhm an Achta teanga.

Tá fonn speisialta orm go gcuirfean an cheist seo ar aghaidh, ach go háirithe i gcomhthéacs an phlé a bhí againn díreach anois i gcomhthéacs thuarascáil an Coimisinéara Teanga, agus beidh mé ag tnúth le tuilleadh comhoibrithe ó mo chomhghleacaí, an tAire Oideachais agus Eolaíochta, chun na críche sin amach anseo.

Mr. O'Shea: An bhféadfadh an tAire a insint dúinn cad iad na moltaí a tháinig amach ó obair an ghrúpa sin? An dtarlóidh rud éigin substaintiúil anois mar gheall air nó an mbeimid ag cur ceisteanna mar seo go deo?

Éamon Ó Cuív: Tarlóidh agus, go deimhin, tharla roinnt rudaí cheana féin, mar shampla, bunaíodh Acadamh na hOllscolaíochta Gaeilge. Caithfidh oibriú leis an gcóras i gcónaí. Níl aon amhras orm ach gur féidir linn dul chun mór a dhéanamh i líne leis an tuarascáil seo ach cur chuige ceart a bheith foighdeach agus an córas a oibriú. Is féidir a shamhlú go raibh impleachtaí airgid i gceist. Níl aon mhaith dom a mhalairt a rá. É sin ráite, ní raibh na himpleachtaí airgid chomh mór sin is nach bhféadfaidís a bheith mar

sprioc réalaíoch le baint amach. Tá muid á dhéanamh píosa ar phíosa, mar a rinne mé le tuarascáil Choimisiúin na Gaeltachta, agus ag cur na brící in áit. Ag deireadh an lae bheadh súil agam go mbainfí amach na spriocanna leagtha síos sa tuarascáil. Baineann siad le rudaí a mbím ag caint fúthu — tuilleadh cúrsaí ar fáil agus tuilleadh maoiniú chun iad a chur ar fáil. Ní raibh aon rud réabhlóideach ann nach mbeadh duine ag súil leis i dtuarascáil den chineál sin.

Creidim féin, áfach, go bhfuil muid ag múineadh rudaí trí Ghaeilge ar mhaithe leo a mhúineadh trí Ghaeilge agus anois tá muid ag iarraidh go mbeidh daoine cáilithe agus Gaeilge mhaith acu leis na folúntais atá sa gcóras ag éirí as an Acht teanga a chomhlíonadh. Tá múinteoirí bunscoile le scoth na Gaeilge ag teastáil óna Gaelscoileanna. Tá an riachtanas ann so ba cheart go mbeidh an córas oideachais in ann déileáil leis sin. Níl aon amhras ach go mbeidh éileamh an-mhór le haistritheoirí, go mór mhór nuair a thíocfadh an Ghaeilge mar theanga oifigiúil san AE. Beimid ag iarraidh chuile shórt feidhmeannaigh de chuile chineál sna seirbhísí Stáit éagsúla le seirbhís a chur ar fáil de bharr an Achta teanga. Anois, caithfidh mé breathnú ar cén caoi a chuirfidh an oiliúint sin ar fáil. Ba mhaith liom go mbeidh ceangal i bhfad níos mó leis an oideachas agus an margadh ná mar a bhíodh.

Mr. O'Shea: I mo dháilcheantar, bhí teagmháil idir Institiúid Teicneolaíochta Phort Láirge agus Gaeltacht na Rinne. D'oscail an tAire an scoil nua, Scoil San Nioclás, sa Rinn. Bhí an scoil sin riartha ag coiste áitiúil le fada an lá. Tá dhá shaghas oideachais ann, oideachas don gnáth-dalta ach cad faoi daoine atá ag dul ar ais i mbun oideachais? An féidir le hÚdarás na Gaeltachta airgead a chur ar fáil do second chance education sa Ghaeltacht?

Éamon Ó Cuív: Tá sin ar bun cheana féin. Níl na figiúirí agam faoi cé mhéad a chaitheann an t-údarás ag tacú le daoine le cúrsaí trí Ghaeilge a dhéanamh. Is maith an rud é ar an gcoinníoll nach bhfuil daoine a mhaoiniú le cúrsaí mar sin a dhéanamh a bheadh in ann an t-oideachas a mhaoiniú iad féin. Caithfidh bheith cúramach. Tá an maoiniú sin ar fáil ag an údarás le dioplóma sa Ghaeilge agus cúrsaí craolacháin ag Coláiste na hOllscoile i nGaillimh. Cuireann an t-údarás cúnaimh ar fáil do na daoine ón Ghaeltacht atá ag freastal ar na cúrsaí sin. Tá éileamh mór ar na cúrsaí. Tá cáilíochta áirithe ag go leor de na daoine ag déanamh cúrsaí aistriúcháin nó ag a raibh togha na Gaeilge acu mar gur cainteoirí dúchasacha iad le cruinneas agus téann ar ais le cúrsaí foirmiúla a dhéanamh. Is daoine fásta a lán acu.

CLÁR Programme.

3. **Mr. McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs the number and details of projects his Department has funded under the CLÁR programme in east Galway; the number and details of applications refused under this programme in east Galway; the number and details of projects awaiting processing under this programme in east Galway; the amount of funding allocated to east Galway as a percentage of the overall CLÁR funding programme; and if he will make a statement on the matter. [11494/05]

Éamon Ó Cuív: CLÁR funds, or co-funds with other Departments, State agencies and local authorities, investment in selected priority developments. These investments are made through a series of measures that support physical, economic and social infrastructure such as roads, water and sewerage, village, housing and schools enhancement, health, electricity conversion and sports and community projects. No specific allocations are made to the CLÁR areas of counties from each year's Estimates provision for the programme. Some measures are demand led while in other cases the projects are by and large

selected or recommended by the relevant Departments, State agencies, LEADER groups and local authorities in consultation with my Department.

In addition, under the non-national roads measure, allocations from a €6 million co-fund with the Department of the Environment, Heritage and Local Government, which I announced in February, were made to each local authority based on the county's percentage of the total CLÁR population. However, as the local authorities select the projects, neither my Department nor the Department of the Environment, Heritage and Local Government has any discretion in the selection of projects save for their being in a CLÁR area and meeting the terms of the measure.

There are 70 district electoral divisions in county Galway which are included in the CLÁR programme. Of these, 43 are in east Galway. Funding for projects in these DEDs under the various measures in the programme totals nearly €1.3 million from 2002 to date in 2005. Commitments entered into for the comparable period and yet to be drawn down amount to more than €580,000. The total spend in east Galway since the inception of the programme is as follows:

2002	2003	2004	2005
€562,000	€394,000	€309,000	€4,000
As % of total CLÁR spend	As % of total CLÁR spend	As % of total CLÁR spend	As % of total CLÁR spend
4%	4%	3%	0.4%

As it is not practical to provide all the information here, I am arranging to send the Deputy full details, by DED, of expenditure and commitments made but not yet drawn down in respect of each CLÁR measure.

Mr. McHugh: I thank the Minister for his reply, but does he not agree that the small amount of information given in his reply is very disappointing from the perspective of Galway East? Does the Minister recall how the CLÁR programme was warmly welcomed when it was launched? The Minister came to Galway east as part of the promotional tour for the programme. I was also enthusiastic about the programme because I thought it would deliver many parts of my constituency from the misery and neglect they have suffered over a number of years. Does the Minister agree that, from a Galway East perspective, my optimism was without foundation? Does he further agree that this programme has been a failure from the perspective of my constituents in that it has not helped them?

The Minister and I share the same county but different constituencies. Does the Minister agree that his constituency of Galway West has benefited much more from the CLÁR programme than my constituency of Galway East? In his

reply, the Minister said that there are approximately 27 DEDs in the CLÁR area in Galway West and approximately 43 DEDs in the CLÁR area in Galway East. Does the Minister agree that, looking at last year's allocations under the programme, Galway West benefited by a factor of approximately 3:1 over and above Galway East?

I can give the Minister some examples if I have sufficient time. Under the LIS roads funded CLÁR programme in 2004, there were nine roads in Galway West to the value of €100,000 while there were three roads in Galway East to the value of €26,000. In 2004, there were four small public water and sewerage schemes funded under the CLÁR programme in Galway West and two schemes in Galway East. That is not a factor of 3:1 but when one examines the money, one will find that this is a much greater multiple of 3:1 in favour of Galway West. The figures were €680,000 for Galway West and €131,000 for Galway East. This is particularly relevant for communities like Milltown, Glenamaddy and Creggs. The Minister has visited Creggs. The town has an inadequate sewerage system. They are crying out for some form of Government assistance to help improve their lot but no help is coming. It concerns me that this programme,

though brilliant in theory, does not deliver in my constituency.

The Minister visited Dunmore recently—

An Leas-Cheann Comhairle: The Deputy should confine himself to a brief statement.

Mr. McHugh: Does the Minister agree that three CLÁR-Leader village and countryside enhancement schemes were sanctioned for Galway West in 2004 and only one for Galway East? This is particularly relevant in cases such as Dunmore. Will the Minister reply?

Mr. McGinley: Do not embarrass the Minister further.

Éamon Ó Cuív: The Deputies and Senators from Galway East amaze me. It is obvious they do not know how these schemes work. I will outline the position quickly to show Deputy McHugh that, if something is happening, it is because the local authority has made certain decisions. It is out of my hands.

We made an allocation of approximately €498,000 to Galway County Council for non-national roads and told the council to select the project. We had no input in the selection process whatsoever. The only criteria were that they must be class two or class three roads, that no project could cost over €30,000 unless it is a bridge and it must have been in a CLÁR area. There was more work done in the east of the county than the west in 2004, but that was a matter for the local authority as I had no say in the matter. As the Deputy knows, there are more councillors from the east than the west. He should have his councillors sort that out.

Coillte picked its designated roads in consultation with local authorities. I had no input in that. The LIS roads are in the same situation. The position is simple, an initial allocation is made by the Department of the Environment, Heritage and Local Government. For every €2 spent in any CLÁR area in the county, we allocate another €1. The selection of the supplementary roads funded by CLÁR moneys is a matter for the local authority and we have no input as long as the projects are inside CLÁR areas. If there is an east-west bias it is within the county council and has nothing to do with me as Minister. If its members favour the east I bow to their wishes and, similarly, if they favour the west I bow to their wishes.

Group water schemes and public water schemes are dealt with on demand. An allocation of a block grant is made by the Department of the Environment, Heritage and Local Government and spending is at the discretion of the council, but if any of that grant is spent in a CLÁR area, we automatically back it euro for euro. However, I have no discretion in this.

Mr. McGinley: The Minister lives in the west.

Éamon Ó Cuív: Even though I live in the west of the county, if the council wishes to spend that money in the east of the county, it can. I will go through this with the Deputy for an hour or 30 minutes at some time if he wishes. I will go through it line by line to show him that I cannot and do not in any way influence the specific choices made in respect of the CLÁR programme. Everything is objective and fair. If there is an east-west bias in County Galway, it is one of two things, either the western community is more active or the county council favours the west over the east. This would be amazing, implying the seven members from the west can out-manoeuvre the 23 members from the east.

Mr. McHugh: Are we not automatically—

An Leas-Cheann Comhairle: We must proceed.

Mr. McGinley: If only other Galway men could agree with the Minister.

Éamon Ó Cuív: We can go into this matter in more detail in the committee. I am open to suggestions. This allegation—

An Leas-Cheann Comhairle: We must continue with the next question.

Éamon Ó Cuív: I would love to continue this debate but I must bow to the ruling of the Chair.

Bullying in the Workplace.

4. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs the main findings of the independent investigation into alleged incidents of bullying and harassment and the so-called culture of patronage in Waterways Ireland; the measures being adopted to ensure fair play and best practice within that organisation; and if he will make a statement on the matter. [11557/05]

Éamon Ó Cuív: An investigation into allegations of bullying, harassment and related matters in Waterways Ireland has been jointly carried out, with the consent of the parties involved, by independent investigators appointed by my Department and the Department of Culture, Arts and Leisure in the North. The report of the investigators has been submitted to the Departments and its conclusions and recommendations have been considered and accepted by both.

On 4 April 2005, my Department and the Department of Culture, Arts and Leisure issued a joint statement on the matter. The statement was copied by my office to the Deputy on that date. In line with the normal confidentiality that applies to personnel matters, the Departments stated that they do not propose to publish the report of the investigators. However, their joint statement included a summary of the findings of the investigators, as well as the actions to be

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taken following the findings, as agreed by the Departments with the chief executive of Waterways Ireland. It is not proposed to make any further comment about the investigation.

However, I reiterate that I welcome this opportunity to again acknowledge the efforts of the chief executive and staff of Waterways Ireland in advancing the work of this important North-South body, often in complex and difficult circumstances. As I stated in the House in December 2004, the promotion of North-South co-operation in areas within my Department's remit remains a high priority for me and I will continue to support the work of the North-South bodies responsible for inland waterways and language matters in particular in every way possible.

Mr. McGinley: Did the Minister see or read the report?

Éamon Ó Cuív: I did not read the report in detail. This is an industrial relations issue. A mechanism was put in place and the appropriate steps have been taken.

Mr. McGinley: Did the Minister see or read the report?

Éamon Ó Cuív: Yes, I saw the report and am sure the appropriate steps were taken.

Mr. McGinley: If the Minister has seen and read the report, he must agree that the joint statement issued by both Departments is the greatest whitewash and fiction to come out of any Department in my memory. The report was specific whereas the so-called summary has avoided the main issues. Lying at the core of this are bullying, appointments and promotions. These three areas were specifically and bluntly addressed in the report. The report had no hesitation upon finding that these incidents represent examples of bullying and highly inappropriate behaviour on the part of a senior manager. Very serious questions were also asked about appointments and promotions. When will we see the report? The summary is utterly misleading.

Éamon Ó Cuív: It is not.

Mr. McGinley: It avoids the issue and deals with peripheral matters rather than those at the core. I would quote from it if the Leas-Cheann Comhairle allowed me to, but will the Minister make the report available to Members of the House so that we can judge for ourselves?

Have steps been taken to ensure Waterways Ireland's corporate procedures are being carried out? This is an important cross-Border organisation established as a result of the Good Friday Agreement and has implications much wider than Republic or Northern politics. It has implications for the peace process. What measures are being taken and what procedures are being put in place

to ensure there is proper corporate management within this important body?

Éamon Ó Cuív: Once allegations were made a step-by-step procedure that is much too long to go through now was agreed upon and investigators were appointed. As situations such as this have arisen in the past in which people agreed a procedure but did not find the answer they desired, we understand that these things can happen. A procedure was followed in this case and has been brought to a conclusion. The detailed information I have does not coincide with the Deputy's statement.

I understand that allegations were made concerning the exercise of political influence in respect of two appointments and that this matter did not fall within the terms of reference of the investigation. This was all agreed beforehand. One cannot agree the rules of a game and not play by them. However, I and my Department are certain that no such influences were involved and I reject any allegations about that. Concerns were expressed in the report about the process followed leading to these appointments in Waterways Ireland. These have all been addressed in new procedures. The Deputy can take that as read. I have made sure of that and have gone into all those details. I was much more concerned about making sure that once we agreed a process to deal with the issue, it would be followed to the letter of the law and would come to a full conclusion. The second issue was to put steps in place to ensure whatever failings identified in the first process would not happen again.

The investigator acknowledged that no criticism was being made of the individuals involved nor was it being suggested that they were unsuitable for the posts. The investigator raised no issues in regard to the validity of the appointment and the two sponsor Departments have accepted this. When one sends in an investigator, one must agree with the result.

Mr. McGinley: I have no difficulty with the findings of the investigator. As far as I know, they have been accepted by everyone. We have some difficulty with the joint statement issued burying the findings of the investigator. Given that it has been accepted by the investigation that there were incidents of bullying, have any disciplinary measures been taken to ensure that does not happen again?

Éamon Ó Cuív: I think the Deputy is misreading this. People have said——

Mr. McGinley: Did the report say there was bullying?

Éamon Ó Cuív: No, it did not.

Mr. McGinley: The Minister saw the report but I did not.

Éamon Ó Cuív: I am telling the Deputy what is in the report. It said the allegations of harassment were not upheld.

Mr. McGinley: My understanding is that it specifically said there were incidents of bullying. The only way we will solve this is to get our hands on the report.

Éamon Ó Cuív: The investigation grouped the allegations into four main strands. Those strands and the findings of the investigation are set out. The allegations of harassment, which is another word for bullying, were not upheld.

Mr. McGinley: The Minister has seen the report. I have not seen it but I am told those allegations were upheld.

Access to Waymarked Ways.

5. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs if he was correctly quoted in a publication (details supplied) of 11 February 2005 in which it was reported that walkers using mountain walkways could possibly be charged a fee; and his views on whether a statement of this type compromises the work of bodies he has established to deal with the issue. [11493/05]

Éamon Ó Cuív: I have no proposals for the introduction of fees for the use of walkways. I have made clear my view that a local community-based approach is the way forward where issues of access to the countryside arise. I established the consultation group on access to waymarked ways in April 2003 to consider the issues that had arisen in relation to access to some waymarked ways following the cessation of payment to landowners under the REPS.

In February 2004, I established a countryside council, Comhairle na Tuaithe, to address issues relating to waymarked ways and access. This decision followed consideration by the rural agritourism advisory group of a report presented by the consultation group on access to waymarked ways. The establishment of a countryside council was the key recommendation of the report.

Comhairle na Tuaithe has the following aims: to ensure that all those with an interest and concern in the sustainable development and proper management of the recreational amenities of the countryside are fully consulted on their future management; to develop and update, as necessary, a national countryside recreation strategy; to ensure that all means necessary are used to resolve conflicts that arise in relation to access issues and responsible enjoyment of the countryside; to raise awareness of the benefits to and responsibilities of recreational use of the countryside and to carry out research and training on related issues; to ensure that adequate funding is made available to allow the organisation to achieve these aims; and to examine the benefits and management of increased leisure use.

Comhairle na Tuaithe consists of representatives from the farming organisations, recreational users of the countryside and State bodies with an interest in the countryside. It has approached its work in the spirit of co-operation and through working groups which progress components of these aims.

The most recent meeting of Comhairle na Tuaithe was held on 7 March 2005. Working group meetings are scheduled in the near future and the next meeting of Comhairle na Tuaithe is planned for early May 2005. I look forward to receiving a report from Comhairle na Tuaithe following its consideration of the issues arising. I will carefully consider any proposals which Comhairle na Tuaithe may make to me.

However, as I have made clear on a number of occasions, it is only through working together as a community on this issue and reaching an amicable agreement which accommodates all sides that these issues can best be addressed. We can then strengthen the positive image of rural Ireland and, crucially, further develop rural tourism.

Mr. Boyle: I take it from the Minister's reply that he was misquoted in the report in *The Connacht Tribune* of 11 February in which he is reported to have spoken to a Fianna Fáil cumman. I understand what the linguistic gymnastics in talking to such a gathering might involve and how it might be interpreted in such a way. Will the Minister state that the quote was not representative of his views or of any policy of the Government? While there are legitimate issues to be tackled in regard to the liability of landowners and how they can be protected in situations where the public is using recognised walkways, charging for the use of recognised walkways should not be on the table given the terms of Comhairle na Tuaithe to encourage greater use of such facilities for health and recreational purposes and for broadening the tourism potential of such activity, particularly in many isolated areas.

Éamon Ó Cuív: I thank the Deputy for tabling this question. I rarely bother to correct inaccuracies in newspapers. I do so occasionally but most of the time I let them pass, otherwise I would spend most of my life doing nothing other than writing to newspapers. In this case, I wrote to the editor of *The Connacht Tribune*, although I did not write when the initial report was published because I thought there was no point. The Deputy knows about quotes and misquotes. However, when Keep Ireland Open wrote to *The Connacht Tribune* on 4 March, I wrote this letter to the editor:

Dear Editor

I refer to the letter written by the above to your newspaper on the above date, in which he makes remarks on comments attributed to me at a meeting of a Fianna Fáil Cumman in

[Éamon Ó Cuív.]

Recess (Connacht Notes, The Connacht Tribune, 11 February).

I would like to clarify that the remarks, as attributed to me, were not in my view a clear and fair representation of what I said at that meeting. As the reporter in question did not contact me to verify the accuracy of the remarks, and as the reporter was not, also, present at the meeting, I take it that the report was written on the basis of second hand reporting of the discussion at what was a private meeting.

As I said at the end of my letter, my views on walkways issues are well known and have been articulated time and again in public fora, particularly at the conference in Portlaoise.

Irish Language.

6. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta céard iad tuairimí an Aire i dtaobh an athbhreithnithe ar na Gaeltachtaí, nach n-aontaíonn an tAire liom gur cheart níos mo tacaíochta a thabhairt do na Gaeltachtaí go léir chun iad a láidriú agus nach ceart brú a chur orthu spriocanna éagsúla a bhaint amach faoi bhrú ama. [11427/05]

44. D'fhiafraigh **Ms Burton** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta ós rud é go bhfuil 41% de vótálaithe Ghaeltacht na Gaillimhe do thoghchán Údarás na Gaeltachta i gceantair a bhfuil an Béarla mar phríomhtheanga iontu, cén plean práinneach atá aige féachaint ar theorainneacha Ghaeltacht na Gaillimhe; agus an ndéanfaidh sé ráiteas ina leith. [11385/05]

Éamon Ó Cuív: Tógfaidh mé Ceisteanna Uimh. 6 and 44 le chéile.

Mar is eol do na Teachtaí, cuireadh tús i mí Aibreáin 2004 le staidéar teangeolaíoch dírithe ar úsáid na Gaeilge sa Ghaeltacht mar bhunús chun: forbairt theangeolaíoch na Gaeltachta mar cheantar labhartha Gaeilge a threisiú; agus athbhreithniú a dhéanamh ar na limistéir oifigiúla Gaeltachta. Beidh na roghanna éagsúla tíreolaíochta agus déimeagrafaíochta a mheastar a bheith oiriúnach mar bhunús chun na limistéir oifigiúla Ghaeltachta a shainiú á scrúdú mar chuid den staidéar sin.

Meastar go dtógfaidh an staidéar, atá á dhéanamh thar cheann na Roinne ag Acadamh na hOllscolaíochta Gaeilge, Ollscoil na hÉireann, Gaillimh, i gcomhar leis an Institiúid Náisiúnta um Anailís Réigiúnach agus Spásúil, Ollscoil na hÉireann, Má Nuad, dhá bhliain go leith le cur i gcrích. Tá súil agam, mar sin, go mbeidh torthaí críochnúla ar fáil thart ar Mheán Fómhair 2006. Ní ghlacfar le aon chinneadh maidir le hathruithe ar na limistéir Ghaeltachta go dtí go mbeidh an staidéar críochnaithe agus an deis a bheith ag mo Roinn torthaí an staidéir a scrúdú go cúramach. Chuirfí aon mholtaí i ndáil le hathrú ar na limistéir Ghaeltachta faoi bhráid an Rialtais in am tráth.

Is é cuspóir mo Roinne sa Ghaeltacht ná úsáid na Gaeilge a láidriú agus a bhuanú. I measc na mbeartas faoi leith a tógadh le déanaí chun na críche sin, áirím an comh-mhaoiniú ar bhonn 50:50 gur fiú €87,000 atá ceadaithe agam ó thús na bliana d'Fheidhmeannas na Seirbhíse Sláinte le cumasú dó triúr teiripeoirí urlabhra agus teanga le Gaeilge a fhostú chun cur leis na seirbhísí a bhíonn ar fáil sa réimse sin sna ceantair Ghaeltachta; an ciste gur fiú €1.56 milliúin thar trí bliana a d'fhógair mé anuraidh chun tionscnamh pleanála teanga a chur chun cinn sa Ghaeltacht ar bhonn trialach; ó shin i leith tá cúig ghrúpa roghnaithe agus cúnaimh airgid gur fiú suas go €110,000 in aghaidh na bliana ar fáil le cuidiú dóibh tabhairt faoi phlean teanga cuimsitheach agus infheidhmithe a réiteach agus a chur i bhfeidhm; an tacaíocht bhreise atá curtha ar fáil d'Ollscoil na hÉireann Gaillimh chun oideachas tríú leibhéal trí mheán na Gaeilge a fhorbairt tuilleadh sa Ghaeltacht; an gréasán tacaíochta atá bunaithe ag Acadamh na hOllscolaíochta Gaeilge, atá maoinithe ag mo Roinnse, faoina bhfuil comhairle agus tacaíocht phraiticiúil á cur ar fáil do na grúpaí a fuair aitheantas faoin tionscnamh pleanála teanga; an feachtas feasachta teanga a sheol mé ar 13 Meán Fómhair 2004 faoin teideal "Ár dTeanga Nádúrtha Féin" d'fhonn na buntáistí a bhaineann le húsáid na Gaeilge mar phríomh-theanga teaghligh a chur ina luí ar thuismitheoirí na Gaeltachta; athbhreithnithe ar scéim na gcúntóirí teanga, scéim labhairt na Gaeilge agus scéim na gcampaí samhraidh, le scéimeanna leasuithe curtha nó á gcur i bhfeidhm; an cúnaimh a ceadaíodh d'Oidhreacht Chorca Dhuibhne d'fhonn scéim chuirteoirí baile a thionscnamh ar bhonn trialach; an bhéim bhreise atá á cur ag Údarás na Gaeltachta, ar threoir shonrach uaim, ar naíscolaíocht, ar sheirbhísí don óige, ar gníomhaíochtaí na gcomharchumann agus ar sheirbhísí tacaíochta eile don Ghaeilge sa Ghaeltacht; agus an t-athstruchtúrú atá curtha i bhfeidhm ag Údarás na Gaeltachta ar an earnáil réamhscolaíochta sa Ghaeltacht, chomh maith le tabhairt faoi struchtúr nua chun freastal níos fearr a dhéanamh ar an óige sa Ghaeltacht.

Tá mé sásta go bhfuil dul chun cinn suntasach déanta agus á dhéanamh chun an tacaíocht chuí a chur ar fáil ar mhaithe leis an nGaeltacht a láidriú tuilleadh laistigh de na hacmhainní airgid atá ar fáil dom mar Aire.

Mr. Sargent: Gabhaim buíochas leis an Aire as an bhfreagra. Aontaím leis an chuspóir an Ghaeilge a láidriú. Tá codarsnacht ann, áfach, idir an tacaíocht a thabhairt do na Gaeltachtaí le Gaeilge a neartú agus an brú a chuirtear orthu le sprioc dátaí. An n-aontaíonn an tAire go bhfuil éileamh ann ceol a fhoghlaim mar tá sport ag baint leis agus tacaíochta taobh thiar de chomh maith? Is féidir ceacht a fhoghlaim ansin le spreagadh a thabhairt do dhaoine ranganna Gaeilge a eagrú, go speisialta do dhaoine fásta, agus an t-eolas sin a scaipeadh agus seans a

thabhairt do dhaoine teacht ar an Ghaeilge. Cá dtéann daoine i gceantar an Aire le rang do dhaoine fásta a fháil. Tá muintearas ann, tá cúpla áiteanna ar imeall na Gaeltachta nach mbíonn seans ag daoine Gaeilge a fhoghlaim. Ba cheart dúinn rud éigin a dhéanamh faoi sin. An aontaíonn an tAire go bhfuil sé tábhachtach, ó thaobh an údaráis ag gearradh siar ar an mbuiséad, féachaint air sin arís, ó thaobh páirceanna gnó agus seans a thabhairt do dhaoine fréamhacha a chur fúthu sa Ghaeltacht in ionad a bheith ag obair na mílte óna n-áit chónaí.

Tá an-chomparáid idir cheol agus foghlaim na Gaeilge.

An Ceann Comhairle: Ceist le do thoil.

Mr. Sargent: An aontaíonn an tAire go bhfuil sé tábhachtach ranganna Gaeilge do dhaoine fásta a shocrú?

Éamon Ó Cuív: Tá sé tábhachtach. Bíonn siad ar fáil agus bíonn an t-údarás agus Conradh na Gaeilge ag plé le ranganna Gaeilge i gcathair na Gaillimhe agus clúdaíonn sin na ceantracha atá ar imeall na Gaeltachta. Bíonn Coláiste na hOllscoile i nGaillimh ag oibriú ar fud na Gaeltachta. Bíonn ranganna Gaeilge i mo dhúiche féin.

Maidir le hairgead don údarás, breathnaím ar an airgead a chuirtear ar fáil dom le haghaidh cur chun cinn na Gaeilge agus na Gaeltachta mar aonad amháin agus úsáidim an t-airgead sin, caite fríd an Roinn nó fríd an údarás, ar an mbealach is fearr a chreidim go ndéanfaidh sé leas na Gaeilge agus leas phobal na Gaeltachta. Chuir mé an-speis gur vótáil breis is 60% de mhuintir Chorca Dhuibhne, muintir Mhaigh Eo, muintir Chiarraí, muintir Thír Chonaill, muintir na Gaillimh. Mar áirímid an pobal Gaeltachta ag vótáil sa toghchán, fiú ag tógáil na toghchán beaga san áireamh, ba léir go bhfuil pobal na Gaeltachta an-sásta leis an gcur chuige mar vótáil siad go fórláidir ar a shon. Tá rudaí breise i gceist sa Ghaeltacht seachas na rudaí a dhéanann Údarás na Gaeltachta. Ceann de na scéimeanna is mó a dhéanann leas na Gaeilge sa Ghaeltacht na scéim na bhfoghlaimoírí Gaeilge, nó scéim na mban tí, scéim na gcoláiste Gaeilge. D'ardaigh mé an t-airgead leo agus nuair a bhí mé ag déanamh cinnidh idir tuilleadh foirgnimh a thógáil agus an tionscal is mó a chuireann airgead i bpóca Gaeilgeoírí na Gaeltachta, scéim na bhfoghlaimoírí Gaeilge, chuir mé an t-airgead i dtreo scéim na bhfoghlaimoírí Gaeilge.

Dúirt an t-údarás féin go bhfuil laigí sa bhunstruchtúr. Tuarascáil bhliantúil i ndiaidh tuarascála bliantúla chuir mé airgead sa rud sin. Dhírigh se ar cheist na naiscolaíochta agus chuir mé airgead ansin. Dúirt sé go raibh fadhb ó thaobh cúrsaí óige agus chuir mé airgead ar fáil do sin. Má thógtar an t-iomlán, tá pobal na Gaeltachta sásta agus go bhfuil an cur chuige ag méadú an airgid atá ar fáil do no rudaí seo ar fad a theastaíonn uathu go ndéanfar agus nach bhfuil

úsáid ar bith ann bheith ag tógáil foirgneamh folamh agus á bhfágáil folamh nuair atá rudaí eile gur féidir a dhéanamh inniu go mbeidh úsáid láithreach astu ar mhaithe le pobal na Gaeltachta agus pobal na Gaeilge.

Mr. O'Shea: An aontaíonn an tAire liom gur tháinig 41% de vótaí Gaeltacht na Gaillimhe sa toghchán chuig Údarás na Gaeltachta ó dhaoine nach labhraíonn ach Béarla?

Éamon Ó Cuív: Is aisteach an rud a tharlaíonn nuair a dhírítear ar cheist lae amháin. Ní fheileann toradh an toghcháin le daoine áirithe. Níor fheil sé leo gur éirigh le Fianna Fáil ceithre shuíochán a bhaint amach i nGaillimh Thiar. Breathnóimid ar na fíricí. Cuid de na daoine atá anois ag gearán, bhí siad ar bhord na n-údaráis nuair a chuir mise ceist orthu roimh athrú an Achta 1999 mar údarás, ar cheart don údarás a bheith ag feidhmiú i gcathair na Gaillimhe nó an raibh sé ag feidhmiú ann agus, má bhí, cén fáth nach raibh an t-eastát tionsclaíochta sa bpáirc mhór i nGaillimh faoina chúram seachas an IDA. Tháinig na daoine seo ar ais ag iarraidh go bhfágfainn rudaí mar atá siad.

Má théim isteach go Cnoc na Cathrach amárach, agus má théimse arú amárach go Béal an Mhuirthead, feicfidh mé i bhfad níos mó oibre ar bun i gCnoc na Cathrach leis an Ghaeilge a chur chun cinn ó thaobh Gaelscolaíochta agus iarrachtaí an phobail ná mar a fheicfidh mé I mbaile Bhéal an Mhuirthead. Níl éinne a rá nach gceart d'éinne dul isteach don bhaile le haghaidh an togháin seo.

Má tá an t-athrú le déanamh, ní féidir liom gníomhú ar cheist an lae inné. Tá plean leagtha amach agam, an chéad Aire Gaeltachta ó 1956, le hathbhreithniú chuimsitheach, fairálte, oibiachtúil a dhéanamh ar na teorannacha Gaeltachta. Tá sé leagtha amach go soiléir cad é mar a dhéanfar é agus ní amháin sin ach airgead nach beag curtha agam lena dhéanamh cinnte go ndéanfar é. Nuair a thiocfaimid ag deireadh an staidéar sin, beidh cinneadh le déanamh.

Ba mhaith liom a rá fosta nár ndearnadh bagairt ar éinne. Feicim sna nuachtáin daoine a rá gur bhagair mise mura chaithfidís vótáil sa toghchán, go gcaithfí amach as an Ghaeltacht iad. Níl aon bhunús leis sin. Tharla gur chuir iriseoir ceist orm faoin staidéar teangeolaíochta agus mhínigh mé don iriseoir go dtógfaidh go leor leor rudaí san áireamh sa staidéar, mar shampla, an bhfuil an bunscóil ag múineadh trí Ghaeilge, an bhfuil an t-aifreann trí Ghaeilge agus mar sin. Cuireadh ceist orm an dtógfaí san áireamh mar chomhartha spéise, i measc rudaí eile, líon na ndaoine a vótáil i dtoghchán an údaráis. Dúirt mé go dtógfaí san áireamh sa méid mar go dtaispeánfadh sé dúinn tuiscint fiú an raibh siad sa nGaeltacht, mar bhí go leor daoine ag rá nach raibh a fhios fiú ag cuid mhaith de na daoine ina gcónaí sa Ghaeltacht i gcathair na Gaillimhe sa Ghaeltacht. Dúirt mé cinnte go dtógfainn san áireamh sin i measc na rudaí eile ar fad. An chéad

[Éamon Ó Cuív.]

rud eile, rinneadh dearmad ar an gcomhrá ar fad agus na rudaí eile a luaigh mé agus sí an phríomh-thuairisc a tháinig amach ná líne amháin gur bhagair an tAire mura vótálfadh daoine, chaithfí amach iad. Ní mise a bhagair é.

Mr. McGinley: An féidir an tAire a rá cathain a bheidh an staidéar seo críochnaithe agus na cinnidh a dhéanfaidh. Tagraíonn an cheist do tacaíocht a thabhairt do na Gaeltachtaí maidir le láidriú na teanga. An aontaíonn an tAire liom gur an tacaíocht is láidre a thig leis a thabhairt do na Gaeltachtaí agus don teanga ná muintir na Gaeltachta a choinneáil ansin agus fostaíocht a chur ar fáil dóibh ina gceantar féin? An bhfuil an tAire dóchasach go mbeidh sé ar chumas Údarás na Gaeltachta sin a dhéanamh leis na hacmhainní atá curtha ar fáil dó i mbliana agus an bhliain seo chugainn?

Ag an phointe seo, tréaslaím leis an phríomh-fheidhmeannach úr atá ag dul i mbun a dhualgais inniu, Pádraig Ó hAoláin.

Éamon Ó Cuív: Tacaím leis an rud atá ráite faoin phríomh-fheidhmeannach nua agus tugaim aitheantas fosta don obair a rinne Ruan Ó Bric mar phríomh-fheidhmeannach thar blianta fada. Tá chuile duine sa Teach ar aon intinn go bhfuil muid buíoch de Ruan agus tréaslaím le Pádraig Ó hAoláin.

Scatí déanta simpliú ar rudaí. An dtarlódh maidin amárach i nGaeltacht Chonamara go dtabharfaí isteach 3,000 i monarchan ar scil íseal, ní bhfaigheadh an líon daoine atá de dhíth as Chonamara mar tá siad ag dul go Gaillimh agus ag fáil oibre ann mar go bhfuil scileanna arda acu. Ní fheilfeadh an cineál sin job iad.

Tháinig toscaireacht chugam as baile beag i gConamara le caint faoi fhostaíocht. Dúirt mé go bhfuil an fhadhb beagáinín níos casta mar thug mé faoi deara fána mbaile go bhfuil fíorbheagán de na múinteoirí atá acu ina Ghaeilgeoir. Dúirt mé nach trua é nuair atá na jobanna ann ach nach bhfuil siad le líonadh ag daoine áitiúla le Gaeilge. Síos an bóthar, tá teach altranais ann gur chuir an t-údarás airgead dó ach ní raibh sé in ann altraí le Gaeilge a fháil sa bhfíor-Ghaeltacht seo le hobair ann. Tá an cheist i bhfad níos casta agus tá mé ag obair leis an údarás le déanamh cinnte go bhfuil jobanna ann agus go bhfuil na daoine oilte leo. Tá sin níos casta ná an seanrud a bhíodh ann sna 1950s nuair a bhí chuile job mar an gcéanna. Caithfidh sin a phlé.

Ba bhreá liomsa go bhféadfaimis dul i gcoiste a bhaineann le mo Roinn agus suigh síos agus plé a dhéanamh ar an gceist seo, seachas ag tógáil línte simplí ar an cheist mar níl sé chomh simplí sin.

Road Signs.

7. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs the financial cost of introducing Irish-only road signs in Gael-

tacht areas; and if he will make a statement on the matter. [11446/05]

Éamon Ó Cuív: I will explain again to the House that the legal position since 1970 has been that road directional signs in the Gaeltacht are in Irish only. The Placenames Order that I made in respect of Gaeltacht placenames in December last and which came into effect on 28 March 2005 does not alter that position. Therefore, I am not introducing Irish-only road signs in Gaeltacht areas.

I understand that some costs will arise for local authorities in altering a relatively small number of existing signs located outside the Gaeltacht. The provision of road traffic signs on non-national roads and the funding of such signs is a matter for individual local authorities from within existing allocations and no expenditure over and above those existing allocations is involved.

My Department consulted the public bodies primarily affected by this order, Ordnance Survey Ireland and the Department of the Environment, Heritage and Local Government. I am advised that no significant additional costs arise for Ordnance Survey Ireland.

Mr. Sargent: Tá an cheist seo dírithe ar chostas na bhfógraí nua agus dúirt an tAire nach bhfuil mórán acu le crochadh. Feicimid cad a déarfadh na comhairlí condae faoi sin.

An aontaíonn an tAire go bhfuil sé tábhachtach go dtuigfidh cuairteoirí an bun-logainm atá i gceist? An ndéanfaidh sé socrú idir a Roinn agus na daoine a chuireann léarscáileanna ar fáil? Sna siopaí, má tá cuairteoir ar a lorg, ba cheart go mbeadh léarscáil den cheantar ar fáil leis na logainmneacha oifigiúla uirthi. Sin ceist thábhachtach sa tír ar fad agus sa Ghaeltacht ó thaobh turasóireachta de.

An bhfuil socrú déanta aige leis na heagraíochtaí turasóireachta faoi margaíocht agus logainmneacha a úsáid mar atá siad sa leagan oifigiúil tar éis dó an riail seo a leagadh? Tá sé tábhachtach go dtuigeann turasóirí cá bhfuil siad ag dul.

Éamon Ó Cuív: Níl aon athracha le cur ar na comharthaí bóthair taobh istigh den Ghaeltacht. Má tá cuid de na logainmneacha i mBéarla, níl siad ag cloí leis an riail a bhí ann ó 1970. Bhí an-fhadhb agam sin a mhíniú sna meáin Béarla.

Bhí laige ag baint leis an rud a rinneadh i 1970. Athraíodh na comharthaí bóthair ach níor hathraíodh na léarscáil agus b'shin an fhadhb. Is cuma cén teanga ina bhfuil comhartha bóthair a fhad is go réitíonn an léarscáil leis. Má bhreathnaíonn duine go cúramach ar an léarscáil a cheannaítear i ngaráiste, feicfidh sé cóipeacht Rialtais na hÉireann uirthi. Sé an Ordnance Survey a dhéanann an bunleagan. Sin an áit atá an bua sa socrú nua mar beidh siad ina mbunléarscáileanna. Ar ndóigh tá an Ghaeilge ann anois mar sin an t-ainm oifigiúil. Shíl muid go mbeadh sé míréalaíoch sa ghearrthearma dá

n-imeodh an leagan Béarla ó na léarscáileanna bóthair thar oíche. Dá bhrí sin, is é an rud atá i gceist ná go mbeadh leaganacha dátheangacha ar na léarscáileanna. Mar a tharlaíonn, tá léarscáil i mo dhialann, agus thosnaigh mé a bhreathnú uirthi lá amháin. Ní thuigim go baileach céard a rinne siad, ach feicim, mar shampla, “An Spidéal” agus “Spiddal”. Níl a fhios agam an bhfuil mise ag cur olc ar na Teachtaí, ach níor chóir go nglactar leis an leagan Béarla. Tá an rud seo ag teacht, áfach, agus ar ghnáthléarscáil bóthair, níl fadhb ar bith leis. Is éard a bheadh mé ag súil leis ar na léarscáileanna bóthair a cheannófar i siopaí go gairid ná go dtabharfar an dá leagan ar aon áit sa Ghaeltacht — “An Spidéal”, “Spiddal” — agus ní bhíonn an oiread sin ainmneacha ar an ngnáthléarscáil bóthair. Beidh na comharthaí i nGaeilge amháin, ach má deir duine “Spiddal”, feicfidh an tiománaí “An Spidéal” faoi, feicfidh sé an chomhartha don Spidéal, agus beidh sé in ann a bhealach a dhéanamh sa Ghaeltacht.

Mr. McGinley: Is pointe iontach tábhachtach é seo atá á phlé againn i láthair na huair. Tá sé tábhachtach nach ndéanfaidh muid na botúin a rinneadh san am a chuaigh thart aríst. Tá sé fíorthábhachtach ar fad go mbeadh aontas nó an fhoirm chéanna ar na comharthaí bóthair is atá ar na léarscáileanna agus go dtuigfidh an tAire agus an chuid eile daoine é seo. Tá ceist agam maidir leis na foilsitheoirí agus na heagraíochtaí uilig a chuireann an fhreagracht, an dualgas nó an cúram orthu féin léarscáil a chur ar fáil. An bhfuil teagmháil déanta leo sin le go gcloífidís leis an leagan oifigiúil mar atá anois de réir reachtaíocht an Tí seo agus de réir mar a chuireann an Oifig Ordanáis ar fáil é? Is céim tábhachtach é sin le bheith cinnte nach mbeidh daoine ag cur amach léarscáileanna atá bunaithe ar rudaí a foilsíodh 20, 30 nó 40 bliain ó shin. Beidh muid ag toiseacht ar bhonn úrnua, agus beidh na léarscáileanna agus an fhocláíocht orthu mar an gcéanna leis an fhocláíocht ar na comharthaí bóthair. Ní chothaíonn sé aon deacracht dúinn ar fud na mór-roinne nó sa Bhreatain Bhig, agus níor chóir go mbeadh sé ag cothú deacrachtaí dúinn sa tír seo.

Mr. Sargent: Tuigim go maith go bhfuil an socrú sin ann, agus tuigimid uilig sa Teach seo é, ach tá ceist agam mar gheall ar an tréimhse ghearrthéarmach. Nuair a bhí, mar shampla, an t-athrú ann ón bpunt go dtí an euro, bhí áireamhain, pinn luaidhe, fógraí, bileoga agus neart eolais ar an teilifis agus an raidió mar gheall air. Níl mé ag lorg an méid sin trioblóide a tharraingt ar an Aire. D’ainneoin sin, caithfidh mé an cheist a chur an bhfuil teagmháil déanta ag an Aire leis an Teachta O’Donoghue ó thaobh na turasóireachta de. An bhfuil aon socrú ann — ar an laghad sna siopaí nuachtán agus sna garáistí — léarscáileanna bunúsacha, beaga faoin gceantar a chur ar fáil á rá gurb iad seo na comharthaí bóthair oifigiúla a fheicfidh na cuairteoirí agus gurb é seo an bealach ar cheart dóibh dul? I ndáiríre, tá na léarscáileanna atá ar fáil sna siopaí

mícheart. Tuigimid é sin, ach sin iad na cinn atá ar fáil faoi láthair. Is gá rud éigin idirmheánach a dhéanamh chun an scéal a chur ina cheart.

Éamon Ó Cuív: Dá mba rud é gur athraigh mé na comharthaí sa Ghaeltacht le go mbeidís i mBéarla ar fad — nó i mBéarla agus i nGaeilge — sa Ghaeltacht, bheadh sé ciallmhar beagáinín poiblíochta a dhéanamh faoi á rá go mbeadh an t-athrú seo ag teacht, ach ní sin an rud atá á rá agam. Tá siad i nGaeilge ó 1970. Tá aon cheann nach bhfuil mar sin ó shin mídhleathach. Sin an chéad rud a gcaithfidh daoine a thuiscint. Sin mar atá siad. Dá dtiocfadh duine go Conamara deich mbliana ó shin, sin mar a bhí siad.

An rud atá déanta againn ná tosnú go díreach leis na léarscáileanna. Go praiticiúil, i dtaobh na gcomharthaí bóthair, seachas cuid atá mídhleathach, nach bhfuil am ar bith agam dóibh, níl aon athrú ann. Maidir leis na mapaí, an rud atá i gceist againn a dhéanamh, mar a mhínigh mé, ná go mbeidís dátheangach ó thaobh leaganacha sna Gaeltachtaí de, mar a bheidís i go leor tíortha eile. Is é an chaoi atá againn é sin a dhéanamh go príomhá ná go ndéantar na mapaí seo le cead ón Ordnance Survey, agus tá an-chomhoibriú idir muid agus an Suirbhé Ordanáis. Mar is eol don Teachta, is brainse den Rialtas é.

In imeacht ama, glacaimid ar fad leis go mbeidh “An Ceathrú Rua” ar an gCeathrú Rua, agus gurb é sin deireadh an scéil. Beidh tréimhse idirmheánach i gceist, áfach. Chuaigh an AA agus comhlachtaí príobháideacha eile i dteagmháil linn, agus tá an rud pléite leo. Mar a deirim, is léir ó na mapaí atá á gcur ar fáil, mar shampla, an mapa sa dialann agam — is é mapa caighdeánach atá sa dhialann — go bhfuil, cheana féin, lucht déanta na mapaí ar fud na tíre ag dul sa treo seo. Mar a deirim, le tacaíocht an Ordnance Survey, tá mé ag déanamh cinnte go dtiocfar go hiomlán i dtreo an dátheangachais ar na mapaí. Beidh “Carraroe” agus “An Ceathrú Rua”, “Spiddal” agus “An Spidéal”, “Gweedore” agus “Gaoth Dobhair” ann.

Maidir leis an cheist faoin phoiblíocht, is dóigh liom go bhfuil mé beagáinín cúramach leis an airgead. Ní fheicim mórfhadhb i gcloiginn na ndaoine.

Mr. Sargent: Cad é faoin Teachta O’Donoghue?

Éamon Ó Cuív: Tá a fhios ag an Teachta O’Donoghue faoi seo. Ní raibh aon rud le labhairt leis faoi.

Mr. Sargent: Cén fáth?

Éamon Ó Cuív: Tá na comharthaí i nGaeilge le 35 bliain, agus tá na turasóirí ag teacht. An chéad uair dá mbeidh na mapaí ar fáil i nGaeilge, tuigfidh siad. Is é an rud a chuireann an argóint a chloisim sna meáin i gcúimhne dom ná rud a tharla dom nuair a bhí mé óg. Tharlódh sé i gcónaí gur cuireadh an cheist orm “Cén t-ainm

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 atá ort?”. “Éamon Ó Cuív”, a dúirt mé. “What is that in English?”. Go nádúrtha, ba é an freagra a bhí agam air sin ná “And what is Putin, Gorbachev and God knows what i mBéarla freisin?” Ní chuirfí an cheist sin ar Rúiseach, Francach nó éinne eile, ach leis an nGaeilge, caitear i gcónaí rá, “What is that in English?”. Is fadhb sa gcloigeann é seachas fadhb phraiticiúil.

Irish Language.

8. **Mr. Costello** asked the Minister for Community, Rural and Gaeltacht Affairs if he is considering seeking Cabinet approval for the establishment of a Cabinet sub-committee to examine the issues raised in the first annual report of the Coimisinéir Teanga; and if he will make a statement on the matter. [11407/05]

Éamon Ó Cuív: In his inaugural report, the Coimisinéir Teanga called, as I have done, for a national debate on the teaching of the Irish language in schools. He also commented on the infrequency with which the language is used in debates in the Oireachtas.

The main part of the report was concerned with outlining how the coimisinéir has functioned and met the responsibilities of his office since his establishment. I wholeheartedly welcome the report and look forward to seeing the fruits over the coming years both of my Department’s work in negotiating schemes with public bodies under the Act and the coimisinéir’s work in monitoring and providing advice in regard to those schemes. There is a significant amount of work to be undertaken across a range of issues in regard to securing and advancing the situation of the Irish language and the Coimisinéir Teanga has made a welcome contribution to public debate on the issues.

The establishment of a Cabinet sub-committee would serve no useful purpose at this stage. The Deputy is aware that I have established Fóram na Gaeilge to advise me on, *inter alia*, how best to promote the Irish language in the 21st century. This will include advising me as to the desirability of a 20-year strategic plan with realistic goals for the Irish language in the State. There is a separate question to me about the fóram on today’s Order Paper.

Mr. O’Shea: The publication of the first annual report of the Coimisinéir Teanga has created a stir. I criticised the Minister and the commissioner for the blame being apportioned to teachers. We will be better served by focusing on the main issue, an environment which is at best unsupportive of the Irish language. There is some truth in the contentions regarding the quality of teaching but it perverts the argument to focus on that aspect.

In his report, the commissioner emphasised the weakness of the Irish language throughout the public service. My concern is that everyone will laud the report as worthwhile but no action will

be taken. The establishment of a Cabinet sub-committee would ensure a focus on what needs to be done in the various Departments and elsewhere. Until the issue is given a focus such as this, little or no progress will be made. The danger is that there will be plenty of publicity and positive appraisals but the report will be forgotten quickly.

Éamon Ó Cuív: We seem to have come full circle. I have been saying all along that I am not one for setting up committees and issuing reports. I intend to articulate Government policy and not the views of a Foram na Gaeilge report, although I want that organisation to give advice. Any policy statement positioning the role of the Irish language in the State will be a statement of Government policy, not a statement by Foram na Gaeilge. I want it to do continuous work. I remember critics of Foram na Gaeilge questioning when it would finish its work and issue a report. I stated this was not its purpose. As we discussed earlier today, we want it to push the agenda forward incrementally. I can recall a large range of issues regarding which we have done just that during my tenure of office.

Let me address the Deputy’s other question. About four or five weeks ago, I spoke in Cork about teaching the Irish language. Anybody who was present on the night will remember that I made two points. Just because one states a fact does not mean one is blaming somebody. I did not state what I stated to blame anybody. However, if a fact is a fact, let us deal with it. Let us move away from the codology whereby it is believed that if one states a fact, one is in some way accusing or blaming somebody personally.

I will reiterate the fact I stated at the meeting in Cork. There is a major problem associated with the teaching of Irish associated with many teachers’ lack of knowledge of the language. If anybody doubts me in that regard, he should go to the coláistí oiliúna, meet the final year students and have with them the debates we have had this afternoon in Irish. He will find out that what I am saying is a matter of fact. It would be crazy of me to blame the students for not doing something if the system has not taught them that thing. I am not into that business. On the other hand, it would be equally crazy for me not to recognise the aforementioned fact and request that we address the problem.

In debates on the Irish language, we always seem to believe that stating a fact involves apportioning blame. In the debate on the Official Languages Act, I alluded to the fact that only 5% of adults speak Irish on a daily basis. Therefore, I always said it was ludicrous to suggest that every civil servant should be able to deal with every issue through Irish. I rubbished this at the time on the basis that they do not have Irish. One of the great arguments in the debate centred on this topic.

I reiterate the well recognised and known fact that the majority of public servants do not feel

comfortable doing their daily business through the medium of Irish. All the evidence from censuses etc. will substantiate this, as will the evidence we glean in respect of the day-to-day realities we encounter in our work.

Mr. McGinley: I agree with the Minister and other Deputies that we are greatly indebted to the language commissioner for his reports and the facts he has presented to us. These facts have been staring us in the face for a number of years. The results in the education system are limited. Have there been any consultations between the Department of Community, Rural and Gaeltacht Affairs and an Roinn Oideachais agus Eolaíochta regarding the content of the Irish syllabus in primary schools? There should be more emphasis on the spoken language rather than presenting young children with reading, writing and grammar at such a tender age. This turns them off. Our priority should be to emphasise the spoken language.

Mr. Sargent: Ó thaobh Gaeilge san Oireachtas, an féidir leis an Aire a mholadh do na húdaráis anseo go bhfuil an cluasán deas, beag, néata atá ag an gCeann Comhairle i bhfad níos áisiúla agus go mbeadh daoine sásta tuilleadh Gaeilge a úsáid má tá cluasáin mar sin ar fáil seachas an rud mór millte seo atá an-sofheicthe agus a bheadh ar an teilifís agus duine ag éisteacht leis an aistriúchán? Bheadh rud chomh simplí sin ina chabhair ar an cheist.

Éamon Ó Cuív: Glacaim gur chuala an Ceann Comhairle an cheist a chuir an Teachta orm ansin. Is ceist í sin don CPP agus tá mé cinnte go dtuigeann an Ceann Comhairle, i nGaeilge nó i mBéarla, an pointe sin. Aontaím leis an Teachta. Bheadh an rud eile ar nós mar a bheadh ar láithreoir teilifíse agus ní fheicfí é. Le cúnamh Dé, chuala an Ceann Comhairle an bheirt againn agus díreoidh sé ar an gceist sin.

Ag dul ar ais chuig fadhb na múinteoirí, tá bunús léi. Ag glacadh go bhfuil an ceart ag an Teachta agus go bhfuil fadhb ann go bhfuil go leor múinteoirí nach bhfuil Gaeilge acu, b'fhéidir gurbh fhearr dúinn teilifísí a cheannach, iad a chur sa rang agus uair a chloig de "Cúla Búla" a chur ar bun chuile lá. Thaitneadh sin leis na páistí agus b'fhéidir go bhfoghlaimeoidís i bhfad níos mó Gaeilge ón teilifís ar a labhraítear Gaeilge mhaith ná mar a bhfoghlaimeoidís ó mhúinteoir nach bhfuil an teanga aige. Má aithnítear an fhadhb go fuar-chúiseach, go minic tá réiteach fíor-fheicthe ar an bhfadhb ach daoine a bheith oscailte go bealach eile breathnú ar an gceist. Sin an rud a ba mhaith liom a thabhairt don díospóireacht seo. Tá an teicneolaíocht ann anois. Ní gá go mbeidh an múinteoir sa rang ag teagasc na Gaeilge.

Adjournment Debate Matters.

An Ceann 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 O'Dowd — to ask the Minister to debate the urgent need for the installation of CCTV in the town of Drogheda, County Louth; (2) Deputy Healy — the need for the Minister to reverse the ongoing cutbacks on FÁS community employment schemes and the three-year cap on these schemes; (3) Deputy Wall — to ask the Minister the reasons a person (details supplied), a medical card holder, cannot obtain speech and language sessions; (4) Deputy Neville — the provision of a new sewerage scheme for Shanagolden, County Limerick; (5) Deputy Stanton — to ask the Minister to discuss the issue of the need to deal with those who were the subject of vaccine trials in 1950s and 1960s; and (6) Deputy Sargent — if the Government intends responding to criticisms raised by the UK environmental agency that Irish drift nets now represent the main form of exploitation of salmon on many English and Welsh rivers.

The matters raised by Deputies Wall, Stanton, Healy and O'Dowd have been selected for discussion.

Adjournment Debate.

Services for People with Disabilities.

Mr. Wall: I thank the Ceann Comhairle for allowing this Adjournment debate and thank the Minister of State, Deputy Brian Lenihan, for attending. This matter arises from my frustration over trying to resolve the problems of the unfortunate person in question. He was involved in a separation and got his own local authority house in my home town of Athy. Unfortunately, he suffered from a stroke and is therefore not able to relate to family members or friends who visit. One can imagine the frustration this causes him.

The man has his own home and looks after it. He was really appreciative when the local authority provided the house. However, due to his health condition, he suffers from all the problems that result from a lack of communication with the outside world. I have tried through every means available to me to obtain for him some type of speech and language therapy, but without success. As the Minister of State will note from the further information with which I supplied him, the Health Service Executive, south-eastern area does not provide community speech and language therapy services for adults. The outpatient services which were available previously from Naas Hospital have ceased and only a minimal number of speech therapy sessions are available for inpatients. One could argue that the only course of action available to the man in question is to try

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to get readmitted to the hospital to obtain inpatient services. Given that only a minimal number of sessions are available, it would not be of much benefit to him.

There is no funding available for the man in question. He is a medical card holder and has retained the card through representations. He attended the National Rehabilitation Centre in Dún Laoghaire as part of his rehabilitation after his stroke. He has met a stone wall because the Health Service Executive is not in a position to provide the communication link between him and the outside world, including his friends and family. I hope the Minister of State will try to do something for this man.

It seems futile for a person to overcome so much and be thwarted in this way. He holds a medical card. Does this reply from the Health Service Executive imply that no one in the executive's south-western area will provide speech and language therapy for an adult? Will everyone who suffers a stroke be in the position that he or she must get private tuition, funded personally or by family members, or some other mechanism, or must these people suffer in a limbo of non-communication?

One can see this man's frustration. He cannot speak on the phone although he can call for help if he needs it. He is totally isolated. I hope the Minister of State's reply will offer him some solace and that the Health Service Executive, which receives so much funding from the Exchequer, will provide a service for him. This man contributed to the Exchequer, having worked all his life until he fell ill. He paid tax and social insurance contributions. I hope there will be some light at the end of the tunnel for him and that he will be able to communicate with the outside world.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I am pleased to take this opportunity to clarify the matter relating to the provision of speech and language therapy for the person on whose behalf Deputy Wall has raised this matter. The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

This includes responsibility for speech and language therapy services. However, my Department has inquired into this matter. The Health Service Executive, south-western area, confirms that this person was referred to it for speech and language therapy services following his discharge from a hospital in another area of the Health Service Executive. The Deputy had been previously informed by the Health Service Executive that a minimal number of speech therapy sessions are available at Naas Hospital which requires the provision of speech and language therapy services to adults to be limited to inpatients of that hospital. The executive also informed the Deputy

that community speech and language therapy is not provided for adults.

A medical card issued by a Health Service Executive area enables the bearer to receive certain health services free of charge. However, where community-type services such as speech therapy are concerned, there is no statutory obligation that automatically entitles a person to such services although some Health Service Executive areas provide a level of these services. Demand for speech and language therapists was recognised in the Bacon report in 2002 which recommended that training places for speech and language therapists increase from 25 places per year to 105 places per year.

To address this shortfall in supply, three new schools of speech and language therapy were opened in 2003, in the National University of Ireland in Galway and Cork and in the University of Limerick. In addition, the number of training places in Trinity College Dublin were enhanced. The end of this academic year will see the first graduates of these new courses, those students who undertook an accelerated two year masters programme in University of Limerick and in 2007 graduates from the traditional degree programme from the universities in Cork and Galway.

To meet the demand for speech and language therapists we rely heavily on the return of students who have studied abroad and on an EU and non-EU workforce. It is estimated that 20% of the speech and language therapy workforce comes from abroad. In 2002 an additional grade of clinical specialist was introduced to speech and language therapy. This grade had many objectives including to ensure best practice and research in the profession. It is intended to review and develop this extremely beneficial grade soon. The Irish Association of Speech and Language Therapists has embraced the Sustaining Progress agenda and produced a position paper for the introduction of programme assistants to the profession. This skill mix will ensure the best use of scarce and valuable resources. The grade will be established and a training programme for such programme assistants initiated soon.

Despite the significant developments in speech and language therapy to date, it is widely accepted that there is further need to enhance the numbers employed in the health and education sectors. Long waiting lists for services must become a feature of the past. The recently announced investment in the disability sector is a first step in advancing to a service where those in need of this essential service receive it.

Child Abuse.

Mr. Stanton: I thank the Ceann Comhairle for allowing me to raise this matter this evening and the Minister of State for coming into the House to reply. I am pleased the Minister of State, Deputy Brian Lenihan, is here because this is a medico-legal issue.

In the 1960s several children participated in a trial of a vaccine without any apparent consent. The previous Minister for Health and Children, Deputy Martin, instigated a ministerial order in 2001 stating that this was the best guarantee against a cover-up or a whitewash. He added that he would do everything in his power to find out what happened.

The first problem arose when the Supreme Court told an eminent professor the Commission to Inquire into Child Abuse had not dealt fairly with him and he would not have to give evidence. In 2004 the High Court said the Minister had acted outside his powers and that his order was *ultra vires* and the case was thrown out. Not much has happened since then.

What is the situation now? I have asked several times on the Order of Business whether legislation will be brought forward because it seems this is the only way to solve this problem. Mr. Justice Ó Cuív said in the High Court that other forms of inquiry might be possible. The Government raised the hopes of the people concerned with this order. They want to know what happened and the matter to be completed.

What does the Government intend to do? It is a year since the courts finalised this matter and the Government is sitting on it. I have raised it here and was led to believe that the Commission to Inquire into Child Abuse (Amendment) Bill 2005, which was published recently, would deal with the issue. As of last week, however, it seems that will not be the case. I fear this issue is being pushed aside and forgotten about.

The Tánaiste and Minister for Health and Children referred this morning to the issue of the age of witnesses. The issue is wider than that because the Government acted outside its powers in bringing forward this order. The Bill will not deal with the issue. Will the Minister of State say what the Government intends to do about this, if anything? If it is going to act, what is the timeframe? The people whose lives have been on hold because of this want answers and I hope the Minister of State will provide them.

Mr. B. Lenihan: I am replying on behalf of the Tánaiste and Minister for Health and Children, Deputy Harney.

On 19 June 2001, the Government conferred additional functions on the Commission to Inquire into Child Abuse. This additional function was to inquire into three vaccine trials referred to by the Deputy which were reported on by the chief medical officer in his report on three clinical trials involving babies and children in institutional settings which took place between 1960 and 1961 and in 1970 and 1973 and was conferred by the Commission to Inquire into Child Abuse Act 2000 (Additional Functions) Order 2001. An order was made under the 2000 Act conferring this additional function on the commission.

As a result of the extension of the commission's functions, an additional commissioner was assigned to the investigation committee and a division of the investigation committee was established to conduct the vaccine trials inquiry. The commission began its investigation with the first trial which took place in 1960-61. One of the co-authors of the report of this trial was contacted to give evidence. Following discussions with the legal representatives of the witness, the commission sought to compel him by order of the High Court to attend before them. The High Court compelled the witness to attend but the judgment of the High Court was appealed to the Supreme Court and the direction to attend was quashed.

In the course of the judgment of the Supreme Court, the Supreme Court commented on the whole question of the legal validity of the statutory instrument. The issue was not expressly determined in the Supreme Court case but observations were made in the course of the judgment which cast some doubt on the legal validity of the statutory instrument. The Supreme Court judgment made clear that section 4 of the Commission to Inquire into Child Abuse Act 2000 provides for persons who are abused to recount their story to inquiry into the abuse and report on the matter. Under this section, additional powers may be conferred. However, the then Chief Justice in the course of his judgment stated that there is no indication in the report of the chief medical officer, which is recited as having led to invocation by the Government of its powers under this provision, of any abuse of children within the meaning of the Act. This comment raised the issue of a subsequent challenge.

On foot of the judgment, correspondence was received from legal representatives of another party involved in the conduct of the 1960-61 trial. This correspondence requested that the statutory instrument be revoked or appropriate legal action would be taken. A judicial review on the validity of the order was sought and the High Court found that the statutory instrument was invalid and *ultra vires* the conferring powers in the legislation. As a result, it is not possible to further investigate the matter using this legal route. The order will require revocation.

Procedures are being put in place to revoke the statutory instrument in line with the judgment of the courts. Under section 4(4) of the Commission to Inquire into Child Abuse Act 2000, consultation between the Government and the Commission to Inquire into Child Abuse may take place before any order is amended or revoked. Discussions have taken place with the commission and other parties who have an interest in or are affected by these trials. Some of these discussions are still ongoing, and until they have been completed, I am not in a position to outline

[Mr. B. Lenihan.]

the course of action which the Government will take.

Community Employment Schemes.

Mr. Healy: I thank the Ceann Comhairle for giving me an opportunity to raise this issue on the Adjournment. On 5 April, I received a letter from FÁS, the training and employment authority, in response to a representation I made to the authority regarding employment for a worker as a book-keeper. Part of the reply read as follows:

Furthermore, the FÁS budget for Community Employment has been reduced by approximately €1 million, resulting in cutbacks in the south east region with cuts of 22 to be achieved in Tipperary South by the end of April.

Over the next week or ten days, I was contacted by scheme sponsors, participants and supervisors on the scheme. The situation is significantly worse than indicated initially in the reply from FÁS. It transpires that 193 participants on community employment schemes will lose their employment by December this year, and a further 30%, or one in three, of the supervisors will also lose employment. This is as a result of the financial cutbacks but, more importantly, as a result of the three-year cap which the Minister introduced for participants in the scheme aged 40 to 55 years.

This reduction is almost 50% of the number of participants involved in schemes in Tipperary South. Approximately 500 participants are involved in schemes in the constituency. By the end of this year, that number will almost be halved. This will be a significant blow to local communities. It will decimate the schemes. It will mean that schemes will have to close, amalgamate and, over a period of two to three years if this capping is not reversed, we will see the demise of community employment schemes.

I would like to indicate the type of valuable work carried out by people involved in these schemes in just two towns in South Tipperary. In Cashel, for instance, there are a number of schemes. The first scheme is a Cashel Town Council scheme which is basically an environmental scheme. There is also a scheme in the town by South Tipperary County Council which is an environmental tidy towns scheme, a parish scheme which supports local social services and the local community radio in the town, a sports scheme which supports the local pitch and putt, tennis, GAA, soccer and rugby clubs, a Cashel town heritage scheme which supports heritage and development in the town, a Brú Ború scheme which supports Irish cultural events in Brú Ború in Cashel, a Brothers of Charity scheme and a Nagle centre scheme which supports children with disabilities in the town of Cashel.

Fifteen miles down the road in Tipperary town, there is a care of the elderly scheme, the Excel scheme which supports cultural activity in the Excel centre in the town, the Canon Hayes centre scheme which supports all sorts of community sporting activity in the town, a community centre scheme which includes social services, meals on wheels and so on, a Moorehaven scheme and a Knockanrawley resource centre scheme and an omnibus scheme which does excellent work in the Tipperary town. That is mirrored in every town and village throughout the county.

If this capping is not reversed, there will be significant loss of employment and significant decimation in the services provided by the schemes. The services are not being provided by another individual or agency. It is a very short-sighted proposal because the cost of with continuing these schemes is minimal. It costs approximately €20 a week per participant when one takes into account that unemployment benefit, or some other type of social welfare payment will have to be paid. Will the Minister seriously consider reversing this capping and the financial cutbacks in these schemes because otherwise significant damage will be done to the fabric of society in towns and villages throughout the county?

Mr. B. Lenihan: I am replying on behalf of the Minister for Enterprise, Trade and Employment, Deputy Martin. I thank Deputy Healy for raising this matter on the Adjournment.

Community employment offers work experience and training opportunities for the long-term unemployed and other disadvantaged groups. The aim is to assist participants to progress to a job in the open labour market. The number of participants on community employment schemes increased during 2004. It stood at 19,848 in January 2004 and increased to 22,194 by the end of the year. There was an overall increase in the calendar year 2004 in the numbers of people on community employment. I stress that the FÁS employment programmes, which comprise community employment, social economy and the job initiative, will provide a total of 25,000 places in 2005.

A total of €351 million was allocated to FÁS employment programmes in 2004 which was similar to the budgeted amount provided in 2003. In the region of €369 million will be spent by FÁS administering the programmes during the current year.

Community employment is an active labour market programme. It aims to assist the long-term unemployed and other disadvantaged persons to progress into the labour market. A secondary objective of the programme, as Deputy Healy fairly pointed out, is to support service provision in local communities. The reduction in the level of places available during the years 1999 to 2003 reflected a refocusing of available resources

towards training and other more appropriate supports and came as a result of the significant decline in long-term unemployment which stood at 8.9% in 1993 and decreased steadily from 1998 onwards to 1.4% in 2003.

On foot of a review of FÁS employment schemes, which included detailed consultations with the social partners, the Minister for Enterprise, Trade and Employment introduced the following changes with effect from 10 November 2004. The three year cap was removed for persons aged 55 and older, and those over the age of 55 are now eligible to participate in community employment for a maximum of six years. In the case of persons advancing beyond the age of 55 during their normal period of service in community employment, participation can be extended for up to a maximum of six years.

This change is designed to address the particular difficulty of finding replacements to participate in community employment schemes in certain rural areas. It will also help secure the continuity of community services generally. Combined with the rural social scheme, under the aegis of the Minister for Community, Rural and Gaeltacht Affairs, which has 2,500 places available, the existing community service support framework will be maintained.

Current ring-fencing and prioritisation procedures for the essential services of child care, health-related services and the drugs task force are being maintained.

Community employment will remain an active labour market programme with emphasis on progression to employment. For those under the age of 55, the normal service of up to three years maximum will continue to apply subject to the current flexibility guidelines administered by FÁS.

The continuation of ring-fencing and the extended participation in community employment by older workers will help secure the continuity of community services in general and will ensure that the existing community service support framework will be maintained.

In addition to the changes introduced in community employment, participants remaining on the job initiative, approximately 1,900, will have their contracts renewed on an annual basis. Participants who voluntarily leave the programme will be replaced by community employment participants to support the service being provided.

There will be no compulsory cessation of social economy programmes, which play a very valuable role in communities throughout the country. When an enterprise makes the decision to cease activity, affected employees will be assisted by FÁS in finding alternative employment.

I assure Deputy Healy and the House that there will be no large-scale closure of schemes during 2005 and that overall numbers will be maintained during the year. The Government will continue to support the positive role of community employment in meeting the needs of the

long-term unemployed and in the provision of essential services within such communities according to the level of resources available.

Closed Circuit Television Systems.

Mr. O'Dowd: I thank the Ceann Comhairle for selecting this matter and welcome the Minister of State. Drogheda is now the largest town in Ireland, growing in population to outstrip any other town, including Dundalk. More than 31,000 people live in the town, but it has the same number of gardaí — 90 — as five years ago despite the significant increase in population. Similar to other town centres around the country, there are serious problems with anti-social behaviour late at night.

It is essential that Drogheda is added to the list of towns in receipt of CCTV cameras. There are 17 towns on the waiting list and I wish them all well, but Drogheda is not one of them. It demonstrates the political neglect of this administration, particularly Fianna Fáil, with regard to Drogheda by refusing to install CCTV cameras in the country's largest town.

The issue also relates to the sister town of Dundalk. Its superintendent was last week pictured in *The Argus* and the *Dundalk Democrat* in front of a fine array of approximately 20 screens. He spoke convincingly and clearly about the benefit of CCTV cameras in Dundalk, and we welcome that. He is now in a position to declare that he wants to extend their use and I support him in that regard. Drogheda has absolutely nothing.

This is an issue of immediacy and we cannot afford to wait until 2007. In a written response earlier this week, I was told by the Minister that the application currently on hand with the advisory committee will be finalised towards the end of 2006. This means that Drogheda cannot be considered or included in the list until 2007, which is totally unacceptable. We insist that the Government acts now and that the Minister fast-tracks Drogheda's application on the simple grounds that it is the largest town in Ireland and needs these cameras now.

Mr. B. Lenihan: I am replying on behalf of the Minister for Justice, Equality and Law Reform and thank the Deputy for raising the matter. I hope to give him some information about this subject.

An application for a Garda CCTV system in Drogheda has been received by the CCTV advisory committee, which was established by the Garda Commissioner to advise on all matters relating to CCTV systems.

There are 17 CCTV schemes nationwide at installation, tender or planning stages. The locations were selected as priority based on policing requirements throughout the country. The Garda CCTV programme is being implemented on a phased basis. Phase one covered Bray, Dundalk, Dún Laoghaire, Finglas, Galway and Limerick, phase two will cover Athlone,

[Mr. B. Lenihan.]

Clondalkin, Tallaght and Waterford and phase three will cover Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo. While I appreciate the Deputy is anxious that the case for Drogheda be progressed, it is a tribute to the citizens of Drogheda that it does not appear on this list.

Mr. O'Dowd: The Minister should tell them that on a Friday night.

Mr. B. Lenihan: I am not denying the need. The installation of phase one systems in Bray, Dundalk, Dún Laoghaire and Limerick has been completed and these systems are now fully operational. Thirteen of the 18 cameras in Galway are also fully operational. It is proposed to install the final five cameras in tandem with major redevelopment works currently being undertaken by Galway City Council in the Eyre Square area.

The issue regarding the provision of suitable space to accommodate the monitoring of CCTV cameras in Finglas Garda station is currently being considered, in conjunction with the Office of Public Works, with regard to the overall accommodation needs of Finglas Garda station. It is hoped that work can proceed to completion in Finglas in 2005.

Installation of the CCTV systems is of necessity a detailed, complex and lengthy process and because of this Garda authorities are now giving careful consideration to a restructuring of the manner in which these systems go to tender.

The Minister is anxious to accelerate the implementation of the remainder of the Garda CCTV programme and reduce as much as possible the workload of the Garda Síochána in this regard. He believes that the proposed restructuring of the tender process provides an opportunity to outsource the installation of Garda CCTV systems to the greatest possible extent, making use not only of technical but also project management expertise in the private sector. In that regard, he has asked the Garda Commissioner to submit proposals for a revised tender document for the 11 locations in the remaining two phases, with a view to achieving implementation in priority locations by the end of 2006.

The inclusion of other town centre locations, including Drogheda, beyond the 17 already listed in the programme will be considered in the context of the Commissioner's proposals.

Regarding community-based CCTV cameras in Drogheda, the Deputy will appreciate it is not possible for the Garda Síochána to install CCTV systems in all areas that have sought them. Some applications received by the advisory committee relate to schemes which, while of importance to

the local community, cannot be regarded as a national Garda priority.

The Deputy may be aware that in May 2002, the previous Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, laid the ground work for a grant aid scheme to facilitate community-based groups who wished to press ahead with their local CCTV system.

It is the current Minister's intention to implement that scheme with clear details of the application process, terms and conditions, a time-scale within which to apply in the first round and a clear commitment as to when funding will be available.

Under the terms of this scheme, grant assistance of up to €100,000 will, subject to the availability of funds, be obtainable from the Department towards the cost of such systems. It will be up to the community groups, in conjunction with the relevant local authority, to install, maintain and monitor community-based CCTV schemes.

The Minister is pleased that further to discussions between their respective Departments, his colleague, the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, has given a commitment to provide successful applications from RAPID areas with a further grant to a maximum of €100,000. This means that RAPID areas wishing to install their own CCTV system will be able to avail of an overall maximum grant of up to €200,000.

A decision has also been taken to engage Area Development Management Limited, ADM, to administer and project manage the scheme and evaluate applications received.

There is a demonstrated demand from local communities across Ireland for the provision of community CCTV systems and significant work has been done in developing proposals which will allow communities to quickly define their needs and submit high quality proposals for funding which have broad local support and high levels of sustainability.

The Minister intends to launch this scheme in the coming weeks. By the end of July 2005, the Department should be aware of the list of applications to be funded in the first round. By year end, these communities could be well on the way to having their CCTV systems in place.

CCTV plays an important role in modern policing and has demonstrated its benefits in those areas where it has been installed. The programme of installation is now being overhauled to ensure much faster implementation, and the town of Drogheda is among the areas under consideration for the next tranche of CCTV, once the existing programme has been implemented.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 19 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 8, inclusive, answered orally.

Local Authority Funding.

9. **Mr. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs, further to Question No. 189 of 1 December 2004, the means by which translators were selected for inclusion on the list of translators; the means by which further translators will be added to this list; and if he will make a statement on the matter. [11406/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As indicated in my reply to Question No. 189 of 1 December 2004, Foras na Gaeilge has initiated a process by which a quality assurance system will be put in place for private sector translation services. For the information of the Deputy, Foras na Gaeilge recently published a notice in the media inviting submissions in relation to this matter. When in place, this quality assurance scheme will be of important practical assistance to public bodies that need to source external translation services. It is and will remain the responsibility of third parties to inform themselves of the translation services available and to satisfy themselves as to the quality and value for money of the services on offer.

In relation to the list referred to, the position is that my Department maintains a list of translators for internal use and has made it available to other public bodies on request. Translators who wished to have their names placed on the list did so by writing to my Department with their contact details. The inclusion of a translator on this list neither purported to be nor constituted a recommendation or an endorsement by my Department of any translator listed. The list will be superseded by the quality assurance system being put in place by Foras na Gaeilge.

Acht na dTeangacha Oifigiúla.

10. D'fhiafraigh **Ms O'Sullivan** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an raibh cainteanna aige go fóill leis an Roinn Oideachais agus Eolaíochta ar an méid a bhí le rá ag an gCoimisinéir Teanga faoi easpa cumais nó easpa líofachta sa Ghaeilge i measc an oiread sin d'fhos-taithe an Státchórais; agus an ndéanfaidh sé ráiteas ina leith. [11386/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Dírim aird an Teachta ar na freagraí atá tugtha agam cheana féin inniu maidir leis na tuairimí agus moltaí atá nochtaithe ag an gCoimisinéir Teanga ina Thuarascáil Tionscnaimh a foilsíodh le déanaí.

Maidir leis an gceist áirithe atá ag an Teachta, bíonn teagmháil rialta agam leis an Aire Oideachais agus Eolaíochta, mar a bhíonn le mo chomhghleacaithe eile sa Rialtas. Mar a mhíneadh mé cheana, cuirfear Acht na dTeangacha Oifigiúla i bhfeidhm ar bhonn céimnitheach, i gcomhréir le héilimh ón bpobal ar sheirbhísí ar leith agus bheifí ag súil, mar sin, go dtiocfaidh feabhas dá réir ar chumas na hearnála poiblí seirbhísí a sheachadadh trí mheán na Gaeilge thar thréimhse ama. Mar chuid lárnach den phróiseas forbartha sin, beidh sé riachtanach díriú ní amháin ar an gcóras scolaíochta, ach freisin ar dheiseanna a chruthú do dhaoine atá fostaithe cheana féin chun feabhas agus snas a chur ar a gcuid Gaeilge.

Tá mo Roinnse ag obair, ní amháin leis an Roinn Oideachais agus Eolaíochta, ach le Foras na Gaeilge, Gaeleagras na Seirbhíse Poiblí, An Foras Riaracháin agus institiúidí tríú leibhéal chun a chinntiú go gcuirfear leis an soláthar sainchúrsaí dírithe ar riachtanais na hearnála poiblí i ndáil le cur i bhfeidhm an Achta.

Irish Language.

11. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs, further to Question No. 135 of 24 March 2005 and following the third meeting of Foras Na Gaeilge in March 2005 and the examination of the various submissions by officials of his Department, if he will reconsider his position regarding the non-publication of these submissions in view of the urgent need to engage the public at large in the debate regarding the development of an Irish language plan and related short-term priority issues; and if he will make a statement on the matter. [11405/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The third meeting of Fóram na Gaeilge is due to take place on 28 April 2005.

As the Deputy is aware, I have already asked members to submit their views in relation to the development of an Irish language plan and related short-term priority issues. There has been a good response to this from the members and officials of my Department are currently examining the various submissions.

The position in relation to publication of the submissions at this time is set out in my previous reply referred to by the Deputy.

Decentralisation Programme.

12. **Mr. Howlin** asked the Minister for Community, Rural and Gaeltacht Affairs the position with regard to applications from his Department to the central applications facility in regard to the decentralisation of his Department; if there has been an improvement on the 157 applications received up to February 2005; and if he will make a statement on the matter. [11381/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Notification of 157 applications was received by this Department on 15 February 2005. These applications included staff's first preferences only. The Deputy will be aware that the CAF system remains open on an ongoing basis and that staff can continue to apply or change their preferences as they wish. No further update on applications has been received from CAF since that date.

Youth Services.

13. **Mr. Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs the number of projects which received funding under the young people's facilities and services fund in 2002, 2003 and 2004; the number of young persons who benefited from activities funded in these years; the success of this fund in diverting at risk young persons away from substance misuse; and if he will make a statement on the matter. [11465/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy is aware, the young people's facilities and services fund, YPF SF, was set up in 1998 to assist in the development of youth facilities, including sport and recreational facilities, and services in disadvantaged areas where a significant drug problem exists or has the potential to develop. The main aim of the fund is to attract "at risk" young people in disadvantaged areas into these facilities and activities and divert them away from the dangers of substance misuse. To date, approximately 450 facility and services projects are being supported under the fund.

As part of the first round of allocations of the YPF SF — 1999-2003, over €68 million was allocated to support the development of almost 300 facility and services projects. The vast majority of this funding was allocated to projects in local drugs task force areas. A further €15.7 million was allocated under the second round of the fund during the course of 2004 bringing the total allocation under the fund to date to almost €85 million.

Through the funding allocated under round II, a number of new dedicated youth and community centres will be built in areas such as Darndale in north Dublin, Ballyfermot in west Dublin, Knockmitten in Clondalkin, Brookfield in Tallaght, Ballywaltrim in Bray and Knocknaheeny in Cork city. In addition, the Deputy should note that: grants for a wide and diverse variety of youth work projects across the 14 drugs task force areas were approved under round II; and substantial funding was allocated towards the staffing and operational costs of a number of the large-scale youth-community centres built under round I and which have been completed in the last 12 to 18 months. These include St. Catherine's in Dublin's south inner city, John

Paul Park Centre in Cabra, Finglas Youth Centre and Donnycarney Youth and Community Centre.

The City of Dublin Youth Services Board, CDYSB, and County Dublin VEC manage the vast majority of service provision under the YPF SF. The years 2002 and 2003 were, in the main, capacity building periods for services supported through the fund. I can say, however, that in that period approximately 3,000 young people per annum availed of services provided through these agencies. The majority of the larger facilities allocated funding under round I were completed towards the end of 2003 and this, along with the additional allocations made under round II, will allow for a marked increase in the number of young people availing of the services and facilities funded through the YPF SF in the coming years.

It is fair to say that the most significant achievement of the fund to date has been the provision of high quality services and facilities in areas where, traditionally, there had been very little. Many of these areas had virtually nothing in the way of facilities up to recently and very little in the way of activities to offer young people. I believe the facilities being supported have the potential to become active and vibrant places in the communities where young people can find positive alternatives to drugs.

The challenge now facing the projects being funded as part of the YPF SF is to increase their usage to the maximum extent possible. I am satisfied that the procedures that have been put in place through organisations and communities involved with the fund will ensure this happens in the coming years.

I am pleased to inform the Deputy that there will be a further round of capital funding under the YPF SF in LD TF areas in 2005. The applications are currently being assessed and I hope to make allocations in the next month or two. I am confident that through this additional funding the valuable work undertaken by the fund to date can be further consolidated and built on.

Rural Development.

14. **Mr. Howlin** asked the Minister for Community, Rural and Gaeltacht Affairs the initiatives he intends to take over the course of the next year to promote rural development; and if he will make a statement on the matter. [11408/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The rural development goal of my Department is to promote and maintain living and working populations in rural areas by helping to foster sustainable and culturally vibrant communities there. In that context, my Department's rural development initiatives in the next year will include: continued implementation of the CLAR and Leader programmes and the rural social scheme; implementation of the farm electrification grant scheme, for which I recently

assumed responsibility from the Minister for Communications, Marine and Natural Resources; advancing the work of Comhairle na Tuaithe; working in close co-operation with the Department of Agriculture and Food and the EU Commission in the negotiations on the adoption of the draft EU Regulation on Rural Development for the period 2007-2013; consideration, in co-operation with relevant Departments, of action on the review of rural enterprise supports; support of projects under the rural development fund; promoting debate and progressing rural development issues through the National Rural Development Forum; continuation of cross-Border co-operation in rural development; leading the Rural Development Co-ordinating Committee under the NDP; participation as appropriate in inter-departmental committees on issues appropriate to rural development such as the national spatial strategy; continuation of support to the Western Development Commission in the discharge of its functions; and reviewing and updating priorities to be addressed under the White Paper on Rural Development.

Dormant Accounts Fund.

15. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the total resources accruing to his Department from the dormant accounts fund for expenditure in 2005; the extent to which he intends to combat urban and rural disadvantage on foot of these resources; and if he will make a statement on the matter. [11394/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Deputy will be aware that disbursements from the dormant accounts fund are for the purpose of assisting three broad categories of persons — those who are economically or socially disadvantaged; those who are educationally disadvantaged and persons with a disability. Decisions on the disbursement of funds from dormant accounts moneys are currently a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts.

To date, the board has approved 475 projects for funding totalling approximately €51.5 million from the initial total allocation of €60 million. In accordance with the board's disbursement plan, the bulk of this funding is initially being targeted at those areas, urban and rural, designated as most disadvantaged.

To date, the only resources from the dormant accounts fund which have accrued directly to my Department were in respect of funding for the rural social scheme. In July 2004, following consultation with the board and in accordance with the terms of the Dormant Accounts Act 2001 as amended, €10 million from the fund was transferred to my Department to partly finance the

rural social scheme. The rural social scheme provides ongoing income and employment support to small farmers and fishermen who can no longer make a viable living from such work and is one that fully meets the objectives of the dormant accounts scheme.

The Dormant Accounts (Amendment) Bill 2004 was published on 24 June 2004 fulfilling a commitment given by Government in December 2003 following its review of arrangements in relation to dormant accounts funding. The Bill is currently before the Oireachtas and, *inter alia*, provides for significant changes to the disbursement process and for the establishment of a reconstituted board.

Charitable Trusts.

16. **Mr. Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs the measures being taken by his Department in responding to the recent Law Reform Commission consultation paper on charitable trusts. [11436/05]

113. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the way in which he proposes to act upon the Law Reform Commission's recent recommendations concerning charitable trusts. [7060/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Question Nos. 16 and 113 together.

In 2004, the Law Reform Commission agreed to assist and advise my Department on addressing issues raised in the section on Governance in my Department's consultation paper on establishing a modern statutory framework for charities, as these relate to charitable trusts.

On 16 February 2005, I launched the consultation paper on charitable trust law reform, which had been prepared by the Law Reform Commission. The deadline for submissions is tomorrow, 15 April 2005. The public consultation, on the basis of this consultation paper, represents the first stage in a two-stage process.

That process involves first, a consultation paper — the stage that the proposals on charitable trust law reform are at — and then a report. As a consultation paper is intended to form the basis for discussion, the recommendations, conclusions and suggestions contained in it are provisional. The Law Reform Commission proceeds to make its final recommendations in a report following the public consultation and further consideration of the issues.

In that context, the Deputy will appreciate that consideration of follow-up action as regards charitable trust Law would be premature at the present time.

Irish Language.

17. **Mr. Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs if discussions at EU level with regard to the official status of the Irish language have been concluded; if not, when he expects these discussions to finish; the situation on this issue; if he is continuing to liaise with the Department of Foreign Affairs regarding these discussions; and if he will make a statement on the matter. [11403/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I would refer the Deputy to the reply given by my colleague, the Minister for Foreign Affairs, to Question No. 459 on Tuesday last, 12 April 2005.

As I have indicated on a number of occasions in this House, it would not be appropriate for me to make any public comment on the detail of the ongoing discussions with our partners and the institutions in the EU until they have been brought to a conclusion.

Biúró Eorpach do Theangacha Neamh-fhorleathana.

18. D'fhiafraigh **Mr. M. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén tairbhe a thagann as an íocaíocht bhliantúil leis an mBiúró Eorpach do Theangacha Neamh-fhorleathana; agus an ndéanfaidh sé ráiteas ina leith. [11389/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá maoiníú curtha ar fáil ag mo Roinnse don Bhiúró Eorpach do Theangacha Neamh-Fhorleathana go rialta le blianta beaga anuas, agus tá maoiníú curtha ar fáil don Bhiúró arís i mbliana ar bhonn sealadach.

Is iad na príomh-spricanna atá ag an mBiúró do 2005 ná: leanúint le heolas a chur ar fáil agus a roinnt maidir leis na dteangacha neamh-fhorleathana i gcomhthéacs obair na n-instiúidí Eorpacha agus tionchar na n-instiúidí sin ar na teangacha; seimineáir, comhdhálacha agus cruinnithe eile a eagrú maidir le cúrsaí teanga; saineolaithe teangacha neamh-fhorleathana a chur i dteagmháil lena chéile; agus forbairt a dhéanamh ar an ionad nuachta EuroLang.

Mar thoradh ar athbhreithniú atá déanta ag an mBiúró féin, tugtar dom go bhfuil sé i gceist go mbeidh an Biúró ag plé le teangacha eile an AE as seo amach, teangacha gur teangacha náisiúnta iad ach gur teangacha beaga iad ar scála domhanda san áireamh. Coimeádfar ról na heagraíochta faoi athbhreithniú chomh maith ó thaobh dul chun cinn stádás na Gaeilge san AE.

Rural Social Scheme.

19. **Dr. Upton** asked the Minister for Community, Rural and Gaeltacht Affairs if she will report on the success of the rural social scheme to date; the number of participants on the scheme; if she has satisfied herself with the level

of awareness of the scheme; and if he will make a statement on the matter. [6968/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The scheme, the details of which were announced in May 2004, accepted its first participants in July 2004 and the numbers have been increasing steadily since then. I consider that substantial progress has been made in this period of time. There are currently 1461 participants on the rural social scheme. There are 36 implementing bodies throughout the country and of those so far 32 have commenced projects under the scheme to date.

In addition, all 36 implementing bodies are continuing their work in ensuring that there is a high level of awareness of the scheme in their communities. I also continue to avail of opportunities regularly to raise awareness about the scheme in relevant public fora.

I expect the participant numbers will continue to increase and that all 2,500 will be availed of in the near future.

Community Development.

20. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the CLÁR programme; the expenditure he anticipates in this regard for the remainder of 2005; and if he will make a statement on the matter. [11402/05]

32. **Mr. Timmins** asked the Minister for Community, Rural and Gaeltacht Affairs if he intends to extend the CLÁR area; and if he will make a statement on the matter. [11281/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 20 and 32 together.

I introduced the CLÁR programme in October 2001 to address depopulation, as well as the decline and lack of services in rural areas. Areas in 18 counties, with a population of 362,000, have been selected under the programme, including areas I announced in January 2003 in light of the 2002 population census data. This honoured the commitment to review in An Agreed Programme for Government. Areas included are those that suffered the greatest population decline from 1926 to 2002 with an average population loss of 50%. The exception is the Cooley Peninsula, which was included on the basis of the serious difficulties caused there by foot and mouth disease.

There are no plans for any further review of the boundary of CLÁR areas. I can also confirm that no other significant areas fulfil the population criteria for inclusion in CLÁR.

CLÁR funds or co-funds, together with other Departments, State agencies and local authorities, investment in selected priority developments. These investments are made through a series of more than 20 measures, which

support physical, economic and social infrastructure such as electricity conversion, roads, water and sewerage, village, housing and schools enhancement, health, broadband and sports and community projects. The measures reflect the priorities identified by the communities in the selected areas I consulted at the start of the programme.

The measures were agreed with and are, for the most part, operated in tandem with the lead Departments, State agencies or public utilities, as appropriate. This ensures efficiency and effectiveness and meets the needs of the people in the CLÁR areas. I intend to continue this practice for new measures I may introduce, depending on identified needs. Equally, I will keep the operation of existing measures under review.

The merits of this practice are reflected in the successful delivery of the programme and vividly demonstrates that relatively small amounts of public funding, specifically targeted, can have a profound and positive impact in disadvantaged rural areas. Expenditure under the programme amounted to €14.14million in 2002, €8.613 million in 2003 and €12.116 million in 2004 which, it is estimated, levered out a further €36.5 million in related public and private expenditure in those three years.

The Estimates provision for 2005 is €13.7 million. Expenditure in the first quarter was just €1 million and I am confident that, once again, a comprehensive work programme will be completed this year and that the balance of the allocation will be expended.

Údarás na Gaeltachta.

21. **Mr. Eamon Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding his promised review into the functions of Údarás na Gaeltachta. [11442/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As I indicated in my reply to Question No. 103 on 9 Samhain 2004, it is proposed to clarify and update issues in relation to the functions of Údarás na Gaeltachta and to consolidate the existing body of legislation.

Arising from the public consultation process which I initiated earlier this year, more than 60 responses have been received from various organisations and individuals. These are presently being evaluated by officials of my Department. I hope to be in a position to bring proposals to Government later this year.

National Drugs Strategy.

22. **Ms McManus** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to recent comments from the Dublin city coroner that heroin remains one of the greatest social problems in society; the latest initiatives he has taken to combat heroin use in

general; and if he will make a statement on the matter. [11400/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy is aware, my Department has overall responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-2008. The strategy contains 100 individual actions, under the four pillars of supply reduction, prevention, treatment and research, to be implemented by a range of Departments and agencies. In this regard, I am aware of the recent comments made by the Dublin city coroner with regards to heroin use.

The Deputy should note that the National Advisory Committee on Drugs, NACD, for which my Department has responsibility, published a study on the prevalence of opiate misuse in Ireland in May 2003. The study found that there were 14,452 people opiate users in Ireland in the year 2001 — the latest date for which figures are available. It estimated that there are 12,456 opiate users in Dublin, which is a reduction of approximately 1,000 on the previous figures for 1996. I am sure the Deputy will agree that the reduction identified is encouraging, as is the finding that the numbers of users in the 15 to 24 years age bracket has reduced substantially, which may point to a lower rate of initiation into heroin misuse.

Despite these encouraging trends, I am aware that heroin use remains a very serious issue and in this regard, the Government is committed to working in partnership with communities most affected by drug misuse through the local and regional drugs task forces. The implementation of the 100 actions in the national drugs strategy remains a key priority and, in this context, efforts are continuing to increase the availability of treatment and rehabilitation options for heroin misusers.

These and other issues featured prominently in the mid-term review of the drugs strategy which is currently being finalised. I will be bringing the report of the steering group on the review to the Cabinet Committee on Social Inclusion for consideration at the end of this month.

23. **Mr. English** asked the Minister for Community, Rural and Gaeltacht Affairs when he expects the mid-term review of the national drugs strategy to be completed; his views on whether changes to the strategy are necessary; and if he will make a statement on the matter. [11461/05]

25. **Mr. Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the mid term review of the national drugs strategy. [11434/05]

45. **Mr. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs if, in view of the publication of the report of the steering group overseeing the mid-term review of the national

[Mr. Broughan.]
drugs strategy, he has finalised his recommendations to the Cabinet Committee on Social Inclusion; and if he will make a statement on the matter. [11378/05]

54. **Mr. English** asked the Minister for Community, Rural and Gaeltacht Affairs if he is satisfied with the findings of the recently published national drugs strategy progress report; the measures he intends to take to address shortcomings identified in the strategy; and if he will make a statement on the matter. [11462/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Question Nos. 23, 25, 45 and 54 together.

As the Deputies are aware, my Department has overall responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-2008. The strategy contains 100 individual actions to be implemented by a range of Departments and agencies.

In this regard, a progress report covering the first three years of the strategy, up to mid-2004, was published in late March 2005. The report, which was compiled by my Department with input from the key stakeholders involved in the strategy, looks at the nature and extent of drug misuse in Ireland drawing on relevant research. It also highlights a number of key areas where progress has been made across the four pillars of the strategy as well as looking at developments in relation to other drugs initiatives such as the local drugs task forces and the young people's facilities and services fund. Both these initiatives are funded by my Department.

The Deputies will also be aware that a mid-term review of the drugs strategy is currently nearing completion. The review was overseen by a steering group, chaired by my Department, and made up of representatives from a number of relevant Departments and agencies as well as the community and voluntary sectors. The group was tasked with examining the overall progress made to date in implementing the strategy and with identifying future priorities for the remaining period up to 2008. The relevance of the strategy in tackling the current nature and extent of drug misuse in Ireland, including emerging trends, was also examined. The findings from the progress report fed into the mid-term review process.

The steering group has now completed its work and its report was submitted to the Inter-departmental Group on Drugs, which I chair, on Monday last, 11 April 2005. It is planned that the report will be discussed by the Cabinet Committee on Social Inclusion at its next meeting on Wednesday, 27 April 2005. I hope to be in a position to publish the report during May.

Voluntary Sector Organisations.

24. **Ms Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to criticisms of his decision to withdraw funding from the Community workers Co-operative following the closure of CWC at the beginning of April 2005; if he intends to restore funding to the Community Workers Co-operative; and if he will make a statement on the matter. [11399/05]

27. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the details of the most recent meeting that occurred between his Department and the Community Workers Co-operative. [11429/05]

37. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether his recent decision to cut funding to the CWC will undermine its ability to work on behalf of the community and voluntary sector; if he will consider reversing this decision; and if he will make a statement on the matter. [11463/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 24, 27 and 37 together.

I dealt comprehensively with this issue in the House already. I refer the Deputies in particular to my replies to Questions Nos. 4 and 5 of 22 February and Nos. 360 and 367 on 22 March 2005.

Since the decision to discontinue funding under the national anti-poverty networks programme was communicated to the CWC on 17 December 2004, my Department has facilitated the CWC by holding a series of separate meetings with their representatives.

At the most recent meeting the CWC was afforded the opportunity to again raise questions about the decision to respond to the view that it does not represent any identifiable group or community experiencing disadvantage and to hear the responses of the Department and the Minister.

I am fully satisfied, therefore, that the CWC has been afforded exhaustive access to appeal the decision. I do not believe the group has demonstrated a basis for reversing my decision at any of these meetings.

Question No. 25 answered with Question No. 23.

Irish Language.

26. **Mr. Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs if, in relation to his Dáil reply of 22 February 2005, he will elaborate on his comment that people coming to this country tend to be open to the idea of learning not only English but Irish as well; the evidence he has to back up these claims; if he has statistics to confirm such conclusions; the basis on which

he makes this comment; and if he will make a statement on the matter. [11395/05]

33. **Mr. S. Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs if, in relation to his Dáil reply of 22 February 2005, he will elaborate on a comment of his (details supplied); the evidence he has to back up these claims; if he has statistics to confirm these conclusions; the basis on which he made this comment; and if he will make a statement on the matter. [11396/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 26 and 33 together.

I cannot accept the proposition inherent in the Deputies' questions that a public representative may not be permitted to make statements of informed opinion — whether by way of reply to questions in this House or otherwise — without having carried out a qualitative survey or statistical analysis beforehand. The statements I made in my supplementary replies to Question No. 14 on 22 February 2005 are on the record of the House. As statements of opinion, they are informed by my experience, both personally as a public representative and as Minister with responsibilities for Irish language issues. They are statements which appear reasonable and accurate to many people involved in Irish language issues and require no further explanation.

Question No. 27 answered with Question No. 24.

Waterways Ireland.

28. **Mr. F. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding recent problems in Waterways Ireland; if this North-South body will be allowed to develop tourism on waterways here in a competent and professional manner. [9149/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): An investigation into allegations of bullying and harassment and related matters in Waterways Ireland has been jointly carried out, with the consent of the parties involved, by independent investigators appointed by my Department and the Department of Culture, Arts and Leisure in the North. The report of the investigators has been submitted to the Departments and its conclusions and recommendations have been considered and accepted by the Departments. The actions to be taken following the findings of the report have been agreed by the Departments with the chief executive of Waterways Ireland.

On 4 April 2005, my Department and the Department of Culture, Arts and Leisure issued a joint statement on the matter, which has been copied to the Deputy. It is not proposed to make any further comment about the investigation.

With regard to the tourism role of Waterways Ireland, I refer the Deputy to my reply to Question No. 373 of 22 March 2005.

Aistritheoirí Béarla-Gaeilge.

29. D'fhiafraigh **Ms Burton** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta conas is féidir le duine clárú mar aistritheoir i dtreo is gur féidir leis an duine sin dul ar an liosta aistritheoirí Béarla-Gaeilge atá ar fáil ón Roinn; agus an ndéanfaidh sé ráiteas ina leith. [11384/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I dtosach báire, ní miste dom a mhiniú go bhfuil Foras na Gaeilge i mbun próisis faoi láthair chun córas creidiúnaithe d'aistritheoirí a fhorbairt don earnáil phríobháideach aistriúcháin. Mar eolas don Teachta, bhí fógra oifigiúil ón bhForas sna meáin le déanaí ag lorg aighneachtaí faoin ábhar seo. Nuair a bheidh an córas sin i bhfeidhm, is cinnte gur cúnadh praiticiúil fíor-thábhachtach a bheidh ann do chomhlachtaí poiblí a bheidh ag iarraidh úsáid a bhaint as seirbhísí ó aistritheoirí príobháideacha. Ar ndóigh, is gnó do chomhlachtaí poiblí iad féin a shásamh maidir leis na seirbhísí aistriúcháin atá ar fáil, chomh maith le caighdeán agus luach ar airgid na seirbhísí sin.

Maidir leis an liosta d'aistritheoirí a bhfuil tagairt déanta ag an Teachta dó, is amhlaidh go bhfuil liosta aistritheoirí d'úsáid inmheánach curtha i dtoll a chéile ag mo Roinnse ach go gcuirtear an liosta ar fáil d'aíochtaí eile san earnáil phoiblí má thagann siad á lorg. Ní ghlacann mo Roinnse aon fhreagracht maidir le caighdeán na n-aistritheoirí ar an liosta sin agus ní córas clárúcháin atá i gceist. Is amhlaidh gur sheol na haistritheoirí a bhfuil a n-ainmneacha ar an liosta a gcuid sonraí teagmhála chuig mo Roinn in éindí le hiarratas go gcuirfí ar an liosta iad. Ar ndóigh, tógfaidh an córas creidiúnaithe atá idir lámha ag Foras na Gaeilge áit an liosta sin ar ball.

Clár Dílarnú.

30. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é an dul chun cinn atá déanta maidir le foireann a dhílárnú ón Roinn, cén líon státseirbhíseach óna Roinn, agus a ngrád, a léirigh suim i ndílárnú ón Roinn i mBaile Átha Cliath go dtí na hionaid atá roghnaithe ar fud na tíre agus an ndéanfaidh sé ráiteas ina thaobh. [11424/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tuigfidh an Teachta, ar ndóigh, go bhfuil an próiseas díláraithe in aon Roinn Stáit ag brath ar an dul chun cinn atá á bhaint amach ag an nGrúpa Forfheidhmithe Lárnach.

Léirigh 45 duine atá fostaithe i mo Roinn féin suim i ndílárnú ón Roinn i mBaile Átha Cliath go dtí Ranna eile ar fud na tíre, briste síos mar seo leanas:

[Éamon Ó Cuív.]

Príomhoifigeach Cúnta	5
Ardoifigeach Feidhmiúcháin	14
Oifigeach Riaracháin	2
Oifigeach Feidhmiúcháin	11
Oifigeach Cléireachais	12
Oifigeach Logainmneacha	1
Iomlán	45

Chomh maith leis sin, chuir oifigigh de chuid mo Roinne-se i mBaile Átha Cliath, lasmuigh de réimse na hard-bhainistíochta, iarratais isteach chun dílárú le mo Roinnse mar seo leanas:

Na Forbacha

Oifigeach Cléireachais	2
Oifigeach Seirbhíse	1
Iomlán	3
Cnoc Mhuire	
Ardoifigeach Feidhmiúcháin	2
Oifigeach Feidhmiúcháin	3
Oifigeach Cléireachais	1
Ardoifigeach Seirbhíse	1
Iomlán	7

Polasaí Dátheangachas.

31. D'fhiafraigh **Ms O'Sullivan** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cathain a rinne an Rialtas an cinneadh tír fhíor-dhátheangach a chruthú ina mbeidh Gaeilge agus Béarla ag formhór an phobail agus ina mbeidh Gaeilge agus Béarla in úsáid acu go laethúil ar fud na tíre; agus an ndéanfaidh sé ráiteas ina leith. [11388/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá stádás tugtha don Ghaeilge mar chéad teanga náisiúnta i mBunreacht na hÉireann, ar ghlac an pobal léi i reifrinn sa bhliain 1937, agus, ár ndóigh, roimhe sin i mBunreacht an tSaorstáit ó 1922. Mar sin, ní ceist í seo faoi chinneadh a bheith déanta ag an Rialtas, nó ag aon Rialtas ar leith roimhe seo, ach ceist maidir le feidhmiú beartais phoiblí ar bhonn leanúnach ó bunaíodh an Stát. Tá dualgas bunreachtúil, mar sin, ar chuile Rialtas an Ghaeilge a chur chun cinn mar an teanga náisiúnta agus mar theanga bheo, labhartha.

Mar is eol don Teachta, gan amhras, rinne an Rialtas seo cinneadh an Bille Teanga a chur ar aghaidh. Is í an chuspóir is mó atá ag Acht na dTeangacha Oifigiúla ná a chinntiú go mbeidh seirbhísí poiblí ar fáil i rogha teanga oifigiúla an tsaoránaigh. Thar thréimhse ama, cinnteoidh an tAcht ar bhonn céimnitheach go mbeidh réimse níos mó de sheirbhísí poiblí ar fáil as Gaeilge agus

cuirfear dá réir le húsáid na Gaeilge ar bhonn laethúil ar fud na tíre.

Question No. 32 answered with Question No. 20.

Question No. 33 answered with Question No. 26.

Voluntary Activity.

34. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs if, in view of the current Exchequer surplus, he intends to fully meet the funding commitments originally set out in the White Paper on voluntary activity; and if he will make a statement on the matter. [11464/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I refer the Deputy to my response to Question No. 63 on 14 December 2004. As I indicated in that response, while the broad principles of the White Paper remain, it is appropriate that the mechanisms for addressing these be adjusted to appropriately reflect wider developments including contextual, programme and structural changes.

In any event, current funding commitments to support certain community and voluntary activity exceed the €9 million projected in the White Paper as the following appendix indicates.

Appendix

Under the funding scheme to support the role of federations, networks and umbrella bodies, 32 groups are currently being funded totalling €5.48 million over three years. Under the funding scheme for training and supports, 20 projects are currently being funded totalling €1.83 million over three years. The National Anti-Poverty Networks are being funded to a total of €4.1 million over three years. The Department is funding volunteering through its existing grants to three volunteer groups totalling €829,595 over a three year period. In the new volunteering package, announced in March 2005, core funding will be provided to six further volunteer bureaux totalling €900,000 over the next three years. A further €500,000 of local area partnership funding is being ring-fenced for measures that encourage volunteers and volunteering. A further €500,000 of the Department's Cohesion Fund will be spent on measures that will promote volunteers and volunteering locally. Funding totalling €600,000 is being provided to support the young social innovators programme, including the annual showcase awards, over three years. Funding totalling €330,000 over three years is also being provided to the DIT community learning programme, CLP, which is an example of a new teaching method called service-learning and, works by integrating classroom learning in any subject with suitable volunteering activity.

Grant Aid.

35. **Mr. Eamon Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs the reason grant money given in error by Údarás na Gaeltachta has not been sought back in return. [11437/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): In my replies to previous questions on this matter and in particular to Question No. 40 on 14 December 2004, I set out the position in regard to the grant paid by Údarás na Gaeltachta to the company in this case. That position remains unchanged.

Voluntary Activity.

36. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs the proposals he has to make available a national volunteering passport which will provide a useful record of voluntary activity over the lifetime of a person; and if he will make a statement on the matter. [11398/05]

53. **Mr. Stagg** asked the Minister for Community, Rural and Gaeltacht Affairs the discussions he has had with the Department of Education and Science in regard to locating volunteering centres on the campuses of third level institutions to ensure the comprehensive exposure of young persons to the voluntary sector; and if he will make a statement on the matter. [11404/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 36 and 53 together.

The questions raised relate to recommendations contained in the recent Joint Oireachtas Committee Report on Volunteers and Volunteering in Ireland.

Deputies will be aware from my reply to Questions Nos. 305 and 308 of 8 March 2005 that I have introduced a package of measures to provide immediate support for volunteering, including measures directed at promoting volunteering in second and third level institutions. These measures will strengthen and promote volunteering as we develop a comprehensive long-term national policy in consultation with communities and players in the sector. It is in this context that the issues raised by the Deputies and other proposals raised in the joint Oireachtas committee report can best be addressed. In this context, I will discuss relevant matters, as they arise with the Minister for Education and Science.

Question No. 37 answered with Question No. 24.

Rural Social Scheme.

38. **Cecilia Keaveney** asked the Minister for Community, Rural and Gaeltacht Affairs the benefits to a person who avails of the rural social

scheme; and if he will make a statement on the uptake to date of the places on the scheme. [11410/05]

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, within a working arrangement compatible with farming or fishing, secure an income and employment support for farmers and fishermen who can no longer make a viable living from such occupations.

The scheme was designed specifically for farming and fishing families and its operations and structures are operated in a manner to facilitate them. The scheme recognised that farmers and fishermen have a wealth of experience and talents that need to be preserved for future generations and these talents are being harnessed for the good of the community. The scheme focuses on the provision of direct services in the community.

The rates of payment for those transferring from farm assist, unemployment assistance and unemployment benefit, if previously on a community employment scheme, 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 the equivalent will be paid on the rural social scheme.

Participants in receipt of disability allowance continue to receive their disability allowance payment from the Department of Social and Family Affairs, along with a payment from the rural social scheme budget.

In addition to a participant's primary farming and fishing work and their participation in the rural social scheme, they may also undertake other employment which may yield an average payment of up to €88.88 per week.

There are currently 1,461 participants on the scheme. There are 36 implementing bodies throughout the country and of those 32 have commenced projects under the rural social scheme to date.

Stádas na Gaeilge san Aontas Eorpach.

39. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é an dul chun cinn atá déanta go dtí seo maidir le stádas oifigiúil a bhaint amach don Ghaeilge san Amtas Eorpach. [11425/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Dírím aird an Teachta ar an bhfreagra a thug mo chomhleacaí, an tAire Gnóthaí Eachtracha, do Cheist Uimh. 10827/05 ar an Mháirt seo caite, 12 Aibreán 2005.

Mar a thug mé le fios sa Teach seo cheana, ní bheadh sé cuí domsa tagairt phoiblí a dhéanamh maidir le sonraí na gcainteanna a leanann fós lenár bpáirtnéirí agus leis na Institiúidí san AE sula dtagann siad chun críche.

Youth Services.

40. **Mr. Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs the range of youth projects funded under the community based youth initiative strand of the local development social inclusion programme; the number of such projects funded in 2004; and if he will make a statement on the matter. [11466/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I am informed that in 2004, 1,673 initiatives were supported under the community based youth initiatives sub-measure of the local development social inclusion programme. I understand that these initiatives covered a wide range of activities under the following broad categories: 174 projects providing early childhood education, learning and developmental opportunities; 541 projects aimed at preventing early school leaving; 132 projects addressing the needs of early school leavers; 87 projects supporting access to further and third level education; 463 projects promoting developmental youth work; 161 research, information and dissemination initiatives; and 115 training initiatives for trainers.

Údarás na Gaeltachta.

41. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an aontaíonn sé liom gur cheart na ciorruithe i mbuiséad Údarás na Gaeltachta a chealú chun níos mó tacaíochta a chur ar fáil do na ceantair Ghaeltachta. [11426/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá soláthar iomlán de €34.33 million curtha ar fáil d'Údarás na Gaeltachta don bhliain 2005. Is méadú 3.4% é seo ar an tsuim a cuireadh ar fáil i 2004. Ag cur san áireamh an fáltas a gheofar ó fhoinsí eile, mar shampla, ioncam ó fhoirgnimh ar cíos agus ó sheirbhísí, maraon le teacht isteach ó dhíol sócmhainní, aisíoc deontas agus fáltas eile, tá mé sásta go mbeidh sé ar chumas an Údaráis a chuid spriocanna forbartha i leith na Gaeltachta a bhaint amach.

Meabhraím don Teachta freisin go bhfuil soláthar de €23.6 million vótáilte do mo Roinnse i 2005 le caitheamh ar scéimeanna tacaíochta éagsúla sa Ghaeltacht, ina measc scéimeanna tithíochta, feabhsúcháin, cultúrtha agus sóisialta, gan trácht ar €15.8 million atá ar fáil do na hoileáin, a bhfuil an mhórchuid dá ndaonra sa Ghaeltacht.

Departmental Funding.

42. **Mr. Gogarty** asked the Minister for Community, Rural and Gaeltacht Affairs if delays on promised funding from his Department to non-governmental organisations are occurring; and if so, the reason therefor. [11451/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Every effort is made to

ensure that no delays occur in releasing funds to voluntary organisations to whom grants have been committed by my Department.

I am not aware of any major difficulty in this area. However, if the Deputy has any details in relation to any specific applications, I would be glad to have the matter examined.

Electricity Supply.

43. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the action he is taking to roll out three-phase electricity; and if he will make a statement on the matter. [8071/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The availability of three-phase electricity supply is a matter for the electricity sector and not one in which I have a function.

However, my Department administers the farm electrification grant scheme, which subsidises the installation of electricity supply to farms located in disadvantaged areas, which are without supply or where supply is inadequate to facilitate their development and modernisation. Both single-phase and three-phase installations are eligible for assistance under the scheme.

Financial assistance for the conversion to three-phase electricity is provided also under the CLÁR programme which is operated by my Department. The objective of the programme is to address depopulation as well as decline and lack of services in rural areas. CLÁR funds the cost of the customer contribution to the ESB for conversion from single-phase to three-phase electricity for small businesses and enterprises in CLÁR areas with no more than ten employees. The maximum CLÁR funding is €15,000. The businesses must have been previously in receipt of assistance — financial or mentoring, but not earlier than 1 October 1997 — from the county enterprise board, Údarás na Gaeltachta or LEADER group.

Question No. 44 answered with Question No. 6.

Question No. 45 answered with Question No. 23.

Community Development.

46. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the recent Teagasc report undertaken with assistance from Údarás na Gaeltachta, Galway Rural Development Company, Galway County Council and the partnership group, Cumas, on five rural communities in County Galway. [11431/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I launched the report of the Teagasc study on 4 April. The aims of the study, which examined five disparate rural communities in County Galway, were to identify

different types of rural area and different household types, to examine how areas and households adjust to change and how different policies and service delivery agencies support or hinder adjustment. I welcome the publication of the study and believe it will play a role in informing rural development policy in the future. Studies such as this are useful in providing a research-based analysis of issues relevant to rural policy development. The study is particularly relevant at this time as we prepare for the 2007 to 2013 round of EU structural funding.

RAPID Programme.

47. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if he intends to improve funding to the various areas originally envisaged under the RAPID programme; and if he will make a statement on the matter. [11393/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The position is generally as set out in my reply to Question No. 280 on 22 February 2005. Since giving that reply, €1.5 million has transferred from the Department of Health and Children to co-fund the development of playgrounds. Accordingly, the amount of funding to support small-scale proposals in RAPID areas in 2005 has increased from €6 million to €7.5 million.

Acht na dTeangacha Oifigiúla.

48. D'fhiafraigh **Mr. M. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an aontaíonn sé gur beag an tairbhe do chaomhnú agus forbairt na Gaeilge iachall a bheith ar Ranna Stáit agus ar Chomhlachtaí Stáit cáipéisí agus tuarascálacha gur beag duine a léann an leagan Béarla a aistriú go Gaeilge; agus an ndéanfaidh sé ráiteas ina leith. [11387/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I dtosach báire, ba mhaith liom a mhiniú don Teachta gurb é an t-aon dualgas reachtúil atá ar chomhlachtaí poiblí faoi láthair maidir le haistriú cáipéisí go Gaeilge ná an dualgas a thiteann orthu faoi Alt 10 d'Acht na dTeangacha Oifigiúla 2003.

Faoi Alt 10, tá dualgas ar chomhlachtaí poiblí cionroinnt an-teoranta d'eochair cáipéisí a aistriú, mar shampla, tuarascálacha bliantúla agus cáipéisí a leagann amach tograí beartais poiblí ar nós páipéir uaine nó bán. Is eochair cáipéisí iad seo ina bhfuil comhlachtaí poiblí freagrach don gnáth-phobal, dá gcustaiméirí, agus dúinne mar bhaill den Oireachtas maidir le comhlíonadh a ndualgas phoiblí.

Tá dhá theanga oifigiúil sa tír seo agus feictear domsa — go deimhin, bhí gach éinne sa Teach seo ar aon intinn faoi seo nuair a bhí an tAcht seo á phlé againn mar Bhille — go bhfuil an ceart ag an saoránach cáipéisí don chineál seo a bheith ar fáil sa dá theanga oifigiúil.

Anuas ar sin, ba mhaith liom a rá, mar atá a fhios ag an Teachta go ri-mhaith, go bhfuil méadú ar na meáin Gaeilge le blianta beaga anuas, gan trácht ar mic léinn, srl., a bhaineann agus a bhainfidh úsáid rialta as na cáipéisí seo. Ní fíor a rá agus ní glacaim leis gur beag an tairbhe don Ghaeilge agus do lucht labhartha agus úsáide na teanga cáipéisí dá leithead a bheith ar fáil i nGaeilge. Is a mhalairt ar fad de thuairim a bheadh agam mar go dtugann siad deis don teanga téarmaíocht nua a chruthú agus cruthaíonn sé freisin gur féidir leis an teanga maireachtáil mar theanga beo san saol teicneolaíochta, cumarsáide seo.

Mar fhocal scoir, ní miste dom a chur i gcuimhne don Teachta go bhfuil stádás mar theanga oifigiúil agus oibre san AE á lorg don Ghaeilge ag an Rialtas — agus ag an bhfreasúra féin — faoi láthair, rud a chiallóidh go mbeidh níos mo cáipéisí ná riamh á n-aistriú go Gaeilge ag leibhéal na hEorpa.

Proposed Legislation.

49. **Mr. Costello** asked the Minister for Community, Rural and Gaeltacht Affairs the reason he cannot give a definitive date for the publication of the draft charities legislation; if his attention has been drawn to the difficulties which the ongoing delay in this respect is having for the entire charities sector; and if he will make a statement on the matter. [11379/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As I have informed the House on a number of occasions, reform of the law relating to charities will be brought forward in accordance with the commitment in An Agreed Programme for Government. Given that the charities sector has never been regulated in this country since the foundation of the State, moves towards regulation of the sector have only recently begun to be taken following the establishment of my Department in June 2002, and the draft legislation will be very substantial in size, as it will involve statute law revision and restatement in addition to the new legislative provisions to regulate the charities sector, the Deputy's comments regarding both an ongoing delay and resultant difficulties for the charities sector are not accepted.

We have a unique opportunity to put in place a modern statutory framework for charities. The legislation under preparation in my Department will be designed to meet the commitment in An Agreed Programme for Government, the public good, and the needs of the sector. While, as I recently informed the House, it would not be possible at this stage for me to predict with certainty that the best estimate, which I gave last year, of end 2005 for publication of the draft Bill can be met, I can assure the Deputy that work on preparation of the draft legislation is proceeding as speedily as possible and that it continues to be given high priority within my Department.

Water and Sewerage Schemes.

50. **Cecilia Keaveney** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the need for a scheme to deliver cheaper group water scheme projects in non-CLÁR but rural areas; and if he will make a statement on the matter. [11409/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Policy on the implementation of group water schemes is primarily a matter for the Minister for the Environment, Heritage and Local Government and any proposal by me to introduce a scheme on the lines referred to by the Deputy would, of course, require the agreement of that Minister. As Minister for Community, Rural and Gaeltacht Affairs, I recognise the success of the CLÁR top-up measure in facilitating the provision of water supply to households in the most disadvantaged rural areas. Last year, I introduced a similar measure for Gaeltacht areas. I am considering the need for a comparable measure for other rural areas of low population density.

Security of the Elderly.

51. **Mr. J. O'Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the scheme of community support for older people and the funding available for same; and the funding which has been and will be made available under this scheme for Bandon community watch. [11282/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The scheme of community support for older people encourages and assists local support for older people by means of a community-based grant scheme to improve the security of its older members. Funding under the scheme can be provided for: window locks, door locks and door chains designed to strengthen points of entry to the dwelling; security lighting; smoke alarms; and for the once-off cost of installing socially monitored personal alarm systems. The maximum individual grants available for these items are: €300 in respect of socially monitored alarms; €150 in respect of physical security equipment; €150 in respect of security lighting; and €50 in respect of smoke alarms. The total funding available in the 2005 scheme of community support for older people is €2.8 million.

An application under the scheme of community support for older people was received by my Department from Bandon Neighbourhood Watch in September 2004. Unfortunately the group did not furnish some supporting documentation, necessary to process the application, which had been requested by my Department. The time for receipt of this documentation has now passed and the grant application has accordingly lapsed. However, I recently announced the 2005 scheme open for applications. I have asked my officials to forward a copy of the guidelines

and application form to the group in question should it wish to apply under this year's scheme.

Coláistí Samhraidh.

52. D'fhiafraigh **Mr. O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an raibh cainteanna aige leis an Roinn Oideachais agus Eolaíochta ar conas is féidir líon na bpáistí a fhreastalaíonn ar na Coláistí samhraidh a mhéadú go mór; agus an ndéanfaidh sé ráiteas ina leith. [11376/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Bíonn mo Roinnse i dteagmháil leis an Roinn Oideachais agus Eolaíochta go minic faoi na Coláistí Gaeilge Samhraidh sa Ghaeltacht agus tá mé cinnte go leanfar leis an gcomhoibriú sin amach anseo. Mar Aire a bhfuil cúram air i leith na Gaeltachta, déanfaidh mé an méid is féidir liom chun cabhrú leis na Coláistí a bheith níos éifeachtaí. Mar shampla, cheana féin i mbliana: tá an deontas a íocann mo Roinn faoi Scéim na bhFoghlaimoirí Gaeilge méadaithe ó €8 go €9 in aghaidh an lae, rud a chabhróidh chun an praghas a thiteann ar thuismitheoirí a choimeád chomh híseal agus is féidir; don chéad uair riamh, íocfaidh mo Roinn an deontas iomlán faoin Scéim do thréimhse an chúrsa i gcás foghlaimoirí Gaeilge a chuirtear abhaile go luath; agus d'éirigh liom, le cúnaimh an tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil, saorchead isteach chuig Láithreacha Oidhreacht sa Ghaeltacht féin, nó imeallach léi, a fháil d'fhoghlaimoirí Gaeilge a bheidh ag freastal ar Choláistí Gaeilge.

Is dóigh liom gur léir ó na figiúirí (breis agus 23,000 foghlaimoir in aghaidh na bliana le blianta beaga anuas) go bhfuil na Coláistí Gaeilge Samhraidh sa Ghaeltacht an-tarraingteach do thuismitheoirí agus foghlaimoirí araon. Tá mé cinnte go gcabhróidh na céimeanna atá glactha agam le déanaí chun deimhin a dhéanamh de go leanfaidh an scéal amhlaidh amach anseo.

Question No. 53 answered with Question No. 36.

Question No. 54 answered with Question No. 23.

Departmental Funding.

55. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will work with the relevant Department in increasing funding to the National League of the Blind of Ireland in 2005; and if she will give this group the maximum support. [11614/05]

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 services. This

includes responsibility for the allocation of funding to non-government organisations. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

Health Services.

56. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which she expects to be in a position to provide speech therapy in the case of persons (details supplied) in County Kildare. [11635/05]

79. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if an up to date assessment will be arranged in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [11637/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 56 and 79 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 services. This includes responsibility for the provision of speech and language therapy services. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and reply directly to the Deputy.

Health Service Allowances.

57. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if and when the domiciliary care allowance will be awarded to a person (details supplied) in County Kildare in respect of their child; and if she will make a statement on the matter. [11502/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for payment of and entitlement to domiciliary care allowance. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and reply directly to the Deputy.

Health Services.

58. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if she will report on the significant dedicated transport arrangements for cancer patients in the HSE south eastern area that have been put in place. [11503/05]

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 of the south eastern area of the executive to investigate the matters raised and reply directly to the Deputy.

Hospital Staff.

59. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children when the radiation oncologist promised in 2003 to Cork University Hospital to cater for patients in the HSE south eastern area as an intermediate measure will be appointed. [11504/05]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware, the Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of cancer services and the recruitment of consultant staff. Accordingly, my Department has requested the chief officer of the executive's southern area to investigate the matter raised and reply directly to the Deputy.

Hospital Services.

60. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the position regarding the provision of a designated oncology ward at Waterford Regional Hospital. [11505/05]

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 of the south eastern area of the executive to investigate the matters raised and to reply directly to the Deputy.

Hospice Care.

61. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to respond to the first study of the Irish Hospice Association which found that the two most important requirements of terminal patients are freedom from pain and being near loved ones. [11506/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The publication of

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the report of the national advisory committee on palliative care was approved by the Government and launched on 4 October 2001. The report describes a comprehensive palliative care service and acts as a blueprint for its development over a five to seven year period. I wish to advise the Deputy that my Department has provided funding to all the former health boards on a pro-rata basis to commence the development of palliative care services in line with the recommendations in the report.

As the Deputy will be aware, the Health Act 2004 provided for the Health Service Executive, HSE, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of palliative care services.

The report recommended that palliative care needs assessment studies should be carried out in each health board area. Information gleaned from these studies, which will include the views of stakeholders including patients and their carers, will inform the future development of palliative care services at HSE level in consultation with the consultative and development committees which have been set up as recommended in the report.

Hospital Services.

62. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children when the additional two linear accelerators for Cork University Hospital will be fully operational; and if she will make a statement on the matter. [11507/05]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware, the Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of cancer services and timelines in relation to the operation of additional radiation oncology capacity. 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.

63. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children the number of procedures which have been cancelled each week in Letterkenny General Hospital from 1 January 2005 to date; the reasons therefor; if this is satisfactory for both patients with medical emergencies and for those in need of routine operations; and if she will make a statement on the matter. [11508/05]

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 services at Letterkenny General Hospital. Accordingly, my Department has requested the chief officer for the executive's north western area to investigate the matter raised and to reply directly to the Deputy.

64. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children when extra beds will be provided for Letterkenny General Hospital in order to help ease the pressure on the accident and emergency unit; and if she will make a statement on the matter. [11509/05]

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 services at Letterkenny General Hospital. Accordingly, my Department has requested the chief officer for the executive's north western area to investigate the matter raised and to reply directly to the Deputy.

I have identified the delivery of accident and emergency services as a priority area for attention. I have announced a ten-point action plan regarding accident and emergency services which is being financed with €70 million current funding and €10 million capital funding. My Department is liaising with the HSE to progress the implementation of the plan.

Medical Cards.

65. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if a medical card will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [11510/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer of the Health Service Executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

Hospital Staff.

66. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the process involved in deciding upon and appointing a hospital consultant; if she is satisfied that this slow system is

appropriate at a time when there is a need rapidly to expand the number of consultants to deliver the proposed consultant lead services; and her proposals for reforming this system. [11539/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department no longer has a role in the creation of consultant posts. Since the establishment of the Health Service Executive in January 2005, hospitals and other health agencies seeking consultant posts must apply directly to the National Hospitals Office or Comhairle na nOspidéal for approval of the post and related funding. Accordingly, my Department has asked the director of the National Hospitals Office to investigate the matters raised by the Deputy and to reply directly to him.

67. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if she has received an assessment of gaps in the availability of consultant specialists in paediatric medicine; if her attention has been drawn to the fact that there is no paediatric immunologist here and that patients have to wait over six months to gain access to a specialist from the UK; if her attention has further been drawn to the fact that there are only two paediatric gastro-entomologists; and her plans to fill these gaps in paediatric medicine. [11540/05]

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 the provision of paediatric services. Accordingly, my Department has requested the director of the National Hospitals Office at the Health Service Executive to investigate the matter raised and to reply directly to the Deputy.

Housing Aid for the Elderly.

68. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when work will be completed to a house under the special housing aid for the elderly for a person (details supplied) in County Limerick. [11541/05]

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 Limerick, on behalf of the Department of the Environment, Heritage and Local Government. 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.

Hospital Services.

69. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Roscommon will be called for a cataract operation; and if she will make a statement on the matter. [11542/05]

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 Roscommon, 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.

70. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the plans for Caoimhe House in Limerick; and if she will make a statement on the matter. [11553/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the matter raised by the Deputy. Accordingly, my Department has requested the chief officer for the Health Service Executive's mid-western area to investigate the matter raised and to reply directly to the Deputy.

Services for People with Disabilities.

71. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if Irish sign language will be given official status in legislation; and if she will make a statement on the matter. [11563/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department has no plans to introduce legislation regarding sign language.

Care of the Elderly.

72. **Mr. Kirk** asked the Tánaiste and Minister for Health and Children if, in view of the increase in the number of older persons in the population, consideration will be given to the establishment of a strategic planning group embracing a number of Departments to plan for the changes; and if she will make a statement on the matter. [11576/05]

Minister of State at the Department of Health and Children (Mr. S. Power): As the Deputy will be aware, it has been forecast that the percentage of the population aged over 65 will increase to between 18% and 21% by 2031. The Government is aware that our population is ageing and it has

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already addressed some of these issues in the health strategy, *Quality and Fairness A Health System for You*, published in 2001. I can assure the Deputy that this Government is committed to developing services for older people, both residential and community based, to meet the needs of our growing older population.

The Mercer report on the future financing of long-term care in Ireland, which was commissioned by the Department of Social and Family Affairs, examined issues surrounding the financing of long-term care. A working group chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs has been established following on from the publication of the report.

The objective of this group is to identify the policy options for a financially sustainable system of long-term care, taking account of the Mercer report, the views of the consultation that was undertaken on that report and the review of the nursing home subvention scheme by Professor Eamon O'Shea. This group has been requested to report to both the Tánaiste and Minister for Social and Family Affairs by mid-year 2005. Following this process, it is the intention that there will be discussions with relevant interest groups in relation to the proposals for the future financing of long-term care for older people.

Hospital Staff.

73. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number and location of oncologists in the Health Service Executive Western Region; the contractual status of the staff in question; the plans she has to review the levels of staffing; and if she will make a statement on the matter. [11577/05]

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 consultant staffing in the HSE western area. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matters raised and to reply directly to the Deputy.

Hospital Accommodation.

74. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a long stay bed will be provided at Castlecomer Hospital, County Kilkenny for a person (details supplied) in County Kilkenny; and if this case will be expedited. [11578/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive,

which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services. 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.

National Treatment Purchase Fund.

75. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if the national treatment purchase fund can be availed of in regard to mammograms and subsequent treatment when necessary; and if she will make a statement on the matter. [11579/05]

Tánaiste and Minister for Health and Children (Ms Harney): The primary purpose of the national treatment purchase fund is to make arrangements for the provision of hospital treatment to those waiting longest for admission to hospital particularly in relation to surgical specialities.

Any woman irrespective of her age or residence who has concerns about breast cancer should contact her GP who, where appropriate, will refer her to the symptomatic services in her area. More than €60 million has been invested in the development of symptomatic breast disease services since 2000. This investment has enabled the appointment of additional surgeons with an interest in breast disease, histopathologists and radiologists to enhance the delivery of breast cancer nationally.

With regard to breast screening, a screening programme is available to women in the 50 to 64 age group in the eastern, north eastern, midland and part of the south eastern regions. The rollout of this programme to the remaining counties in the country is a major priority in the development of cancer services. The rollout requires significant capital and human resources including two static clinical units, mobile screening units, multi-disciplinary consultant teams and radiographers together with technical and administrative support.

A capital investment of €21 million has been approved to construct and equip the two clinical units and to provide for mobile units. The investment will ensure that breast screening and follow up treatment, where appropriate, is available to all women in the target group throughout the country.

Pending the provision of the necessary facilities and staff, I do not believe that the national treatment purchase fund would be in a position to source providers who could provide a service along the lines suggested by the Deputy.

Hospital Services.

76. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if the Beaumont

Hospital will call a person (details supplied) in County Sligo for treatment; and if she will make a statement on the matter. [11580/05]

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 Sligo, my Department has requested the chief officer of the executive's north western area to investigate the matter raised and to reply directly to the Deputy.

Medical Cards.

77. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [11592/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the health service executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer of the Health Service Executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

Cancer Screening Programme.

78. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if she will give approval to BreastCheck to advertise in the EU Journal for the design of the Cork and Galway facilities; and if she will make a statement on the matter. [11621/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department is at present considering proposed capital developments for the BreastCheck service at Cork and Galway in the context of finalising the capital investment framework, CIF, 2005-9. This process will be concluded in the near future.

Design briefs in respect of both have now been completed. The advertisement for the appointment of a design team will be placed in the EU Journal, when the CIF has been agreed, in line with overall funding resources available.

Question No. 79 answered with Question No. 56.

Health Services.

80. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the options available to a person (details supplied) in County Kildare;

and if she will make a statement on the matter. [11638/05]

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 services. This includes responsibility for the provision of speech and language therapy services. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

Tax Code.

81. **Mr. Durkan** asked the Minister for Finance if the New Leaf Celbridge Mental Health Housing Association in Celbridge, County Kildare, which has exempt charity status, will be afforded full charity status to enable the project to proceed; and if he will make a statement on the matter. [11516/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the Celbridge Mental Health Housing Association Limited has been granted charitable status. There is no separate concept of "full" charity status and the status granted in this case allows for all the exemptions applicable to charities. A charitable body is exempt from income tax, corporation tax, capital gains tax, deposit interest retention tax, capital acquisitions tax, stamp duty, probate tax and dividend withholding tax but not from VAT.

IMF-World Bank Meeting.

82. **Ms O. Mitchell** asked the Minister for Finance the items to be discussed at the upcoming spring meeting of the IMF and World Bank; if he will be raising the proposals to use IMF gold reserves to fund debt cancellation; and if he will make a statement on the matter. [11532/05]

Minister for Finance (Mr. Cowen): The items to be discussed at the spring meetings of the International Monetary Fund Committee, IMFC, and the development committee are essentially decided by the chairs of those committees and their members. It may also reflect the outcome of the upcoming G7 discussions in Washington the week of 11 April 2005 where the issue of funding for development may be discussed. Ireland is not a member of either committee.

However, the provisional agenda for the IMFC indicates the following will be considered: the global economy and financial markets; shaping of the IMF's strategic direction; and support for low-income members' efforts towards poverty reduction and strong sustainable growth, together with progress reports on a number of initiatives. Items on the provisional agenda for the development committee includes the Global Monitoring

[Mr. Cowen.]

Report 2005, financing the development agenda and voice and participation of developing and transition countries.

IMF members have not reached any agreement on the merits or otherwise of the various suggestions made by NGOs and others relating to gold reserves. It is probable that no formal proposal for the sale of gold held by the IMF will be put forward and this subject is likely to continue in discussion, especially as a number of states are likely to oppose any such initiative. In relation to debt issues, I refer to recent answers on this subject to parliamentary question's in the past week.

Site Acquisition.

83. **Mr. O'Shea** asked the Minister for Finance, further to Question No. 371 of 26 January 2005, if the OPW has yet acquired a site for the new office of Ordnance Survey Ireland in Dungarvan,

County Waterford; and if he will make a statement on the matter. [11572/05]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works is at the final negotiation stage on the acquisition of a suitable site for the decentralisation programme in Dungarvan and it is expected that this process will be concluded at an early date.

Tax Yield.

84. **Mr. G. Mitchell** asked the Minister for Finance the estimated tax take from domestic rental accommodation income in 2002, 2003 and 2004; and his estimate of the comparable tax take for the same years for Dublin city. [11574/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the latest relevant information currently available is based on income tax returns filed for the income tax years ending 5 April 2000, 5 April 2001 and the short tax year ending 31 December 2001. This is set out as follows:

Individuals and companies with rental income and estimated tax yield

Year ended 5th April or 31st December as specified	Estimated Tax Yield			
	The Whole Country		Dublin City Only	
	Individuals	Companies	Individuals	Companies
	€m	€m	€m	€m
5/4/2000	137	80	51	51
5/4/2001	152	103	39	64
31/12/2001	140	117	32	74

The rental income could come from either private tenants or business tenants. Data is not available to distinguish between income from private rental accommodation and from other accommodation. An estimated breakdown of the figures on a geographical basis is available on the basis of bailiwick which means, in this case, the jurisdiction or boundaries within which Revenue sheriffs, county registrars or their officers operate for the purposes of enforcement of tax debt. It equates geographically with counties while also providing separate breakdowns for city and county in the case of County Dublin and County Cork.

In considering the data it should be borne in mind that the allocation by city or county of PAYE employees is somewhat misleading because it has been the practice to associate each employee with the city or county in which his or her employer is registered for PAYE purposes, regardless of the address of the actual workplace or of the individual's home address. Self-employed persons are associated on the tax record with the address at which the business is located, which may be in a different city or county to the home address. Similarly, companies are associated on the tax record with the county address of the head office or branch with which

contact is established for tax purposes, which may be different to the city or county addresses of other branches.

It should be noted that, as PAYE taxpayers were charged tax on their earnings in the period from 6 April to 31 December 2001 and self-employed taxpayers were assessed to tax for the short "year" on 74% of the profits earned in a 12 month accounting period, the figures will not be directly comparable with those of earlier years.

National Development Plan.

85. **Ms O. Mitchell** asked the Minister for Finance the details of all capital spending on infrastructure under the NDP each year from 2000 to the end of 2004; and if he will make a statement on the matter. [11601/05]

Minister for Finance (Mr. Cowen): Capital infrastructure investment under the National Development Plan 2000-2006 is primarily delivered through the Economic and Social Infrastructure Operational Programme, ESIOP. Total spending to date under the ESIOP is on target, and had exceeded €19 billion by the end of 2004, which is approximately 107% of the forecast expenditure for the period 2000-04. The NDP's ESIOP investment is delivering major improve-

ments to the economic and social infrastructure throughout the country in the areas of roads, public transport, environmental infrastructure,

sustainable energy, housing and health. The table shows the spend under each priority of the ESIOP for the period 2000-04.

	2000	2001	2002	2003	2004	Total
	€ million	€ million	€ million	€ million	€ million	€ million
National Roads	611	911	1,093	1,221	1,352	5,188
Public Transport	456	490	524	585	496	2,551
Environmental Infrastructure	459	571	504	490	402	2,426
Sustainable Energy	4	5	9	13	14	45
Housing	848	1,326	1,615	1,531	1,457	6,777
Health	> 294	> 374	> 504	> 510	> 503	> 2,185
Total	2,672	3,677	4,249	4,350	4,224	19,172

*Figures per ESIOP Monitoring Committee Reports.

The 2004 data is provisional and will be formally reported to the ESIOP monitoring committee meeting at the end of April 2005. The table shows the expenditure from all funding sources, Exchequer and non-Exchequer.

In addition to the above spending on national infrastructure, over the period 2000-04, some €2.4 billion has been spent under the local infrastructure priority of the two regional operational programmes. This spend relates to non-national roads and local environmental infrastructure.

Tax Code.

86. **Ms Shortall** asked the Minister for Finance, further to Question No. 181 of 22 March 2005, his views on the introduction of an aviation fuel tax in the EU for the purposes of reducing emissions; and if he will make a statement on the matter. [11619/05]

Minister for Finance (Mr. Cowen): I have nothing to add to my reply of 22 March 2005 at this stage.

Industrial Relations.

87. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that An Post employees have only received the first phase of the Sustaining Progress agreement and have not received any cost of living increase since 1 February 2003, while other State and semi-State employees have received increases and applicable benchmarking. [11534/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am aware that An Post employees have not received increases provided for under the Sustaining Progress agreement from November 2003 to date. An Post is a commercial State body and the question of pay increases in the company is one in which I have no function. An Post has a remit to be financially viable and, following significant losses that amounted to €43 million in 2003 alone, An Post

management invoked the inability to pay clause provided for in Sustaining Progress.

The key challenge for the company is to return to long-term financial stability. In this regard, An Post unions and management are involved in intensive negotiations with the assistance of the State's industrial relations machinery in a bid to agree a recovery plan that will put the company on a sound footing. The question of Sustaining Progress related payments is being addressed in the Labour Relations Commission-brokered process. An agreement on a viable recovery plan will enable An Post to deliver quality services to our citizens, while at the same time providing sustainable well-paid employment for its staff.

Post Office Network.

88. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the plans he has to provide further services to rural post offices. [11549/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The primary responsibility for the development of the post office network remains with An Post and while the Government will support the network in any way it can and has demonstrated its commitment in a tangible fashion with a €12.7 million capital injection in 2003, the way forward is for stakeholders to continue to work with An Post in enhancing existing services and building on existing strengths to develop new product offerings. On foot of substantial investment in computerisation, a significant amount of extra business has already been obtained for the network in terms of banking and utility business.

The post office also enjoys a strong relationship with sections of the population that are currently unbanked, including many social welfare clients. With the rollout of e-Government services, the post office is ideally placed to capitalise on opportunities arising in this space, especially in the area of e-Payments.

The post office network has significant strengths, including an unrivalled network and

[Mr. N. Dempsey.]
high brand name recognition. Clearly, arising from these strengths, there are continuing opportunities for the company to seek additional private and Government business.

Telecommunications Services.

89. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the unavailability of broadband in most parts of Dublin north west; and the action he is taking to ensure that this critical infrastructure is provided in the area. [11606/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I understand that the telephone exchanges serving most parts of the Dublin north west area have been enabled for the provision of DSL broadband and a number of service providers are marketing DSL in the area, subject to line survey.

While the principal broadband technology in use in Ireland is digital subscriber line, DSL, which is also the situation in most European countries, there are technical limitations to the delivery of broadband along telephone lines. DSL is always marketed subject to availability and line quality, and if a particular telephone line cannot carry DSL, other technologies must be considered, such as wireless, cable modem or fibre-based broadband.

My Department's website, *www.broadband.gov.ie*, gives full details of the service providers offering broadband in the Dublin north west area, including DSL, wireless and satellite service providers. The website also gives comparative details of prices and service levels on offer.

The provision of telecommunications services, including broadband, is a matter for the private sector companies operating in a fully liberalised market. Recent press announcements by some of the major service providers indicate a considerable increase in availability of broadband generally. I expect these trends to continue.

Economic Partnership Agreements.

90. **Ms O'Sullivan** asked the Minister for Foreign Affairs if he will work with his EU colleagues to achieve changes to the European Commission's proposals for economic partnership agreements to reduce the negative impact of EPAs upon developing countries; and if he will make a statement on the matter. [11531/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The economic partnership agreements, EPAs, which are to enter into force by 1 January 2008, are an integral element of the legally-binding Cotonou Agreement between the African, Caribbean and Pacific, ACP, states and the European Union.

Economic partnership agreements are first and foremost instruments for development that will foster the smooth and gradual integration of ACP states into the world economy, with due regard for their own political choices and their own development priorities, thereby promoting their sustainable development and contributing to poverty eradication in the ACP countries. They combine trade and wider development issues in a unified framework, while taking account of the specific economic, social and environmental circumstances of each regional group and its component states.

As trade is a European Community competence, it is the European Commission which conducts the negotiations on the EPAs between the EU and six regional groupings of ACP states on behalf of the member states. The Commission provides the Council with regular updates on the progress of the negotiations.

Ireland is satisfied that the Commission is discharging its mandate in accordance with the provisions of the Cotonou Agreement and in a manner which is sensitive to the particular concerns of the ACP states. We are actively following the developments in the EPA negotiations process and will continue to do so.

Asylum Applications.

91. **Mr. F. McGrath** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that a person (details supplied) is now resident in south Florida, USA, expecting asylum; and if he will raise this matter with the US authorities and the UN. [11622/05]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware of media reports that Mr. Luis Posada Carriles has recently entered the United States and that a lawyer acting on his behalf has stated that he is seeking asylum there. Such an asylum application is a matter for the US authorities, and it would not be appropriate for me to raise the matter with either these authorities or with the United Nations.

Global Action Week.

92. **Mr. Wall** asked the Minister for Foreign Affairs his views on correspondence (details supplied); his proposals to deal with the matter; the action or representations made in regard to global week by his Department or the contacts made with the stated non-governmental organisations in relation to their proposals in regard to the matter; and if he will make a statement on the matter. [11644/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The letter enclosed with the Deputy's parliamentary question refers to global action week organised by Trade Justice Ireland and the need to address trade issues from the perspective of developing countries. I support

this and similar initiatives in whatever way possible.

Ireland strongly believes that developing countries, and especially least developed countries, must be provided with the means to take advantage of the opportunities provided by the global trading system. The Government is committed to the successful conclusion of the current WTO negotiations, known as the Doha development agenda. Since the launch of the WTO Doha Round of negotiations, Ireland along with our partners in the European Union has sought to ensure that the round should promote development objectives. We will continue to take this approach to the WTO Hong Kong ministerial meeting next December.

The EU has a number of preferential trade relationships with least developed countries. The most important is in the framework of the ACP-EU Cotonou Agreement with 77 countries mainly from Sub-Saharan Africa, but also the smaller Caribbean and Pacific states. This provides access to EU markets on preferential terms for exports from these countries. Another important trade link is the 2001 Everything but Arms initiative which grants least developed countries very wide access to EU markets with transitional arrangements applying in the case of bananas, rice and sugar. The ACP-EU Cotonou Agreement and the Everything but Arms initiative results in Europe being the main global importer of exports from least developed countries.

I wish to reiterate that 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. Furthermore, I feel it is important to point out that Ireland, unlike many donors, has successfully focused its aid programme on the needs of the poorest people in the poorest countries. Ireland is in fact one of only six countries to have surpassed the UN target of 0.15% of GNP in official development assistance to least developed countries.

Sports Capital Programme.

93. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism if a grant application (details supplied) in County Roscommon will be approved; and if he will make a statement on the matter. [11566/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on 5 and 6 December last. The closing

date for receipt of applications was 4 February 2005. All applications 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.

Tourism Industry.

94. **Mr. F. McGrath** asked the Minister for Arts, Sport and Tourism the position regarding Dublin Tourism; and if he will take steps to ensure its continuation as it is presently structured. [11613/05]

95. **Mr. Quinn** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the fact that Fáilte Ireland proposes to dismantle Dublin Tourism following a consultants report undertaken by PWC; if the promotion of tourism for the regions can best be done in a centralised manner; his views on whether the Dublin region requires separate tourism promotion unit; the steps he proposes to take to enable Dublin Tourism to continue in its present form; and if he will make a statement on the matter. [11643/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 94 and 95 together.

There has been a major reform of Irish tourism structures in recent years with the setting up of Tourism Ireland and Fáilte Ireland. Reform of the function, role and operational structure of regional tourism is the third and final leg of that reform process.

As the Deputies are aware, I have no direct responsibility in relation to the most appropriate regional structures for the discharge of Fáilte Ireland's functions and the relationships and arrangements that should apply at regional level. This is effectively a day to day matter for Fáilte Ireland itself.

I am in a position to inform the House however that, in line with the tourism action plan set out in the report of the tourism policy review group, Fáilte Ireland has been deliberating on this issue. Last year, it commissioned PriceWaterhouseCoopers, PWC, to conduct a major consultancy study of regional tourism structures as the authority seeks to determine how best to carry out its new development mandate countrywide.

I received a letter yesterday from the chairman of Fáilte Ireland enclosing a copy of the PriceWaterhouseCoopers consultancy report and indicating that the authority endorsed the recommendations in the report at its meeting on Thursday, 7 April. I have also been advised that as far as the Dublin region is concerned, the authority has decided that there will be a further short engagement with the relevant parties in order to

[Mr. O'Donoghue.] satisfy the Dublin region that the mechanisms of consultation are complete. This process will be facilitated by a small independent group chaired by Mr. John Travers.

It has been evident for some time that Irish tourism faces a number of challenges to secure and sustain its past success. I outlined to the House recently the steps being taken to achieve as wide as possible a distribution of visitor numbers across the different regions with an associated spread of tourism revenue and of my concern, at a time of overall national tourism growth, that the issue of regional spread should be proactively and energetically addressed.

I have been informed by Fáilte Ireland that the PWC report highlights the need for a much wider brief for regional tourism, playing a strategic rather than administrative role and inputting into national policy. It recommends a greatly increased emphasis on targeted marketing, product development and enterprise support. It suggests establishing an integrated linkage between regional tourism strategy and national policy and exploiting synergies to leverage increased resources.

I will, over the coming weeks, consider fully the policy implications of the authority's recommendations on foot of the report, the outcome of the further consultation process in relation to the concerns expressed about the future role of Dublin Tourism and the views of the industry. Basically, I want to ensure that we have the most efficient and effective regional structures to service the needs of the visitor and the needs of the industry. At present, we have somewhat fragmented structures to do that and it is not always clear that they represent the most effective use of energy and resources.

Regional Authorities.

96. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment if correspondence (details supplied) from the Mid-West Regional Authority has been brought to his attention; if he will meet the group involved as matter of urgency and prior to making any decision on the future of the organisation; and if he will make a statement on the matter. [11511/05]

97. **Ms O'Sullivan** asked the Minister for Enterprise, Trade and Employment if a meeting will be rearranged with the Mid-West Regional Authority in relation to the future of the Shannon Development Company; and if he will make a statement on the matter. [11527/05]

102. **Mr. Neville** asked the Minister for Enterprise, Trade and Employment if he will meet a delegation from the Mid-West Regional Authority as requested on 15 December 2004. [11609/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 96, 97 and 102 together.

I am aware of the correspondence from the Mid-West Regional Authority and, earlier this year, agreed to meet its representatives at a mutually convenient time to discuss their concerns about the future of Shannon Development. While it has not proved possible to hold this meeting in the intervening period, there is no question of its having been cancelled and consequently no need to rearrange it. In the meantime Shannon Development has submitted a strategy document outlining its vision of the future role of the company. My Department is currently engaged in a detailed examination of these proposals.

Work Permits.

98. **Mr. Bruton** asked the Minister for Enterprise, Trade and Employment if he will report on the existing provisions in relation to granting permission to work to the spouses of persons with entitlement to work here, in relation to giving long-term status to non-national persons who have worked a number of years here and who seek to commit to a permanent career here, and in relation to the balance between persons working here on working permits versus working visas; and the way in which he plans to develop a policy in the coming years in relation to these issues. [11528/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The spouse of a national from outside the European Economic Area, EEA, is eligible for an employment permit in the State. In accordance with normal practice, the would-be employer must make an application and demonstrate that the position cannot be filled from within the EEA. This entails advertising the position with FÁS for a period of one month. Recently, applications are only granted in respect of highly skilled and highly paid employment.

Special provisions were introduced in May 2004 that gave greater ease of access to employment to the spouses of those under the working visa-working authorisation scheme, the intra-company transfer concessions and spouses of those who had a work permit as a researcher, an academic or a medical health and social care professionals. In such cases, the employer in question is not required to advertise the position with FÁS in advance of making a work permit application and the payment of the work permit application fee is waived in this case. Such positions may be in categories that would generally be considered ineligible for work permits.

Naturalisation and residency are the responsibility of the Minister for Justice, Equality and Law Reform.

There are more than 25,000 persons working in Ireland under valid work permits and there could

be as many as 10,000 persons working under the working visa-work authorisation scheme. Irish economic migration policy is based on the skill needs of the economy and future policy in this area will be predicated on Ireland's economic needs.

Grocery Industry.

99. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the status of the groceries order; and if he will make a statement on the matter. [11564/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Restrictive Practices (Groceries) Order was designed to regulate the grocery sector in Ireland in 1987. The order contains a number of provisions aimed at curbing anti-competitive practices such as the selling of grocery goods at "below net invoice price", "hello money" and boycotting. The order covers all grocery goods as well as intoxicating liquor and other household goods ordinarily sold in grocery shops. It does not cover fresh fruit, fresh vegetables, fresh and frozen meat, and fish. Enforcement of the order is the responsibility of the Director of Consumer Affairs.

I recently received the report of the consumer strategy group which has made recommendations on a wide range of consumer issues including the groceries order. I am discussing the group's findings with my Government colleagues and arrangements will be made to publish the report as soon as possible.

Once the report is published, I intend to consult with all interested parties in regard to the groceries order. I am also aware of the findings of the Joint Committee on Enterprise and Small Business in its recent report on the impact of the grocery multiples. I will take the views of all interested parties into consideration before deciding how to proceed in the matter.

100. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment when the consumer strategy group report will be forthcoming; and if he will make a statement on the matter. [11565/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The consumer strategy group presented its final report to me on 2 March 2005. I am considering the report and its recommendations in conjunction with my colleagues in Government. I expect to publish the report and will announce my proposals in regard to progressing the recommendations in the coming weeks.

EU Directives.

101. **Ms Shortall** asked the Minister for Enterprise, Trade and Employment the regulations, EU or otherwise, which relate to the

manufacturing of chargers for mobile phones, video cameras, laptops and other such equipment; if there is any legislation which empowers him or the EU to force industry to make chargers common to many different devices; if so, if he will set it out; and if he will make a statement on the matter. [11608/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I understand there is no specific EU directive or national regulations applicable to chargers for electrical equipment. However, provisions of the low voltage directive, the electromagnetic compatibility directive, the general product safety directive and the National Standards Authority of Ireland (section 28) (Electrical Plugs, Plug Similar Devices and Sockets for Domestic Use) Regulations 1997, apply to the manufacture of chargers. These directives and regulations are primarily concerned with the safe operation of these devices.

I am not aware of any regulations, national or otherwise, which would force manufacturers to produce chargers suitable for use with multiple electrical devices.

Question No. 102 answered with Question No. 96.

Employment Support Services.

103. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment the position regarding Irish companies operating in the Florida area of the USA; the way in which Irish citizens can contact them when in the US; and if he will make a statement on the matter. [11610/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): It is not possible to comment on the position of Irish companies operating in the Florida area. However, it is possible that a number of Enterprise Ireland's clients are operating in the area. Individuals wishing to make contact with such clients should route their queries through Enterprise Ireland in Dublin, at Enterprise Ireland, Glasnevin, Dublin 9 or by telephoning 01 808 2000. Alternatively, Irish business representative organisations such as the Chambers of Commerce of Ireland, the Irish Exporters Association, IBEC, ISME etc. may also be able to provide some limited contacts.

Job Losses.

104. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment the number of jobs lost in 2004 and 2005 on the northside of Dublin; and the number of jobs created or major investments made on the northside of Dublin. [11611/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The twin issues of job creation and investment by companies supported by the enterprise development agencies are day

[Mr. Martin.]

to day matters for the relevant agencies, and not matters with which I am directly involved.

Data on jobs lost and created in 2005 is not yet available with regard to companies supported by IDA Ireland, Enterprise Ireland or the 35 city and county enterprise boards.

IDA report that in 2004 there were 251 IDA supported companies employing 23,420 permanent employees in north County Dublin, including north city and county, compared with 256 IDA supported companies employing 23,284 people in 2003. There were 2,596 job losses in IDA supported companies in the area in 2004.

Enterprise Ireland report on the Dublin region as a whole. In 2004 there were 46,991 people employed full time in 2,038 Enterprise Ireland assisted companies in the Dublin region, and 5,406 employed part time. The number of jobs lost in the Dublin region in Enterprise Ireland supported companies in 2004 was 6,048, and the number of jobs gained 3,627, giving a net decrease of 2,221.

With regard to the county and city enterprise boards the Dublin City Enterprise Board had net job losses of 17 in 2004 and Fingal County Enterprise Board had a net gain of 94.5 jobs. With regard to major investments on the north-side of Dublin, IDA Ireland report that in 2004 Lucent Technologies, through Bell Labs, invested €69 million to create a global headquarters for research into telecommunications and supply chain technologies, and also an academic centre for telecommunications value chain driven research. The new research centre is located in Lucent's Blanchardstown facility. A centre for telecommunications value-chain-driven research, CTVR, headquartered at Trinity College, is also planned.

In 2004 IBM Corporation announced a €22 million investment to significantly develop its Irish R&D software facility, IBM Dublin Software Laboratory, in Santry, Dublin.

Also in 2004 Kellogg's announced plans to establish an operations centre in Swords, County Dublin to service its growing European market. The project will provide employment for up to 80 people in functions such as marketing, sales, supply chain management, finance, treasury and human resources. In addition NYMEX, the largest commodity exchange in the world, opened a new trading floor in Dublin's Financial Services Centre.

As part of its strategy to support job creation Enterprise Ireland has approved over €27 million in 2004, and to date in 2005 €4.3 million in funding for its client companies in the Dublin region in support their plans for innovation and new product development.

Since 2004 to date Enterprise Ireland has approved €1,676,594 for Dublin City University, principally for commercialisation of research and for direct collaboration projects with industry.

Motor Fuels.

105. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the reason diesel fuel oil prices at filling stations have exceeded petrol prices; if there is some particular or specific reason for this; and if he will make a statement on the matter. [11636/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Since the beginning of the year there have been significant increases in both the wholesale and retail price of petrol and diesel products, caused by a combination of strong demand, tight capacities, political uncertainty and some market speculation. Ireland has no control over world oil prices. I am not aware of any particular reason the price of diesel oil may have exceeded the price of petrol, neither do I have any detailed information on the comparative retail prices of the two fuels.

The policy of the Government on oil products generally is to promote competition and consumer choice. There is no price control on these products and in common with most other goods and services price differences are an ongoing feature of the market economy. It is a matter for retailers to explain price differences where they occur and my Department encourages consumers to raise price concerns directly with retailers.

While fuel may not be subject to price control, the Retail Price (Diesel and Petrol) Display Order 1997, which is enforced by the Office of the Director of Consumer Affairs, requires persons selling diesel and petrol products to specify the price per litre being charged and to display their prices in a clear and prominent manner. The order enables consumers to readily compare prices and purchase their fuel on the basis of an informed choice.

Social Welfare Appeals.

106. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will review his refusal of basic supplementary welfare allowance on habitual residency grounds in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [11591/05]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme is administered on my behalf by the community welfare division of the Health Service Executive. The executive has advised that the person concerned applied for supplementary welfare allowance after she left her direct provision accommodation at the end of December 2004. Her application was refused on the statutory grounds that she was not habitually resident in the State. She has been unsuccessful in appealing this decision to an executive appeals officer. She was informed by the executive of her right of further appeal to the social welfare appeals office,

but I understand from that office that she has not done so to date.

Social Welfare Benefits.

107. **Mr. Durkan** asked the Minister for Social and Family Affairs when the one parent family allowance will be awarded in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [11497/05]

Minister for Social and Family Affairs (Mr. Brennan): One of the qualifying conditions for one parent family allowance is that a person be separated for at least three months. On examining the application of the person concerned, it was noted that she separated from her partner on 10 March 2005 and, therefore, her claim cannot be considered at this time.

If the circumstances of the person concerned do not change before 10 June 2005 it will be open to her to reapply for the allowance. All papers received to date will be filed awaiting further developments.

108. **Mr. Durkan** asked the Minister for Social and Family Affairs if and when rent support is likely to be made available in the case of a person (details supplied) in County Kildare who has special health needs; and if he will make a statement on the matter. [11639/05]

Minister for Social and Family Affairs (Mr. Brennan): The position remains as set out in my reply to Question No. 174, which I answered for the Deputy on 25 November 2004.

The relevant office of the community welfare division of the Health Service Executive has again advised that it has no record of an application for rent supplement from the person concerned. If he wishes to apply for a rent supplement he should contact the community welfare officer at his local health centre for an assessment of his eligibility.

109. **Mr. Ring** asked the Minister for Social and Family Affairs further to the respite care grant that was announced in the budget for persons who were not in receipt of the carer's allowance, the location at which the grant can be applied for; when they can be applied for; the application forms which are needed; and if he will make a statement on the matter. [11642/05]

Minister for Social and Family Affairs (Mr. Brennan): In budget 2005, I announced the extension of the respite care grant scheme to all carers providing full-time care to an older person or a person with a disability, regardless of means and subject to certain qualifying conditions.

The respite care grant will continue to be payable to recipients of carer's allowance, carer's benefit, prescribed relative allowance, constant attendance allowance and domiciliary care allowance. Carers who do not qualify for a grant under

one of these schemes may now obtain a grant if they and the person for whom they are caring satisfy certain conditions.

The grant, which is being increased to €1,000, will be payable from 2 June 2005 in respect of each qualifying person for whom full-time care is being provided.

From early May, application forms and information leaflets will be available throughout my Department's network of local offices and will also be available from citizens' information centres. In addition, they may be requested by telephone from my Department or by downloading them from my Department's web site.

An extensive publicity campaign is planned for the end of this month and will include advertisements in both provincial and national newspapers as well as posters in various centres and offices. Officials of my Department have already briefed representatives of carers' organisations about the scheme. These organisations will in turn be providing information to their members.

My Department is setting up a special section to deal with this scheme. Arrangements are being put in place to ensure applications are processed efficiently and in a timely manner. As part of these arrangements a post office box number will be assigned to the scheme for easy processing of applications. A dedicated freefone help-line will be operated to coincide with the publicity campaign.

Air Services.

110. **Mr. Durkan** asked the Minister for Transport the status accorded to Weston Airport, Leixlip, County Kildare; if it has attained code 1, 2 or 3; and if he will make a statement on the matter. [11520/05]

Minister for Transport (Mr. Cullen): Weston Airport is a privately owned aerodrome, the licensing requirements for aerodromes is a matter for the Irish Aviation Authority and not something in which I have a function.

Rail Accidents.

111. **Ms O. Mitchell** asked the Minister for Transport if the rail incident on the Dublin-Rosslare line which occurred on 6 April 2005 will be examined by the Rail Safety Commission; if not, the reason therefor; and if he will make a statement on the matter. [11536/05]

Minister for Transport (Mr. Cullen): I understand that the Interim Railway Safety Commission has already been in contact with Iarnród Éireann about this incident and will monitor closely the company's internal inquiry. If this monitoring reveals issues of importance to railway safety, the Interim Railway Safety Commission will take appropriate action.

Road Safety.

112. **Ms O. Mitchell** asked the Minister for Transport further to the increases in road fatalities in 2005, the reason the Government-appointed expert group on road safety has not met in over six months; when this group intends to meet again; the Government's views on whether it will reach all the targets set out in the national road safety strategy; and if he will make a statement on the matter. [11583/05]

Minister for Transport (Mr. Cullen): The high level group on road safety, which is chaired by my Department and comprises representatives of all Departments and agencies that provide input into road safety policy generally, is mandated with responsibility for the development of the road safety strategy and for monitoring its delivery. The group, which meets about four times each year, is scheduled to hold its next meeting later this month. The period since the last meeting of the group has featured the delivery of significant progress on a number of road safety related initiatives. Those initiatives have included the enactment of the Road Traffic Act 2004 and the establishment of the new Garda traffic corps.

The high level group will now focus on the advancement of other key initiatives identified in the strategy, such as the further rollout of the penalty points system. Achieving the main target set in the strategy would see road deaths reduced to a level of not more than 300 by the end of 2006. The scale of the task facing the high level group in realising that target can be measured against the fact provisional figures show that in 2004, 380 people died on our roads. The rate of fatalities in 2004 has so far been replicated and indeed slightly exceeded in 2005. This clearly implies that the efforts of all agencies must be focused on halting this worrying trend and then reversing it in the period between now and the end of 2006.

The efforts of the Garda traffic corps to bring about the deterrent effect associated with high levels of enforcement will be critical in this regard.

Question No. 113 answered with Question No. 16.

Community Development.

114. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent by which he expects to address any issues of urban or rural disadvantage in County Kildare by way of proceeds from the dormant accounts fund; and if he will make a statement on the matter. [11623/05]

115. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent by which projects in County Kildare have received assistance from the dormant accounts fund; and if he will make a statement on the matter. [11624/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Question Nos. 114 and 115 together.

As I indicated in my reply to Question No. 274 on 22 February, decisions on the disbursement of funds from dormant accounts moneys are currently a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board engaged Area Development Management Limited, ADM, to administer the initial round of funding on its behalf which involves the disbursement of up to €60 million from the fund.

Following an invitation earlier in 2004 to groups and organisations to make applications for funding, over 1,600 applications were received by ADM. I understand that 21 of the applications received were in respect of proposals in County Kildare. The process of assessing and making decisions on these applications is nearing completion. In this regard, to date the board has approved 475 projects for funding totalling approximately €51.5 million. Ten of the projects approved, involving funding of over €1.4 million, are based in County Kildare. Details, including the names of the approved applicants and the specific grant amounts are appended for information.

Dormant Accounts Board Approvals (Co. Kildare)

Group/Organisation	Grant (€)
KARE, Co. Kildare	194,000.00
Hospitaller Order of St. John of God, Celbridge, Co. Kildare	167,336.00
Board of Management, Scoil Phádraig Naofa, Athy, Co. Kildare	41,000.00
Sisters of Charity of Jesus and Mary, Co. Kildare	300,000.00
Kildare Youth Services (Curragh Youth Project)	81,226.00
Camphill Communities of Ireland, Kilcullen, Co. Kildare	360,000.00
Athy Youth Project, Co. Kildare	58,775.00
Athy Travellers' Club, Co. Kildare	50,420.00
Athy Town Council	70,838.00
ASSET, Athy, Co. Kildare	100,000.00

Question No. 115 answered with Question No. 114.

Community Development.

116. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of projects from County Kildare in respect of which he has received requests for grant-aid in 2005; the likelihood of a satisfactory response; and if he will make a statement on the matter. [11625/05]

117. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of projects based in County Kildare in respect of which he proposes to offer grant-aid; and if he will make a statement on the matter. [11626/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 116 and 117 together.

Two existing community development projects within County Kildare are funded under the community development programme. These are the Bridge community development project, Newbridge which receives annual core funding of €62,400 and the Athy community development project which receives annual core funding of €105,400.

North-west Kildare is one of the areas targeted for intervention under the community development programme. In this regard, North-west Kildare Community Development Association has undertaken to prepare and forward a work plan setting out the objectives and actions of the project. The matter will receive further consideration on receipt of the work plan. Leader programmes initiatives are delivered in County Kildare through Kildare European Teoranta. Full details of all Leader projects funded in County Kildare are available on its website at www.kelt.ie.

My Department has recently begun to advertise for grant schemes for 2005 in the community and voluntary sector. Funding is being continued in 2005 under existing programmes to area partnership companies.

118. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of urban-based support programmes set up by his Department in the past 12 months and their location; and if he will make a statement on the matter. [11627/05]

119. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of community-based rural support programmes set up by his Department in the past 12 months; and if he will make a statement on the matter. [11628/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 118 and 119 together.

I refer the Deputy to Question No. 40 of 22 February 2005 which sets out the range of projects and interventions in regard to urban and rural community groups. Within these programmes, there are ongoing initiatives to support local community groups. These include measures such as the roll-out of new community development projects, new RAPID and CLÁR initiatives and the advance of youth services and facilities under the young people's facilities and services fund development programme.

The only new programme introduced in the last 12 months is the rural social scheme which was introduced to focus on the provision of direct services in the community and to ensure an income for farmers and fishermen on long-term social welfare benefits with a working week compatible with such work.

National Drugs Strategy.

120. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if he plans a support programme for groups seeking to combat the drugs problem; the way in which this programme is likely to deliver the necessary finances; and if he will make a statement on the matter. [11629/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy is aware, my Department has overall responsibility for co-ordinating the implementation of the national drugs strategy for 2001 to 2008. It also has responsibility for the work of the local and regional drugs task forces and the young people's facilities and services fund, YPFSF. Some €95 million has been allocated or spent to implement a broad range of projects contained in the two rounds of plans of the local drugs task forces and a further €12.8 million has been allocated to projects under the premises initiative which is designed to meet the accommodation needs of community-based drugs projects. In addition, approximately €85 million has been allocated or spent under the YPFSF to support in the region of 450 facility and services projects.

In overall terms, I am pleased to inform the Deputy that my Department has funding of €31.5 million available to it in 2005 to fund various drugs programmes, which represents an 18% increase on last year's budget. Through this funding, the ongoing work done through the local drugs task forces and the YPFSF will be further developed and consolidated. In addition, funding will be allocated to the regional drugs task forces to support the implementation of the various projects set out in their regional plans.

Rural Resettlement Scheme.

121. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if the provision of housing for rural dwellers on family lands is proceeding in accordance with his preferred options, with particular reference to his

[Mr. Durkan.] views on the dominant influence of An Taisce in such cases; and if he will make a statement on the matter. [11630/05]

122. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if he has had discussions with An Taisce in regard to rural housing; and if he will make a statement on the matter. [11631/05]

123. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if applications for planning permission in rural areas by rural dwellers are being treated in accordance with his expressed wishes; and if he will make a statement on the matter. [11632/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 121 to 123, inclusive, together.

The national spatial strategy, NSS, addresses many of my concerns on issues such as rural housing. The rural settlement policy framework contained in the NSS, which represents overall Government policy on rural housing, aims to sustain and renew established rural communities while strengthening the structure of villages and smaller settlements to support local economies. In this way it seeks to ensure key assets in rural areas are protected to support quality of life and that rural settlement policies are responsive to the local circumstances of different areas.

The guidelines for planning authorities on sustainable rural housing, published by the Minister for the Environment, Heritage and Local Government, provide a more detailed framework for planners, based on the national spatial strategy's recommendations on rural housing policy. The guidelines reflect my view that rural housing within the confines of good planning practice is needed. These guidelines are important in ensuring clarity and consistency in the implementation by planning authorities of Government policy on rural housing.

While my Department does not monitor or maintain statistics in regard to rural planning applications, I am advised by my colleague, the Minister for the Environment, Heritage and Local Government that, in general, the guidelines referred to are operating satisfactorily. I advised the Deputy previously that I have not had any formal discussions or meeting with An Taisce and that remains the position.

Rural Environment Protection Scheme.

124. **Mr. Ring** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Mayo has not received a REP scheme payment for the past two years. [11538/05]

Minister for Agriculture and Food (Mary Coughlan): The person named has one year's payment outstanding as his second-year REPS payment issued on 20 May 2004. When he applied

for his third-year payment he was selected for a full plan check and on-farm inspection. The inspection identified deficiencies in his agri-environmental plan and some potential non-compliance issues.

My Department cannot issue a payment in circumstances where a plan has been deemed deficient; the plan must first be amended. The applicant was informed directly of all the issues and of the requirement to amend his plan. An amended plan has been received and is being considered along with the issues of non-compliance. This process is almost complete and the appropriate payment will issue shortly.

Grant Payments.

125. **Mr. G. Murphy** asked the Minister for Agriculture and Food when bull premium will be awarded to a person (details supplied) in County Cork; and if she will make a statement on the matter. [11559/05]

Minister for Agriculture and Food (Mary Coughlan): The person named lodged two applications under the 2004 EU special beef premium scheme, one on 7 January 2004, in respect of 14 animals, and one on 13 December 2004, in respect of 19 animals, 14 of which were declared as bulls.

The 60% advance payment, which issued on 20 October 2004, was in respect of 13 of the 14 animals applied on under the first application. The 14th animal was not paid as it was shown to be female, following computer validation. This animal was therefore rejected and an appropriate penalty will be applied at balancing payment stage.

While 19 animals were listed on the second application, there were in reality only 18 animals, as one animal was listed twice. By letter dated 8 February 2005, the person named was advised that, because of this, payment could only issue in respect of 18 animals. This payment is due to issue to the person named shortly.

126. **Mr. G. Murphy** asked the Minister for Agriculture and Food if she will review a *force majeure* application for a person (details supplied) in County Cork; and the amount of moneys this person will be awarded. [11560/05]

Minister for Agriculture and Food (Mary Coughlan): The person named applied for consideration of *force majeure* or exceptional circumstances on 4 February 2004 on the grounds of a farm accident. Having fully examined the circumstances outlined by the person named, the Department's decision was that this application was eligible and the years 2001 and 2002 were excluded in the calculation of this person's single payment entitlements. The person named was notified of this decision on 12 July 2004.

My Department's records indicate that the person named has 33.86 entitlements with a total net value of €12,203.15. I have arranged to have a

copy of the named person's entitlements issued to him.

Departmental Staff.

127. **Mr. Naughten** asked the Minister for Agriculture and Food the status of the development of the district livestock office for County Leitrim; the number of staff from her Department that will be accommodated in the new building; and if she will make a statement on the matter. [11617/05]

Minister for Agriculture and Food (Mary Coughlan): The Office of Public Works, OPW, purchased a site in Drumshanbo, County Leitrim, for the development of a local office for my Department. An application for planning permission was submitted by OPW to Leitrim County Council taking account of an accommodation brief of requirements for some 70 staff from my Department. I understand that a decision to grant permission was issued recently by the council.

The Department is currently reassessing the number of staff to be located in Drumshanbo in the light of the rationalisation of existing livestock schemes and the introduction of the single payment scheme.

Registration of Title.

128. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing will be completed for a person (details supplied) in County Mayo in the Land Registry Office. [11512/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for first registration which was lodged on 17 June 2004. Dealing No. D2004SM005092P refers.

I understand that due to the complicated nature of these types of cases, which require examination of an applicant's entitlement to the property concerned, it is not possible to estimate a date of completion at this time.

I can further inform the Deputy that queries issued to the lodging solicitor on 22 June 2004 and that the application cannot proceed until these queries have been satisfactorily resolved. However, I assure the Deputy that on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

Deportation Orders.

129. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the likely dangers of a life threatening nature in the event of deportation to the Democratic Republic of the Congo of a person (details supplied) in County Kildare; if he will grant extended residency in such circumstances; and if he will make a statement on the matter. [11513/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the reply I gave to Questions Nos. 726 and 781 on Wednesday, 26 January 2005. The position regarding the return of the person referred to by the Deputy remains the same.

The person in question is due to present to the Garda National Immigration Bureau at 13/14 Burgh Quay, Dublin 2, again today at 2 p.m. I am advised by the bureau that the timing of her removal will have regard to her ongoing medical state.

Citizenship Applications.

130. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if his decision to refuse naturalisation in the case of persons (details supplied) is in accord with established practice in the case of persons who have worked in full-time employment here for more than five years; if a new precedent is being set for future reference; and if he will make a statement on the matter. [11514/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There has never been an established practice or a precedent in place whereby an applicant for naturalisation who has been in full-time employment in the State for five years will become an Irish citizen solely on that basis. It has always been the case that standard inquiries are carried out in respect of each application relating to character, financial background etc. and that a determination on the an application will only be made once such inquiries are completed.

An application for naturalisation was received from the male adult member of the family only. The basis for the refusal of this application has been set out in detail in the letter dated 17 February 2005 to the applicant informing him of my decision.

I have adopted a general policy that applicants for naturalisation, other than refugees, programme refugees or stateless persons, should have been supporting themselves and their families without recourse to State support for a three-year period prior to applying for naturalisation, and that, furthermore, they can show, as far as is practicable, that they have the capacity of supporting themselves into the future.

Inquiries by my officials revealed that the person in question had received various State supports, including rent allowance and unemployment assistance, between 1997 and 2002 and had received substantial payments under a back to work scheme between 2002 and 2004.

I was of the view that there were no circumstances disclosed on the case file of the person concerned to lead me to depart from my general policy in such cases and I decided to refuse the application.

Registration of Title.

131. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if a copy of a Land Registry Office instrument number will issue to a solicitor (details supplied) in County Mayo. [11535/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for a copy of instrument which was lodged on 23 March 2005. Dealing Number C2005SM000343J refers. I am further informed that this application was completed on 7 April 2005.

132. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when applications which are pending for a folio number (details supplied) will be dealt with. [11537/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that the applications referred to by the Deputy comprise: three applications for transfer of part — sale, two of which were lodged on 22 October 2002 and one which was lodged on 16 January 2004; and an application for transfer, sale, which was lodged on 5 July 2004. Dealings Nos. D2003SM008908M, D2003SM008900B, D2004SM000465A and D2004SM005581D refer.

I am further informed that the applications are receiving attention in the Land Registry and, subject to no queries arising, should be completed within the next few weeks.

Garda Equipment.

133. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if adequate funds will be provided to the Garda in County Louth for the provision of speed cameras on the approach roads to the towns of Drogheda, Dundalk and Ardee. [11554/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The budget allocated from the Garda Vote for road traffic equipment for 2005 is €1,106,000. This budget is used for the purchase and maintenance of road traffic equipment as required. The deployment of Garda resources is a matter for the Garda Commissioner.

The Government's road safety strategy 2004-06 proposes that the Garda Síochána will enter into arrangements for the engagement of a private sector concern for the purposes of the provision and operation of a nationwide programme for the detection of speeding offences. The strategy makes clear that the overall performance criteria to be applied to the outsourced detection of speeding offences would be determined by the Garda Síochána and these would be guided by the use of camera detection facilities at locations where the Garda Síochána determine that there is an established or prospective risk of collisions. The purpose of the initiative would be to increase

road safety and thereby reduce death and injuries, not increase revenue.

A working group on speed cameras chaired by my Department, and consisting of representatives of the Garda Síochána, the Department of Transport and the National Roads Authority, has examined how the provision, operation and processing of the output of speed cameras might operate. Among the issues considered by the working group were the benefits and financial aspects of outsourcing and the management of any outsourcing project. The working group has submitted its report to me and my colleague, the Minister for Transport, and we are examining it with a view to bringing proposals to Government.

Liquor Licensing Laws.

134. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform his plans to reform the liquor licensing legislation; and if he will make a statement on the matter. [11555/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government has recently approved my proposals for the drafting of an Intoxicating Liquor Bill which will repeal the Licensing Acts 1833 to 2004, as well as related licensing provisions in other statutes, approximately 100 statutes, and replace them with updated provisions geared to modern conditions. I intend to publish shortly details of the proposals which will be included in the Bill.

Garda Stations.

135. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if the building of the new Ballymun Garda station will result in any reorganisation or redesignation in this Garda district; the implications for Santry and Whitehall Garda Stations; and if he will make a statement on the matter. [11556/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities inform me that the new station at Ballymun will be a divisional and district headquarters. There are no implications for the status of Whitehall Garda station. The Garda Síochána will continue to operate from Santry Garda station on completion of the new headquarters at Ballymun.

Child Care Facilities.

136. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the funding that will be granted to a group (details supplied) in County Sligo under the capital grant; when a decision will be made; and if he will make a statement on the matter. [11581/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The group submitted an application for capital grant assistance under the Equal Opportunities Childcare Programme 2000-2006 to my Department some time ago. The programme is a seven year development programme

which aims to increase the availability and quality of child care to support parents in employment, education and training.

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme. Following discussions with my colleague the Minister for Finance, an additional capital provision of €90 million was made available over the period 2005-09, in the context of the 2005 budget.

Of this amount, €50 million is being made available under the present programme and the remaining €40 million will flow under the next phase of the post-2006 programme. This augments the increased EU funding of some €12 million made available last year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which €205 million has been set aside. Since the 2005 budget, I have announced a record allocation totalling almost €68 million in capital funding to community-based not-for-profit groups, in two tranches, one in December 2004 and another on 4 March 2005.

The availability of the additional capital funding will enable me to make further capital grant assistance available to groups which address significant child care service gaps and where the project proposal represents good value for money when considered in the context of the current guidelines on building costs. In the light of this, the group in question was advised in December 2004, that whilst their project had not been prioritised for immediate funding at that stage, it will be reconsidered in the future. I hope to make further significant capital commitments during the remainder of 2005 and thereafter.

The ongoing assessment of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care facilities and places at the earliest opportunity. When the assessment on the project in question is completed, the programme appraisal committee, chaired by my Department, will consider it before I make a final decision. Meanwhile, it would be premature of me to comment further on this application.

Visa Applications.

137. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform when a visa appeal for a person (details supplied) will be decided on; and if he will make a statement on the matter. [11584/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application to which the Deputy refers was for the purposes of allowing a non-EEA national travel to the State to visit her mother's family. The application was received in my office on 27 September 2004.

In assessing any visa application, the visa officer will consider various matters, including whether it is reasonable in all the circumstances to conclude that the applicant would fully honour the conditions of the visa, for example, it is unlikely that the applicant would overstay the length of time applied for. The application in question was refused on 29 October 2004 because the visa officer could not reasonably be satisfied, on the basis of documentation supplied to my Department, that the applicant would observe the conditions of the visa applied for. The formal notification of the refusal issued to Ukraine on 12 November 2004. The reasons for the refusal were issued on 15 December 2004.

The Deputy submitted an appeal of the decision to refuse the visa application on behalf of the applicant. However, based on the additional documentation supplied, the visa appeals officer was unable to conclude that the initial decision should be overturned. Consequently, the application was refused on appeal on 7 April 2005 and notification of this decision was issued to the applicant on 12 April 2005.

If the applicant still wishes to travel, a fresh application should be submitted to my Department with up-to-date documentation and the matter will be considered anew.

Garda Deployment.

138. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number, gender and rank of gardaí that are allocated to the drug squad in Sligo; the other resources that are allocated to the drug squad in Sligo; the number of gardaí attached to the drug squad nationally; if he intends to increase the number; and if he will make a statement on the matter. [11593/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The personnel strength of the Sligo-Leitrim divisional drug unit on 13 April 2005 was as set out in the table.

Number	Rank	Gender
1	Sergeant	Male
3	Gardaí	Male
1	D/Garda	Male

The divisional drugs unit for Sligo-Leitrim has the use of an unmarked patrol car, full use of mobile phones, a dedicated office and full use of the Garda radio system. The personnel strength of the Garda National Drugs Unit, who have a national remit, as at 13 April 2005 was 50, all ranks. The information requested on the number of gardaí attached to the drug units nationally is being compiled and will be forwarded to the Deputy as soon as possible.

To ensure the development of a co-ordinated and integrated approach is in place to tackle the drugs problem, the Government in 2002, established ten regional drugs task forces across the

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country based on the old health board areas. The north-western regional drug task force's area of remit includes Sligo. The Garda Síochána and the Probation and Welfare Service are both represented on this group. Since their establishment, the task forces, including the north-western regional drug task force have been involved in a process of mapping out the nature and extent of drug misuse in their regions and they are developing action plans to tackle the problem which will be presented to Government during 2005.

The Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the An Agreed Programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will draw up plans on how best to distribute and manage these additional resources. The needs of Garda drugs unit will be fully considered within the context of the needs of Garda units throughout the country. The additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and a high proportion of public order offences, but it will be possible to address other priorities as well, such as the need to increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. The additional gardaí will not be put on administrative duties but will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

Garda Complaints Procedure.

139. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform his views on correspondence (details supplied); if the allegations contained therein are accurate; and if he will make a statement on the matter. [11594/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am making inquiries of the Garda authorities on this matter and I will communicate with the Deputy as soon as all of the details of the case are to hand.

Citizenship Applications.

140. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if and when a review of an application for naturalisation will be undertaken in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [11595/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation was received from the person to whom the Deputy refers in March 2003. The

application was submitted to me for a decision in January 2005 and I decided not to grant a certificate of naturalisation in that instance. In arriving at my decision, I took account of all the information and documentation submitted by the applicant.

The applicant was informed of my decision in writing on 1 February 2005 and a copy of my officials' submission, with my decision annotated thereon, was made available to him. The Irish Nationality and Citizenship Act does not provide for a process of review of my determination of an application for naturalisation.

Anti-Social Behaviour.

141. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the contents of correspondence from a person (details supplied) in Dublin 17 regarding serious ongoing anti-social activity directed at their family; and the action which he has taken on foot of these complaints. [11602/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that they are aware of the problems being experienced by this family and the matter is being addressed by local Garda management. I am further informed that a Garda inspector from Santry station is personally liaising with the family in question and the area concerned is receiving daily Garda attention. There is also a community Garda allocated to the area. In addition, there are contacts between the Garda and the relevant local authority.

Some persons have been arrested and dealt with under the juvenile diversion programme and prosecutions are pending before the District Courts in regard to other incidents. Policing plans in the area aim to prevent anti-social and public order offences, to prevent crime including crimes of violence against persons and crimes against property and to maintain an environment conducive to the improvement of quality of life of the residents. Patrols are directed to pay particular attention to residential areas where local youths tend to congregate. I understand that this strategy is, and will continue to be, central to the delivery of a policing service to the area in question.

Asylum Applications.

142. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kerry will be given humanitarian leave to remain. [11604/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 20 April 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, he was

informed by letter dated 12 August 2004 that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State, leaving the State before an order is made or consenting to the making of a deportation order.

This person's case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 — prohibition of *refoulement*. I expect the file to be passed to me for decision in due course.

Languages Programme.

143. **Ms Shortall** asked the Minister for Education and Science the nature of his Department's involvement in the case of an academy (details supplied) in Dublin 2; and if his attention has been drawn to the fact that the closure of the premises has resulted in several dozen foreign students being left without a service, having paid €1,500 in fees. [11603/05]

Minister for Education and Science (Ms Hanafin): The Advisory Council for English Language Schools, ACELS, operates under the aegis of my Department to control quality standards in English language schools through an inspection-recognition scheme. ACELS administers the scheme which leads to school recognition by my Department. Recognition of schools arises from their satisfying certain minimum standards in relation to premises, learning and teaching provision and facilities. Recognition does not relate to the financial status or viability of the private institutions involved.

The academy referred to by the Deputy applied to ACELS for recognition in September 2003. At that time, ACELS regulations stipulated that two inspections be carried out, ten months apart, before recognition could be considered. The first inspection was carried out in October 2003 and a written report was sent to the school outlining a number of matters that required attention. No application was submitted for a second inspection. The school had not, therefore, secured recognition.

Swimming Pool Projects.

144. **Ms Shortall** asked the Minister for Education and Science the total amount of public funds allocated to DCU for the construction of a swimming pool. [11612/05]

Minister for Education and Science (Ms Hanafin): Following an announcement in budget 2002 of an allocation of €7 million to DCU for the construction of a swimming pool, my Department has provided funding for this project through the Higher Education Authority. I am not aware of any other public funds being allocated to this project.

Site Acquisitions.

145. **Mr. Lowry** asked the Minister for Education and Science if she will honour previous land acquisition and building commitments made to a school (details supplied) in County Tipperary; and if she will make a statement on the matter. [11517/05]

Minister for Education and Science (Ms Hanafin): The extension and refurbishment project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners.

The proposed project at the school referred to will be considered in the context of the school building and modernisation programme 2005-2009.

School Enrolments.

146. **Mr. Lowry** asked the Minister for Education and Science if she will redraft or amend primary circular 32/03 to allow for the concerns of parents to be taken into account when deciding on the retention of a pupil for a year in primary school; and if she will make a statement on the matter. [11518/05]

Minister for Education and Science (Ms Hanafin): My Department's policy in regard to 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-resource teacher and class teacher and parent(s) 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

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an educational basis for it, and there is a clear programme for the pupil to follow. There are no plans at present to review Circular 32/03.

Schools Building Projects.

147. **Dr. Upton** asked the Minister for Education and Science the position regarding an application by a school (details supplied) in Dublin 8 for major capital works; and the issues that require clarification. [11529/05]

Minister for Education and Science (Ms Hanafin): As part of a review of all projects for the 2005 capital programme, an application for capital funding from the school referred to by the Deputy 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.

Languages Programme.

148. **Mr. Carey** asked the Minister for Education and Science if, in the context of arrangements between her Department and the Government of China in relation to the promotion of English language teaching in the third level sector, there are opportunities for such programmes to be taught in the further education sector as referred to in correspondence (details supplied); and if she will make a statement on the matter. [11530/05]

Minister for Education and Science (Ms Hanafin): The Education Co-operation Agreement between Ireland and China was signed in Beijing in February 2001. The overall objective of the agreement is to promote and encourage co-operation in education between Ireland and China on the basis of equality, mutual benefit and reciprocity and to strengthen existing education links with China. It provides a formal framework in which co-operation arrangements can be developed between the two countries.

The agreement plays a key role in strengthening educational links between the two countries. These links include: study of the language of the other side; information technology in schools; possible student exchanges; possible joint research initiatives in areas of mutual benefit; and exchange of education information.

The student exchanges-scholarships relate to the third level sector. No role for the further education sector is envisaged.

Higher Education Grants.

149. **Dr. Upton** asked the Minister for Education and Science if she will review the eligibility to the higher education grant scheme of prospec-

tive persons to the barrister-at-law degree at King's Inns. [11550/05]

Minister for Education and Science (Ms Hanafin): Under the terms of my Department's higher education grants scheme, a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether a grant was paid previously. The scheme also provides that grants may not be paid to candidates who already hold a post-graduate qualification and are pursuing a second post-graduate qualification.

However the terms of clause 7.7 of the higher education grants scheme and the VEC scholarship scheme were amended in 2000 to provide that candidates who already hold a post-graduate qualification and are pursuing a further post-graduate course at a higher level, and which represents progression from the level at which the first qualification was attained, may be deemed eligible for grant aid.

The barrister-at-law course at the Honourable Society of King's Inns is at post-graduate level. Admission to the course is restricted to law graduates and other candidates who have passed the society's diploma in legal studies examination. In the light of representations received I have asked my Department to review the status of this course for grant purposes.

Pupil-Teacher Ratio.

150. **Mr. Howlin** asked the Minister for Education and Science if her attention has been drawn to the fact that the average class size at a school (details supplied) in County Wexford is 28.9 pupils; that over 50% of pupils are in split classes with one teacher for 30 junior infants and that learning supports for children with special educational needs are inadequate; the reason this situation prevails in view of the commitment in the 2002 programme for Government to reduce the pupil teacher ratio in schools; if the pupil teacher ratio at this school will be reduced for the academic year 2005-2006 by the appointment of an extra teacher; and if she will make a statement on the matter. [11561/05]

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 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 2005-2006 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. 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 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.

151. **Mr. G. Mitchell** asked the Minister for Education and Science if Irish sign language will be given official status in legislation; and if she will make a statement on the matter. [11562/05]

Minister for Education and Science (Ms Hanafin): There are no plans to provide legislation in the context of Irish sign language, ISL, at present.

However, I wish to advise the Deputy that ISL has formal recognition in the Education Act 1998. Under the Act, it is a function of the Minister for Education and Science to ensure, subject to the provisions of the Act, that there is made available to each person resident in the State, including a person with a disability or who has other special educational needs, support services and a level and quality of education appropriate to meeting

the needs and abilities of that person. This includes provision for students learning through ISL.

A number of initiatives which seek to promote, develop and implement ISL in order that it will achieve greater recognition and use in the education system are currently in place. These include the special schools for the deaf in Cabra, Dublin, which have been encouraged in relation to the use of sign language in class. All teachers now receive ongoing in-service training in the use of ISL. My Department has provided funding for an ISL weekly home tuition service whereby deaf tutors visit the homes of deaf pre-school children and deaf school-going pupils to provide training in ISL for the deaf children-pupils, their siblings and parents. My Department has sanctioned a pre-school for deaf children on a pilot basis. Programmes are delivered through the medium of ISL as a first language. My Department through the Higher Education Authority, HSA, has established and fully funds a Centre for Deaf Studies in Trinity College, Dublin which provides diploma courses for ISL-English interpreters, deaf tutors and in deaf studies.

My officials are willing to meet with representatives of the organisation in question in the context of its letter to my Department and contact will be made with the writer shortly.

Residential Institutions Redress Scheme.

152. **Mr. McGuinness** asked the Minister for Education and Science the reason an institution (details supplied) has not been included in the redress scheme; and if she will make a statement on the matter. [11585/05]

Minister for Education and Science (Ms Hanafin): Section 4 of the Residential Institutions Redress Act 2002 provides that in order for an institution to be placed on the Schedule of the Residential Institutions Redress Act 2002, the facility must have been subject to inspection or regulation by a public body. Some 128 institutions are listed on the original Schedule to the Act and I signed an order in November 2004 for the inclusion of a further 13 institutions in the Schedule.

My Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion in the Schedule. Discussions have taken place between my Department and other Departments that may have provided a regulatory or inspection function in the operation of these facilities in order to ascertain whether these institutions are in fact eligible for inclusion. The initial information received in some cases was limited due to the long period that had elapsed since these institutions were closed and therefore the process of verifying each of these institutions has been time consuming and is continuing.

I can confirm for the Deputy that the institution named in the question is one where inquir-

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ies are being made as to its eligibility for inclusion.

Special Educational Needs.

153. **Mr. Aylward** asked the Minister for Education and Science the reason a person (details supplied) in County Kilkenny will not be granted resource hours in their local primary school; and if this case will be reviewed as a matter of urgency. [11586/05]

Minister for Education and Science (Ms Hanafin): The Deputy may be aware that the National Council for Special Education, NCSE, which was established recently and which has been operational since 1 January 2005, is responsible for processing applications for special educational needs, SEN, supports.

Some 71 special educational needs organisers, SENOs, have been recruited throughout the country and will be a focal point of contact for schools and parents.

My Department officials have been informed by the NCSE that the application for the SEN supports for the pupil concerned has been referred to the local SENO. The SENO will be in direct contact with the school authorities shortly.

Schools Refurbishment.

154. **Aengus Ó Snodaigh** asked the Minister for Education and Science if her attention has been drawn to the fact that her Department's planning and building unit turned down an application for schools (details supplied) in Dublin 10 to be allowed in this year's summer works programme; if her attention has further been drawn to the fact that they have submitted an appeal; and if she will make a statement on the matter. [11587/05]

Minister for Education and Science (Ms Hanafin): The schools referred to by the Deputy made a joint application for funding under the summer works scheme 2005. This application did not comply with the terms and conditions of the scheme in that it was not accompanied by the necessary consultant's report. The application was unsuccessful for this reason.

My Department will be in contact with the schools shortly in relation to the appeal submitted by them in the matter.

155. **Aengus Ó Snodaigh** asked the Minister for Education and Science if her attention has been drawn to the fact that schools (details supplied) in Dublin 10 have been the target of several recent arson attacks and that the key holder for the schools has also been attacked when responding to alarms and incidents around the schools; and if she will make a statement on the schools' request for security railings and closed circuit television to address these problems and prevent further damage. [11588/05]

Minister for Education and Science (Ms Hanafin): The scope of the works referred to by the Deputy is appropriate for consideration under the summer works scheme.

The schools in question made a joint application for funding under the summer works scheme for 2005. This application did not comply with the terms and conditions of the scheme in that it was not accompanied by the necessary consultant's report. The application was unsuccessful for this reason.

My Department will be in contact with the schools shortly in relation to the appeal submitted by them in the matter.

Educational Disadvantage.

156. **Aengus Ó Snodaigh** asked the Minister for Education and Science if her attention has been drawn to the fact that schools (details supplied) in Dublin 10 are in an area of major disadvantage, a drugs task force area, a partnership area and also the area with the lowest educational attainment in the State; and her views on whether, when the environment for pupils to learn is not attractive, is disrupted or is unsafe, it adds to the difficult task faced by the teachers, the parents and the community in general. [11589/05]

Minister for Education and Science (Ms Hanafin): The new policy framework for tackling educational disadvantage that I will be publishing shortly will provide for a new standardised system for identifying levels of disadvantage and will put in place a new integrated programme of supports that will bring together, and build upon existing policy interventions and initiatives for schools and school communities with a concentrated level of disadvantage.

The new policy framework will be introduced on a phased basis, starting in the next school year, and will involve an additional annual investment of €40 million on full implementation. It will also involve the provision of some 300 additional posts across the education system.

Some of these posts will be used to provide smaller class sizes in targeted disadvantaged primary schools. We will be narrowing the gap between the size of junior and senior classes in the most disadvantaged schools, by providing for classes of 24 at senior level. Ensuring that more children from disadvantaged areas are taught in smaller classes is a priority for me as an important step in delivering on the Government's commitments with regard to class size in the primary school system as a whole.

The schools to which the Deputy refers are currently included in the disadvantaged areas scheme, DAS, the home school community liaison, HSCL, scheme, and the Giving Children an Even Break, GCEB, programme. Under these programmes each of the schools referred to by the Deputy have received 2.5 additional teaching posts for the current school year, as well as additional financial support.

These schools are also included in the school completion programme, which is my Department's main programme for tackling early school-leaving. The school completion programme is based on an integrated cross-community approach to tackling educational disadvantage, involving primary and post primary schools, parents, communities and relevant statutory and voluntary agencies. Its objective is to provide a range of interventions in areas of disadvantage that support the retention of young people in education. The three schools referred to by the Deputy are part of a school completion programme "cluster" that received an allocation of €192,000 in the current school year.

Site Acquisitions.

157. **Mr. Naughten** asked the Minister for Education and Science the status of the acquisition of a site for a school (details supplied) in County Roscommon; when the OPW will hand over the site in question; and if she will make a statement on the matter. [11618/05]

Minister for Education and Science (Ms Hanafin): Officials in the school planning section of my Department are re-assessing the accommodation needs of the school referred to by the Deputy in accordance with the published prioritisation criteria which was revised following consultation with the education partners.

Until a final decision is taken on this matter, the property management section of the OPW, which acquires sites on behalf of my Department, is not in a position to further progress the matter of the acquisition of a site for the school.

Schools Refurbishment.

158. **Mr. Durkan** asked the Minister for Education and Science if special security fencing will be provided at a school (details supplied) in County Kildare to ensure maximum safety for children during the course of the school rebuilding works with particular reference to preventing children wandering onto the roadway or the building site; and if she will make a statement on the matter. [11634/05]

Minister for Education and Science (Ms Hanafin): The school authority in question, which is the client for this project, has as part of the building contract erected fencing to prevent children accessing the building site at the school. They are not aware of any further safety issues involving the fencing. If the Deputy wishes to provide specific information on this matter I will arrange for it to be brought to the attention of the school authority and its design team.

Special Needs Education.

159. **Mr. Durkan** asked the Minister for Education and Science the extent to which she expects to be in a position to provide for the special needs and child guidance in the case of

persons (details supplied) who are attending a school in County Kildare; and if she will make a statement on the matter. [11635/05]

Minister for Education and Science (Ms Hanafin): I can confirm that an application for resource teaching hours for the first named pupil was considered by my Department. The school in question was advised that the pupil's special educational needs, SEN, appear to be within the high incidence disability range and it would be expected that these needs can be met from within the current resource-learning support teaching allocation available to the school. The school currently has the services of two learning support teachers and seven resource teachers. It is a matter for the school to deploy these resources to meet the SEN of the pupils in the school.

I can also confirm that correspondence relating to this pupil's resource allocation was recently received in my Department. This correspondence has been sent to the National Council for Special Education, NCSE, which now has responsibility for processing applications for SEN supports. The NCSE will make direct contact with the school in this regard. As previously outlined to the Deputy, 23.3 hours per week special needs assistant support was sanctioned on 18 March 2005 to cater for the special care needs of the pupil concerned.

In relation to the second pupil referred to by the Deputy, I can confirm that an application for five hours resource teaching support and a full-time special needs assistant, SNA, was considered by my Department. In a letter dated 23 September 2004, the school was advised that 3.5 hours resource teaching support was sanctioned. The school was also advised recently that this pupil did not meet the criteria for SNA support as there was insufficient evidence of care needs. I can also confirm that correspondence relating to the level of this pupil's SEN allocation was received recently in my Department. This correspondence has been sent to the National Council for Special Education, NCSE, for consideration. The NCSE will make direct contact with the school in this context.

I wish to advise the Deputy that responsibility for the provision of therapy services rests with the Health Service Executive.

Water and Sewerage Schemes.

160. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 572 of 19 October 2004, if the documentation and contracts have been approved for the Ballyvaughan and Fanore group water scheme; and if he will make a statement on the matter. [11492/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Responsibility for the administration of the group water schemes measure of the rural water programme has been devolved to local authorities since 1997. However, the question may relate to stage two

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of the Lisdoonvarna public water supply, which involves an extension of the scheme to Ballyvaughan and Fanore, and has been approved for construction in my Department's water services investment programme 2004-2006.

My Department has now asked Clare County Council to consider undertaking the Fanore extension as a separate project under the rural water programme to expedite the provision of an improved water supply to the Fanore area. On receipt of the council's reply my Department's consideration will be finalised urgently.

Social and Affordable Housing Schemes.

161. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the way in which the price of affordable housing to the eligible purchaser is determined; if an additional sum is added to the price paid to the developer, as well as the clawback clause; and if he will make a statement on the matter. [11519/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An agreement under Part V of the Planning and Development Acts 2000 to 2004 may provide for, *inter alia*, the developer building and transferring completed affordable units to the planning authority. The number and description of the units will be specified in the agreement and will be transferred at a price determined on the basis of the site cost of the units, calculated at existing use value together with the building and development costs, including profits, as agreed between both parties.

Under the 1999 affordable housing scheme, the housing units are generally built on land provided by the local authority whose actual cost is below the present day market value. This lower site cost is factored into the purchase price of the housing units. The purchase price may be further reduced by the application of a site subsidy which is recouped from the Department. It is a matter for the local authority to determine the level of subsidy required to make the units affordable.

Under both schemes, the actual sale price is a matter for determination by the relevant local authority having regard to, *inter alia*, the transaction costs involved including legal and conveyancing fees.

Where the local authority has provided a unit at a discount from market value under either scheme and the purchaser proposes to sell the unit within 20 years of the date of purchase, the owner must refund to the local authority a percentage of the proceeds of the sale of the unit, that is, a clawback. The percentage of the proceeds to be repaid will be related to the proportion of discount from the market value originally received from the local authority. A full refund must be paid if the unit is sold within the first ten years of occupancy. A reduction of 10% per annum is given for each full year of occu-

pancy between ten and 20 years and after 20 years of full occupancy no refund would be due to the local authority.

Turbary Rights.

162. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will sign an order to facilitate the issuing of a top-up acreage payment to landowners who sold bog to his Department prior to the introduction of the new payment scheme; and if he will make a statement on the matter. [11552/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In July 2004 my Department concluded an agreement with the farming pillar under Sustaining Progress which involved increased rates of compensation for the cessation of turf-cutting in bogs that have been proposed as designated conservation areas. This agreement incorporates retrospective provisions benefiting landowners who participated in the original 1999 scheme for disposal of raised bogs and turbary rights to my Department.

The detailed application of retrospection to these earlier participants in the scheme is being finalised and will be communicated as soon as possible.

Local Authority Housing.

163. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the recognised percentage of income payable under his Department's legislation for senior citizens housing; and if he will make a statement on the matter. [11567/05]

165. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the guidelines issued by his Department to local authorities in regard to rent payments for local authority housing family units and senior citizen housing; the percentage of total income which the rent of a tenant should be; and if he will make a statement on the matter. [11598/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 163 and 165 together.

The making and amending of rent schemes is the responsibility of local authorities as an integral part of their housing management functions subject to the following broad principles laid down by my Department: the rent payable should be related to income and a smaller proportion of income should be required from low income households; allowances should be made for dependent children including those under 21 years of age in full-time education; a contribution towards rent should be required from subsidiary earners in the household; provision should be included for the acceptance of a lower rent than that required under the terms of the scheme in exceptional cases where payment of the normal

rent would give rise to hardship; and appropriate local factors should be taken into account, including the costs of the maintenance and management of the stock of rented dwellings and the adequacy of the rental income to meet such costs.

The proportion of income payable as rent is a matter for individual local authorities. However, circular letter HRT 3/2002 of 6 March 2002 requested that authorities should ensure that rent increases do not absorb an excessive amount of increases in income of tenants on low-incomes dependent on social welfare payments and, in particular, on old age pension payments. As a general guideline authorities were advised that no more than 15% of any increase in such pension income should be absorbed by an increase in rent.

Disabled Drivers.

164. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the length of time which the review of the disabled persons grant scheme has been ongoing in his Department; if consideration is being given to a speedier and more effective method of inspection of the locations at which the applied for works are to be carried out; and if he will make a statement on the matter. [11568/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The review of the disabled persons grant scheme, which was first signalled in March 2003, is currently being finalised in my Department. On its completion, it will be possible to determine the changes, if any, required to the regulations governing the scheme to ensure that the funding available is directed at those persons in greatest need of such assistance.

While the administration of the scheme in individual cases, including arrangements for the inspection of works, where necessary, is a matter for the local authority concerned, the need for a more efficient operation of the scheme at local authority level is also being looked at in the context of the review.

Question No. 165 answered with Question No. 163.

Social and Affordable Housing Programme.

166. **Mr. Walsh** asked the Minister for the Environment, Heritage and Local Government when the 2003 affordable housing scheme in County Cork will commence; and if he will make a statement on the matter. [11600/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I assume that the question refers to the progress of the housing scheme proposed for the site at Darrara Agricultural College in Clonakilty that was released to the Sustaining Progress affordable housing initiative by the Department of Agriculture and Food.

Given the size of the site, which is approximately 15 hectares, and the scale and impact of any proposed development, Cork County Council, which is managing the project, decided to have a comprehensive feasibility assessment in terms of strategic land use planning, financial viability, affordability and suitable infrastructural solutions carried out on the site. The council appointed consultants to carry out this assessment on 19 January 2005 and it is intended that the assessment be completed by the end of May 2005. Following the outcome of this assessment, detailed design and planning will be necessary. The timeframe for the commencement of construction of the housing units is difficult to predict at this stage and will depend on feasibility and other studies and the planning process. My Department will ensure that the project is progressed as speedily as possible with the aim of having the earliest possible delivery of units.

Water and Sewerage Schemes.

167. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government if there is a delay on the progress of a scheme (details supplied) in County Donegal being put out for tender; when works are due to start; and if he will make a statement on the matter. [11605/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Malin town sewerage scheme has been approved for funding in my Department's water services investment programme 2004-2006 under the rural towns and villages initiative.

My Department approved Donegal County Council's preliminary report for the scheme in June 2004, subject to a number of conditions, including a review by the council of the design population of the scheme prior to preparation of contract documents. Further advancement of the scheme is, at this point, a matter for Donegal County Council.

Recycling Policy.

168. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the failure of the current regulatory regime for recycling which has resulted in protracted delays in the introduction of the collection of plastics as part of the household green bin collection in the Dublin area due to lack of funding from industry; if he will take this matter up with industry or alter regulations to ensure that such a service is provided; and if he will make a statement on the matter. [11607/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The recycling of post-consumer plastic beverage containers and other types of plastic packaging is generally more problematic than for other packaging materials due to the light weight to volume ratio, sorting and pre-treatment requirements, high end market

[Mr. Roche.] specifications and the associated costs involved. Accordingly, the recycling rate of plastic packaging is generally lower than that for other packaging materials.

The local and regional waste management plans now being implemented provide for a significantly increased network of bring facilities to facilitate increased collection of recyclables, including plastic bottles. Receptacles for the deposit of such containers are already in place in a number of areas. The incorporation of plastic

containers in the kerbside green bin collection services — at present provided to over 560,000 households nationally and up to now confined to paper-board, newsprint, composite beverage cartons and aluminium and steel cans — offers significant potential for increased recovery of plastic containers. The inclusion of plastic containers in such kerbside collection services has recently been piloted in a couple of areas. My Department is at present actively engaging with local authorities, Repak and other relevant stakeholders regarding the expanded incorporation of plastic containers in the kerbside collection services.