



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 28 April 2005.

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# DÁIL ÉIREANN

—————  
*Déardaoin, 28 Aibreán 2005.*  
*Thursday, 28 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 notice under Standing Order 31.

**Mr. Connolly:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the situation of people who work and pay tax and PRSI in the Republic of Ireland, who take leave from their job to care for their seriously and sometimes terminally ill parent resident and receiving care in the Republic of Ireland, who fulfil all the criteria for the carer's benefit with the exception that they reside in Northern Ireland, in some cases a mere few hundred metres from their parent's home, and who are therefore denied the carer's benefit.

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

## **Order of Business.**

**Minister for Finance (Mr. Cowen):** It is proposed to take No. 16, Commission to Inquire into Child Abuse (Amendment) Bill 2005 — Second Stage (resumed); No. 17, Driver Testing and Standards Authority Bill 2004 — Second Stage (resumed); and No. 1, Veterinary Practice Bill 2004 — Second Stage. It is also proposed, notwithstanding anything in Standing Orders, that the Dáil, on its rising today, shall adjourn until 2.30 p.m. on Wednesday, 4 May 2005.

**An Ceann Comhairle:** Is the proposal for dealing with the adjournment of the Dáil until 2.30 p.m. on Wednesday, 4 May 2005 agreed to? Agreed.

**Mr. Kenny:** I thought for a moment that the entire Government had gone to Spain to discuss the Irish language. However, the Minister for Defence, Deputy O'Dea, has arrived to accompany the Minister for Finance.

The European Commission presented a Green Paper on the harmonisation of divorce legislation. Has the Government given this any consideration? Will it entail changes contradictory to the terms for which Irish people voted, namely, a four-year separation?

The Dormant Accounts (Amendment) Bill 2004 was on the Government C list of legislation last autumn, but has since been removed. Does the Government intend to proceed with the Bill or will it appear in another form?

Considerable concern is being expressed within the business community with regard to expenditure on infrastructure over the next 20 years. There is strong criticism regarding the delay of many major projects because of the need to refer those in excess of €20 million to the National Development Finance Agency. The agency does not have the capacity or resources to assess all referrals.

I queried the Taoiseach yesterday regarding three sections of the Children Act 2001 and he said he would find the information. Perhaps the Minister for Finance would inquire as to why section 96, which deals with the principles relating to the exercise of criminal jurisdiction over children, has not been commenced.

**Mr. Cowen:** Regarding the Deputy's first question about the Green Paper, the treaty provisions governing judicial co-operation in civil law matters provide that Ireland has an opt-in to measures in this area either when a proposal is tabled or following its adoption. If the Commission were to come forward with proposals arising from the Green Paper, which is by no means certain, Ireland would have a choice whether to opt in to the measure. Ireland is not bound by any measure to which it does not opt in. Our entitlement to opt in to civil law measures is preserved by protocol 19 of the new constitutional treaty which was negotiated during our EU Presidency. Similarly, decision-making by unanimity is retained for the purposes of family law matters. In respect of any issue that might arise, the Government's starting point will be that any measures taken in this area will not be allowed to undermine our domestic law on divorce.

The Dormant Accounts (Amendment) Bill 2004 is no longer on the list because provisions envisaged for this Bill will be incorporated in the financial services consolidation Bill.

The Leader of the Opposition may or not be aware that I recently revised the guidelines regarding appraisal of capital projects and I refer him to the details in respect of the role the National Development Finance Agency will now play with regard to the relative size of projects. In many cases, matters are not held up because of any delay in the NDFA. Environmental and other issues also come into play.

Regarding section 96 of the Children's Act, I will refer back to the Deputy when I have spoken to the Minister.

**Ms McManus:** As a former Minister for Health and Children, the Minister for Finance is probably more aware and better informed about the crisis in accident and emergency services than the Taoiseach. He probably read the briefing and listened to advice regarding what was happening in the health service unlike the former Minister, Deputy Martin.

**An Ceann Comhairle:** The Deputy should only pose questions appropriate to the Order of Business.

**Ms McManus:** Is the Minister for Finance aware that he is now being blamed for the delay in the publication—

**An Ceann Comhairle:** If the Deputy has a question appropriate to the Order of Business we will hear it. If not I will call Deputy Sargent.

**Ms McManus:** I have a question.

**An Ceann Comhairle:** The Deputy should come to the question.

**Ms McManus:** The Minister for Finance and his Department are being blamed for the delay in the publication of the public capital programme. We are now coming into the fifth month of the year.

**An Ceann Comhairle:** That matter does not arise. I suggest that the Deputy submit a question to the Minister. I call Deputy Sargent.

**Ms McManus:** When will we see publication of the public capital programme? In the meantime can the health information and quality authority Bill be published to ensure patients on trolleys are not charged €55 per day?

**An Ceann Comhairle:** The Deputy has made her point. I call the Minister on the legislation.

**Ms McManus:** This is despite not having a bed and some privacy and dignity.

**An Ceann Comhairle:** The Deputy has made her point. We cannot debate the contents of the Bill.

**Ms McManus:** When will we see the coroners Bill?

**An Ceann Comhairle:** I call the Minister on the coroners Bill.

**Ms McManus:** The State Pathologist has no driver.

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

**Ms McManus:** In the interim before a Bill is published the State Pathologist should be provided—

**An Ceann Comhairle:** I will allow the Minister to answer the Deputy's two legitimate questions on legislation.

**Ms McManus:** —with a driver in the interest of crime detection—

**An Ceann Comhairle:** I have called the Minister to answer the Deputy's questions.

**Ms McManus:** —and ensuring she is enabled to carry out her vital work—

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

**Ms McManus:** —which she does in very difficult circumstances.

**An Ceann Comhairle:** I ask the Minister to reply on the two pieces of legislation.

**Mr. Cowen:** Did the Deputy ask about two pieces? I only heard one.

**Ms McManus:** I know the Minister did not hear because the Ceann Comhairle kept interrupting me.

**Mr. Stagg:** He kept interrupting very rudely.

**Ms McManus:** I could repeat my questions.

**Mr. Cowen:** I ask the Deputy to paraphrase.

**Mr. Durkan:** Well done, Minister.

**Ms McManus:** Concern has been expressed over the delay in the public capital programme, for which the Minister for Finance is responsible.

**An Ceann Comhairle:** That question does not relate to legislation.

**Ms McManus:** I asked about the health information and quality authority Bill and the coroners Bill.

**Mr. Stagg:** If the Ceann Comhairle were quiet this would have been over long ago.

**An Ceann Comhairle:** As a Whip, Deputy Stagg has a major contribution to make to Dáil reform. If he believes the Order of Business should be an omnibus question time and gets the agreement of the House, the Chair would be absolutely delighted to implement it.

**Mr. Stagg:** The Ceann Comhairle should speak to his own Whip.

**An Ceann Comhairle:** The Chair is in the fortunate position of having no Whip.

**Mr. Durkan:** That may be just as well.

**Mr. Cowen:** The coroners Bill is due next year. Placing the health information and quality authority and the Irish social services inspectorate on a statutory basis is envisaged in the enactment of the Health Bill 2005. The publication date is this year. I cannot give the exact time. I am sure the Tánaiste and Minister for Health and Children would be able to give more detailed information on the matter if the Deputy tabled a parliamentary question.

As regards the matter generally, the full co-operation of everybody in the acute hospital services is required to deal with the current issues. Dealing with the problem involves not simply trying to improve capacity in accident and emergency departments, but also involves co-operation from consultants throughout the hospitals particularly regarding elective surgery. It is also a question of allowing people to move through the hospital if necessary rather than being left in the accident and emergency departments.

**Mr. Howlin:** There are no beds.

**Mr. Cowen:** These matters need to be resolved with the Law Reform Commission.

**Mr. Howlin:** There are no beds in Wexford General Hospital. Patients needed to be moved into the children's ward last weekend.

**Mr. O'Dea:** Deputy McManus should quieten that tadpole. Deputy Howlin was the worst Minister for Health in the history of the State.

**Mr. Cowen:** The question cannot simply be dealt with on the basis of adding to the *status quo*, but by reorganising the service within the acute hospital system. This requires not simply the commitment of more resources, which are envisaged by the Government in the package announced by the Tánaiste to be implemented this year, it requires the full co-operation of everybody in the acute hospital system, including consultants. Regarding the accident and emergency department as in some way separate from the rest of a hospital is not a means by which these matters can be resolved. In many parts of the health service this problem is not as acute as it is in some hospitals. There are reasons why problems exist in those hospitals—

**Mr. Howlin:** Inadequate bed numbers.

**Mr. Cowen:** —which include the requirement in some instances to improve capacity in accident and emergency departments, but also the requirement for co-operation from everyone else in such hospitals to ensure that priority is given to the resolution of the problem, which is how it will be resolved. All of us in this House should encourage management and staff to engage in that exercise in the interests of patients being dealt with in a better way than is the case in some hospitals at present. That is the solution to the problem.

**An Ceann Comhairle:** I call Deputy McManus.

**Mr. J. O'Keeffe:** Would the Minister also agree to co-operate with the State Pathologist to allow her to do her job.

**An Ceann Comhairle:** I have called Deputy McManus.

**Mr. O'Dea:** Silence for Lady Wicklow.

**Mr. Durkan:** The Minister for Defence is getting into bad habits.

**Mr. Kenny:** He is the champion heckler.

**Mr. Howlin:** When will the health capital programme be released?

**Ms McManus:** I note the Minister was given ample time to answer a question, which I really did not ask. He stressed co-operation many times. What about his co-operation to ensure that the public capital programme is started to meet the needs for additional capacity? No matter how hard the nurses and doctors work, without beds they cannot deal with the crisis.

**Mr. Howlin:** That is the issue.

**Ms McManus:** It is the responsibility of the Minister for Finance and it would appear to those of us on the outside that he is holding up the capital programme.

**Mr. Cowen:** It is most unfortunate — it seems this will be the case from here to eternity — that when we have a problem in the health service, people simply point the finger at the Minister for Finance or the Minister for Health and Children. The resources that are being applied to this area—

**Mr. Howlin:** Where is the capital programme?

**Mr. O'Dea:** Much more is allocated now than when Deputy Howlin was in the Department of Health.

**Mr. J. Brady:** The Deputies opposite do not want to hear the truth.

**Mr. Connaughton:** What is the truth?

**Mr. Cowen:** I was the first Minister for Health and Children to obtain a multi-annual capital programme from my predecessor as Minister for Finance, which continues.

**Mr. J. O'Keeffe:** The Minister, Deputy Cowen, got out of the Department of Health and Children pretty quickly.

**Mr. Cowen:** The benefit is that in the past five or six years we have been in a position to put in place a capital programme, which was not the case previously when we essentially had a main-

[Mr. Cowen.]  
tenance programme. We came into office with a capital programme which, based on the total assets employed in the health service, represented approximately 2% of the capital employed. That is a maintenance programme and not a capital programme. That is what we inherited.

**Mr. Hogan:** The problem is getting worse.

**Mr. Cowen:** We should have a calm and rational discussion.

*(Interruptions).*

**Mr. Cowen:** Shouting will not resolve the problem.

**Mr. Howlin:** No capital programme has been released for this year.

**Mr. Cowen:** Our health system, including the acute hospitals, is undergoing unprecedented modernisation. I could name all those ongoing projects. People called for a reorganisation and we have established the Health Service Executive, which should be fully operational by the end of May. This is a remarkable achievement considering the extent of reorganisation involved.

**Mr. Howlin:** Where are the beds?

**Mr. Cowen:** We now have a central executive responsible for all acute hospital services in the country rather than being dissipated throughout the health board system. That public capital programme continues.

**Mr. Howlin:** The Minister is in cloud cuckoo land.

**Mr. Cowen:** It is unprecedented in the history of the State. It is ludicrous to suggest this Minister and my predecessor have not provided resources, which far outstrip those allocated by any previous Government.

**Mr. Howlin:** Where is the capital programme for this year?

**Mr. Cowen:** The Deputy should have been listening. When he was Minister and when Deputy Noonan was Minister, the only time—

**Mr. Howlin:** Where is this year's programme? Twelve months ago 19 beds for Wexford General Hospital were announced by the former Minister for Health and Children, Deputy Martin.

**An Ceann Comhairle:** I ask the Deputy to cease interrupting.

**Mr. Cowen:** When those Opposition Deputies were in the Department of Health, they did not know what their capital allocation would be from

one year to the next, which is why we had such a disjointed approach to capital programmes.

**Mr. Howlin:** We never had a problem in Wexford General Hospital until this year.

**Mr. Cowen:** My predecessor changed the system and unprecedented resources are being given to those hospitals. The problems articulated this morning will be dealt with in the context of the rollout of that programme.

**Mr. Connaughton:** We have listened to that for five years.

**An Ceann Comhairle:** We need to move on. I appeal to the Minister and Deputies to stay within Standing Orders. As the Minister gave a long reply to a question, which was not within Standing Orders, the Chair allowed Deputy McManus to speak a second time. We will not debate this matter all morning. I call Deputy Sargent.

**Ms McManus:** The Minister is answering questions I did not ask. For example, there are 19 beds due in Wexford General Hospital.

**An Ceann Comhairle:** The Deputy has made her point. Deputy McManus should resume her seat and allow Deputy Sargent's question.

**Ms McManus:** When are they going to be announced?

**An Ceann Comhairle:** I suggest the Deputy submits a question on the matter.

**Ms McManus:** We are still waiting. It would take one minute to answer. That is the point.

**An Ceann Comhairle:** I am sorry Deputy.

**Mr. Howlin:** When was the contract signed? The Tánaiste and Minister for Health and Children said the Department of Finance was holding it up.

**Ms McManus:** We do not need a detailed answer.

**An Ceann Comhairle:** Deputy McManus can see the problem for the Chair when the Chair tries to be flexible. Please allow Deputy Sargent to speak.

**Ms McManus:** I am afraid that what happens is the Minister makes plans and in the meantime, people wait on trolleys. However, right across the country people are waiting for the Minister.

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

**Mr. Sargent:** There is probably potential for Leaders' Questions on Thursdays after all. If

possible, can I deal with promised legislation and also the prospect of a debate? Given the proceedings of the Committee of Public Accounts meeting held yesterday, is the Minister amenable to a debate as Minister for Finance, given the serious overrun in costs that has been highlighted by the committee such as a doubling of costs in the building of a kilometre of road from 2000 to 2003?

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

**Mr. Sargent:** I am asking whether a debate can be arranged and whether the Minister would be amenable to it. The question on the promised legislation arises from a meeting yesterday of the Oireachtas Joint Committee on Environment and Local Government at which the directives contained, or at least referred to in the Building Control Bill were discovered by the Department. A derogation will be sought until 2009 rather than January 2006.

**An Ceann Comhairle:** Is there a question on the legislation Deputy? We must move on.

**Mr. Sargent:** I appreciate that, but these are very pertinent questions concerning the Building Control Bill and whether the enactment of that directive will be implemented on time or if we will be in court again.

**An Ceann Comhairle:** On the Building Control Bill Minister.

**Mr. Cowen:** The Building Control Bill is expected to be enacted later this year and will incorporate the matter mentioned by the Deputy and will implement EU Directive 2002/91/EC on the energy performance of buildings.

**Mr. Sargent:** Three years late.

**Mr. Cowen:** Is that the directive referred to by Deputy Sargent?

**Mr. O'Dea:** The question was when the Bill would be published.

**Mr. Hogan:** Willie should take over and do it himself.

**Mr. Cowen:** The Bill will be published later this year. As to the Deputy's earlier question, the ordering of debate in this House is a matter for the Whips in the first instance.

**Mr. Stagg:** On a point of order, the ordering of debates in this House is not a matter for the Whips in the first instance but is a matter for the Government and the Government Whip get instructions——

**An Ceann Comhairle:** On the Order of Business, the only appropriate question is on debates

that have already been promised. If a debate has not been promised, then presumably it is a matter for the Whips.

**Ms O. Mitchell:** The Minister is aware that road safety is very much in the news and we are currently debating the Driver Testing and Standards Authority Bill. It is on Second Stage in the House and it was revealed in the newspapers yesterday that a Government-commissioned report on the suitability of this agency actually recommends that it be abandoned as it is wholly inadequate and inappropriate to meet its wider road safety objective. What is the status of the Bill? Will it be withdrawn?

**An Ceann Comhairle:** The Minister should answer on the legislation.

**Mr. Cowen:** As things stand, the Bill is being dealt with in the House. The Government has sponsored and is proceeding with the Bill.

**Ms O. Mitchell:** The report has recommended a rethink.

**Mr. Cowen:** The Deputy should take the matter up with the line Minister.

**Mr. Durkan:** The Minister does not know the answer.

**Mr. Costello:** In his capacity as Minister for Finance, will the Minister make sufficient funding available to the poor Minister for Justice, Equality and Law Reform to enable the State Pathologist to reach crime scenes?

**An Ceann Comhairle:** I suggest the Deputy submits a question to the Minister for Justice, Equality and Law Reform.

**Mr. Costello:** It is a relevant matter regarding a most important issue.

**An Ceann Comhairle:** It does not arise on the Order of Business. There are other ways the Deputy can raise the issue in the House.

**Mr. Costello:** It pertains to the Estimates. Are the Estimates not a relevant matter?

**An Ceann Comhairle:** Is a Supplementary Estimate promised?

**Mr. Cowen:** Not to my knowledge.

**Mr. J. O'Keeffe:** On the same issue, the Criminal Justice (Miscellaneous Provisions) Bill has been promised. Arising from that, can we have an answer from the Minister on this very simple issue? The State Pathologist has been grounded.

**An Ceann Comhairle:** This issue does not arise on the Order of Business. There are other ways the Deputy can raise this issue in this House.

**Mr. J. O’Keeffe:** We need to ensure that she can get to the scene of a crime as quickly as possible. Can we have an answer on that simple issue?

**An Ceann Comhairle:** We cannot have an omnibus Question Time on the Order of Business.

**Mr. J. O’Keeffe:** It undercuts the whole basis of our criminal justice system if the State Pathologist cannot get to the scene of a crime.

**An Ceann Comhairle:** The Chair will try to facilitate the Deputy if he wishes to raise it in the proper fashion.

**Mr. Costello:** The Minister wants to answer.

**Mr. J. O’Keeffe:** Can we have an answer from the Minister?

**An Ceann Comhairle:** The Minister may answer on the legislation.

**Mr. J. O’Keeffe:** The Minister knows the importance of this issue.

**An Ceann Comhairle:** The issue does not arise.

**Mr. Cowen:** The legislation is due——

**Mr. J. O’Keeffe:** The State Pathologist has been grounded.

**An Ceann Comhairle:** Deputy O’Keeffe should resume his seat.

**Mr. Cowen:** The legislation is due to be enacted next year. The Garda vote has been increased by 90% since this Government came into office. It now totals €1.1 billion. It is a matter for Garda management to deal with that budget.

**Mr. Costello:** Where have the good times gone?

**Mr. J. O’Keeffe:** The Minister is taking a “Pontius Pilate” approach.

**Mr. T. O’Malley:** That was unnecessary.

**Mr. Boyle:** What is the status of the Third Level Student Support Bill, No. 41 on the Government’s legislative programme? Its publication is not listed and it is not possible to indicate a date at this stage. It is a Bill to place all student support schemes on a statutory footing. Given that it is unlikely that this Bill will be in place for the academic year starting in September 2005, can the Minister give any indication that the Third Level Student Support Bill will be published and processed by this House in time for the academic year starting in 2006?

**Mr. Cowen:** I am informed that it is not possible to say at this stage when that Bill will come before the House.

**Mr. Boyle:** So probably not.

**Mr. Cowen:** There are discussions taking place between the Department and all the stakeholders. The Bill is envisaged to place all student support schemes on a statutory footing, including the designation of an appropriate awarding authority and to repeal the Local Authorities (Higher Education Grants) Acts 1968 to 1992.

**Mr. Bruton:** I want to pursue the issue raised by Deputy Olivia Mitchell regarding the Minister for Transport who appears to be found wanting regarding a Bill he has before the House. What is happening to the other Bills? In May 2003, we were told the Critical Infrastructure Bill, the Transport Reform Bill and the Transport Companies Bill would be published in 2004 as would legislation pertaining to the whole Dublin transport issue. Two years later, not one of those Bills has been published. All three of them are not promised until 2006 and an indicative publication date cannot even be given for the other issue. What is happening in the Department of Transport?

**Mr. J. O’Keeffe:** Nothing.

**Mr. Bruton:** It seems to be losing all sense of direction and there is a serious issue that needs to be addressed by the Government regarding this portfolio which is crucial to the delivery of an efficient infrastructure.

**An Ceann Comhairle:** The Deputy should permit the Minister to reply to his question on legislation.

**Mr. Cowen:** Anyone with a cursory knowledge of the progress made by the National Roads Authority and others knows that the Department of Transport is making unprecedented progress in rolling out the national development plan which, according to the ESRI’s mid-term evaluation, is providing a return of up to 16% on the investment.

**Mr. T. O’Malley:** Hear, hear.

**Mr. Bruton:** Has the Minister no responsibility?

**Mr. J. O’Keeffe:** It is a Government of indecision.

**Mr. Sherlock:** I thank the Ceann Comhairle for this opportunity. Is it proposed to amend the Health Act 2004? I will state the reason for the question. In the first instance, the Tánaiste and Minister for Health and Children and then yesterday evening, the Minister of State at the Department of Health and Children, Deputy Tim O’Malley, stated in the Dáil that the Health Service Executive has the responsibility, whereas the executive states that it has not been provided with the funding.

**Mr. T. O'Malley:** I never said that. Deputy Sherlock is running again.

**Mr. Sherlock:** If the services are not provided, does the Minister intend to amend the legislation so that funding can be provided? Is the Government abdicating its responsibility on this issue?

**Deputies:** Hear, hear.

**Mr. Durkan:** Is the Minister of State at the Department of Health and Children, Deputy Tim O'Malley, running again?

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

**Mr. Cowen:** What Bill is Deputy Sherlock referring to?

**Mr. Sherlock:** The Health Act 2004 which was brought into force in January. The Tánaiste and Minister for Health and Children and then yesterday evening the Minister of State at the Department of Health and Children, Deputy Tim O'Malley, are on record as stating in this House that the Health Service Executive has responsibility to provide and deliver the services. However, the executive has stated it is not provided with the funding and is waiting for it.

**An Ceann Comhairle:** I suggest that the Deputy submit a question to the Minister.

**Mr. Cowen:** The Opposition berated me when I stuck rigidly to the Order of Business on an earlier occasion in the House. I come in to the House in good form on the third day of the Irish National Hunt Festival at Punchestown and I get a hard time from the Opposition. It is unbelievable; I cannot win.

**Mr. Hogan:** The Minister was not bad at berating people when he was in Opposition.

**Mr. Cowen:** It is such a long time ago I cannot remember it.

**Mr. Hogan:** I hope the Minister will be around long enough to remember it very shortly. Everybody, including Fianna Fáil backbenchers, now accepts that this country is suffering from over-regulation pursued by the Government.

*(Interruptions).*

**An Ceann Comhairle:** Deputy Hogan, without interruption.

**Mr. Hogan:** Obviously, I touched a nerve in Cork. When will the Minister for Finance bring forward the company law reform Bill? I am glad the Minister of State Deputy Michael Ahern, does not agree with me.

**Mr. Cowen:** I understand the Bill will be brought forward and enacted next year and that the heads of the Bill are expected shortly. A document entitled "Regulating Better" informs Government policy. Perhaps at his next front bench meeting, Deputy Hogan might ask his colleagues to desist from seeking to set up more agencies and seeking more accountability and red tape so that we can possibly have a coherent exercise in all of this.

**Mr. J. O'Keeffe:** On the issue of the State pathologist, the Government must respond to my question today.

**An Ceann Comhairle:** The Deputy is aware of how the matter can be raised and the Chair will try to facilitate him.

**Mr. J. O'Keeffe:** It is dangerous to allow the situation to continue in light of the current crime rate.

*(Interruptions).*

**Mr. Durkan:** In view of the increased availability of natural gas from offshore sources and on-shore sources such as leakage from legal and illegal landfill sites and inland and Dublin bay sewage treatment plants—

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

**Mr. Durkan:** My question is quite appropriate because of the dangers presented and the leakage from the Government benches as well. When is it proposed to bring the Natural Gas Regulations Bill before the House?

**Mr. Cowen:** The Bill is expected to come before the House in 2006.

**Mr. Kehoe:** Did it require legislation or any form of regulation for the Leader of the Seanad to get two new drivers recently?

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

**Mr. Kehoe:** If the Leader of the Seanad can get two new drivers, the State pathologist should be able to get two new drivers as well.

#### **Commission to Inquire into Child Abuse (Amendment) Bill 2005: Second Stage (Resumed).**

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

**Dr. Twomey:** Every time the issue of institutional child abuse is raised, people respond in the way they always respond to bad news that they cannot control. There is an obvious sense of the pain of the victims of child abuse but some-



[Dr. Twomey.]

times people attempt to ignore institutional child abuse. I have often noticed people switching channels when this issue is discussed on television and radio because they do not want to hear about it. Institutional child abuse is something over which we have no control that went on years ago. It was a blight on our society and many of the events we are talking about took place in a time period that most of us can remember. Not all of the incidences of this abuse took place in the 1940s, 1950s and 1960s. Much of this abuse took place in the 1970s.

It is important that we get this legislation right with regard to the victims of institutional child abuse. Their cases need to be heard in a way that is satisfactory to them. It is surprising to hear that there are still more than 1,700 people wishing to come before the Commission to Inquire into Child Abuse either to make their cases or to seek redress for what happened to them when they were under the care of the State. It is important to craft this legislation in such a way as to benefit the victims of institutional abuse.

When I read some of the transcripts and listened to Deputy Enright speaking on this matter, I got a sense that the State had dragged its feet with regard to this issue. At the moment, the Joint Committee on Health and Children is examining the Travers report regarding illegal nursing home charges. The committee gets the same sense that the political establishment is trying to wash its hands of the matter and deny involvement. Institutional child abuse happened over a long period. Although it was only exposed in the last decade, there were references to reports written as far back as 1970, which said that the State's handling of this issue was disgraceful. The fact that it was not dealt with then and rectified is a very sad indictment of our society. It is important that we do the right thing for the victims of institutional child abuse, whatever decision is made regarding this Bill.

I know that everyone who spoke on this issue in recent weeks will be compassionate and will speak very positively about what is going on. We should also look at contemporary society and ask whether similar instances of child abuse are happening now that we could do something about. There is no doubt that many of the elements of abuse that we read about are still there today. They may still be within certain institutions housing people who do not have full intellectual control over their lives. Their intellectual disabilities or other infirmities mean they cannot defend themselves from the types of abuse endured by young children in institutions many years ago. Those children could not defend themselves then and were not listened to when they made complaints. The reason is that they were vulnerable. Many people had no time for them or could not care less about what was happening to them. In some respects, there is an element of this in our society currently regarding people with other disabilities who are under the care of the State in

institutions, who cannot stand up for themselves and who can be abused just as badly as those who were abused previously. At the time, many reports were written on this issue but nothing was done about it. We must ensure this does not happen now.

On the issue of reports about the illegality of nursing home charges, the claim that this has been occurring for the past 30 years is somehow supposed to make it justifiable. Will we justify what is happening today in this way when writing a report in 25 years time? Will we claim that, because something has been happening *ad infinitum*, we should accept it? I am sure the Minister of State is interested in the welfare of these people and is concerned that this should not happen.

We have seen little movement during the life of this Government on the issue of vetting those who work with children or people with disabilities but it is a matter of increasing priority. We make such a play out of how we feel about disability issues or children but we do not have concise legislation to protect the people who cannot care for themselves. This is an issue that should be viewed seriously by the Tánaiste and the Government should do something about it. The Government has been dragging its heels for so long that it obviously does not feel it is an important issue.

In the course of listening to these debates, one aspect arose that I hope the Minister of State will clarify for me. If the State makes awards to people, does the existing legislation allow lump sum payments only? Why can these payments not be made on an incremental basis over a number of years? The impression I received upon reading some of the reports is that awards cannot be made in the courts or by commissions where the money is paid out in instalments. This is fascinating because an important issue is how we, as legislators and members of society, treat children who are born with birth injuries. Currently, the only recourse any parents of a child with a birth injury have is to sue the hospital their child was born in and the doctors and nurses who looked after their child. I am shocked that this situation is allowed to exist. If a family takes the hospital or doctor in question to court and loses its case, it is liable for all the court costs involved and will not receive any services from the State. The State does not have a system to protect parents or to provide for such families in the long term.

These obstetric cases, especially those involving a child with a significant birth injury, are some of Ireland's most expensive court cases and the awards in these cases have gone out of control. The latest one was for €4.6 million. If, God forbid, this child were to die young for any reason, the money would stay with the family. I cannot have any control over this but it is a matter that should be discussed. Some families can be very successful in a court case whereas others get nothing and there is no help for them. There is no in-between. I am surprised the Government does not examine this issue in the context of a

no-fault compensation scheme wherein families could have all the State-provided assistance they need to look after such children through the handing over of a sum of money on an annual basis rather than situations in which there is a large, single amount of compensation. I am not speaking about compensation for the psychological effects endured by families. These awards should be made in the amount of the maintenance costs required during a person's lifetime.

For the families involved it is a lottery because some of them have lost their court cases and have been required to pay the State's costs. Sometimes the State or the medical protection unions involved do not follow up on these costs but the families are left with no assistance from the State and no safety net to protect them. They must do everything for themselves. This issue has been raised a number of times but I have never heard the Government pay much attention to it. The Government has never tried to deal with these cases positively. There is a distinct lack of coherent policy on how to care for people who cannot care for themselves. The disability issue may be getting some attention at present given how money is being spent, but many problems are involved as to how people are being assessed.

The House should examine where problems exist in society and ask what we can resolve now rather than holding another tribunal of inquiry in 20 years' time during which we would be asked what was wrong with us that we did not deal with these issues. I am shocked by the number of reports made and briefing notes received by Ministers and their advisers of which I have become aware since I have become a Member of Dáil Éireann on issues about which nothing is ever done. There does not even seem to be a need to be responsible but we are making a play about how well we care for children and people with disabilities.

I attended the Irish Patients Association's launch of the European Charter of Patients' Rights a few weeks ago at which the Tánaiste spoke eloquently about the importance of patients' rights. We were given to hang in our offices a framed copy of the 20 core points considered to be patients' rights in the European context, yet we have fulfilled few of them. We pay lip-service to most of them but we do little about implementing more than a few of them. This is a thread running through the actions of Government.

Much of this Bill has been dealt with in detail by Deputy Enright on behalf of Fine Gael, and other Deputies will speak today on what has happened in the past. I hope this legislation will make amends to many of these people and will deal with the issue. We must start looking towards the future as we discuss this legislation and examine what we are supposed to be doing here. Why do we not have vetting legislation on people who work with children and the intellectually disabled? Someone with a history from this jurisdiction or another has no difficulty in obtaining

work here with children or people with intellectual disabilities who cannot protect themselves. The Garda is straining to get this information for the Health Service Executive. Often the Garda will not extend this service to voluntary groups or to small organisations because they say they do not have the resources. A quick glance at medical services, especially services provided for children and people with intellectual disability, will show that the voluntary sector has a considerable role to play. Yet we do not even have basic standards to ensure we protect these people years after all this abuse has been exposed.

Another issue I will repeatedly raise and will push if I ever have the opportunity to sit on the other side of the House is "no fault" compensation for children born with birth injuries. I am surprised the Government, which has done so well economically, has not been more progressive in implementing this policy for all parents. Will the Minister clarify that the legislation states that where the court makes an award, a certain amount of money, which is index linked, is given annually? I find that very strange.

When dealing with families and people in difficulty, those of us in the front line of delivering medical services, including the Ceann Comhairle in his time, use a considerable amount of common sense. One does not always totally fall back on the legislation, which is inadequate or too oppressive. In recent months, we saw a case where a family made a statement to the health board that it could not cope with the difficulties it faced in the home. In response, we saw the agencies of the State act in a very oppressive manner. Perhaps this came about because of the overbearing effect of the legal system or because public servants believe they are no longer well protected by the State.

When people make a complaint to me — I am sure the Ceann Comhairle came across this in his time — or to social workers, we try to use common sense and evaluate the situation do decide if a person will do what he threatens or if it is a cry for help. We should listen to those who cry for help. Instead, we have seen the strong-arm tactics of the State, which took children out of a stable environment simply because of the way the parents made their complaint. That issue has not been totally cleared up, that is, how those policies were followed through. Is the Health Service Executive afraid a person will do something and that it will be held responsible? It should evaluate a threat to establish whether it is a cry for help rather than an actual threat. Unfortunately, we will not get it right all the time.

Recently in my constituency, relatives made statements about an unfortunate woman who was not coping well with her situation but nobody felt the need to intervene. Sadly, as we know, that woman drowned her two children before drowning herself. We must be careful about using the strong-arm tactics of the State. The case I mentioned has never really been cleared up and no statement was issued as to why the HSE went

[Dr. Twomey.]

down this route. It may well have had compelling reasons for doing so but we can get caught up in legal issues when dealing with patients and families who have problems. We seem to be putting common sense to one side and are not showing empathy for these families. We are using the strong arms of the law and implementing it in a very rigid fashion. Does the Minister have any opinions on that?

This Bill concerns the abuse of children in residential care. Little has been said about the abuse of children in non-residential institutions. Many people have complained to the commission that much of this abuse took place in day schools or elsewhere and not only in residential institutions. The State has claimed that it was not *in loco parentis* and, therefore, it has no responsibility for children in day schools. That issue should be looked into because the State has a significant role to play in that regard. Abusers were able to leave schools with excellent references in their back pockets and move to other schools and continue to abuse.

I will certainly not criticise the teaching profession or the religious institutions. I was a student in a religious institution and benefitted from an excellent education. I saw none of the things about which we have read in that institution. However, we should look into that issue also.

**Mr. J. Breen:** I wish to share time with Deputy Connolly.

I welcome the change to the definition of abuse, which allows the commission to make a finding of abuse where it might be reasonable to assume the act or omission concerned caused serious harm to a person. It is important that the commission is empowered to do its job and widening of the definition will offer scope in this regard. If the definition of abuse is too narrow, it will restrict the work of the commission, which should ensure that as much help and support as possible is given the victim of such abuse.

The Bill also extends the function of the commission to include a duty to inquire into the manner in which children were placed in institutions and the circumstances in which they continued to be resident there. This is an important factor in regard to institutional care for children as it puts a focus on the reason children were placed in institutions in the past and will shed some light on the institutional care here. I am sure that in many cases in the past, the very act of putting some children into institutions and the manner in which they were placed there were abusive and denied basic human rights to some children. We cannot escape the fact some children were badly treated by being placed in these institutions when, in a more enlightened and humane society, they would not have been institutionalised and would have received help and care in their families or communities. This aspect of the commission's duty will cause us to examine why chil-

dren are placed in institutions today and will question whether we continue to deny children their rights in such matters. We need to offer redress to the victims of past mistakes involving abuse in our institutions and to ensure the lessons learned are put into practice so nobody should have to suffer such abuse again.

The Bill removes the obligation on the investigation committee to hear all complaints and it gives it discretion as to which witnesses considered should be called to a full hearing to ensure the inquiry functions are fulfilled. In doing this, it also removes the requirement to satisfy that abuse occurred, to determine the nature, cause and circumstances of abuse. This will mean that the commission will not be required to have a two phase process in hearing evidence that would have led to unnecessary delays and costs for the commission carrying out its functions.

In the past, people have shown tremendous courage in speaking out. This has placed enormous mental and physical pressure on the victims and it is important to do as much as possible to speed up the process so that redress can be given as quickly as possible. Those involved deserve our respect and we need to ensure we remove obstacles that cause delays in dealing with such issues while at the same time ensuring justice is applied in a fair and equal manner.

Is the Government guilty of abuse? In my county — I am sure the Minister of State, Deputy de Valera, is aware of it — there is no place for children with autism other than secure psychiatric units, which are not suitable. Children are also committing serious crime. They come before the Judiciary and it is faced with the problem of there being no proper places to send those children except adult prisons which are unsuitable. Such a lack of facilities is an abuse.

Children roam the streets at night with nobody to care for them. It is time the onus was put on parents to ensure their children do not roam the streets at night. They should be responsible for their children. It is an abuse of parent responsibility that young children are allowed to do so.

Children are being denied their rights by abuses that took place in the past. I know of a man who was in Letterfrack 56 years ago who received €114,000 compensation for the abuse he suffered. Such abuse can no longer be allowed to take place. Serious vetting of persons dealing with young people should be put in place to ensure they are not guilty of such abuse and are worthy to be responsible for the care of young children. If such vetting is not put in place, similar abuse will happen. How many children have been sexually abused in their homes? Such abuse is scandalous. I am sure the Minister of State will ensure that proper places are provided for the children to whom I referred and that the necessary arrangements will be put in place to penalise the perpetrators of crimes against young people.

**Mr. Connolly:** I welcome the opportunity to speak on this Bill. The saga of physical, sexual

and psychological abuse of children was one of the darkest chapters in human relationships in our long and chequered history. When we talk about abuse we often tend to forget about the psychological aspect of abuse. It can leave many scars. It is important to point out that all child abuse does not and has not occurred in institutions. Abuse has occurred and probably will occur outside them. We should never take our eye off the ball in that regard.

The history of children having been betrayed by abuse in homes and institutions that were founded by the State has been extensively documented. To some degree such abuse has come out into the open in recent times. One of the major documentaries that shocked our nation was "States of Fear". It created a culture whereby people with cameras could go inside the gates and the walls of those institutions and explore what happened there. In the past when a person was ghosted away in one of these institutions, we felt secure in the knowledge that the person was cared for by the State. Years later, those walls came down, so to speak, when the television cameras were brought into those institutions and programmes on life inside them brought the issue into our living rooms. Those programmes gave us a real sense of what institutional care was like in some cases.

However, not all institutions were bad. To some extent, they provided good care for some. It is important to point out that not all who worked in institutions were bad. However, all it takes is one bad apple to taint the whole box or to create the impression that everyone who worked in those institutions was a bad apple. That perception is bound to be frustrating for many good people because no matter where one goes, one will find people with kind hearts. The system might not be good but at least there are kind people and that should not be forgotten.

A number of films were made that detailed abuse. Survivors have stated that the films understated the levels of abuse that took place. I am sure that is not meant as a cut at the producers or film makers. There are types of abuse that a film, no matter how graphic the scenes, will never capture. Those who suffered the pain will say that the scenes did not capture how they felt at that time. That will be true. The guy who cracks that formula will make a blockbuster. The film, "Song for a Raggy Boy", is one such case in point. It graphically illustrated abuse that was commonplace in children's lives and about which there was a lack of public awareness.

Largely as a result of the catalogue of child abuse coming into the public domain, the position for children has changed significantly during the past two decades for the better. There has been a shift away from institutionalised residential care towards foster care and efforts to keep families together in the first place. As a State, one of our core values should be, where possible, to keep the family unit — for example, a brother and sister — together. There is a bond between siblings and

it must be fostered at all times in such circumstances.

Fostering may be a temporary respite arrangement to care for a child where a parent has been killed, the parents are going through a difficult time coping with a problem such as alcoholism, depression or illness or where the parents do not have basic coping skills. Fostering can help by giving parents some breathing space. While parents may not be able to cope, it is important for them in such circumstances to feel secure in the knowledge that their children are being looked after adequately in a family environment by a family who can give them more love. This caring work of people who take children into a foster home must be encouraged. Foster parents, to a large degree, provide a wonderful service. It is very unselfish of them to do that. They are bound to develop emotional ties with the children for whom they care. They know that at some point they will have to give back the children and that loss is almost like a death to them. When the right type of people are attracted to fostering, they care for children for the right reason. We should encourage such fostering.

At least two thirds of children who are looked after by health authorities are in foster families as opposed to residential homes. The trend to move away from care in institutions is continuing. This move is to be welcomed. Health boards are enlightened in that respect. It is a major job for them to adopt this approach. I note they regularly advertise for foster parents who must go through a vetting process. The easy option would be to create an institution, place the children in them and throw away the key. The authorities could inform the public that the children are being cared for in a nice home which is inspected once a year and reassure them that their children are fine. Contrary to that, the type of work being done by the former health boards is invaluable.

Their health authorities' care provision is more holistic. Efforts are made to ensure that these children gain academic qualifications, life skills such as looking after their health and the confidence to discuss problems with those in authority. It is important to give people who need it most the ability to discuss their problems with other people. A problem shared is a problem halved. That is the type of skill we should develop in these young people.

Children in foster homes not only experience life in a home environment which is beneficial, they also experience life in a community environment. Such an environment brings several benefits that one cannot buy which we take for granted, even if it is only going to a religious service on a Sunday or the odd football match. Being a member of a football team, taking part in a race or going to a dance class helps one become part of the community. We cannot take such connection for granted. This is a major plus a child will get from living in a foster home or being cared for in a loving home. We should welcome such care.

[Mr. Connolly.]

The child abuse scandals made people realise that the area of residential care has been neglected, thus making it fertile ground for predatory paedophiles. While not all are of that ilk, many people can worm and weasel their way into positions in various institutions where there are vulnerable people. They know how to get such positions. The fear this creates deters many good people from taking up a position in a running club, swimming club or in the boy scouts. A scout leader asked to take a group of children away for a few days, would be foolish to do so. One must ensure there are two adults in the group. These people would like to do excellent work for society but society has changed so much that people are looking over their shoulder in fear in case they put themselves in a compromising position. Teachers are afraid to give pupils additional lessons on a one to one basis because of the accusations that might flow from it. It is a pity society has moved in that direction.

The most important change was to open up the management of care homes to public scrutiny and make them more transparent. In the 1960s, 1970s and early 1980s, residential children's homes, even though not totally independent, were run like closed institutions, with periodic cursory inspections made to placate ratepayers and the public. The difficulty with these inspections was that notice of the inspection was given to the institutions. Human nature being what it is, people would put their best foot forward. If an institution were to be inspected, the manager of that institution would put his or her best foot forward and be on his or her best behaviour and have the place shining on the day. If a child had a visible scar, the excuse for it was that he or she had got it at hurling. There was an excuse for everything and the children were drilled on how to respond.

I have been extremely critical of the reports of the Inspector of Mental Hospitals, having worked in such an institution. One would be informed that the inspector would visit on such a day and it was a matter of pride not to let oneself down. The institution in which I worked is a world health model and an example of how mental health should be delivered. However, I would prefer if the inspector visited on days that were not made known to the institution to get the true picture of the institution.

The same applies to children's institutions. One can get around the system. A visitor is brought into the institution, given a cup of coffee and informed about the programmes and how wonderful the facility is. He or she is given the statistics and told how well everything is going. This appears all right to people who do not work in these institutions and who do not know how to ask the probing questions. We have seen examples of this in the recent past. One should be aware of the relevant questions to ask and given time with the children in a non-threatening environment. Children should not feel they

cannot relate to the inspector. An inspector should be someone with a degree in psychology or, at least, someone who can relate to children, who could take the story out of the child. In most cases, one can see the fear in children, and it takes time for them to relax. One cannot take a story out of a child in two minutes but must develop a relationship with the children.

People from outside should be allowed to visit these institutions. Perhaps they could become mentors and the children would see them as people they could trust. This is what a real inspection should be about. The reports written are usually similar to each other. We must move forward from this type of scenario. A charismatic controlling individual running the home, together with a complicit team, would have no difficulty getting around the inspectors.

I welcome the requirement for employment in residential homes or areas where there is the potential to abuse people. I am talking in particular about the health services. To work in the health services and the learning disability services, one must be screened by the Garda, which is a welcome requirement. It is difficult to pin down people who move from country to country. I welcome the screening programme because abusive people can worm their way into the system. Some people feel offended that they or perhaps colleagues from another jurisdiction must go through the Garda screening programme, but that is life. I am not saying this will stop abuse from happening, but it is a step in the right direction, which must be welcomed. It will safeguard individuals. If this requirement was in place years ago, it would have made life much safer for people who were vulnerable to attack.

I would like to have addressed a number of other issues but my time has run out.

**Mr. Naughten:** I welcome the opportunity to speak on this legislation. I want to raise a specific element which is not included in the legislation, that is the issue of the vaccine trials carried out on children in residential institutions without their consent, which is being swept under the carpet, facilitated by this Bill.

The vaccine trials were carried out on children during 1960-61 and in the early 1970s, up to at least 1973. The current amending legislation before the House does not refer to the vaccine trials. The Government is brushing aside a vital issue that affected many vulnerable children in State care at that time. The Commission to Inquire into Child Abuse Act became law in 2000. The Government sought to amend the Act in 2001 to allow for investigations into vaccine trials. However, the amendment was challenged in the courts and any investigation into the trials has now been put on hold. Since then, the silence on vaccine trials has been deafening. I, together with a number of other colleagues, up to and including the year 2001, raised this issue, and related issues, on several occasions. When it was referred to the Laffoy Commission we thought we would eventu-

ally get some answers to these issues. Now this appears to have been parked.

This issue first came to light when the trials were the subject of media comment in October 1990, and subsequently in May 1991. The then Minister for Health, the current Ceann Comhairle, Deputy O'Hanlon, answered questions in this House on the issue on 7 May 1991. At least two separate studies were carried out. The first was the 1960-61 study, which was the subject of a subsequent report in the *British Medical Journal* of 21 April 1962. It described a comparative study comparing three-in-one, diphtheria, tetanus and pertussis and a separate polio immunisation, with a four-in-one. The four vaccines combined were tested on 52 children resident in five orphanages.

In 1973, the Eastern Health Board noted above expected levels of adverse reactions following the administration of the DTP vaccine. It discussed this with the pharmaceutical company, Wellcome, who manufactured the vaccine. I want to focus specifically on the trials conducted during the 1970s and these adverse reactions. I will give the background to the trials in the 1970s, during administration of the three in one DTP vaccine. In the late 1960s and early 1970s, there was a great upsurge in the number of severe adverse reactions in children who received them, so much so that in 1973, the Eastern Health Board's records showed that the official in charge of the administration of the vaccine within that health board's region was inundated with reports of severe reactions among children. On 24 September 1973, the official in question, Dr. Dunleavy, wrote to Wellcome, the manufacturer of the vaccine, enclosing a list of lot numbers of Trivax which had caused severe adverse reactions. She wrote to Glaxo Wellcome to express concern and the company replied that it had no indications as to the reason therefor. However, three years earlier, in 1970, a senior scientist in Wellcome had warned in a memo to senior colleagues that if further reports of severe reactions to the vaccine were received, it might be desirable to cease its manufacture altogether.

The pertussis of whooping cough element of the three-in-one vaccine is widely believed to have been responsible for the adverse reactions and the Eastern Health Board asked Wellcome about the possibility of reducing or altering that element in the vaccine. There were so many adverse reactions to the three-in-one vaccine in the early 1970s that, by 1974, the extent of the adverse reactions was such that more than 50% of parents were opting for the two-in-one vaccine instead and omitting whooping cough or pertussis cover when vaccinating their children. That is the background to the trial that took place in 1973.

In the first six months of 1973 in particular, more than 80 reported adverse reactions were recorded. Lot numbers were documented for these and they are still available. The Eastern Health Board co-operated with the pharmaceutical company in carrying out a study comparing four types of DPT vaccines, two of which were

already in use and two of which were composed of the same basic components and which were approved.

The 1973 trial involved an institution and a comparative control group outside that institution. A total of 116 children were involved, 59 from the community and 57 from two children's homes in the Dublin area. The children participating in the study were due to be immunised with DPT vaccine as part of the national immunisation programme. The children in the community were given the normal commercial vaccine and those in care were given the new trial vaccine that was being studied at the time. The results of the study were inconclusive in that no significant difference between the vaccines emerged.

The trials that took place in 1973 were approved by the then National Drugs Advisory Board. However, prior to 1987, there was no statutory basis for conducting clinical trials in Ireland. In 1987, legislation was enacted which laid down protocols for conducting clinical trials. The National Drugs Advisory Board was not even a statutory body at the time of the 1973 trial.

The trial begged a number of questions and they need to be answered. Sadly, we will not get the answers through the Laffoy commission. In the first six months of 1973, more than 80 adverse reactions were recorded, yet the records of the National Drugs Advisory Board which gave approval for the trial to take place noted only two suspected adverse reactions in the whole year. No lot number is recorded for these.

Prior to 1987, there was no statutory basis for conducting clinical trials. Under what authority did the National Drugs Advisory Board approve these trials? It obviously did not have much control over them given that it had no record of the 80 adverse reactions. These 80 adverse reactions pertain only to a certain region and do not represent the total national count.

According to documentation released by the Department of Health and Children on the clinical trials, the injections were given between June 1973 and January 1976, which is well outside the two-year period for which the licence was given to Wellcome. It is also reported that in July 1977, according to a Wellcome memo, Dr. Irene Hillery was still carrying out work in the area related to adverse reactions.

On 28 June 2001, during Private Notice Questions, I asked the then Minister for Health and Children, Deputy Martin, when these trials ceased. In his response, he stated: "Regarding June 1973 and the clinical trial in 1976, that will be investigated by the Laffoy commission." This is no longer the case. On 9 November 2000, the then Minister then stated the records pertaining to some of the clinical trials were woefully inadequate. He described the lack of documentation relating to the trials as puzzling and unsatisfactory.

Does it not seem strange that an eminent scientist such as Dr. Irene Hillery would keep inad-

[Mr. Naughten.]

equate records? What has happened to her notes? I have no doubt that she kept detailed notes on the trials. However, they seem to have disappeared. I asked the then Minister about this on 28 June 2001. He stated:

As regards Deputy Naughten's question, his quotation from my speech refers to the vaccine trials that have now been sent to the Laffoy commission for investigation. The Oireachtas forwarded that to the Laffoy commission due to the inadequacy of records and information. The Laffoy commission has the powers to compel and secure documents. Therefore, it is now a matter for the commission to pursue those issues.

This is no longer the case as there is to be no investigation into this matter by the Laffoy commission.

The 1973 trial involved institutions and a comparative control group outside the institutions. The children in the community were given the normal commercial vaccine whereas the children in the institutions were given a new trial vaccine. Why were the children in care used as guinea pigs? On 28 June 2001, the former Minister, Deputy Martin, said:

. . . obviously the entirety of that trial comes under the Laffoy commission, as there are the issues relating to why the control group was not given the changed or trial vaccine. They were given the normal commercial vaccine and the children in care were given the new type of trial vaccine. That is an issue that needs to be teased out. The Laffoy Commission will have the competence to do that. The broader issue does not fall within its remit.

It will not have the competence to do so because it will not carry out this task.

Some might believe the control group got off scot free in respect of the trials. This is not the case because one must bear in mind the Tribovax T vaccine. In this regard, let us reconsider Dr. Dunleavy's letter to Wellcome in September 1973. Enclosed was a list of lot numbers of Trivax which had caused severe adverse reactions. Included in this report were two lot numbers which corresponded to Tribovax T. At the time, Tribovax T was used by the agriculture industry because it was an animal vaccine. We still do not have answers regarding this matter. It is alleged that three different doctors in Dublin transcribed the lot numbers that corresponded to Tribovax T, the animal vaccine, and not Trivax, the human vaccine that was in use at the time. It is understood that at least one such lot of animal vaccine was administered as part of the drug trial which was supposed to be investigated by the Laffoy commission. The administering of animal vaccine to children as part of a trial in 1973 is a scandal in itself. The National Drugs Advisory Board obviously did not note that adequately.

Consider the shoddy controls that were put in place by Wellcome in the era in question. One of the other batches that was administered in the late 1960s and early 1970s was batch No. 3741 which was administered to a child called Kenneth Best. In 1991, this case came before the High Court during which Wellcome admitted openly that its quality control procedures at the time in question were virtually non-existent. When cross-examined by Mr. Dermot Gleeson as to whether other batches of similar or greater potency were released, Mr. Peter Knight, manager of the immunological product support group of the Wellcome Foundation stated:

There may have been a half dozen, a dozen or 100 more . . . Goodness knows what I would have found if I had looked wider.

At the conclusion of the Best case in the High Court, Mr. Justice Liam Hamilton described Wellcome as negligent and criticised the company's quality control procedures. It appears that, as part of a trial involving children in care, animal rather than human vaccine was administered. The commission will not investigate this because it has been written out of this Bill. The investigations and trial were prompted by severe adverse reactions to Trivax DTP vaccine manufactured by Wellcome and administered in the late 1960s and early 1970s.

The Irish Medicines Board received notice of 224 suspected adverse drug reactions to the DTP vaccine since 1972, 87 of which were classified as serious, in accordance with agreed international criteria. The State Claims Agency, established in 2002, manages personal injury claims against the State. Information the agency provided indicates that four claims have been received from parents regarding alleged vaccine damage from the State supported MMR vaccine programme. There are also cases involving the South Eastern Health Board and the Western Health Board, relating to the BCG vaccine.

Wellcome used shoddy procedures and kept poor records in the late 1960s and early 1970s. Consequently, there were many adverse reactions to the vaccine, which led to the trial. Following those complaints at least 93 parents claimed their children had been severely damaged by the DTP vaccine.

This came to a head in 1977 when the then Minister for Health established an expert medical group on the whooping cough vaccination to examine claims that persons had been permanently damaged by that vaccination; to view the medical information available on these claims; and to indicate whether in its opinion the damage was attributable to the vaccination. The group found that in 16 of the 93 cases presented to it there was a reasonable probability the vaccine was responsible for damage.

In private correspondence to parents of brain-damaged children in 1982, Deputy Woods, then Minister for Health, admitted that the side effects

such as mental retardation, paralysis, collapse and convulsions were generally recognised as occurring occasionally following whooping cough vaccination. However, when the expert medical group concluded its evaluation of these children the then Fianna Fáil Government pursued a policy of trying to buy off the parents by offering them a once-off *ex gratia* payment of £10,000, despite strong advice from senior officials in the Department of Health.

At an early stage, following the expert group's initial findings, the officials said it would be inconsistent and inconclusive not to concede proper compensation. Thirteen families accepted the offer of the *ex gratia* payment. The Best family declined the offer and received more than £2.9 million in the High Court during the early 1990s.

It has taken 20 years since that Government offer for the Department of Health and Children to progress the issue of adequate compensation. Following a meeting with the Minister for Health and Children in spring 2002, the Department undertook a preliminary review of the vaccine damage compensation schemes in place in other countries. The report was submitted to the Minister last year and is now on the Tánaiste's desk. The Tánaiste has included it in her Department's work programme for 2005 which means it will not be considered before 2006.

Two critical elements need to be put in place immediately. At least 16 of those children deserve fair and reasonable compensation. Others who have been damaged, or have submitted claims, need to have those claims assessed in regard to vaccine damage and to receive compensation where appropriate. We need a full inquiry into the vaccine issue. This cannot be allowed to be covered up.

Several investigative avenues are open to the Government on this issue. If one is closed, alternatives are available through which the Government can fully investigate this matter. I have raised enough questions this morning to ensure that such an investigation takes place.

The debacle of these vaccine trials has tarnished the reputation of Dr. Irene Hillery, an eminent scientist. She should be given the opportunity, through some mechanism, to clear her name in a non-adversarial way. I urge the Minister of State, and her colleagues in Government to consider this issue, which falls under the remit of the Departments of Education and Science, and Health and Children. They should ensure this is thoroughly investigated, and the truth is uncovered.

Deputy English and I know some of the parents involved. They want answers about what happened to their children, many of who are now in their mid-thirties and early forties. The parents must try to care and provide for them. They do not mind whether there is a "no-fault" compensation scheme, such as Deputy Twomey mentioned but they deserve compensation and their children deserve the State's care.

The State was negligent in their respect whether the children were in care or not and the parents want answers before they die. Sadly many of those parents are quite elderly and are badly hurt by the way the State and various Governments have treated them. This is not a party political issue but it is more serious than the scandal of the nursing home charges will ever be. The parents seek only the truth.

I know one family whose child spoke her first word, "Dada", on the morning of the vaccination. That was also the child's last word. On the way home from the vaccination the child had convulsions and has never spoken since, and cannot walk without assistance. Until that day she had reached all her developmental milestones. Those parents and many others deserve answers. Will the Minister of State take an interest in this issue and speak to her colleagues about establishing the truth?

**Mr. English:** As Deputy Naughten says this issue must be considered and cannot be left to one side. If we return in two or three years' time with unanswered questions we will have learnt nothing from this debate. The argument could not have been better put than as Deputy Naughten put it.

There are few occasions on which I speak on matters of great shame to this House and to the country. I join all those who have spoken before me in condemning this practice as morally and socially unacceptable. It is a shameful blot on our history. All abuse is wrong but child abuse is the sickest form of abuse.

The matter before the House today, to amend the 2002 legislation, is unfinished business and will remain unfinished unless certain questions are asked and answered. The need for this legislation springs from the resignation of Ms Justice Laffoy after much debate and pleading with the Department of Education and Science for funding.

I welcomed the Taoiseach's unreserved apology on behalf of the State for child abuse in 1999. Foolishly I presumed that every arm of the State would row in behind the inquiry to try, for the sake of the people involved and of natural justice, to make the inquiry successful. History, and today's debate, show that was not successful, which is a great shame.

The Department of Education and Science refused to pull its weight in this matter. It is a shame for County Meath that a fellow representative of that area, Deputy Noel Dempsey, was the Minister in charge at the time. Although he was a teacher he could not learn from the past. He was part of the Government and did not make this decision alone but it was the wrong decision. He should have ordered his Department to cooperate fully with Ms Justice Laffoy. It was just too easy to accept her resignation at that time. Ms Justice Laffoy knew exactly what was needed but did not receive it. She knew what was needed to ensure fair play and justice for these victims.



[Mr. English.]

The question remains why this happened. So long as it remains, how can we even begin to seek closure on this matter?

While growing up in and around the town of Navan I learned much and have more to learn. Two principles I learned that I will always remember were that one does not abuse children and that one respects one's elders. In recent weeks in the House we have seen cases where both these principles have been ignored. When the former Minister for Health and Children, Deputy Martin, told an Oireachtas joint committee and claimed he did not know that his Department was overcharging, despite that it was his job to know and most people in the country suspected he knew because he had the reports and it was his job to read them, he set a new level of what is acceptable in public administration. He should have known better.

It is on a par with what is being done in this legislation. Halfway through a process the Government is trying to shift the goalposts to a position that is more acceptable to itself and the Department of Education and Science rather than to the victims. It is not fair and it is not right and I fear lessons will not be learned. At the crux of the matter is that each individual case is not a fact, figure or statistic but a person no better or worse than any Member who found himself or herself, through no fault of his or her own, at the mercy of the State. Sadly, the State had no mercy.

To calculate this inquiry in monetary terms only is to diverge from that facts. While we all want value for money we also want closure for those involved because they deserve closure as well as truth, justice and answers. My understanding of justice is that those wronged are entitled to tell their story in court and, if possible, face the wrongdoer, in this case the abuser. While I know that will not be possible in every case, the State should do its best to facilitate it. The idea of bunching similar cases together to reach a settlement goes against that principle. We are not dealing with overcharging by banks or mistakes made by a Minister in nursing home charges. We are dealing with abuse and people who have been hurt and stained for life. To group these cases together sends out the wrong signal. The State was wrong. Everyone deserves a separate hearing of their case and it is wrong for the State to set rules with which it is comfortable. The rules should be set by the victims and we should at least listen to them in order that they can get what they need out of the investigations. It is wrong that the Department is investigating itself.

This process should not be comfortable for anyone involved because it should become part of the healing process and, if handled properly, it will be. Given that amendments have been tabled, perhaps there will be a change but, as the Bill stands, I am not happy that it will solve all problems, help bring closure for victims and help them heal. This process should certainly not be comfortable for the Department of Education

and Science and, in an ideal world, it should not fund it. Neither should this process be comfortable for any arm of the Church or State which is affected by the child abuse issue because questions need to be asked and answered and, above all, lessons need to be learned. Justice and truth must prevail. The victims must get the answers they need to enable them continue with their lives.

The reason the issue has reached the point of needing a second piece of legislation is that it was handled dreadfully badly from the beginning. Having spoken to these people, I know they required that those responsible accept responsibility for what they did. While this has been achieved in some way, it has been an exhausting and long drawn-out process for those involved. They wanted answers to questions that could and should have been answered long before now but for reasons better known to themselves, large institutions chose not to answer.

My firm belief is that if these two issues had been handled properly and in a caring manner, the issue of compensation would have been a very small issue which would have been easily dealt with. Instead, arms of the State chose to issue denials and exhaust the process which annoyed people, caused hurt and cost millions of euro. Has the Government learned anything? The jury is still out but my inkling is that it has not.

Those who do not learn the lessons of history are destined to repeat them and this, seemingly, is the case. Countless elderly people lie on hospital trolleys and countless numbers of children vanish from the care of the State each year. I refer to children who arrive without proper passports and documentation seeking refugee status and later vanish. I hate to think where these children end up. Countless children at the mercy of the courts still end up in institutions not suitable for them while countless others sleep rough on the streets. It does not appear as if lessons have been learned. Each of the cases I have listed is an inquiry waiting to happen.

I plead with the Government and all others to stop blaming the inquiries for costing so much money but rather put the blame on a system or Government that allowed this practice to happen and, to this day, still allows abuse of children to happen. The victims need us to help them to bring back a quality to their lives and they need closure. There is an onus on us to get this legislation right in order that this issue can be dealt with quickly. Will the Minister speak to her colleagues and listen to amendments from this side that might make it a better Bill? Nobody has anything to gain from this politically. We are all here to do what is best for the victims. Any suggestions we put forward should be examined, dealt with and talked through. If we table amendments that are not right, we will listen but we have some good amendments that should be examined. Victims must have their say.

**Mr. Costello:** I thank Deputy Boyle for allowing me to precede him in the speaking order. I will be brief.

We are all aware of the tragic circumstances in which so many young people were raised in institutions and the manner in which they were consigned to lives of misery and, in many cases, physical and sexual abuse. It took until the end of the 20th century before an apology was made by the Taoiseach on behalf of the people for the gross neglect by the State in the management and care of many young people by entrusting them to the care of various bodies and religious orders.

We have subsequently and very laboriously put in place the legislation, the redress board, the recommendations of the review group, the Laffoy commission, and the report and subsequent recommendations of Mr. Justice Ryan. We are still a long way from completing our examination and compensating the victims of abuse. Not long ago a person was on hunger strike outside the House. He was not allowed give evidence and tell his story. Any development should be from the point of view of those who were abused in those institutions. There should be a belated recognition that such victims exist and their views on how the matter should be addressed should be an important consideration. If they need the catharsis of telling their story, of recounting the events, it behoves us to afford them that opportunity.

I am not quite satisfied with section 7 of the Bill which allows for such stories to be told merely to inform the commission rather than giving the victims the opportunity of an outpouring of their traumatic experiences. I was a member of the Joint Committee on Justice, Equality, Defence and Women's Rights which conducted hearings on the Barron report into the Dublin-Monaghan bombings. The relatives of the 33 who died and the survivors attended the hearings. For the first time in 30 years these people had been afforded a forum to recount their experiences. They described how their lives had been affected. The opportunity given by the formal hearings was a great relief to them. They had been afforded a public hearing which was a recognition of how they had been neglected. I appeal to the Minister of State to ensure they will be given the opportunity to recount the experience before any redress board and any commission.

I am aware of many people in their 50s, 60s and 70s living in the north inner city of Dublin who as a result of mitching from school, for the most trivial of larcenies or where a parent had insufficient income to raise a child, spent their early childhood in institutions. The many diverse reasons often had little to do with misbehaviour but such was the system at the time. Their lives have been blighted. Many of them progressed to a life of crime, moving from one institution of detention to another and many have been damaged. Many of the men never married and live a single life and many are alcoholics. I am

sure the same applies in other parts of the city and in other urban centres and rural areas. Countless numbers emigrated because often arrangements were made to encourage them to emigrate. There was less crime until the 1960s because vast numbers of youngsters leaving these institutions were directed abroad.

A good friend of mine was very severely abused and has since been before the redress board. His mother brought his case to the attention of the then Minister for Education. She procured a meeting with the Minister for herself and her child whom she took out of the institution for the meeting. She told the Minister about what had happened her child. The child was returned to the institution. Those in charge of the institution were spoken to. The child had complained about a particular person who then asked the child the reason for the complaint but following this the child was treated fairly. The then Minister for Education had been in direct contact with the institution in which the child was abused. He put a stop to the abuse but allowed the child remain in the institution. Many situations are similar and have never been properly examined. I am sure the authorities were more aware of what was happening than we have been led to believe. There is an onus on the State and the religious orders cannot be cleansed of their responsibility in the matter.

During the passage of the Residential Institutions Redress Act 2002 through the House I raised the case of the Bethany Home with the then Minister. I requested that the home be included in the list of institutions. The Minister stated the original list was limited to 128 institutions, with 13 subsequent additions. I was more or less promised at the time, I believed, that the Bethany Home would be included. I have been in communication with some of the former residents of that home for a long time and they wish to be included. I have received replies from various Ministers on the case. However, it seems to have been ruled out on the basis that the Department of Health and Children did not inspect the home at any stage. Whether or not the State inspected it, this was an institution in which young people were placed and it should be included on the list. The former residents who are now in their 60s and elderly hope their case will be considered promptly. Other similar institutions existed. There needs to be a fresh look at the list of institutions in the Schedule with a view to ensuring a full list is compiled of institutions within the remit of the board, otherwise these elderly people will not be able to make a claim.

I thank Deputy Boyle for his generosity in sharing time. I hope the Minister of State will take action on some of the issues.

**Mr. Boyle:** The substance of this Bill will be readily accepted by all Members of the House and by all members of society. Unfortunately the

[Mr. Boyle.]

necessity of introducing this Bill is due to political failure on the part of the Government. The circumstances of the introduction of this Bill have been on foot of the damning resignation of the first Chair of the commission, Ms Justice Laffoy. Her resignation was on the grounds that not only as chair of that commission was she failing to receive political co-operation from the Minister and the Department but in many ways her role as chair was being stymied. All Members of this House should query those grounds and ask the reason the chair of a properly constituted commission undertaking work on behalf of the State should find herself in such a position.

The appointment of Mr. Justice Ryan followed and his recommendations are being largely incorporated into this Bill. There is undoubtedly a need for better administrative procedures and to bring finality to many of the issues involved in the work of the commission but I am disappointed there is such an emphasis on the administrative difficulties. As other speakers observed, the hope in establishing the commission was that it would allow us to hear the stories that must be told. These are the individual stories of people who have lived lives without justice in our society. There is an onus on all of us in official Ireland to ensure those stories are put on record. Every individual story has a value and each story must be heard and a response given.

To argue there are stories similar to each other and stories that can be taken in generality is unacceptable and the provisions in this regard are disappointing. We can never properly deal with the effects of this part of our history without allowing victims the opportunity to come to terms with the pain they suffered in the care of the State. It is unfortunate that the commission will not be given sufficient opportunity in its future operation meet this objective.

Notwithstanding the recommendations of Mr. Justice Ryan, one must question how this prioritisation is likely to operate. To what extent can we put values on different degrees of abuse, whether sexual, physical or psychological? How can one say the abuse experienced by one individual is somehow of a lesser degree than that experienced by another? In this regard, the chair of the commission has given himself an almost impossible role in ensuring the commission can work effectively to produce both its interim and final reports.

On these grounds, it seems this legislation is more concerned with what is administratively convenient rather than what is the morally responsible action to take. That political context has been lacking throughout this debate. It is easy to confuse the work of the commission with the ongoing work of the Residential Institutions Redress Board because there is an obvious cross-over and the same issues are highlighted in the work of both bodies. The Committee of Public

Accounts, of which I am a member, recently investigated the likely cost to the State of the approach taken to compensate victims of abuse in institutional settings. The committee operates within a strict set of guidelines and is not permitted to make political comment in regard to the policy implications of any issue under its consideration.

However, I am permitted to engage in such commentary as a Member of this House. The report the Committee of Public Accounts produced concentrated on administrative issues such as the failure of the Government to secure sufficient expertise in negotiating with outside bodies and devising legal contracts. There is a political responsibility in terms of how the redress board and the commission were established and who should take responsibility for how public money has been spent and the areas to which it has been directed.

We must consider whether the redress process has proved an effective mechanism for those who have been abused in recognising not only the hurt they have experienced but the difficulties endured by many of them in adjusting to subsequent life. In line with a general political unwillingness to take responsibility in this area, it is disappointing that there is nobody willing to account for the decisions made. Incorrect political decisions were made that were unhelpful in terms of the wider debate on this issue.

One of the major difficulties in regard to how particular complaints of abuse can be put into general categories is that many of those who have experienced such abuse, because of the nature of the abuse itself and the lives they have subsequently led, are the persons in society most affected by issues of literacy and most effected in terms of their ability to be self advocates. They are obliged to justify their stories, their experience of pain and disillusionment and the ongoing effect of this on their lives in a semi-judicial setting. The Bill provides for more informal settings of the committee structure within the commission but the process will still be intolerable for many victims. Rather than being confident their stories will be heard, and gaining some sense that their pain will be assessed and accepted by the State, they are being put into a situation where many may feel they are on trial.

It will be unfortunate if this is the result of the new structures. The previous chair of the commission, Ms Justice Laffoy, went to great lengths to ensure such an environment did not exist and I have no reason to believe the new chair will allow any change in this regard. However, the fear exists that where there is legislation to put structures in place, the emphasis is always placed on administration, costs and structures. What gets left behind in this scenario is the individual. I hope there will be an opportunity on Committee Stage to consider how the legislation might be humanised.

Many of those who suffered abuse were placed in State institutions for the sole reason of family circumstances and their placements were made on the basis of court orders. The existence of these orders, which are historical documents, give the impression to the persons involved and to the community in general that they were criminalised as children and put into custody. This is the scar they have been trying to heal in their subsequent lives. We must do something to rectify this situation whether through amendment of this Bill or through some amendment in criminal justice legislation, as required.

A clear statement must be made in terms of how such people found themselves in institutions. Retrospection is a difficult legal process to undertake but we must retrospectively say that court orders should not have been issued to place these people in institutions. There is no reason they should have been there and no reason they should have been legally defined as a problem for the State. If we can manage this with some type of new legal instrument, we will go some way towards alleviating the continuing pain of those who find themselves in such situations.

The emphasis in this Bill is on public accounting and the need to ensure minimal costs in the entire process. I had hoped, although this is perhaps a wider issue for the Residential Institutions Redress Board, that the focus would be on the ultimate direction of the public money given in compensation to abuse victims. The awards made by the board have been limited and, in recent instances, exceeded in court cases. We must examine the degree to which awards are divided between personal compensation and the legal costs of the individual. It is unacceptable in any compensation process that legal costs should represent such a high proportion of the overall amount awarded to an individual.

I accept this is a political issue of concern to all political parties and there is legislation, some of which has been introduced and some of which is intended to be introduced, which could alleviate the situation in the future. Unfortunately, hundreds if not thousands of people have been given awards on the basis that their pain and suffering has been used to increase the economic benefit of others involved in the process, but who did not undergo that pain and suffering in the first instance. Until we improve the balance in the structures that exist, more pain will be caused in the future.

Many of us hope the Government will be open to accepting the need for amendments on Committee Stage to change the Bill's emphasis which, as I have stated, is too much on the administrative and impersonal side, rather than on the side of the victim of child abuse who we are unfortunately still dealing with. There would be support throughout the House, perhaps even unanimous support, if the Bill's emphasis was watered down and a more human perspective was brought about

on Committee Stage and Report Stage. I look forward to the Government taking those views into account.

**Minister of State at the Department of Education and Science (Miss de Valera):** I thank Deputies for their contributions. This has been a responsible debate, which shows a great understanding of the sensitivity of the issue among Deputies. We will discuss the issues raised by Deputies in much greater detail on Committee Stage.

I wish to touch on the role of the Department of Education and Science as a respondent before the Commission to Inquire into Child Abuse, and on the main issues that have been raised in the debate. The Department, in its role as a respondent to the commission, has dedicated substantial staffing and administrative resources to ensuring complete and timely compliance with numerous discovery directions as they are received from the commission. To date, a total of €10 million has been expended on the commission's administration costs, and a further €21 million has been provided for administration in the Estimates process for this year and the next two years. The Department has complied with the four general discovery directions and ten institution-specific directions. As has been agreed with the commission this year, discovery directions for a further nine institutions will be delivered on a phased basis by September 2005.

The volume of documentation already submitted indicates the scale of the operation. In response to discovery directions from the commission, the Department has provided the commission with in the region of 150,000 pages of documentation. I assure the House the allocation of resources required to meet those obligations will be sustained into the future as part of the Government's ongoing commitment to meeting the commission's requirements.

A number of Deputies raised the question of transferring sponsorship of the commission to another Department. The Government's position on that was clearly addressed by my colleague Minister, Deputy Noel Dempsey, in February 2004. Sponsorship of the commission by the Department of Education and Science should continue. That arrangement can be equated to the position of other Departments responsible for sponsoring inquiries within their respective remits. For instance, sponsorship of the Mahon tribunal lies with the Department of the Environment, Heritage and Local Government, and sponsorship of the Barr and Morris tribunals lies with the Department of Justice, Equality and Law Reform.

Several Deputies raised the issue of the vaccine trials. It is not intended for the commission to deal further with the vaccine trials. The order mentioned in the debate has been the subject of a court judgment, and it is now a matter primarily

[Miss de Valera.]

for the Tánaiste, in her role as Minister for Health and Children. I understand that procedures have been put in place to revoke the statutory instrument that provided for adding to the commission's task the function of investigating the vaccine trials, 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. The Department of Health and Children has discussed with the commission and other parties with an interest in, or affected by, the trials. Some of those discussions are ongoing. Until they have been completed, the Government is not in a position to outline the course of action that will be taken.

On section 4 of the Bill, various Deputies raised the question of how the commission will examine the manner in which children were placed in institutions. I refer to Mr. Justice Seán Ryan's statement of 7 May 2004. He stated clearly that, when carrying out an inquiry of this kind, one has to consider how children were placed in institutions and the role of the courts that processed children in the system. He went on to state that various Departments must be asked questions relating to the supervision, direction and management of the children who ended up in the institutions concerned. It is for that reason the provision has been included.

Section 7 has also been mentioned by a number of Deputies. This section, in conjunction with section 4(6), will allow the investigation committee to call before it those persons whose accounts it considers will provide it with the greatest possibility of arriving at the truth about what occurred. It will allow the investigation committee to identify as wide a cross-section of experience as possible for further examination.

In his programme for work for 2005, Mr. Justice Ryan has outlined that the investigation committee will interview every one of the approximately 1,300 people who decided to continue participating in the committee's inquiry. The information obtained in those interviews will be collected and produced in report format. This report will then be distributed as appropriate to relevant bodies for comment and discussion. If there are material areas of dispute, the committee will arrange for further investigation, including full hearings if appropriate. In the interview process, witnesses whose experiences require to be investigated further will be chosen for later appearance before the committee in full session, with cross-examination. If there is an acceptance of the allegations of abuse, it will not be necessary to investigate further.

Since the appointment of Mr. Justice Seán Ryan, the investigation committee has conducted a large number of public hearings on the emerg-

ence of child abuse as an issue as well as public hearings in relation to specific institutions. The committee has also conducted private hearings, in which witnesses from five institutions have so far given evidence. The confidential committee commenced its hearings in September 2000. By March 2005, more than 1,060 hearings had been completed by the committee, leaving a remainder of 35 hearings to take place over the coming months. The legislation before us will further enhance the workings of the commission, enabling it to build on the progress it has achieved to date and to bring the inquiry to a satisfactory conclusion for all concerned.

Regarding the proposal to include additional institutions under the remit of the Residential Institutions Redress Board, the Minister for Education and Science made an order in November 2004 providing for the inclusion of an additional 13 eligible institutions under the schedule of the 2000 Act, and officials from the Department are in consultation with a number of interested parties regarding the inclusion of a small number of other institutions. When that consultation has been completed, the Minister will make a decision on any such inclusion.

Some Deputies raised the possibility of including day schools under the remit of the Residential Institutions Redress Board. The redress board was established as an alternative mechanism to the courts to provide financial redress to former residents of institutions who were abused while they were in those institutions, over which the State had a significant supervisory or regulatory responsibility. There are no plans to extend the remit of the redress board to day schools. The rationale behind the setting up of the Residential Institutions Redress Board was that children in the institutions were separated from their parents and therefore did not have the benefit of the care and protection that children in the care of their families usually enjoy. The institutions concerned controlled all aspects of children's lives, 24 hours a day, seven days a week, with no reasonable capacity for access to or involvement by parents. The children in the institutions therefore relied to a significant degree on the institutions and public bodies with a statutory duty to protect them. The redress board has made considerable progress in its work and made awards in more than 3,000 cases since commencing operations in December 2002. The average award made by the board is €78,000 and total payments to date amount to some €229 million.

Following publication of this Bill, officials from the Department of Education and Science met a number of representatives of survivor groups. A number of points have been raised by the groups and, together with issues raised during this debate, these will be considered in consultation with the commission and Attorney General.

I thank Members for their contributions. The amending legislation will greatly assist the Com-

mission to Inquire into Child Abuse in completing its work within a reasonable timescale. Many suggestions have been put forward in the debate and these, which will no doubt arise in amendment form, will be given due thought and consideration by the Minister and the Department.

Question put and agreed to.

**Commission to Inquire into Child Abuse  
(Amendment) Bill 2005: Referral to Select  
Committee.**

**Minister of State at the Department of Education and Science (Miss de Valera):** I move:

That the Bill be referred to the Select Committee on Education and Science, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

**Driver Testing and Standards Authority Bill  
2004: Second Stage (Resumed).**

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

**Mr. G. Murphy:** I welcome the general objectives which the Bill seeks to promote, namely, shorter waiting times for driving tests and better standards of driving. However, one must question its necessity. The Department should have all the necessary requirements to achieve these objectives. It is typical that when an issue becomes too troublesome to handle, the immediate reaction of Ministers is to establish a quango with which to distance themselves from the problems and avoid direct accountability to the Oireachtas.

This Government starved the driving test section of the Department of Transport of funds which would have enabled it to establish a proper system. It also starved the Garda Síochána of resources to implement the penalty points system properly. The promised significant reduction in waiting times for driving tests has failed to materialise and in most cases the situation has worsened. We are now told that the driver testing and standards authority will be self-financing. According to the Minister, this new authority will greatly speed up waiting times for driving tests and introduce systems to improve drivers' competence greatly. It will apparently do so within a shorter period, despite that the Minister and his Department have failed to get such results previously.

For the new system to work, it must be properly resourced. The Minister should make it clear that if the authority is to be self-financing, the cost of a test will double or treble. A test could cost anything in the region of €100 and the necessary preparatory work and training between €500

and €1,000. This is not necessarily a bad development if it saves lives, but the Minister should spell out the implications of the Bill for the already hard-pressed car owner. Added to this is the commercialised system of speed traps and the increased insurance premiums for penalty points given for speeding on regional roads, although this is under review. The Government's mishandling of these issues has led to seriously increased costs for all motorists.

There is already concern among motorists and car owners about the operation of the private national car test. Are there systems built into the operation which guarantee substantial profit for the private companies? What safeguards has the Minister put in place to ensure this does not happen with privatisation?

These issues are of concern to ordinary motorists but not to a Government which does not understand the tight weekly budget on which many families must live. The system has been a fiasco for many years. The Government and the Department have willingly turned a blind eye to various infringements. An amnesty was introduced which led to a careless and haphazard approach on the part of the driving public to driving licence regulations. Who would blame them? They were taking their lead from the Government implementing the system. Faced with the implications of a European directive, the Government became indignant and intolerant of non-compliant drivers.

More difficult problems exist than the delays in driving tests. Some 120 provisional licence holders are in line for the test but, despite the introduction of the penalty points system, more than 200,000 provisional licence holders and many more with expired licences are in limbo. For years, the authorities' interpretation of the law was that if one held a second provisional or expired licence, one could still be fully insured. Most of these people are over 55 and live in rural areas with no public transport. I have raised this issue before and accept that it is difficult to resolve in terms of road safety. The Minister now has the opportunity to put the matter on an acceptable footing when issuing instructions to the new authority.

There has been a general acceptance of different driving licence categories from small scooters and motorbikes to cars to lorries and buses. Many experienced driving instructors believe a comprehensive training programme should be compulsory. As part of the many recommendations they have made for the regulation of their sector, they also believe that lessons should be broken down into driving modules such as motorway, national primary route, rural, day and night-time driving. People who pass a test in any one of these modules should hold a driving licence for that module. For example, a person who passes a rural driving test should hold a licence to drive on rural roads during daylight hours and a person who passes a

[Mr. G. Murphy.]

rural driving test in addition to a night-time driving test could hold a category of licence which allows them to drive on rural roads both day and night. By completing training in any of the other modules, they can expand their driving experience and licence category to national primary roads and motorways and driving other vehicles. This system would ensure that all drivers were properly trained and tested for the category of licence they held.

Other countries have systems designed for this purpose. In certain parts of Germany, elderly people can obtain local driving permits. As a result of Japan's tradition of respect for the elderly, special laws are enforced to enable them to drive safely. We must look at a safe and secure way to allow these people, many of them elderly, who have driven on provisional and expired licences for many years to attain an acceptable level of driving for which they are trained and tested. The social consequences of ignoring this would be enormous, not only for the people themselves, but also for their immediate family and friends. The loss of independence will affect the entire family and community. Many retired grandparents provide invaluable assistance to their children and grandchildren. Most young married couples work and now depend on the support of their elderly relatives. The last time I raised this issue many of our well-heeled commentators did not grasp the enormity of the problem and I must accept that a solution from a road safety point of view is not easy. The concept of having different categories of licences is well established. By adding the concept of training and testing in modules we could have the beginning of a solution to a problem, which can have very serious social consequences.

The Minister seems determined to establish this authority, which if it is to be successful and well run will inevitably represent an additional cost on the motoring public. The authority must be properly resourced and if it is self-financing then the motorist or potential motorist must provide the money. If the Minister instructs the authority to come up with imaginative solutions that help to compensate for years of confusion, that will give everybody — especially those on long-term provisional licences and expired licences — a chance to get on the first rung of the driving ladder by introducing a modulated training and testing system mostly for older people, then some good will have been achieved. If it introduces a system of testing for young drivers that uses the most modern training to clearly demonstrate to them the dangers particularly of driving in hazardous conditions and it reduces the waiting lists for tests then although much more expensive it will be worth the effort.

**Dr. Fitzpatrick:** I wish to share my time with Deputy Glennon.

**Acting Chairman (Cecilia Keaveney):** Is that agreed? Agreed.

**Dr. Fitzpatrick:** I welcome the Bill, which is long overdue. When I got my first licence, I went to the local driving office, handed over £1 and was handed a licence. I may be giving away some State secrets regarding age etc. in saying that. I still have the licence among my papers at home.

**Mr. Naughten:** It should be in a museum.

**Mr. Glennon:** What about the 19 shillings and 6 pence he got in change?

**Dr. Fitzpatrick:** Things have moved on since then, with the speed of traffic and the sophistication of vehicles. In many cases our roads are unable to handle these vehicles well. The National Roads Authority is addressing that issue. However, we still have many problems with drivers. Many drivers are not careful and have not bought into the culture of safety that is so necessary now. In his speech yesterday, the Minister mentioned the frightening number of deaths on the road so far this year. Many of these people were pedestrians. The speed at which vehicles now travel mean that people are badly injured if not killed outright in road accidents.

The Minister has said that more instructors will be employed and has promised a new Garda traffic corps or considerably more gardaí allocated to traffic duties. The Minister should meet the assistant commissioner who will deal with this matter. In my experience driving around the country I notice that the gardaí with speed guns are normally positioned on very safe parts of the motorway. I would have thought that any Garda district superintendent would have a map on the wall of his office showing the accident black spots in his area and would send gardaí to monitor and control traffic in these areas until the local authority or National Roads Authority got around to improving the roads in such areas.

The previous speaker spoke about separate licences for motorways etc. Before anybody is allowed behind the wheel of a car he or she should be required to complete a certain number of hours on a simulator in a driving school, as airline pilots do. We would not dream of letting an airline pilot behind the controls of an aircraft, no matter how small, without him or her having completed a set number of hours on a simulator. The same should apply to potential drivers. Before they are given a provisional licence they should be required to show evidence of having completed the required number of hours in a simulator.

The Bill seems to focus entirely on motorists and drivers of heavy goods vehicles. However, other road users are stakeholders in driving safety. I refer to cyclists, motorcyclists and pedestrians. I frequently cycle around the city and due to the slowness of the traffic I find it quite safe to cycle in the inner city. However, on the

main roads out of the city with heavy goods vehicles travelling at 60 or 70 mph the experience can be somewhat less than enchanting. Pedestrians must also buy into the culture of safety. Many of them seem to believe that the footpath and the road are coterminous and it is possible to step from one to the other without looking to see if it is safe to do so. On Committee Stage the Minister might place more emphasis on this aspect.

I would like to speak about elderly drivers.

**Mr. Naughten:** The Deputy is in that category now.

**Dr. Fitzpatrick:** Moving in that direction, one has an interest in the matter. Many elderly people are being refused insurance on grounds of so-called "physical disability". However, cars are now highly sophisticated with power steering and automatic transmission as well being capable of being adjusted. For many elderly people cars represent their only lifeline to the outside world. Especially those living in rural Ireland need a car to go about their ordinary every day life.

I recommend that the Minister send for a copy of the form for a disabled person's parking permit. Given the restrictive clauses, including the loss of either one or two limbs, one would want to be nearly moribund before one would get a disabled person's parking permit. While many people of advanced years suffer with problems with their lungs, heart etc., such ailments do not preclude them from driving. However, according to the restricted clauses on the application form, they would not qualify for a disabled person's parking permit. They need to get out to do their shopping and need to be able to drive and park near the shop. They need a disabled person's parking permit to allow them to walk into the shop, as they are incapable of walking more than 100 or 200 yards. I ask the Minister to consider these matters on Committee Stage.

**Mr. Glennon:** I thank Deputy Fitzpatrick for sharing his precious time. I know that when one comes to his stage in life, it becomes even more precious.

**Dr. Fitzpatrick:** I am not beyond representing my constituents.

**Mr. Glennon:** One must look after one's elderly neighbours. I am delighted to have the opportunity to speak on this Bill and to congratulate the Minister on its introduction. We are dealing with one of the products of the Celtic tiger. Unlike Deputy Fitzpatrick, my period of reflection is quite short. If one goes back 20 years, 900,000 people were at work with a proportionate number of cars. Unfortunately, I do not have the precise figure. Now twice as many people are at work and a direct result of this hugely positive development is that there are twice as many cars on the road. In turn, this puts pressure on all the

different support systems for motorists such as road construction, traffic control, speed regulation and driver testing. In all of these areas, we are working hard just to keep pace with the massive number of cars and the dramatically changed circumstances on the roads.

The primary function of the Driver Testing and Standards Authority Bill, 2004 is to improve delivery of the driver testing service. There has been a marked lack of legislation in this area for some time. I do not remember being able to buy a licence for £1 but clearly remember my parents' recollection of how easy it was to do so. That was a reflection of the time when there was much more space on the road, when automobile manufacturing was less technologically advanced and when driving was more a pleasure and social activity than an absolute quotidian necessity for the vast bulk of the population. Given the changed circumstances as a result of the increased number of cars, our primary difficulty is with safety. Anything that improves the safety environment on the roads such as improvements to the driver testing system is to be welcomed.

Deputy Fitzpatrick made a good point when he drew an analogy with airline pilot training and the aircraft simulator in which all pilots must practice for a certain number of certified hours before being deemed capable of taking an aircraft in strictly controlled situations. Given some careful consideration, a worthwhile parallel activity could be brought into play in the driver testing arena, particularly for emergencies. One feature of the driving test that has often struck me is that it is all very well until one actually encounters a glitch or emergency in a car, especially an emergency created by another road user. How many times have driving tests been conducted without the inclusion of a genuine emergency in the course of the test? It is the ultimate test for any driver. It must be possible, using Deputy Fitzpatrick's useful suggestion, to create a system with at least one test on a simulator where an emergency can be included to test the driver's reaction.

Another point concerns the number of heavy goods vehicles on the road. We have already had a debate about the port tunnel. I am sceptical of the pattern that appears to be emerging with the number and size of super-trucks on the road. If a normal truck was a permanent building, it would require planning permission. Yet we see trucks become bigger and bigger, hurtling along our motorways, invariably — I say this deliberately — in excess of the speed limit and providing a huge danger to all road users. This happens both on and off motorways. Recently, the port tunnel's height was called into question. Are we to continue to adjust our way of life because commercial entities want to employ bigger, uglier and more dangerous trucks? If trucks did not have wheels on them, they would be subject to planning regulations and would invariably be refused permission, as they are totally out of context here. A time must come when a line is drawn on com-



[Mr. Glennon.]

merce and its requirements *vis-à-vis* the greater need and the greater good of society in general.

We are all aware of the excessive waiting periods currently encountered in the existing driver testing system. I am particularly conscious of this as I represent a Dublin constituency, a county, namely, Fingal, which does not have its own driver testing centre although it has a population just short of 250,000. Recently, this population has been growing at the average rate of approximately 25,000 people per annum. To put that into context, 25,000 people is almost the population of Leitrim and the growth in Fingal's population for the past three years has been the equivalent of lifting the population of Leitrim and transposing it into Dublin on an annual basis without the infrastructure.

**Mr. Naughten:** The Deputy's party would be able to elect three TDs there.

**Mr. Glennon:** Perhaps Deputy Ellis would find it easier in our area than he appears to find it there.

**Mr. Naughten:** The Deputy is welcome to him.

**Mr. Glennon:** We have a difficulty with respect to driving test centres. I fully accept the problems encountered in recruiting appropriately qualified driver testers. However, it is one of the facts of life of Ireland in 2005, in the era of the Celtic tiger. We must address the issue and under the terms of the Bill, along with the Minister's vision of the new authority's scope, it will be addressed. While speaking of the new authority's scope and parameters of activity, I am delighted to see that it will be responsible for encouraging better driving in general. However, what plans exist for a better, or a new relationship with the new Garda traffic corps? It strikes me that great potential exists in this regard, as it does with the National Safety Council and similar bodies that have contributed hugely to public awareness of the necessity for increased safety on our roads. On similar lines, I understand an EU directive is currently before the European Parliament on the provision of "smart card" driving licences with improved security features. I would be interested to hear what opportunities might be open to the authority in this regard. Perhaps we could emulate the United States and use such cards for identification purposes in bars and off-licences, thereby contributing to the campaign against under age drinking and drink driving.

We must encourage and insist on standards of responsible driving. We must ensure that the rule of law, especially with regard to road traffic, is abided by. There will always be a small minority that will choose to flout the law, be it statutory or moral. It is up to us that to ensure that there as little scope as possible for this minority to break the law. We must put the appropriate structures and machinery in place. Equally, and this applies to the majority of legislation, we are only

drawing up the rules within which people must operate. All road users, be they motorcyclists, pedestrians or drivers, have a responsibility to ensure that they and others in their immediate vicinity show responsibility and maturity in their use of vehicles and roads.

If there were a more immediate means by which attention could be drawn to those who break road traffic laws while engaged in the act, there would be much fewer breaches of the law and much more respect shown to the law, for example, in the area of speed limits. If there were a way whereby law-abiding and responsible road users could draw attention to those who break the law, for example, by flashing their lights, it would be a positive development. In many cases, speeding results from genuine misjudgments on the part of drivers. They creep over the speed limit without realising it. A high incidence of speeding could be reduced by the method I outlined. However, there will always be the 5% of road users who deliberately flout the law.

I congratulate the Minister on the Bill, welcome it and look forward to its implementation. Any measure that makes our roads safer for those who use them is to be welcomed.

**Mr. Naughten:** I welcome the opportunity to speak on this Bill and wish to raise some points about it. Over the last ten years, approximately 5,000 people have been killed on the roads. The overall cost of this death toll to the community is approximately €7.5 billion, not to mention the grief caused to the families involved in such tragic circumstances. This is the background to this Bill. If one translates this figure of €7.5 billion down to every man, woman and child in this country, it equates to approximately €2,000 per person. This money could be better spent on education, health and the protection of the most vulnerable people in society. The greatest waste has been the lives of many young people who have been involved in road accidents.

If one assesses a young person who has passed the driving test and compares him or her with a young person who is about to sit the test, there is no difference in driving ability. There is something wrong about a system where the driving test does not improve a person's driving ability and in some instances disimproves it. Young men in particular who have sat the driving test gain a sense of false confidence and proceed to drive too quickly afterwards. The driving test does not achieve any of its aims. Even the report produced by the Minister for Transport's consultants concludes that this Bill will not challenge this difficulty. The report concludes that the new authority will not reduce the waiting times for learner drivers and will not improve learner drivers' standards, that the Bill is much too limited in its scope and needs to be expanded to include many elements relating to such matters as licensing and driver instructor registration and that there is a need for a road safety authority with a much wider remit than the one proposed in the Bill.

I want to address the issue of driving instructors because it was stated at the commencement of the Bill that one of its elements relates to driving instruction and the regulation of driving instructors. However, the Bill does not really address driving instruction. I think we all accept that there is a need for some type of regulation of driving instructors and that unless it is introduced, road safety will not improve. Ireland is the only country in Europe that does not have a register of qualified driving instructors. Anyone can put a roof sign on his or her car and call himself or herself a driving instructor. Driving instructors are not even required to sit the driving test and there are driving instructors who have not sat the test, yet they are supposedly teaching driving skills to learner drivers. While the former Minister of State at the Department of the Environment, Heritage and Local Government, Bobby Molloy, introduced legislation to facilitate the establishment of a qualified driver instructors' register, this has not happened. This Bill tips its hat in that direction but does not go any further. There is still no timescale for the introduction of a register.

Section 4 of the Bill gives the Minister the power to transfer the powers under section 18 of the Road Traffic Act 2002 and section 18 of the Road Traffic Act 1968 to the new Driver Testing and Standards Authority. Other than the reference in section 4 of the Bill, there is no further reference to driving instruction in the Bill. Driving standards cannot be improved unless the issue of driving instruction is addressed because properly qualified driving instructors are needed to improve driving standards on our roads. It appears that the Minister is trying to pass the decision on who will be exempt and who will issue certificates of competency for driving instructors to this new agency. This seems to be the only purpose of this legislation. The Minister does not want to take the decision regarding driving instructors. In his response, will the Minister clarify what will happen with regard to the driving instructor register? There are other instructors who are qualified under other agencies. Will they be exempt, as indicated by Bobby Molloy when he introduced the legislation in 2001? The former Minister of State intended for there to be a number of organisations which would provide qualifications and for them to be certified by the new authority. Will the Minister inform the House which organisations will act as training bodies for driving instructors?

I have a suggestion to make to the Minister which may skirt this issue of the regulation of driving instructors which seems to be a thorny one and the reason the legislation pays such scant regard to it. There is provision within the Qualifications (Education and Training) Act 1999 to provide for certification of different instructors. However, FETAC is not ready to certify private providers of training services. A way around it would be for FÁS to certify driving instruction courses, thus allowing the courses to gain FETAC

recognition which would mean that instructor's qualifications would be recognised throughout the EU. Currently, an instructor's qualification obtained under the DIR system is not even recognised in Ireland. The current system of driving instructor training is a mess. FÁS could certify the trainers who would carry out the training and the driving training courses themselves. This could be one route around part of the difficulty that the Minister appears to be experiencing and which leads to driving instruction being ignored in this Bill. The ambiguity of this in the legislation gives rise to concerns among driving instructors as to the Minister's thinking on the issue. Will the Minister elaborate in his response?

There must be greater transparency in the driving tests and the administration of the system. We need additional testers. The Department must ensure the full complement of testers is employed, which has not yet been the case. We must also rid ourselves of the shambolic situation of having a 20% variation in the pass rate around the country, from a 35% pass rate in some centres to a 55% pass rate in others. This situation is making a farce of the Irish driver testing system. There should not be so large a range and a report of the Comptroller and Auditor General on this issue recommended that measures should be taken to address the massive variations.

I recently met some driving instructors in Carrick-on-Shannon. They say that part of the reason for such a variation is the different interpretation of the rules of the road by examiners. For example, does one see a yield sign at a stop junction as a simple yield sign or as an actual stop junction? If one stops at the junction, one can be marked for a lack of progress and four of these marks would lead to a failure. The situation could be the other way around when one progresses and is viewed to have gone through a stop junction. The road markings do not correspond with the signs on many driving test routes and this is crazy.

There is a roundabout with three exits at a bridge on the N4 in Carrick-on-Shannon. Under the rules of the road, if one takes the second exit, one should indicate left when on the roundabout but the examiners say, if one is exiting after 12 o'clock, one should indicate right when coming around the junction. There is nothing about this in the rules of the road, which is supposed to be the Bible for examiners and those being tested. Driving test applicants in Carrick-on-Shannon use a one-way street. However, as ESB lorries go in the opposite direction on the street, people who think they are on a one-way street meet heavy goods vehicles. This is an example of where the driving test route itself is wrong and is causing major problems in the interpretation by examiners. This could be a part of the reason we have a farcical situation regarding a 20% variation.

I am sure the Minister has digested his consultants' report by this stage. It recommends an end to the rotation of testers. This would bring some testers up to speed and ensure there is equal-

[Mr. Naughten.]

ence around the country. I do not know how the Minister will address this matter but it must be done, as the lack of equivalence is making a mockery of the system. Deputy Glennon spoke about the crazy backlog, which extended to two years at one stage. On average, it is now approximately 20 weeks or five months. This is another farcical situation, as it should not take so long before one can sit one's driving test. Macra na Feirme has estimated that this is costing provisional drivers approximately €50 million per annum in additional premia.

We have a 50% failure rate in driving tests on average. To be exact, the figure is nine out of every 20 people. Something is wrong with the system. If this were happening in the leaving certificate examination, there would be a significant public outcry. We are prepared to turn a blind eye in this instance. The driving test has not been reformed in approximately 20 years. The test does not take into consideration parking, emergency breaking, motorway driving or other critical techniques that should be part of the competency. We must encourage a more thorough training process that emphasises scanning ahead and anticipating other road users' behaviour, which returns to the issue of the current campaign regarding pedestrians.

We should seriously examine the prospect of continuous assessment, especially when dealing with nervous applicants. There are many applicants who are competent and capable drivers who will drive in an exemplary fashion seven days out of the week but put them sitting beside an examiner and everything goes pear-shaped. The exact opposite also occurs, where people without the skills can come up to the mark in the examination and pass it. The Minister could take on the Fine Gael proposal for a logbook, a mechanism to provide an element of continuous assessment. If one had qualified and competent instructors, they could verify someone's competence through this mechanism so that the driving test does not become the be all and end all.

There are problems with the driver theory test, in particular considering our multi-ethnic population. We should think about introducing languages other than English, Irish and European languages. An audio service could be provided for persons with seeing difficulties and so forth. This must be examined in connection with the touch-screen services that should be provided as part of the theory test.

I was contacted recently by someone who rang the freephone number to arrange for an appointment for a theory test and got through to a person in the UK who could not understand the applicant's accent. Perhaps people in the UK taking calls from Ireland should brush up on their Irish brogue. We could have a number of Irish people to take the calls instead. This seems to be causing a difficulty for many people applying for the theory test.

I will return to the issue of insurance. If we are to reform the system to have a proper, sensible driving test, there must be a clear incentive for people to pass their tests. Up to one quarter of the driving population are on provisional licences because there is no difference between it and a full licence in many circumstances. There must be an incentive built into the system. We need to examine fixed discounts per year for young drivers who have been accident free on their parents' insurance. The Director of Consumer Affairs must have the authority to ensure that insurance companies quote prices and that these prices are fair. The report in today's newspapers claims that, if people shop around, there is as much as €1,700 to be saved.

The difficulty here is that many young people cannot get a quote. If they are fortunate enough to get one, many insurance companies will pick a figure out of the sky to turn them away. This is why there is such a variation. Insurance companies are not looking for their business and are not providing a fair and reasonable offer to young people. If we are to make young people respect the rules of the road, they must see a benefit for themselves. If they are safe, competent and capable drivers who have passed their driving tests, there must be recognition of this when it comes to getting insurance. The insurance companies have much to live up to regarding young drivers and they still have not addressed the issue. These companies continue to load their decisions purely on age and ignore the experience of many drivers on their parents' insurance.

I also note in today's newspapers that some people are purchasing fake licences to try to get a discount on their insurance but I will focus on a larger component of this issue in that they are quite common at present. The driving licence can be easily copied with laser printers, scanners and colour photocopiers. Some of these copies are extremely good and are many in number. While today's newspapers claim they can be bought for €100, they can be bought for much cheaper. Our driving licences must be modernised and we must use the ID systems that other European countries have. Now that we must by law carry our driving licences, they must be in a form that is easy to carry around.

I mentioned a number of problems with the current system. I note the consultants' report mentioned an increase in the cost of the driving test from €38. If the cost is to increase, we must get our act together about the lack of standards. There is a 20% variation in the pass rate throughout the country. Nine out of every 20 people who sit the driving test fail. One could shop around to find the location with the shortest waiting list and the highest pass rate. These anomalies must be addressed if we are to have a system over which people can stand. No one could standard over the current system.

I mentioned yield junctions versus stop junctions earlier. The Minister indicated yesterday that he has issued guidelines to local authorities

on speed limits outside schools. However, the Minister of State, Deputy Callely, went on radio and said local authorities were not getting their act together in regard to the 2 mph speed limit increase outside schools on national primary roads and the 1 mph speed limit increase in urban areas and that the Department had not issued the guidelines to them. Given that the new measures were put in place last January, why has it taken until April for the guidelines on speed limits outside schools to be issued? The situation is farcical and should not be tolerated.

Yesterday, the Taoiseach said in the House that up to one in six accidents on Irish roads are caused by road conditions. Will the Minister seriously consider establishing a road accident investigation unit independent of the National Roads Authority which currently compiles statistics? It is not in the NRA's interest to highlight that road conditions are part of the problem. We all know of accident blackspots which are not officially designated as such because Garda statistics are not available to back it up. There should be an independent unit in the Garda, in this authority or in the expanded road safety agency mentioned by the consultants to carry out an independent evaluation and state how many accidents are caused by road conditions.

I would like the Minister to travel on the N5 between Tulsk and Ballinagar because it is not wide enough for two heavy goods vehicles to pass. One HGV must pull into the side to let the other pass. It is a miracle there has not been a major tragedy. If the Minister is travelling to the west, I will point it out to him. It is a national scandal which should not be tolerated, is putting lives at risk and which is a genuine threat to those who use that road.

**Cecilia Keaveney:** I welcome the opportunity to speak on the Bill. I compliment the Minister on trying to ensure we have better and safer roads. I spoke to a young man last Saturday who was making a film on road safety. He said he was of a particular frame of mind when he started making his documentary but his preconceptions changed the more he heard from different sources and the more he read. It was interesting that he was using his spare time to put together his thoughts and those of others from a wide variety of backgrounds.

Last summer in Donegal North-East, there were 12 deaths from road accidents in 12 weeks. One can look for reports and, in many cases, spend a great deal of money finding out something the average local person would know such as the location of a bad pot hole or that a person was travelling at a certain speed. I know one needs facts to react but much of the time local knowledge could overcome the need to spend vast sums of money drawing up reports on facts which are quite clear to some. There have been many road deaths in Donegal since last summer and I take this opportunity to extend my condol-

ences to the many families who have lost loved ones in road accidents.

The investment in roads does not necessarily result in safer roads. While it results in wider and straighter roads, it ultimately leads to faster roads. By the same token, much investment in roads is needed. Donegal County Council had a tough time when its local improvement scheme, LIS, money was pulled by the former Minister of State, Bobby Molloy, on the basis that it was spending it in a piecemeal way. My problem with some of the county roads money is that it is given to the local authority in a piecemeal way. As a result, funding for dangerous stretches of road is only provided on a yearly basis. While it is not this Minister's responsibility, with joined-up Government, the Department should talk to the Department of the Environment, Heritage and Local Government to ensure adequate money is provided to a small number of projects. Safety should be the first criterion in determining how money is allocated.

I was surprised to find out relatively recently that breath testing is not mandatory for drivers involved in fatal accidents. Again, this is not the Minister's responsibility but he should talk to the Minister for Justice, Equality and Law Reform about the issue because it would make sense to deal with it.

I have spoken previously about the changes to the speed limits. I was not happy with the blanket change to speed limits. The peninsula on which I live does not have any national primary or national secondary roads and the speed limit was reduced to the equivalent of 50 mph. In some cases, it has nearly been the cause of accidents because many of the roads concerned are straight and have hard shoulders. I understand criteria have been agreed to enable speed limits to be increased but many months will have elapsed since the blanket change of speed limits to 60 km/h or 100 km/h. Not having realistic speed limits can be a danger in itself.

I do not believe many road deaths are caused by people driving 40 mph or 35 mph in a 30 mph area. People who live in built-up areas might not agree with me. In my area, I sincerely believe the trouble is caused by people driving far in excess of the speed limit. Gardaí concentrate their activities in the 30 mph areas and take the soft option. Even at the last Garda conference it was admitted by gardaí that the soft option was not the right approach to road safety.

I agree with the need for more instructors. Deputy Naughten seemed to imply that people were putting a sign on their cars and becoming driving instructors. There are many good instructors, although there may be people who are not as qualified as others. However, no one has suffered as a result of competition in an area. If there were more well qualified instructors, their impact would be very positive.

[Cecilia Keaveney.]

There was talk of a school for drivers. I observed in Spain and other countries where small playgrounds were laid out with potential road hazards. They had roundabouts, lights and hills. One course was a miniature of a road route with the different signs, turns and junctions one encounters. It was a training course for primary schoolchildren cycling bicycles. The children were brought there after school or during the school day and encouraged to cycle their tricycle or bicycle around what was almost an obstacle course. Negotiating it taught them the rules of the road, respect for other road users and what one does when one comes to a roundabout, a set of traffic lights and in other circumstances. Giving such instruction to primary schoolchildren cycling bicycles is a good idea and road safety is primary to it.

Transition year presents an opportunity for students to be taught how to drive in such a controlled area. Many schools have an area of tarmac or a car park that could be used at specified times for driving instruction. In such controlled areas, students could learn about road safety and respect for other road users which they might not hear about if they were driving on their own.

It was strange to hear the point made about what a provisional driver would expect to be tested on in a driving test. For a long time in Donegal there were very few roundabouts, pedestrian crossings and proper road markings. At one stage there was only one set of traffic lights in the county. I recall a time when even though there was a test course in Buncrana, the road markings at many junctions did not concur with the way the provisional driver was expected by the driving tester to drive. In my region when a test is being taken, it is not normal to have to negotiate traffic lights or roundabouts. That may sound strange to people from Dublin but that is the position in many of these towns in rural areas. Some facility must be provided whereby learner drivers can get experience of negotiating junctions and gain confidence to cope with any junction or roundabout etc. before they get their full licence.

I made the point to the person who interviewed me last Saturday, about which he probably was not too pleased, that boys will be boys, girls will be girls, young people will be young people and speed and young people are often mentioned in the same breath. Similar to my suggestion of secondary schools having controlled areas for driving instruction, I wonder if it would be beneficial for young people to be able to drive around stock car or rally car tracks to let off steam in a safe environment. By using such tracks in that way, they would not meet, for example, a car with a family coming around a corner. However, the use of such a track may hinder matters on the basis that if young people get experience of driving

fast, they will always want to drive fast. However, they will probably drive at speed anyway.

We have had significant problems with people driving at speed. They may have bought a car for €20 to €50, it having failed the national car test or having been brought in from the North. Do we examine the reality of what people will be and deal with that or do we hope that they will in some way magically change? Many people can be involved in serious accidents and scary experiences, yet they can get into a car a year later and perhaps drive as recklessly as the person who was killed driving the car in which they were a passenger the previous year. Either this or, having recovered from a serious accident, they may drive at the same speed as previously. Has psychological research been carried out on people who have had serious accidents to establish if there is a way of using their experience and gaining an insight into their mindset to try to work out why people do what they do? That is deep and meaningful but I had to contribute that thought.

A person complained to me recently that the road safety advertisements on television are scary. Some parents find them extremely upsetting. That person made the point that because these advertisements are shown after the watershed, many of the young people who need to see them are out gallivanting in their cars. We should review the time these advertisements are broadcast, although I yield to other people's advice on that.

I am strongly concerned about the road safety of cyclists, motorcyclists and pedestrians. I raised the issue of cyclists' road safety previously. Bicycles should be manufactured with a light attached to them. I raised this issue with Deputy Tom Kitt when he was Minister with responsibility for labour affairs. At global level there needs to be an awareness of the need for bicycles to be manufactured with lights attached. One would not have to walk too far from this building at night and wait terribly long before one would count half a dozen people having cycled pass without lights on their bicycles. It is scary for a motorist if a cyclist suddenly swerves in front of him or her at night without a light on his or her bicycle. Pedestrians are also often not aware that sometimes they cannot be seen and I would be as guilty of that as anybody else. People need to think about their visibility to others on the road. In that respect, they should have courtesy for each other and respect for themselves.

Similarly, I am strongly of the view that in regard to the mirror issue for lorry drivers raised in the recent past, a moral imperative must be placed on drivers to address that visibility issue. It was reported that such a mirror costs approximately €38. If people do not equate the spending of €38 with the saving of a life, where are we going in ensuring road safety? People should not mess around when it comes to what is needed to

ensure road safety. If we can define what will help people, they should take that on board.

Regarding the big stick approach in terms of the penalty points system, there are areas where motorists believe they will never incur a penalty point. Enforcing the system throughout the country presents a major challenge. If motorists believe they will never get caught, they will continue to drive at speed. Some young fellows rev their cars outside Garda stations in the hope of being chased. There is the danger that an unsuspecting motorist with his or her family in the car may drive around the corner and meet such young motorists who are on the road for the thrill of the chase.

There is great merit in the carrot approach to road safety. I refer to the flashing warning signs asking if a motorist realise the speed at which he or she is travelling. When one approaches roadworks, a sign may indicate roadworks ahead and that motorists should reduce their speed to 40 mph or lower. Warning signs can be very useful.

In my area I know that gardaí will be on duty at a particular roundabout. Four out of ten times one approaches that roundabout, a garda will be there. Regardless of what speed one is travelling at, whether it is 40 mph or 60 mph, one's foot automatically comes off the accelerator just in case one is over the speed limit. A garda might not be at that roundabout all the time, but one is there four out of ten times one travels that road and, on approaching it, one does not know if a garda will be there. It helps for gardaí to be visible and to let motorists know what they are doing. However, the vast majority of road users are responsible on the road.

There is a need for advanced driving courses to instruct motorists how to drive in dangerous conditions. I would like to know exactly what one should do when the road is frosty or if one meets a motorist travelling on the wrong side of the road. An advanced driving course should be available.

After a certain number of years motorist should be required to take a second driving test to take account of the faults he or she may make and to correct them. A learner driver in the North displays an L plate and on getting a full licence displays an R plate for a year. When travelling home last week, a driver displaying an R plate was in front of me on a motorway in the fast lane. I stayed behind him because I did not want to be on the wrong side of the law in terms of the road safety. However, three other motorists overtook him on the inside lane. That motorist was either within a year of having passed his test and did not learn a great deal from his written test about how a motorist is supposed to drive on a motorway or the motorist was a parent or older sibling of the owner of the car and had forgotten about how one should drive on a motorway. There is the usual example of driving for 20 miles or 30 miles behind a very slow driver and when one reaches

the climbing lane that driver decides to remain in the fastest part of the climbing lane, which is not very helpful.

I enjoyed the idea of Dr. Fitzpatrick and the licence for £1. I come across situations to which Deputy Naughten referred, where people need a car to drive their elderly parents  
2 o'clock around, even though they themselves are not in the first flush of youth.

These people may have done their driving test eight or nine times but became nervous when they got in beside a driving inspector. These people may have been driving for 20 years or 30 years and have never been involved in a crash, and they only travel from their house to the church and shop. I know it is not right to say that they should be on the road without a licence, but one wonders how they survived for so long without being involved in an accident, yet they are not able to get the test. I am not sure what the answer is but I thought I should raise the issue.

Ultimately, it is in the interest of each road user to take responsibility for their actions. We can introduce legislation, and legislate from morning until night. We can also complain about the legislation not being enforced but, ultimately, those of us who use the roads — some of us use them a great deal — have a responsibility to respect ourselves and other road users. Until we accept this responsibility, no amount of legislation or enforcement will resolve the issue of so many deaths on the roads. It is easy to blame the matter on the Government or the Garda, but people must realise that while they have a right to be on the road they also have a responsibility to drive carefully.

People going out socialising at night, is not the problem it was in the past. People of my age group who socialise at night designate a driver. People are now accepting more responsibility in this regard. I do not know whether there has been any advance in regard to drink driving or people who take drugs and drive. I am chairman of the committee on community affairs which is currently examining the whole issue of cocaine use and abuse. The issue of drinking while drugged must be addressed.

I commend the Minister on his efforts. I ask him to encourage the NRA to examine a built-up area in Bridgend and Letterkenny. While there are commercial premises in these areas, the 100 km/h speed limit still applies where it should have been reduced. The speed limit on the good roads in my area is the equivalent of 50 mph while built-up areas in Bridgend and Letterkenny, from one roundabout to the other roundabout, with just commercial developments, have maintained a speed limit at 60 mph on an NRA road. I do not have direct input into this, but the county council has asked the NRA repeatedly to reduce the speed limit on these stretches of road. The Minister might advise the NRA to reconsider the issue of Bridgend and Letterkenny. Whatever about increasing the speed limit on suitable roads — I welcome the 75 mph on motorways — the speed

[Cecilia Keaveney.]

limit on narrow roads and in extremely built-up areas should be addressed.

I concur with Deputy Naughten that areas near schools should be highlighted. I commend the initiative on flashing lights. Most schools of which I am aware have flashing lights. The boards of management have been supported in developing this initiative. Very few areas are without that facility. The blanket nature of the previous legislation created some gaps and local authorities should be supported in ensuring these problems are resolved. The problem was that councillors were asking if they increased the speed on a particular road would they be personally liable for any accidents that might occur. I believe the legislation was framed so that this would not be the case.

I wish the Minister well in the passage of the Bill through the House. I hope it will have positive implications for road users and the reduction of road fatalities.

**Mr. Wall:** I welcome the Bill. It is important that Bills should deal with the need for road safety, regardless of what aspect of road safety is being dealt with. We are dealing mainly with the driving test aspect here today.

Deputies on both sides of the House put forward proposals here today with which the Minister cannot deal in this legislation. Some great ideas were put forward on both sides on how to take the necessary steps to ensure our roads are safer, namely, to change the mindset of the Irish people. If the Minister can walk out of the House today and say he has achieved this goal, he will have done an enormous amount of good. It is not possible in the short term. In the long term, however, this legislation, plus impending legislation, can be of assistance. Ultimately, it is all about changing people's mindset to get young people, adults and even senior citizens to recognise the importance of road safety, protecting oneself, one's neighbour or a complete stranger. Unfortunately, one could be involved in a fatal accident and families who are complete strangers to each other could suffer the loss of a loved one because of someone's lack of competency, understanding or knowledge of the basics of road safety.

As someone from south Kildare, I am aware of some tragic accidents in recent years. Three people were killed in one accident, four in another and three pedestrians were killed. I could go on and on about such accidents. I have no doubt the same could be said for other Members of the House.

We appear to blame gardaí for remaining in the one spot with the speed gun, which is not a logical response. If gardaí sat in the one dangerous spot about which Deputy Wall told the local superintendent, would it change things? I doubt it. Once people become aware of what is going on, they reduce their speed on that stretch of the road because they know where gardaí are posi-

tioned. I am sceptical about the criticism of gardaí taking the handy option because people continue to exceed the speed limit on motorways and so on. If someone is caught for speeding, he or she should be penalised, irrespective of where he or she is caught.

We are putting too much emphasis on the fact that gardaí are taking the soft option. People want to know where gardaí are positioned so that they can break the speed limit when gardaí are out of sight. People are often aware that a garda will be positioned at a bad junction or an accident blackspot because the superintendent has succumbed the pressure from people in his area and decided that a traffic corps should be situated in the area. I no longer agree with this idea. We must change people's mindset. We must educate young people so that they will benefit if they obey the rules of the road. If we succeed in getting people to read the road signs, we would be halfway towards changing their mindset. If we all read them, would we not be halfway towards changing that mindset? When I am travelling on a dual carriageway at the speed limit, which is 100 km/h, I must move over frequently to allow cars to pass. Otherwise I would be cut off the road by people who do not or do not want to recognise the signs. These are the people who say gardaí are not in the right spot. Gardai should be at the blackspots but also at the good spots at which the signs are clear and where one should not break the rules of the road. People break the rules every opportunity they get.

This Bill will assist in addressing this problem. Other Members referred to increasing the level of driving instruction given to the young. We must do this. Deputy Keaveney mentioned television advertisements. There is nothing wrong with these advertisements. They are tough and strong. We have seen advertisements warning against the dangers of smoking and drinking and driving dangerously. I have always maintained that there should also be advertisements showing what drugs can do to a young person's life and their effects on his or her family and friends. There is nothing wrong with taking a tough line in this regard to highlight the tragedy that can be caused by one stupid act upon the road, for example.

There has been a great increase in traffic recently and this is generating problems with road surfaces and drainage. Perhaps the National Roads Authority and the local authorities have a different opinion on this than me. The great volume of traffic is leaving a coating on the roads which results in a slick surface and problems with water spray. It is a nightmare driving in proximity to large trucks on wet days. They travel at the same speed on wet days as on dry days. One wonders whether something can be done to reduce the speed at which people drive on wet days to protect drivers. The coating of rubber and oil prevents drainage which would allow roads to dry quickly.

The legislation is to change the format of the driving test at driving centres. There are three driving test centres in my area: Portlaoise, Carlow and Naas. There is a considerable backlog at each because of the population increase in this area of the midlands. There has been a considerable population increase in all major towns and even in the villages in counties Kildare, Laois and Carlow. This means young people who apply for driving tests must wait for long periods before they are tested, and therefore they have difficulty obtaining insurance because of the high costs involved.

A youngster who attended my clinic some days ago said he received a quotation of €6,000 for insurance. He could not even consider this and was anxious to determine what could be done about it. One must ask whether people in this position will take the chance of driving on the roads without insurance. One must also consider the effects of doing so.

I am concerned about the high failure rate in driving tests. Between 35% and 55% of candidates fail their tests at various centres. This reflects on driving schools' ability to transfer their knowledge of the rules of the road, given that they know exactly the route a driver must take with the tester on the day of his or her test. Drivers attending these schools may take five or ten lessons. If one goes to an area with a driving test centre, one will be sure to see teachers from one or two schools of motoring teaching people on the route of the driving test. Consequently, one must ask why the failure rate is so high.

Deputy Naughten said that if the leaving certificate failure rate was as high as that pertaining to driving tests, there would be cries of amazement. Certainly steps must be taken to reduce the high failure rate. Section 4 states that one of the functions of the new authority will be to regulate driving instructors. This is necessary because the failure rate is such that major questions must be asked. Showing a driver the route of the driving test is the equivalent of giving examination papers to a leaving certificate student before he sits his exams. Driving instructors have the equivalent of the examination paper in their hands to give to applicants for tests, yet the driving test failure rate is between 45% and 65%. This problem should be alleviated. I hope that when the new authority comes into being, one of its first tasks will be to put in place a mechanism to ensure that driving instructors are properly qualified.

Some Members spoke about speed limits outside schools, making reference to both national and county roads. I attended a meeting with a school board of management some nights ago at which it was stated that motorists not only disobeyed the speed limit outside the school but also ignored the lollipop person when he or she signalled to them to stop. If this is the case, the Garda should certainly address it. If a driver were to disobey a lollipop person, it could have catastrophic consequences.

When an applicant presents himself to a driving examiner, he is often refused a test for seemingly insignificant reasons. In such cases, he must go to the end of the waiting list for a retest, which could take months. If the applicant needs to renew his insurance in the meantime, it can be terribly costly.

I received a phone call during the week from a young man who went to a test centre to sit his test but was not allowed to proceed with it because the glass in the car was tinted. This implies there must be something wrong with the car. If so, why do we allow cars with tinted glass on the road? If the applicant was breaking the law such that the examiner would not allow him to do his test, he and his parents, who owned the car, must have been doing so on a regular basis. There is a need for leeway to be granted when a car is roadworthy and safe mechanically. Some leeway should be afforded for a minor problem such that the tester notes the problem and tells the driver that before the certificate is issued, he or she must return with a letter stating the problem has been rectified. The driver should not have to go back on the waiting list for six or seven months for a new test because of a small matter that does not affect the roadworthiness of the vehicle.

Deputy Keaveney said that people involved in accidents do not have to give samples. Someone told me recently that because his general practitioner was not available, a sample was not taken. I do not know whether that is true. Out-of-hours services such as KDoc provide only one doctor after 6 p.m. Thus many GPs are not available to their regular patients. This is a grey area. I am not sure it is true that a person involved in an accident can insist on having his or her GP present before giving a sample. If it is the case, this should be addressed to ensure that those involved in accidents do not get away with driving under the influence of drugs or drink.

There is a continuing problem with regard to drink driving. At certain times of the year, such as Christmas and Easter, the increased vigilance of the traffic police is advertised. I would prefer increased vigilance without a public announcement. When it is announced for bank holiday weekends and so on, people are on the alert. To change the mindset of these drivers we must make them suffer. I do not suggest that I am pure and everyone else is wrong, but when we inform people this will happen at a particular weekend, we diminish the force of the examination of drink driving.

The licensed trade must also take responsibility. There is a continuing problem in that regard. Publicans know that a person who has taken drink has a vehicle outside their premises but make no effort to deal with this by asking the person's friends to drive him or her home.

It is difficult to change attitudes to speeding and drink driving. I hope this legislation may increase the chance of young people being tested, improving their driving skills and seeing a benefit



[Mr. Wall.]

by way of a decrease in insurance premiums. In that way we can make Ireland a safer place for all those using the roads.

The final issue is that of the area licence or the problem of a senior citizen in an area who is unable or too frightened to go for a driving test. I do not have a solution to this problem. It is difficult to see how an area licence would function given the increase in traffic in rural areas. It may not be feasible. I understand, however, the case made that if one partner in an elderly couple who always drove the car were to die suddenly, it would be difficult for the surviving partner to access the local town, shops or friends owing to the lack of public transport.

I wish the legislation well. Some people will criticise it but legislation moves an issue to the foreground and this Bill has made proposals which provide food for thought. I hope the Minister for Transport will take some of our comments on board. If he cannot include our suggestions in this legislation he may find a way to do so in further legislation or by amendments to existing legislation.

**Ms C. Murphy:** I wish to share time with Deputy Cuffe.

According to the Department of Transport the new authority's primary responsibility will be to deliver a more efficient driver testing service. No one doubts there is a need for that improvement. The average waiting time for a test is 39 weeks, with the longest wait being 61 weeks and 14 the shortest, which is unacceptable. This compares unfavourably with our counterparts in Northern Ireland where the wait is only four weeks. Some people put their names on the list before they are ready to be tested because they know they must wait a considerable time.

The agency will also have a general duty "to promote the development and improvement of driving standards" and make recommendations to the Minister. It will have scope to be innovative and develop services to encourage better driving. While that is useful and important, does it go far enough? A recent article in *The Irish Times* stated that improving driving standards is more complicated than simply imposing more stringent methods or improving the efficiency of the testing service in general, something with which we all concur.

The consultants' report commissioned by the Department of Transport states that the legislation to centralise the operation of driver testing does not go far enough. It advocates an integrated and multidimensional approach to driver testing and safety.

It does not matter how well a driver is tested if there is not a concerted effort to tackle, for example, accident black spots. A graphic in a recent newspaper showed a cluster of black spots which was well documented. It does not take a newspaper to tell us this because local authorities plot the incidence of accidents reported to the

Garda Síochána and marks them on a map. A significant quantity of data is taken which in turn becomes part of a report by the National Roads Authority. Applications are made to the Department of Transport, and perhaps also to the Department of the Environment, Heritage and Local Government, to address some of those. I was involved in the transportation SPC in Kildare and we were trying to see what could be done on the issue of road safety and road conditions. From that it appeared there was a small number of low cost schemes allowed for each authority in a year. That does not take account of a county with a high level of congestion which in turn has a higher number of accident black spots. A more concerted approach will have to be taken to the issue of black spots. Often there will be a cluster of accidents involving material damage and then a fatality. One can anticipate that a fatality will not occur if there is intervention.

Given the cost not least to the individual who has the accident, it is important to identify the clusters because it may be possible to avoid fatalities rather than respond to them when we see a graphic with many clusters at the same time. While the focus of attention is on fatalities, given the dramatic nature of accidents, one is more likely to have an accident between 7 a.m. and 9 a.m. and 4 p.m. and 6 p.m. during peak time traffic. The congestion caused by the M50 and the roads surrounding it results in a high level of accidents. When considering the cost of changes to the M50, and hopefully removing the tolls, the costs resulting from accidents should be factored in.

According to the consultants' report commissioned by the Department of Transport, the new authority was charged with reducing the long waiting times learner drivers face for tests and improving motorists' skills. They say its scope is too limited to bring about a significant change. We have to pay attention to people when we invite them to give of their expertise. They recommend that the Minister urgently consider establishing a new road safety authority rather than the envisaged driver testing and standards authority.

During the Second Stage debate in March, the Minister for Transport, Deputy Cullen, indicated he would be willing to assign additional functions on road safety to the agency on Committee Stage. I am concerned that may be a piecemeal approach rather than a broad concept of what is required but I hope serious consideration will be given to a comprehensive number of new functions. Even if this is not the ideal it can be improved and it requires a broader remit. According to the consultants, because the new authority is not being established there is an opportunity to change the remit by amending the Bill, which I hope will happen.

On the question of attitudes and driver training, in Mondello, County Kildare, a group of transition students is taken for a training programme and a talk is given by a person who has

had a family member killed in a road traffic accident. He or she speaks of the impact of that tragic event on the lives of the members of his or her family. It is important to work into the mindset that there is a responsibility once one gets behind the wheel of a car to think of other people. It is useful to see that built into driver training. It is an excellent and enlightened approach.

The article talks about not hiding speeding cameras. On a Saturday or Sunday one will almost certainly see the Gatso van on the widest part of the N4 that can accommodate a higher speed limit. A resentment builds up instead of having people on one's side. It is important not to build up a resentment where a road is built for a higher speed limit than the speed limit apportioned to it. If one was fit and had a good push bike one could, on the straight stretch, get up to 37 mph or the equivalent in kilometres. There is no danger of reaching those speeds during the week, particularly at peak times, due to congestion.

The article which was useful referred to the issue of signage and road markings. Often local authorities do not pay half enough attention to replacing very cheap road markings. Given the cost of putting a new road in it is outrageous that the road markings cannot be seen on a wet night, a regular occurrence. Intelligible uniform signs would be a useful asset. I do not envisage that happening in the absence of an overall approach. Perhaps the Minister will examine this.

In his press release the Minister said the authority would be established outside the normal Civil Service structures and should be in a position to deliver a more focused and flexible service. That is positive because people live busy lives. It is important to reduce the length of time learner drivers are on the road. The argument that I and others make is that the authority will not have the power to influence some of the critical factors in terms of road safety.

A provision that is not in the Bill, and never will be, but one that would contribute to road safety in urban or rural areas is a comprehensive public transport system. By reducing the need for people to travel independently in cars such a system would contribute to road safety. I refer, for example, to late night taxis and the Nitelink services. We should not lose sight of the fact that there are issues other than driver testing that have an impact on road safety.

**Mr. Cuffe:** I welcome the Bill. It is a small step in the right direction. Perhaps to those who are intimately involved, it is a giant step. Looking at it from outside the structures of the Department of Transport I see it as only a small step towards addressing the issue of safety on roads. A Bill such as this should address the carnage on Irish roads and the appalling death and injuries that occur daily under the control of this ministry. We need a sea change in approach to safety and road design to reduce the high level of fatalities and

injuries on our roads. We have one of the highest rates in Europe of child injuries on roads. The Minister and his staff have to address these issues as part of a strategy to look at road safety, driver testing and standards. An air of complacency about road safety is evident in the road safety documentation and strategy. I am not convinced enough effort is being expended in every level in reducing the carnage. Stricter standards of driver testing are required as is testing of the instructors on an annual or biannual basis because nothing but the best is good enough to try to reduce the hundreds of deaths occurring every year on Irish roads.

A stronger emphasis should be placed on research. The so-called cowboy licences given out 20 years ago should be investigated. These licences were issued to people who had repeatedly failed the driving test and were driving on a third provisional licence. I recommend research into whether those drivers are more prone to being involved in road accidents. I am astounded by the absence of any commitment to examining the driving of that cohort since they obtained those licences.

A car is like a loaded shotgun and one small mistake can kill many and impact on the lives of hundreds. The crude statistics are available but more analysis of the causes of accidents should be carried out. The mantra of, "Improve the road conditions and there will be a reduction in deaths and injuries" is true to a point. However, a synergy of effect is evident in every aspect of road safety, which needs to be addressed in more detail.

Section 4 deals with the issue of testing vehicles and the regulation of driving instructors. This should be examined in more detail. Statistics showing the safety of different classes of vehicles and the different types of vehicle should be available.

Significant problems associated with sports utility vehicles are evident in the United States. These are four-wheel drive vehicles with a high wheel base that seem to overturn easily. This vehicle is beginning to dominate the sales market in Ireland. I suggest the Minister's Department carry out research into whether these vehicles are intrinsically more dangerous for drivers, pedestrians and the occupants of other vehicles, which I suspect they are. The larger the vehicle, the higher the wheel base, the more likely that vehicle will cause death and injury on the road. I ask for something other than a deafening silence from the Department.

The Bill provides for greater regulation of driving instructors. Both the instructors and those drivers with full licences should be tested on an ongoing basis. I suggest this could be every two years for instructors and every five or ten years for those with full licences. A much more hands-on approach in the management of these issues is

[Mr. Cuffe.]  
required, given the level of death and injury on the roads.

Section 6 refers to the functions of the authority as promoting improvement and development of driving standards. The section is not sufficiently rigorous as there should be indicators and targets set down. For far too long, platitudes have dominated this area and nothing has been done to reduce the toll. Has there been an improvement in terms of child deaths per passenger per kilometre in different vehicle makes and on different classes of roads? I am not aware of sufficient research being carried out. While I accept the National Roads Authority is carrying out some research in this area, it does not go far enough.

Section 12 refers to the factors to be considered in the appointment of the members of the board. It proposes members should have wide experience and competence in respect of roads, road safety, transport etc. I suggest those parameters should be widened to include traffic management, traffic experience and risk management. The heart of the debate about driver testing and the level of injuries and deaths on Irish roads must include consideration of risk. Professional risk management expertise should be included at the centre of the board's deliberations. I ask the Minister to extend the parameters of the membership of the board.

It would be advisable for some members of the board to have experience of local government. The ongoing debate on road safety is being led by developments at European and global level. Conferences are held every year on the causes of injuries on the roads. Those with experience of European developments should be included in the debate. I suggest this be provided for in section 12.

I make a plea for lower speed limits in residential areas. Most countries in Europe have a speed limit of 30 km/h in such areas. It should be the prerogative of local authorities to set such speed limits. I am aware local authorities may apply to the Department for permission to impose lower speed limits. While 30 km/h seems very slow to a person behind the windscreen of a vehicle, it is a very high speed when viewed from the perspective of a three year old walking along.

**Mr. Ring:** I disagree with many of the previous speakers. A driving licence is the most important document anybody can have in rural Ireland. We do not have the DART or Luas, nor a public bus transport service or taxis. The driving licence is the most vital document for many people in the west.

This Bill will set up another money racket for the Government, just like the driving theory test and the NCT. I welcome the review of the NCT because it is the greatest racket that was ever set up. The former grant of £1,000 allowed people to

scrap cars over ten years old. The Government was surprised at the take-up of this scheme. There are not many bad cars on the road as a result, even though one may see bad drivers. This is probably part of the problem. If the Government is serious about restriction, why does it not introduce legislation to ensure no vehicle in the State can travel faster than 60 mph? I ask the Minister to reply. This is a reasonable request.

The Government has handled the situation in regard to driving tests badly. Many people working in the driving test section of the Department are upset. Why were extra staff not employed over recent years? Why was there a failure to reach agreement in negotiations with staff on overtime work to clear the driving test backlog? The reason is that the Government had it in mind all along to privatise the operation. I am surprised to hear the Labour Party calling for privatisation in this area. We should bear in mind that privatisation does not always work. The driving test service has deteriorated because the Minister and the Department did not provide the necessary staff and resources. The waiting list could have been tackled with sufficient application. However, it was in the Government's interest to sell this Bill and ensure the backlog was not tackled.

What will be the situation of smaller test centres such as those in Kilrush, Clifden and Buncrana? I was surprised a previous speaker from Donegal did not raise this issue. It seems smaller centres will be closed and incorporated into larger centres. Will the Civil Service status of those employees working in the Department as testers be protected? If they move to the private sector, will their pension rights be affected? These people have given loyal service to the State and are uncertain as to their future. The Government has lost a similar battle in regard to the situation of civil servants working in An Post.

I disagree with Deputy Naughten's comments on the driving test. If we are serious about road safety, the State should provide centres throughout the country where new drivers could learn and practise their driving skills before taking to the roads. In addition, driving skills should form part of the second level curriculum. We are all aware of the numbers of people killed on our roads daily. A car is a high-powered vehicle which is more dangerous than a gun when used in the wrong way or controlled by a person with inadequate driving skills.

Younger people have shown an admirable propensity for obeying the law. They have taken on the smoking ban and are generally aware of the dangers of driving after consuming alcohol. The younger generation has grown up with an awareness of road safety whereas older people are more likely to engage in speeding. However, where young people are involved in accidents, it is usually as a consequence of alcohol consumption. The Garda should have the authority to

breath-test all motorists involved in a traffic accident and it should be permissible to use such evidence in court.

Young people should be educated to be aware of the responsibility involved in taking a vehicle onto the road. However, the Government and the insurance companies seem concerned only with extracting money from young drivers. The new driving test system will become another money racket. As many as 70% of applicants may fail the test because it will be in the interests of the private company running the tests to make as large a profit as possible. We have seen something similar in respect of the NCT service. A constituent whose vehicle failed the NCT test told me how he decided to test the NCT operators. He brought his car back a week later and it was passed even though no work had been done on it. The NCT system is all about money and the same will happen in regard to road safety.

I have a number of questions for the Ministers. If he cannot answer them today, I ask that his officials respond in writing. I have already tabled a number of parliamentary questions in respect of these matters. What legislation exists on the use of spotlights on cars and lorries? I have been raising this matter for years and cannot get a straight answer from the Department. There are motorists driving high-powered cars with high-powered lights and people have been killed because drivers do not dim these lights quickly enough.

There seem to be no clear legislative provisions on vehicle lighting. For example, I drove from Athlone to Dublin on Monday night. Ahead of me during this journey was a lorry bearing the name of a prominent business. The driver of this vehicle had the hazard lights on throughout the journey because there was no lighting on the back of the track. Moreover, I make this journey regularly and often encounter lorries which have different number plates front and back. Drivers who commit these types of offences should be apprehended.

In recent times, an Independent Member pledged loyalty to the Government on the basis of a promise from the then Minister for the Environment, Heritage and Local Government that action would be taken to rectify the incidence of large trucks throwing water on the roads. If one is a quarter of a mile away from such a vehicle, one can be dangerously dazzled by the water. What legislation exists to ensure such vehicles are properly equipped so that water does not splash out? Why is the law of the land not implemented in respect of such situations?

The law is always implemented in the case of the ordinary taxpayer travelling on the roads. In the United Kingdom, the police force admits that the reason it lost the confidence of the public was its traffic management operations. A speed camera cannot be installed in that country without it being clearly identified and signposted. The cam-

eras installed on the N4 at Lucan work effectively because motorists approaching Dublin are aware of their existence and every vehicle slows down. The proper purpose of cameras is to slow down and manage traffic rather than to extract money from motorists.

Those responsible in the Department must recognise that road safety is not about collecting revenue for the Government but is a matter of saving lives, apprehending those who break the law and ensuring motorists can travel safely. We rarely see pedestrians being prosecuted for traffic offences. Every morning, 100 yards from this building, one sees people crossing the road when the light is green for motorists. A motorist who drives through a red light will be prosecuted but pedestrians must learn that they also have a responsibility. I have driven up the quays many times and have encountered pedestrians running across O'Connell Bridge when the light is green for motorists. I do not understand how more people are not killed because of this.

A garda should be posted at busy junctions in the city to apprehend and prosecute pedestrians who engage in this behaviour. The law should be equitably enforced for pedestrians, cyclists and drivers. The current situation where the driver is disproportionately penalised is unacceptable. Motorists must pay for insurance and road tax because that is the legal requirement. The law of the land must be applied equally, however. If a driver breaks the law, he must be dealt with, as must a pedestrian or cyclist. I have not seen too many people being brought to the courts for jumping red lights.

If we are serious about road safety, we must recognise that the greatest breakers of the law are the Government and local authorities. The Minister travels throughout the country  
*3 o'clock* like me and other Members. The greatest scandal we see is traffic calming areas. Calming measures and special lighting are installed by local authorities on straight stretches of road to slow down traffic. About 95% of the time the lighting for those calming measures is out of order. I looked at a traffic calming area again as I was travelling last night. Some places can be dangerous when they are wet, and they can be miserable late at night. Coming into Bellavary, I wondered how more people are not killed there because of the traffic calming lights always being off. The same goes for the country in general.

If the Government is serious about this, then the road should be checked daily to ensure that the traffic calming lights work in the eventuality that somebody makes a complaint against the local authority. We cannot apply the law to drivers who break it if the State breaks the law and gets away with it. On my way to Ballinrobe I noticed a large pothole in a national secondary road. I deliberately did not ring the local authority about it for five or six days. Every single lorry and car moved out into the centre of the

[Mr. Ring.]

road to avoid it and it is a wonder somebody was not killed as a result. It took the local authority two weeks to fix it. Why should those responsible not be brought to the courts, prosecuted and fined €100 or €150 to show that they break the law when they do not carry out the duties and responsibilities given to them by the State? Among those duties are ensuring that our roads are safe and that the potholes and faulty lighting and whatever else are repaired.

Roadworks take place in local authority areas throughout the State. The other day, I was in a certain place where roadworks were taking place and the machine that was being used broke down. The authority was ready to tar the road, but for three days it was left untarred. That was dangerous and there was no signage to show people there were roadworks ahead. It is no wonder people are killed on the roads. Local authorities seem to think they can do what they want. Are there no health and safety practices in local authorities? Does nobody supervise workers to ensure they uphold the law, as should be the case in building sites? If a builder gets a contract, he must abide by health and safety regulations. Local authorities think they can break the law. That should not be the case. That situation should be dealt with by the Minister and the Government.

Young people should be educated how to drive. If we are serious about this matter, the time has come for us to provide centres throughout the State. We talk about road safety and young people driving and getting their licences, yet how do people learn to drive? How did we in this Chamber all learn to drive? Somebody took us out to a green area and tried to teach us how to drive. People get their brothers, sisters, mothers or fathers to teach them. There are no green areas left in this country now because there are all built on. There is no place for young people to learn how to drive. The time has come for the State to provide centres. With all the public money and community schemes that we have, we should investigate how we can set up centres to teach young people how to drive and to teach them the laws and regulations of the road. The time has come to do that.

There is FÁS and the various schemes. We have squandered money on different community groups. The money should instead be used to build fine centres. I see this in my constituency. There are more groups now than ever. If there is a public meeting about some issue, the local representative or Deputy is put at the top of the hall to be nailed by the public if there is a problem. When something is opened, all the chairmen, vice-chairmen and so on who are all in receipt of large salaries from the State are at the top table and the poor politicians are down the back. Only if the politician is needed to be belted and battered will he be put at the top table.

Whether we like it or not, the greatest killer in this country is drinking and driving. The abuse of alcohol in this country must be tackled. I know the Minister used to smoke and he did not like the smoking ban in public places. I am not a smoker but I know it took a long time for people to become accustomed to the ban, especially in rural Ireland. We must achieve the same level of tolerance towards drink as now applies to smoking. If we look at our streets, towns and villages, it is clear that drink driving is no longer a city problem. It is a national problem and we must deal with it.

Unlike previous speakers, I do not agree with the Bill because I know what it is. It is another racket to make money for the Government. In a few years' time, people will say how well they thought they did in their test and how they thought they had passed it. They might have been trained by instructors. They might think they had done everything right. Despite that, they could be failed for the most minor thing. The waiting lists might be reduced slightly, but I guarantee that the failure rate will increase because it will be in the Government's interests to ensure that people sit their test three or four times so that it can make money out of it. I do not agree with that.

Neither do I agree with the national car test. The NCT was needed 20 years ago when we had many bad cars on the road. Now everybody has a fairly good car. The NCT has served its time. It is being reviewed. The Minister should abandon it and forget about it. The NCT is cleaning up money from the taxpayer and its time has now come, although I would ask for its staff to be protected. What is happening with the situation?

**Mr. Deenihan:** I wish to share my time with Deputy Pat Breen. I welcome the Bill which I view as an important development. The skill of driving is probably the most important skill that any of us will acquire in our lifetimes as it carries with it considerable responsibilities. In this country we have been inclined to take that skill for granted. We have not given enough consideration to improving driving standards and the standards of our vehicles. We also need to examine the issue of education for young people in particular as regards driving.

The skill of driving and the mechanics of motor vehicles, which many young people use, should be part of our education system in some way. There is no reason we should not have a module as part of post-primary or secondary school education based on driving and handling cars, road safety and so on. That should be an integral part of our education system. The leaving certificate ought to provide some opportunity in that regard.

Statistics show that the standard of road safety is getting worse. In 2003, there were 335 fatalities on our roads. In 2004, that number increased to 379. This year so far, there have been 118 fatalities if not more, which is probably a higher

amount for the same period compared with previous years. The 2004 figures showed the worst level of road deaths since 2001 and represented a 13% increase on the 2003 figures. It is accepted that driver error is the main cause of most fatal accidents. It is estimated to be the cause of about 85% to 90% of accidents. This highlights the urgent need for better drivers, improved driver education and training and an enhanced and modernised driving test regime. The most recent figures available show there is only one driving tester per 1,000 applicants waiting to sit the test. More than 119,00 people are on the waiting list, which is 10,000 more than two years ago. There are 116 testers at centres around the country, which is down from last years' figure of 130. People are getting frustrated because they cannot get a test and they are driving on provisional licenses. Lack of action and resources have resulted in inferior Irish drivers.

According to figures published on 24 January 2005, 300,000 people are driving on provisional licenses and over 117,000 applicants are waiting to sit their full test. The longest average national waiting time is 40 weeks, but there is a variation between test centres. The current longest waiting time is 56 weeks in Raheny, 55 in Dungarvan and 53 in Carlow.

Kerry has two test centres, in Killarney and Tralee. The Killarney centre has a waiting time of 47 weeks, which is unacceptable and the longest waiting time in the south west, and the Tralee centre has a waiting time of 34 weeks. Can the Minister respond to any efforts being made or is it up to the new authority to ensure this disparity will not exist throughout the country? Killarney has a large tourist industry and therefore more people are involved in ancillary services which include driving. It is important to have a high standard of driving skill in that area, which extends all the way to Cahirciveen.

The pass-fail variations around the country have been mentioned by a number of speakers. The pass rate varies from centre to centre which suggests different standards are being applied. The new agency will hopefully ensure standardisation and consistency across the country. It should not depend on the humour of the tester on the day or how he or she might interact with the driver in the event of a personality clash. There is much work to be done in the area of testing. In Carlow, the pass rate is approximately 50% while in Shannon it is 65%. That is a significant variation.

A recent article in *The Irish Times* clearly showed that we have the longest waiting times in Europe for the full driving test. Most other European countries have target times which must be met. The Minister will agree that it is extremely important to improve the standard of driving and to ensure people can sit tests as early as possible when they want them. We should set a target time of perhaps ten weeks.

The existing testing service gets through some 200,000 tests each year. However, the average failure rate of 48% means 100,000 people come back into the system. People go for tests without sufficient conditioning or preparation. It should be emphasised that they must be properly prepared. We speak of pre-planning with regard to other issues, but it should also apply to driver education. People should be encouraged to be better prepared when going for a test. Sometimes people request us to hurry their test applications but they have had no lessons or instruction. A family member might have taken them for a few drives, but they have had no professional instruction. There should be an obligation on these people to do so. It would reduce the number of failures and result in better drivers.

This is important legislation. The new authority will have a big responsibility in ensuring we have a better and more efficient system of driver testing. Our ambition should be to have the best drivers in Europe. The authority should also examine the broader issue of driving and education in particular. There is also a role for the Department of Education and Science in that this should form part of the transition year curriculum. The authority could perhaps prepare a module for use in all schools. This would have a significant impact on every child in transition year.

**Mr. P. Breen:** I am delighted for the opportunity to speak on the Bill. In taking the helm at the Department of Transport the Minister has put the issue of road safety at the top of his agenda and I will give him every support in this regard. I might differ with him in terms of aviation issues, particularly with regard to Shannon Airport, but road safety is top of his agenda. This should be true for all politicians given the increased number of vehicles on our roads.

The Celtic tiger has resulted in an average of two to three cars per household, so there is much more traffic. The roads have not been upgraded as quickly as they should have been and have to cope with this increase.

As somebody who travels up and down the country on a weekly basis, I see at first hand the volume of traffic, particularly with regard to heavy vehicles and the amount of cargo and goods being transported. One mistake while driving a lorry can cause much carnage. I was travelling to Dublin via Limerick last week and a truck overturned on the new bridge. This caused terrible consternation in Limerick city and traffic was delayed for almost half the day. It took two hours to cross the city, a trip which normally takes ten to 15 minutes. Fortunately, nobody was injured in that incident.

Our attitude must change with regard to road safety. We should no longer accept that events just happen and are unavoidable. Accidents can be prevented and a reduction of road deaths can be achieved if the proper strategies are in place.

[Mr. P. Breen.]

While some advances have been made in recent times to reduce the number of road fatalities, these efforts are not working and it is time for us to seriously consider road safety.

Deputy Deenihan referred to the number of road deaths in the past three years and stated that 2004 was the worst year since 2001 representing an increase of 13% on 2003, which is of concern. As many previous speakers have mentioned, to help tackle the carnage we need better driving education, an improved, reformed and modern driving test and an environment that encourages good driving and punishes those who endanger the safety of others. In the past ten years approximately 5,000 people have lost their lives on Irish roads. In addition to the misery and suffering of the families, the cost to the community runs into billions of euro. We do not realise the astonishing scale of the problem. In 2001, one person was killed on the roads every 21 hours and one person injured every 52 minutes. Young people are at most risk as they drive faster than more mature drivers. One young person is killed on the roads every two days.

While the Driver Testing and Standards Authority Bill 2004 tries to address these problems, it has some flaws. The Bill proposes to establish an authority, which will be responsible for the delivery of the driving testing service. The new authority will have responsibility for testing and control of driving instructors and vehicles. The legislation also gives the authority the power to outsource these functions. While this may be fine in theory, I do not know how it will operate in practice, given how central government works. I note that the Minister said last night in the Seanad that he was prepared to make amendments to the Bill, given that his Department recently commissioned a survey by Farrell Grant Sparks, which was published in yesterday's edition of *The Irish Times*. I question whether the Minister will go far enough with his amendments.

I understand the consulting company stated that the scope of the new authority, charged with reducing the long waiting time for learner drivers to be tested and improving motoring skills, is too limited to bring about significant changes. It recommended centralising all aspects of road safety. The Minister should reconsider his proposals for the Driver Testing and Standards Authority to see how road safety can be improved. Deputy Ring referred to the self-financing of the authority and the costs for those involved in tests. Driving tests will increase in price from €38. We all know that learning to drive is a costly business. Driving lessons are quite expensive. A learner may need to sit the driving theory test on many occasions and those who repeatedly fail will need to take more lessons. This is in addition to road tax and insurance.

On cost grounds the Minister is proposing to reduce the number of test centres from 54 to 35.

Under this plan each county will have a testing centre with the larger towns and cities having additional sites. Today County Clare has three centres, the main centre in Ennis and other centres in Shannon and Kilrush. I hope these centres will be retained. While the Shannon centre is very important, as a Deputy coming from and representing west Clare, I know the Kilrush centre is important for the people of west Clare and I hope it will remain regardless of any changes the Minister might propose.

I know the report the Minister commissioned found that the computer systems in the Department and the test centres are outdated with a high risk of system failure. They need to be updated and replaced as soon as possible. I know the Minister had a difficult experience with computers for electronic voting in his previous job at the Department of the Environment, Heritage and Local Government.

**Mr. Durkan:** The Deputy should not mention the war.

**Mr. P. Breen:** I understand that only 16 of the centres will be able to cater for tests involving motorcycles and heavy goods vehicles and I hope this can be increased. Previous speakers referred to driver error as the main cause of fatal road accidents, which is linked to the question of education, leading to better drivers. I could speak about the traffic corps and other matters. However, other speakers wish to contribute. I hope that when making amendments the Minister will listen to the Opposition spokespersons and incorporate some of their proposals.

**Mr. Durkan:** This subject is of particular interest to me as I was spokesman on this area many years ago, possibly before the Minister was first elected to the House. As most people know, I am somewhat cynical by nature. I cannot understand why it has taken so long to introduce a Bill, which concentrates on the need to ensure a high level of driver knowledge not only in respect of the rules of the road but in the theory of driving a vehicle, including the marriage between the vehicle, its speed and the road conditions. Nothing should be taken in isolation. The quality of the vehicle, its speed, the knowledge and judgment of the driver and the road conditions, some of which are appalling, need to be taken into account.

As I recently said in this House, in some locations up to 25 and 30 people have been killed, theoretically because they were wrong as a result of speeding, faults in the car or errors of judgment. Has it ever occurred to anyone that something might have also been wrong with the road? I do not wish to comment too lightly on this topic. A particular accident took place on a very prominent roadway not a million miles from the centre of this city in recent weeks. This was not the first such accident to take place there.

Driver error is being blamed for that accident. I do not believe driver error was the only contributory factor. The design, camber and condition of the road as well as the volume of traffic on it at the time all contribute.

Many years ago I made a suggestion regarding the theory on driving.

**Mr. Cullen:** I ask the Deputy to allow me a minute at the end so that this Bill can progress to Committee Stage. I believe this has the agreement of the House.

**Mr. Durkan:** I indicated I wished to speak and I received no request from anybody on this side of the House to stand down.

**Mr. Cullen:** I thought we were to conclude Second Stage today. I believe there is agreement in the House on the Bill. However, it is up to the Deputy.

**Mr. Durkan:** I resent being asked to stand down when speaking on the Second Stage of a Bill. The job of Members of this House—

**Mr. Cullen:** That is fair enough. I do not need a lecture from the Deputy.

**Mr. Durkan:** —is to debate the subject.

**Mr. Cullen:** If the Deputy is so interested in helping young drivers get their test he would let the Bill go through.

**Mr. Durkan:** I am as conscious of the need to help young drivers as the Minister will ever be.

**An Ceann Comhairle:** As it is now 3.30 p.m. the matter does not arise and I ask Deputy Durkan to move the adjournment.

**Mr. Durkan:** The Minister should have been as conscious of the needs of all drivers and worked to this on time.

**Mr. Cullen:** The Fine Gael Deputies kept the whole thing going in the hope of stopping young drivers from getting the test.

**Mr. Durkan:** I hope the Minister will make some improvements and resolve his temper.

**An Ceann Comhairle:** Deputy Durkan is impinging on the time of his colleague, Deputy Allen, who has tabled a question to the Minister of Foreign Affairs.

**Mr. Durkan:** I have several questions.

**An Ceann Comhairle:** I ask the Deputy move the adjournment.

**Mr. Allen:** The Minister has not learnt his lesson.

**Mr. Cullen:** The Deputies opposite should shut up.

**Mr. Durkan:** I hope the Minister can settle on a programme that is longer than his temper.

**Mr. Allen:** The Minister is as arrogant as ever.

Debate adjourned.

## Ceisteanna — Questions.

### Priority Questions.

#### Arms Trade.

1. **Mr. Allen** asked the Minister for Foreign Affairs the Government's views on the proposed lifting of the EU arms embargo against China; and if he will make a statement on the matter. [13859/05]

**Minister of State at the Department of Foreign Affairs (Mr. Treacy):** The Government's position on the lifting of the EU arms embargo on arms sales to China is clear. We support the lifting of the embargo but we do not wish to see any increase in the quantity or quality of arms exports to China.

The arms embargo was first introduced in 1989 in reaction to the events of Tiananmen Square. There was no EU arms embargo against China before 1989. China today is a very different society than it was in 1989. It is unquestionably a freer society, even if respect for fundamental human rights is still significantly less than we would wish.

China has asked the EU to lift the embargo. It argues, rightly in my view, that it does not belong among the category of rogue states, including Burma, Sudan and Zimbabwe, against which the EU also maintains an arms embargo.

China states that it regards the lifting of the embargo as a symbolic gesture and that it does not regard it as an excuse to increase arms imports from the EU. The Government's approach is therefore that the Union should lift the formal embargo, while at the same time taking care to ensure there is no increase in EU arms exports to China. Our position was set out by the Taoiseach during his visit to Beijing in January 2005, when he also explained the importance to the EU of continued progress in the promotion and protection of human rights in China.

The European Council meeting in December 2004 reaffirmed its political will to continue to work towards lifting the arms embargo. It invited the incoming Luxembourg Presidency to finalise the well-advanced work on this issue in order to allow for a decision, while underlining that the result of any decision should not be an increase in arms exports from EU member states to China.



[Mr. Treacy.]

The Council also recalled the importance of the EU code of conduct on arms exports, which has been in operation since 1998 and contains criteria for assessing such exports, including those relating to human rights, stability and security in the relevant region and the national security of friendly countries. The Council stressed the importance of the early adoption of a revised code of conduct, on which work is continuing and which will reinforce existing EU controls, and of a new instrument on arms exports known as the "Toolbox". This instrument is being developed by the EU and comprises a set of measures which may be applied to a country when an arms embargo against it has been lifted. Essentially, it will provide for a greater level of information sharing and enhanced transparency within the EU regarding arms exports to countries which had been subject to an arms embargo.

As the EU works towards lifting the arms embargo, it has also engaged in recent weeks in a dialogue on the issue at senior official level with key partners, including the USA, Japan, the Republic of Korea and Australia. EU Foreign Ministers reiterated their wish to develop further the relationship with China when they met for an informal discussion in Luxembourg on 15 and 16 April. The importance attached by the Union to human rights and the peaceful resolution of differences was reiterated in this context. The Ministers also agreed to continue to work on strengthening the code of conduct and on the so-called "Toolbox", in line with the European Council mandate.

*Additional information not given on the floor of the House.*

The Government continues to examine this issue with our EU partners in the context of our overall relationship with China, our ongoing commitment to human rights and the broader regional and international context. EU Ministers will resume consideration of a decision on lifting the embargo once technical work on revising the EU code of conduct on arms exports has been completed. A decision to lift the embargo will require unanimous approval among member states.

**Mr. Allen:** I am surprised at the Minister's response given that this week, the European Parliament voted overwhelmingly in favour of not lifting the embargo. I remind the Minister of China's human rights record whereby of 5,000 executions carried out globally last year, 4,000 took place in China. I also remind him of the anti-secession act passed in the Chinese Parliament recently which effectively threatened the future of Taiwan and has raised tensions in the Taiwan Straits. I also remind him of the recommendations of the European Parliament report which stated that while there may have been great pro-

gress in industrial development in China, its record in human rights and democracy still needs much improvement. It is still in the dark ages. Does the Minister agree that the sale of arms to China will enable it to use its anti-democratic system to threaten Taiwan and undermine democracy in that part of the world?

**Mr. Treacy:** I agree with much of what Deputy Allen said. We are aware of the situation. However, one must take China's population, the biggest population of any nationality in the world, into account. One takes the progress that has been made over the years and the European Union's attitude into account. Some progress has been made in China, although not as much as we would like. We are fully mindful of the Taiwanese situation and of the recent decision taken by the Chinese. Ultimately however, the Deputy should understand that there will be a consensual decision taken on the issue within the European Union. Whenever the decision is taken, it must be unanimous. It will be taken in a positive, responsible and measured manner to ensure that all the issues raised by Deputy Allen and many others he did not will be taken into account. Given our overall position on human rights internationally and nationally as a sovereign State and our role within the European Union, I am confident we will ensure the best decision possible is taken at the appropriate time.

**Mr. Allen:** How does the Minister reconcile his earlier statement with the European Union code of conduct for arms exports published in 1998 which stated the European Union should not issue an export licence, unless the reservations and worries about human rights records were set aside?

**An Ceann Comhairle:** The time for this question has concluded. Perhaps the Minister can reply briefly.

**Mr. Treacy:** The code of conduct was introduced in 1998. Recent discussions within the European Union referred to the code of conduct in a very assertive manner in order to bring the associated responsibilities to the notice of all members states. Irrespective of whatever decision is taken, the code of conduct must be sustained and maintained and will always be operable.

#### **United Nations Reform.**

2. **Mr. M. Higgins** asked the Minister for Foreign Affairs if his discussions on reform of the United Nations, on behalf of the General Secretary, Mr. Kofi Annan, include dealing with the issue of the use and abuse of the veto by the permanent members of the Security Council; his views on the way in which to ameliorate this abuse; and if he will make a statement on the matter. [13732/05]

3. **Mr. Gormley** asked the Minister for Foreign Affairs if he will report on his new role as special envoy for UN Secretary General Mr. Kofi Annan; if he will further report on his April 2005 meeting with the EU's Mr. Javier Solana concerning UN reform; the Government's position on reform; and if he will make a statement on the matter. [13649/05]

5. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the Government's position on the proposed UN reform package, including Security Council reform; and his plans to involve the Irish people in the UN reform process. [13852/05]

**An Ceann Comhairle:** I understand Deputy Michael Higgins was in hospital when Question No. 2 was submitted. It was inadvertently submitted in his name rather than in Deputy Quinn's name. Consequently, I will allow the question.

**Mr. Treacy:** On behalf of all our colleagues and in particular those on my side of the House, I wish Deputy Michael Higgins a speedy recovery. We miss him from the Oireachtas. He has been a long-time friend and we hope he has a speedy return to full health as quickly as possible.

I propose to take Questions Nos. 2, 3 and 5 together.

Deputies will be aware that a central element of Ireland's foreign policy has been the promotion of an effective multilateral system and the strengthening of the rules-based international order, with the United Nations at its centre.

The Government believes it is essential that the members of the United Nations take action to enhance the effectiveness and legitimacy of the United Nations and to endow the UN with the means necessary to confront today's global threats and challenges. Promoting such reform was a priority of the European Union during Ireland's Presidency in the first half of 2004.

The House will also be aware that this is a crucial year for the United Nations as members prepare for the summit that will take place at the UN next September at which Heads of State and Government will seek to restore momentum to the achievement of the millennium development goals, to agree on reforms that will strengthen the system of collective security, to enhance the human rights function of the United Nations and to reform its institutions and management structures. It is a central priority for the Government to do what it can to promote the success of the summit.

As a practical and substantial contribution to this process, the Minister for Foreign Affairs, Deputy Dermot Ahern, travelled to New York in February to assure the UN Secretary General of Ireland's readiness to do its utmost to support his reform agenda. Accordingly, the Minister is honoured to have been appointed by him as one of five envoys to act on his behalf in encouraging governments to take the decisions necessary to

ensure a satisfactory outcome at the September summit. The appointment is an indication of the esteem in which Ireland is held by the Secretary General and of its track record of commitment to the United Nations.

As envoy, the task of the Minister for Foreign Affairs is to make the case in visits to European capitals for the broad package of recommendations and reforms set out in the UN Secretary General's recent report, *In Larger Freedom*. In doing so, he will work with the Secretary General and with UN members to overcome the obstacles and challenges that confront the reform agenda, which the Secretary General has described as "bold but achievable". The Secretary General has asked the Minister to focus his efforts on Europe. However, none of the envoys is confined in their activities to any one geographic area.

The work of the envoys is vital to the preparatory process as it is evident that success in September 2005 will require governments to step back from hitherto entrenched positions and take decisions in the wider interest of all members and the multilateral system that serves them. The work the envoys are carrying out with governments is intended to complement the dialogue and debate in which members' delegations in New York are engaged, under the guidance of the President of the General Assembly.

The Minister commenced his series of envoy visits shortly after his appointment by the Secretary General on 4 April and his subsequent briefing of his EU colleagues at the recent informal meeting of EU Foreign Ministers. He has already met a number of foreign ministers, including those from within the European Union, as well as High Representative Javier Solana and the Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner.

Deputies will understand that I am not in a position to comment on the contents of the Minister's meetings with his foreign minister colleagues. He has undertaken to convey the views expressed in his meetings to the UN Secretary General in strict confidence. The effectiveness of his mission, and that of the other envoys, demands that the exchanges remain confidential. The meetings to date have been productive, informative and of value to the Secretary General and his support team.

While the reform agenda is many faceted, one very difficult but important element, and one that receives most public attention, is that of reform of the Security Council. There is general acceptance that the 60-year-old structure of the council, which derives from the immediate post-war situation, is not in accord with today's realities. The high-level panel that reported to the UN Secretary General in December 2004 on measures to enhance collective security put forward two models for reform — model A, which would extend the membership in both categories, permanent

[Mr. Treacy.]

and non-permanent, and model B, which would retain the current permanent members and would, in addition, create a new category of member, elected for four year renewable terms.

The Secretary General has not recommended either of these models to the membership, but has urged UN members to reach a decision this year on the expansion of the Security Council for the sake of its credibility and legitimacy. The Government shares this view and would support an arrangement capable of securing the widest necessary support among the wider UN membership, as long as it preserved the possibility for smaller countries like Ireland, which make substantial contributions to the work of the United Nations, to serve on the Security Council at reasonable intervals.

As regards the veto powers of the permanent members, Ireland in its contributions to the UN General Assembly's open-ended working group on Security Council reform has long called for restraint in the use of the veto and has urged that it be used only when the issue under discussion was of vital national interest, taking into account the interests of the UN as a whole.

The Minister greatly welcomes the interest the House has taken in the Government's support for the Secretary General's reform agenda and very much appreciates the support for his role expressed by colleagues in this House. I am deeply conscious of the strong support in Irish civil society and among the Irish public generally for the work of the United Nations. This is reflected in, among other things, strong support for the participation of the Defence Forces and the Garda in international peacekeeping and for Ireland's work at the UN in support of development, human rights and disarmament.

Given the widespread interest in the current debate on the role and future of the UN, we expect considerable public interest in the progress of discussion in the run-up to the September summit. In view of the importance attached in Ireland to the United Nations, I assure the House that the Minister is fully prepared to engage with the Oireachtas and the public on the various issues that will arise in the course of this discussion. He is ready to participate in a debate here should the House so desire and he also intends to arrange for consultations with the NGOs.

**Mr. Quinn:** I thank the Ceann Comhairle for being so accommodating. The House will be pleased to hear that Deputy Michael Higgins is having a routine operation on his neck, which is a vulnerable part of any politician's body, and is making a good recovery. I will talk to him after this and will convey the Minister of State's good wishes.

In response to his comprehensive reply, can the Minister for State state whether the Government

has formulated a preference for either of the two models for restructuring of the Security Council put forward in the report? Has the Minister of State any views with regard to the methods of voting, not simply the question of the exercise of the veto? Does he believe the Security Council should adopt a system of multi-layered voting, not unlike the system used by the Council of the European Union?

**Mr. Treacy:** The Government has not yet formulated a view on either of the models. We have taken into account the record of the UN so far, the evidence and information available to us within the diplomatic service and the links we have through our diplomatic team in the UN. We are also giving an opportunity to the Minister for Foreign Affairs as the UN envoy to garner the maximum amount of information. The Taoiseach will consider the question in great detail with his Cabinet sub-committee and make a recommendation to the Cabinet before a final decision is taken.

**Mr. Gormley:** Given that any change to the UN Charter requires a two thirds majority in the General Assembly of the UN, ratification of two thirds of UN members and the acceptance of the veto holders, would the Minister of State agree that it will be quite difficult to get the assent of the United States? Could the Minister of State tell the House if he has had discussions with two of the other veto holders — Great Britain and France — and the outcome of those discussions? Does the Government support Germany's campaign for a permanent seat on the Security Council? Would the Minister for State agree that he could show his support for the UN by enshrining the triple lock into the Constitution? Could he give us his view on that?

**Mr. Treacy:** The situation is very similar to that in the EU where the Government tries to achieve consensus. The UN is a very powerful group that is very representative of the world. As Deputy Gormley noted, it will not be easy to achieve consensus with so many UN members and the two thirds requirement. As a result of the efforts and the very forthright report of the Secretary General, the fact that he has appointed UN envoys across the world to have consultations will place the focus on each UN member state's responsibilities. Taking into account the fact that the UN needs to reform its structures after 60 years, every member state will be obliged to compromise to make progress. I am optimistic that through the ongoing dialogue and discussions, progress can and will be made. One can never be certain what the outcome will be.

The Government has not held discussions on a bilateral basis with any of the countries to which Deputy Gormley referred. The Minister for Foreign Affairs, in his position as UN envoy in Europe, will obviously have those discussions.

These discussions will help to inform the Minister and ultimately the Government on the attitude that it will take. I am reasonably optimistic that progress can be made, taking into account the critical role the UN plays in global affairs.

**Mr. Gormley:** Will the Minister of State answer my question regarding Germany's campaign for a seat on the Security Council and the enshrining of the triple lock in the Constitution?

**Mr. Treacy:** Regarding Germany's bid for a seat on the Security Council, Ireland would always be very positively disposed towards fellow EU members and would be guided by the attitude of the EU towards Germany's bid. We would have our own bilateral discussions with Germany. It is something that must be decided later. We have not formed any position so far.

The Government is very committed to the triple lock, which is a very assured mechanism for Ireland and very important to the country. Enshrining the triple lock in the Constitution is a matter for greater people than me and it is something we will give much consideration to as we discuss the EU constitution.

**Aengus Ó Snodaigh:** I was not aware that there was anyone greater than the Minister for State. The Minister for Foreign Affairs has said that in his role as special envoy on UN reform, which we all congratulate him on, he will not promote Ireland's position. Who will promote Ireland's position in terms of UN reform and who will anchor the process of UN reform in the Oireachtas and in the country at large? How will we consult with the general public and the media to try and ascertain where the Irish population stands? Are we inviting submissions and will we have a road show, like the Forum on Europe?

Time is tight. When will the Government tell us its position on UN reform? The Minister of State has given the House some clarity about the Government's position in terms of the document produced by Kofi Annan but we need more clarity and specific answers. What is the Government's position on the proposed guidelines for authorising military action or the definition of terrorism, which is in ways broader and in other ways narrower than the EU's definition? The Government must be up front with the House on these issues. From the Whips' meeting, I know there will be a debate scheduled in May but I would like to have a full answer from the Government to prepare for the debate in advance and to allow the public to play its role.

**Mr. Treacy:** The Government is opposed to every type of terrorism in any part of the world and is at one with the European Union. Regarding the Minister for Foreign Affairs' position, he is an envoy of the UN Secretary General and it would be unfair were he to bring an individual member state's opinion to the tables of the other

member states. He is there in a consultative position to garner the most important information possible and to put forward the necessity for reforms. All of this information will assist him in reporting back to Cabinet to deal with the situation. An active dialogue on behalf of Ireland is exercised on a daily basis by our ambassador in the United Nations. He not only brings a positive contribution with him, as successive Irish ambassadors have done, but he reports to the Department of Foreign Affairs on a weekly basis. There is a constant two-way flow of information so Ireland can take the most positive, objective and effective decision to ensure we have a modern UN to serve the world.

**Mr. Gormley:** Do we not get a chance to ask further supplementary questions? I thought three questions were being taken together. Have we no time left?

**An Ceann Comhairle:** There is a minute remaining if the Deputy has a short question.

**Mr. Gormley:** Does the Minister of State agree that, by enshrining the triple lock in the Constitution, we would be showing support for the UN? Ireland has a proud record of UN peacekeeping. Could the Minister of State report back on the discussions that took place with Javier Solana this month? What was the outcome of these discussions? Does the Minister of State agree there is a difficulty in that the new rapid reaction force and the battle groups do not necessarily have to operate with a UN mandate?

**Mr. Treacy:** I do not have any information pertaining to the discussions with Javier Solana. The Minister will make the case asserted by the Secretary General of the UN and long held by Ireland that no reform of the UN is complete without Security Council reform. Member states must take a hard look at the models that have been proposed by the UN Secretary General's high level panel or at any variant that can command broad support. The Minister will listen to the views of the various Governments and report them to the Secretary General.

On the issue of the triple lock, it is a strong and safe legal position for Ireland. There must be a UN mandate, a decision by the sovereign Government of Ireland and a decision by our Parliament. This is a triple protection for our people and country. We can react quickly to whatever requests are made by the UN. There is a strong Irish desire, by history, tradition and performance since the foundation of this State, to have the Defence Forces or the Garda Síochána involved in international peacekeeping. The triple lock has served us well and will continue to do so.

**Mr. Allen:** Did the Minister of State say that to the people of China?

### Inter-Country Adoptions.

4. **Mr. Allen** asked the Minister for Foreign Affairs if he will make a statement on his Department's involvement in the case of the adoption of a child (details supplied) in Indonesia. [13860/05]

**Mr. Treacy:** I want to assure the House that, in all its actions over the past year, my Department's first priority has been the welfare of this young boy. We have continuously and actively engaged in efforts to find a suitable solution since we became aware of Tristan Dowse's situation. The Irish Embassy in Singapore, which is also accredited to Indonesia, was first informed about Tristan on 12 March 2004 by a local contact in Jakarta. An Irish diplomatic officer was immediately instructed to visit Tristan, to establish the facts of the case and to consider what could be done to protect the interests of this child.

While much of this distressing story is in the public domain, it is worthwhile to outline to the House the background to the case. Indonesian-born Tristan, a three year old child now in an orphanage near Jakarta, was adopted on foot of an Indonesian court order of 10 August 2001 in favour of Mr. and Mrs. Joseph Dowse. The Dowses subsequently applied to the Irish Adoption Board to have Tristan's adoption recognised under the Adoption Act 1991 as amended. The board was satisfied the adoption was a foreign adoption to which section 4 of the Act applied and an entry pursuant to section 6 of the Act was made in the Register of Foreign Adoptions. By virtue of this entry, Tristan automatically acquired Irish citizenship and, on this basis, an Irish passport was issued to him.

In April 2003, Mr. and Mrs. Dowse moved to Azerbaijan and gave Tristan into the care of an Indonesian couple who, in turn, placed the child in an orphanage. The Dowses made some attempts to have Tristan's adoption in Indonesia annulled so that he could be re-adopted. However, none of their actions so far have been accepted by the Irish Adoption Board as sufficient. Tristan's entry in the Registry of Foreign Adoptions may only be cancelled by an order of the High Court.

The focus of my Department's efforts has been to work with the Irish Adoption Board and with the Dowses to unblock the case. The Dowses, who are Tristan's legal parents, must be involved in this process as they have both rights and responsibilities regarding his welfare and future. From April 2004 to the present, my Department had been repeatedly asking them what steps they intend taking. These contacts have been made through their solicitors for most of the time, as they insisted on a formal legal channel of communication.

A question has recently arisen for the first time regarding the legality of the original Indonesian adoption order. Last week, on the instructions of

the Minister for Foreign Affairs, the Irish ambassador to Singapore travelled to Jakarta to meet directly with ministry officials and to visit Tristan at the orphanage. He found Tristan to be in good health and spirits.

*Additional information not given on the floor of the House.*

During the ambassador's visit last week, the Indonesian social affairs ministry confirmed that it was preparing to initiate legal proceedings to have the Indonesian adoption order revoked on the basis that it was not granted in accordance with legal requirements. These proceedings have not yet commenced. In order to help ensure that there is the earliest possible movement, the Minister for Foreign Affairs instructed the ambassador to return to Jakarta again this week, arriving on Tuesday, 26 April.

Following the ambassador's visit last week, discussions have taken place between my Department, the Irish Adoption Board and the Attorney General to consider the next steps to be taken. As a result, it has been agreed that senior officials from the Irish Adoption Board and my Department will travel to Indonesia in the coming days to assist the ambassador in helping to find a satisfactory solution to this matter. While awaiting further clarifications from Indonesian, the Irish Adoption Board has invited the Irish solicitors for the adoptive parents to meet with them.

I assure the House and the many people who have been touched by Tristan's story that we will continue to do everything we can to resolve this complex and sensitive case and that our efforts are at all times dedicated to the welfare and best interests of young Tristan.

**Mr. Allen:** I am delighted to see that a parliamentary question can provoke a flurry of activity on the part of the Minister and his Department within 24 hours. As the Minister of State has now conceded that the child is an Irish citizen, what is the attitude of the relevant authorities to these parents in this appalling situation? If they return to Ireland, will they be charged with the neglect and abandonment of the child?

**Mr. Gormley:** They should be. This is a disgrace.

**Mr. Allen:** They should be as this is an appalling situation. What are the views of the Minister of State on this?

**Mr. Treacy:** Deputy Allen did not listen to my answer. I have gone back as far as 2001 and I appreciate that parliamentary questions are wonderful instruments to elicit information.

**Mr. Allen:** What does the Minister of State mean by 2001?

**Mr. Treacy:** I referred back as far as 2001 in my answer in a structured, careful and legal manner pertaining to the child.

**Mr. Allen:** The child is three years old.

**Mr. Treacy:** We have acted in the most humane, honourable and professional manner in the best interests of this child. The Deputy asked a pertinent hypothetical question. This child is an Indonesian and an Irish citizen. He is currently domiciled in an orphanage in Indonesia. Our priority as a nation is to ensure the maintenance and protection of the child's welfare. We must take into account the complexity of the situation, the difficulties that are involved and, above all, the welfare of the child. This issue is being guided by outstanding diplomats who are dealing with this issue on behalf of Ireland.

**Mr. F. McGrath:** This is an absolutely disgraceful case and is a shame.

### Other Questions.

#### EU Treaties.

6. **Mr. Timmins** asked the Minister for Foreign Affairs when EU accession treaties with Romania and Bulgaria will be signed; and if he will make a statement on the matter. [13484/05]

**Mr. Treacy:** Signature of the Treaty of Accession of Bulgaria and Romania to the European Union took place in the margins of the General Affairs and External Relations Council on 25 April in Luxembourg. The Minister for Foreign Affairs and I signed the treaty on behalf of Ireland. Ireland warmly welcomes the prospective accession of our two new partners. We will open embassies in both countries later this year.

The treaty now falls to be ratified by Ireland and by all the other signatories before the planned accession date of 1 January 2007. For previous accessions, ratification has involved a motion in the Oireachtas and an amendment to the European Communities Act 1972. Ratification can be expected on this occasion to follow a similar procedure. Bulgaria and Romania are entitled, since signature of the treaty on 25 April, to take their seats as active observers at nearly all EU meetings and did so at the meeting of European affairs ministers in Luxembourg on Tuesday, 26 April 2005.

**Mr. Allen:** Have discussions taken place with the Bulgarian authorities in regard to suggested moneylaundering by Bulgarian financial institutions which are often linked to the Government there? Since the Irish Government said it was exploring and following up the question of moneylaundering in Bulgaria, what discussions have taken place with the Bulgarian authorities?

The accession of Bulgaria is linked to the elimination of corruption and the proper accountability of its financial institutions.

**Mr. Quinn:** It is a pity Deputy Ó Snodaigh has left. He could have enlightened us.

**Mr. Treacy:** As I said, these countries only the signed the Treaty of Accession at 6 p.m. last Monday and they attended their first meeting of European affairs ministers last Tuesday. No opportunity has presented itself to have any bilateral discussions with Bulgaria on this situation. However, the Minister for Justice, Equality and Law Reform said in the House in the past week that this investigation is ongoing and will continue until further information becomes available.

**Mr. Allen:** Does the Minister of State agree all these discussions and clarifications should have taken place before Bulgaria signed the treaty and not afterwards?

**Mr. Treacy:** Bulgaria and Romania have come through 35 chapters of European Union accreditation. That is very important. This situation only arose at Christmas. Based on that, it would be very unfair of Ireland to place an obstruction in the way of sovereign countries which want to join the European Union and which have met the necessary requirements and signed up to them. On that basis and given the work we are doing, this matter can be handled by Ireland through its agencies and in consultation with the Bulgarians on a bilateral basis rather than at European level.

**Mr. F. McGrath:** On the accession treaty with Romania, will the Minister of State and the Government raise the disgraceful treatment of the gypsy population in Romania? It has suffered blatant discrimination and human rights abuses over the past 20 to 30 years. Even in this country, the Romanian population seems to be targeted by sections of society. Will the Minister of State raise these concerns at EU level and ensure ethnic minorities and human rights in EU countries are respected?

Is the Minister of State aware that not so long ago with the rise of Nazism and during the Second World War, thousands of people with disabilities and gypsies were exterminated in addition to the Jews? We must be ever vigilant and on our guard. Will the Minister of State raise these issues when dealing with these types of treaties?

**Mr. Treacy:** I very much concur with the sentiments expressed by Deputy Finian McGrath. Thankfully, Europe has come a long way since the events and atrocities to which he referred. These issues were raised with the Romanians during negotiations at EU level. I presume they will continue to be highlighted in the period before

[Mr. Treacy.]

Romania becomes a full member of the EU. I assure the Deputy I will pursue this matter at every opportunity through the Department and bilaterally.

### Human Rights Issues.

7. **Ms Lynch** asked the Minister for Foreign Affairs his views on whether the European Union should be present at Asia Regional Forum and ASEAN post-ministerial meetings if Burma chairs ASEAN in 2006 and an unaccountable Government is at that time in place in Burma. [13554/05]

24. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs the position regarding the detention of a person (details supplied) in Burma; and if he will make a statement on the matter. [13505/05]

29. **Ms Lynch** asked the Minister for Foreign Affairs the Government's and the European Union's position on the military junta in place in Burma; and if he will make a statement on the matter. [13553/05]

67. **Mr. Deasy** asked the Minister for Foreign Affairs if the European Union will explicitly state that it will not accept the outcome of the current national convention convened by the ruling State Peace and Development Council in Burma unless it meets minimum democratic standards and that it will not attend the Asia Regional Forum and ASEAN post-ministerial meetings if Burma chairs those meetings in 2006 unless an accountable Government is in place. [13470/05]

74. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he will make a statement on the outcome of his recent meeting with the Director of the European Office for the Development of Democracy in Burma, Harn Yawngwe. [13565/05]

**Mr. Treacy:** I propose to take Questions Nos. 7, 24, 29, 67 and 74 together.

The Government has consistently condemned the lack of progress towards democracy in Burma and the continuing abuse of human rights and fundamental freedoms in that country. Together with our EU partners, we remain gravely concerned about the continuing house arrest of Daw Aung San Suu Kyi, other opposition activists and a number of MPs elected in 1990.

On 2 December 2004, the Minister for Foreign Affairs issued a statement condemning the decision of the Burmese Government to extend the detention under house arrest of Aung San Suu Kyi for another year. The Minister also called on the Burmese authorities to allow the special envoy of the Secretary General, Razali Ismail, to travel to Burma at the earliest opportunity, including for the purpose of visiting Aung San Suu Kyi. The EU Presidency issued a similar statement on 10 December 2004.

On 2 March 2005, the Minister for Foreign Affairs met Harn Yawngwe, Director of the European Office for the Development of Democracy in Burma, which is a joint project of the European Commission and the Olaf Palme International Centre of Sweden. Mr. Yawngwe was accompanied by members of Burma Action Ireland. The meeting provided a useful opportunity to reiterate the Government's position in support of democracy, human rights and national reconciliation in Burma and also to detail Ireland's response to the impact in that country of the recent tsunami. The discussions also looked forward to the EU-ASEAN foreign ministers meeting scheduled for later that month.

I represented Ireland at this meeting which was held in Jakarta from 10 to 11 March 2005. The meeting included a frank exchange of views on the situation in Burma. Together with my EU colleagues, I was the first speaker to call for the immediate release of Aung San Suu Kyi, the reopening of all National League for Democracy offices and the full involvement of all opposition parties and ethnic groups in the work of the National Convention which had resumed deliberations on 17 February 2005 but without participation by the opposition. Ireland and our EU partners again urged Burma to allow full access to the special representative of the UN Secretary General who last visited that country in March 2004.

Unfortunately, the National Convention, in the absence of the main opposition, lacked credibility and it was adjourned on 31 March 2005 by the Burmese authorities to an unspecified date in the autumn. On 14 April 2005, the United Nations Commission on Human Rights passed without a vote a resolution introduced by the EU and co-sponsored by Ireland criticising systematic violation of human rights in Burma, calling for the restoration of democracy and freedom for all political prisoners, including Aung San Suu Kyi. When the UN Secretary General, Kofi Annan, met the Burmese Prime Minister, Than Shwe, during the Asia-Africa summit in Jakarta on 23 April 2005, he repeated the concern of the international community about the detention of Aung San Suu Kyi and the need for democratic reform.

In response to the lack of progress in Burma, on 25 April 2005, the General Affairs and External Relations Council agreed to extend the EU Common Position on Burma for a further 12 months. The Common Position includes a visa ban on named senior members of the Burmese regime and members of their families aged over 18 years as well as a freeze on all their financial assets in the European Union. It also prohibits EU-registered companies from financing loans to named Burmese state-owned enterprises. The forthcoming ASEM, Asia-Europe foreign ministers' meeting, which is scheduled for 6 to 7 May 2005 in Kyoto, will provide an early opportunity to reiterate EU concerns about the situation in

Burma to the Burmese authorities and their Asian neighbours.

While the members of ASEAN generally defend the principle of non-interference in each other's internal affairs, concern that the rotating chairmanship of the organisation is due to be held by Burma in 2006 has been growing among a number of its members. The ASEAN foreign ministers held an informal meeting in the Philippines on 11 and 12 April and agreed to defer a decision on this issue until their formal ministerial meeting in Laos in July. On 20 April 2005, the Philippines Senate unanimously approved a resolution that Burma should not assume the chairmanship of ASEAN in 2006 unless there had been an improvement in the human rights situation, including the freeing of Aung San Suu Kyi. Ireland and our EU partners, however, wish to see Burma's neighbours pressing much more strongly for progress towards democracy in that country.

The EU will now await the outcome of the ASEAN Foreign Ministers meeting in Laos in July before taking a decision on the question of the Union's presence or otherwise at the Asia Regional Forum and ASEAN post-ministerial meetings during 2006. We are aware that the United States indicated last year that it would not attend ASEAN-related meetings with Burma in the chair. However, it is appropriate in the context of EU-ASEAN relations to allow for further discussion of this issue in ASEAN before coming to a decision on the EU's position. Regarding the outcome of the National Convention, now standing adjourned once more, it is clear that an eventual outcome falling short of minimum democratic standards would not be acceptable to Ireland or the EU.

**Mr. Quinn:** I thank the Minister of State for his comprehensive reply. As he attended the meeting in Jakarta, can he indicate the response of the Burmese delegation to the intervention he made?

**Mr. Treacy:** The response was robust, defensive, protectionist and to the effect that it did not like interference by another state in its internal affairs. However, we were strong. I have a personal interest in this issue. I was pleased to be there. As one of the earlier speakers, on behalf of Ireland, I made a strong case for our demands. I was pleased there was a strong and solid cohesive response from my fellow colleagues in the European Union supporting our stance.

**Mr. Allen:** In view of the fact that ASEAN will be virtually chaired by a military junta, does the Minister of State consider that the EU action will be compromised by the fact that France is threatening to veto any proposal to boycott the meetings under the chairmanship of Burma? Total, a French oil company, has massive investment in Burma and France wants to protect that investment. Will the Minister of State assure the House

that policy towards Burma will not be dictated by French self-interest?

**Mr. Treacy:** There are many countries across the world that have commercial interests in countries in different parts of the world, particularly in areas where there is terrorism, discrimination and a lack of basic human rights. However, I am optimistic in this regard as a result of the decision taken by at least one country to call on Burma not to chair the summit later this year. We did not expect that. There was a united effort from all the adjoining countries to Burma to protect the rights of the Burmese nation from interference by outside interests or countries. As a result of the change that has taken place since the meeting I attended in Jakarta, I am reasonably optimistic there will be considerable pressure on Burma in this respect and that it might have to review its position *vis-a-vis* its chairmanship of the summit.

The European Union and Ireland, will be guided by our commitment to human rights and democracy. I am confident that a collective decision will be a positive one towards which we can work. Irrespective of the position any member state of the Union takes, a majority view will always guide what is best in the common good of the global world.

**Mr. Gormley:** Why did the European Union and Ireland allow Burma to join ASEAN last year, despite the fact that it had not made progress on democracy, human rights and the release of Aung San Suu Kyi? Why did the Government permit that to happen? Is it not the case that the Government was sending a signal that we were really going by the Chinese agenda of not including human rights as an issue?

**Mr. Treacy:** Ireland and the European Union will be guided by the principle of inclusion and dialogue and exerting pressure internally rather than external communication that would not have a major impact. On that basis, it was considered it would be preferable to try to bring these people to the table, get them to see their ways and get them to accept the consensus and the demand not only from Ireland and the European Union but from the greater global world that they change and adhere to total democratic means. That is what guided the approach of Ireland and the European Union at that time.

**Mr. Gormley:** There were no commercial reasons behind it?

**Mr. Treacy:** Certainly not from an Irish point of view.

**Mr. Allen:** However, there was from a French point of view.



### EU Constitution.

8. **Mr. Noonan** asked the Minister for Foreign Affairs if he has held discussions with his counterparts in other countries in which referenda on the EU constitution will take place regarding their approach to informing the public on the content of the document; and if he will make a statement on the matter. [13514/05]

17. **Ms Enright** asked the Minister for Foreign Affairs the steps being taken to enhance public knowledge of the new EU constitution; and if he will make a statement on the matter. [13513/05]

55. **Mr. Gormley** asked the Minister for Foreign Affairs when the proposed amendments to Article 29o of the Constitution to allow the State to ratify the EU constitution will be published; if there will be any provision in the amendment for Ireland to join closer defence co-operation in the EU; and if he will make a statement on the matter. [13675/05]

76. **Mr. Cuffe** asked the Minister for Foreign Affairs when the White Paper on the new EU constitution will be published; and if he will make a statement on the matter. [13680/05]

86. **Mr. Allen** asked the Minister for Foreign Affairs the date of the referendum on the EU constitution; and if he will make a statement on the matter. [13503/05]

89. **Mr. G. Murphy** asked the Minister for Foreign Affairs when his Department will publish the necessary legislation to enable the referendum on the EU constitution to take place; and if he will make a statement on the matter. [13504/05]

**Mr. Treacy:** I propose to take Questions Nos. 8, 17, 55, 76, 86 and 89 together.

As the House will be aware, the target date for the entry into force of the European constitution, following ratification by all 25 member states in accordance with their own constitutional requirements, is 1 November 2006.

Ratification by Ireland will require a referendum to amend the Irish Constitution. The Government has not yet taken a decision on the timing of the referendum. However, preparatory work on the wording of the necessary amendment is well advanced, including on the question of whether it would include any decision on whether Ireland would participate in permanent structured co-operation in the security and defence area in the list of matters that would require prior approval by both Houses of the Oireachtas. It is the Government's intention to publish the Bill to amend the Constitution shortly. As the Taoiseach, Minister for Foreign Affairs and I have consistently said, we want the fullest possible debate on the European constitution throughout the country.

Publication of the Referendum Bill will allow for establishment of the Referendum Commission. The Government is committed to giving

the commission the time and the resources it needs to perform its dual functions of informing the public and encouraging voter turn-out. In addition, the Government intends in June to publish a White Paper on the European constitution, and at a later date will circulate a short information guide to all households. These publications will supplement the explanatory guide issued last October.

However, as we all know, active debate, involving not only politicians but other public figures and interest groups, is the most important means of stimulating public interest and awareness. I welcome the contribution being made by all those participating in the National Forum on Europe and elsewhere, and I encourage all politicians at every level of representation to get involved in the debate now. I also encourage and appeal to the media to accelerate reporting on the EU constitution and to debate on it at every level.

In relation to contact with partners, the Taoiseach, Minister for Foreign Affairs and I regularly discuss the ratification process and public information efforts with our colleagues from other member states, and our embassies also report regularly to us. However, there is no formal co-ordination arrangement. It is for each member state to decide individually, according to its constitutional requirements and political conditions, how best to proceed to ratify the European constitution.

**Mr. Allen:** I welcome the Minister of State's information that the legislation will be published shortly. I urge that all Stages of this legislation would pass through this House before the summer recess. I urge also that the referendum be held as early as possible in the autumn in late October or November before the influence of members of the British media when they turn their attention to a referendum post the general election.

How will the Government's plans be influenced by the outcome of the referendum in France? If the outcome is as the polls suggest, will the Government proceed with a referendum in the autumn?

**Mr. Treacy:** I made it clear at the end of my reply that it is a matter for each member state to take into account its legal and constitutional position and make its own decision. That is what Ireland will do. There are still four weeks remaining before the referendum will be held in France. I am optimistic about the outcome of the referendum, given the central role France has played in the European Union since the days of the European Coal and Steel Community and the European Economic Community. It gave Ireland and others an opportunity to join the Community at an early stage in the development of the Union. The leadership it has given has been central, and it has been a key pillar in the success of

the Union over the years. When the French people take into account their history and contribution and the fact that there is a strong bond across the Europe that is critically important for the future of the Union to be effective, efficient and to be managed in a professional way, they may give a resounding result in favour of the constitution. We are optimistic about that. There is still more than a month remaining before the referendum will be held.

**Mr. Allen:** How much will the Minister of State bet on that?

**Mr. Treacy:** Like a Cork person, I would not have such resources.

**Mr. Quinn:** The Minister of State has addressed my question in other fora, including at the European Affairs committee. On the question of circulating a copy of the constitution to every household, the current intention appears to be to make the documentation available and if anyone asks for a copy of it, I presume it will be sent to them free of charge. I am aware that the logistics of the document in terms of physical delivery are somewhat intimidating. I have seen a French copy which is in the form of a magazine. It is similar to a thick version of *The Economist* magazine, which is much lighter and easier.

Given that many people will attempt to scare the Irish electorate into saying that in protocol X or protocol Y there is this or that reference, and because the document is an integrated holistic one, unlike the Nice treaty which was impenetrable to read because it crisscrossed references to other treaties and one would need the other four treaties to comprehend it, will the Minister of State consider the circulation of a copy of the constitution in a lighter format? For example, if someone says that Irish divorce law could be altered or changed as a result of harmonisation, being able to access the treaty in one's home to have reassurance in these areas where national competences are supreme has a great deal of merit. Whereas my view previously was similar to that of the Minister of State, I am beginning to change my view on the matter.

Irrespective of what happens in any other country, this country should commit itself to the ratification process. To suggest that we would stop our ratification process because of any country, big or small, not ratifying would be to imply that they effectively had a veto over the process. This would be contrary to the spirit of the European project.

**Mr. Treacy:** I am mindful of what Deputy Quinn has said. While other colleagues spoke about circulating copies of the constitution to households throughout the country, it is a document of 500 pages. We have given much thought to this. We have published some documentation on the website and we will publish more. There

is a lo-call facility for the public who can request to have the constitution posted to them. We are considering past referenda where documentation was available and where the requirement from the public was very scant in their desire to procure that documentation. Last Friday evening, at the National Forum on Europe meeting, Proinsias de Rossa, MEP, presented me with a copy of the French magazine about the constitution, for which I was grateful. I have asked the officials in my Department to consider the feasibility of how we could amend our constitution so that it will be similar to that which was published in France. I await the response on this. We will do our utmost to get the information out to the maximum number of people.

I want to confirm what Deputy Quinn said in regard to divorce laws and so on. The European constitution has no relevance or role in this area; it is a matter for Ireland and our own laws. The only power the European Union has is the power we give it as a sovereign State by way of referendum. These are contained *de facto* within the constitution.

**Mr. Gormley:** Given that the Minister of State welcomes discussion and debate on the European constitution, why have the proposed amendments to Article 29 of the Irish Constitution been circulated to the Labour and Fine Gael parties but not to other parties in this House?

**Mr. Treacy:** We are very anxious to be involved with all the parties in these discussions. During all referenda, we have had discussions with both the Fine Gael and Labour parties as pro-European parties to decide the best consensual way to proceed. It would be an invasion of Government into the Deputy's party's affairs in view of the debate he publicly announced is going on within his party. When he has reached a conclusion, we will have no difficulty holding bilateral meetings with him.

**Mr. Gormley:** With respect, it would add to our discussion and debate if the Minister of State gave us the document. We have it in our possession but it does not help matters nor inspire confidence when we find that parties are talking to each other but not necessarily to other parties. If the Minister of State wants openness, debate, transparency and so on, will he ensure that any relevant documentation is properly circulated in the future?

**Mr. F. McGrath:** I hope the Minister of State is in favour of political inclusion rather than political exclusion. Does he share my concerns that there is currently a lack of interest and understanding among many citizens in regard to the proposed EU constitution? I would like a "Yes" or "No" answer to my next question because I am hearing different messages from different quarters. Will the EU constitution create a fed-

[Mr. F. McGrath.]  
 eral state? What will happen if the referendum falls in France? Does the Minister of State share the view expressed by the EU Convention President, Valéry Giscard d'Estaing, when he presented the final draft of the EU constitution on 30 June 2003? He said that we have sown a seed. Instead of a half-formed Europe, we have a Europe with legal entity, a single currency, common justice and a Europe which is about to have its own defence. Does the Minister of State share these views?

**Mr. Treacy:** The categorical answer to the Deputy's question on whether the EU constitution will create a federal state is "Absolutely no".

On Deputy Gormley's point, I am amazed that he has documentation such as this so easily available. I thought it was a private document. I am pleased there is collaboration and communication across the membership of the House to ensure there is inclusivity.

In reply to Deputy McGrath, I am committed to inclusivity. As a party and as a Government, we have a personal, political and legal duty to respect the right of every person who is elected at whatever level. Once they get a mandate from the people, they have a right to be consulted and listened to. We felt it would be unfair to invade the privacy of Deputy Gormley's party in the debate it was having. We admire the debate which is taking place in his party.

I pay tribute to Deputy Gormley, Deputy Carey, Proinsias de Rossa, MEP, his excellency, Ambassador Bruton, and all those who represented Ireland at Convention level. They did an outstanding job for this country. Never before in the history of Europe did a small country like Ireland get such an opportunity to fashion the future constitutional requirements of the people of Europe. We held the Presidency of Europe, in which the Taoiseach led the conclusions to that debate professionally, politically and well. It was a great Irish team with outstanding diplomats working hard on a constant collaborative basis to get the best consensus for the future of Europe. Ireland played a major role and it behoves us all to ensure that we convey that message and the facts within the constitution to the people so that a small country which has played such a key role in Europe over the years and has gained so much from it can continue to fashion and lead Europe in the future. We have many friends of like mind in other member states, some of whom joined recently and many of whom have been there from the beginning.

#### **Overseas Development Aid.**

9. **Mr. Gormley** asked the Minister for Foreign Affairs his views on the analysis contained in the World Bank and IMF report on the millennium

development goals; and if he will make a statement on the matter. [13676/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I assume the Deputy is referring to the global monitoring report, which is subtitled From Consensus to Momentum, prepared by the staff of the World Bank and the International Monetary Fund. Ireland attaches the greatest importance to the achievement of the eight millennium development goals, the so-called MDGs. I welcome the analysis in the global monitoring report as a valuable contribution to the preparations for the UN high level meeting next September which will review progress towards these goals.

The report's emphasis on putting country-owned and country-led poverty reduction strategies at the centre of all efforts to achieve the MDGs is very much in line with our approach to development co-operation. Every country is responsible for its development and the welfare and well-being of its citizens. I share the concern expressed in the report about the prospects for achieving the millennium development goals in sub-Saharan Africa and agree that more will have to be done by developing and developed countries to achieve them.

Ireland's development co-operation programme has its chief focus on sub-Saharan Africa. Some 85% of our bilateral programme country assistance is spent in the least developed countries of sub-Saharan Africa. It is our intention to maintain this focus and expand our assistance to the region as the aid programme grows in the years ahead. I agree with the analysis of the report that macro-economic stability remains critical, as does the need to strengthen public sector financial management and to promote good governance and the rule of law to create an enabling environment for investment. The report also stresses the need to scale up education, health and basic infrastructure services, such as water and sanitation facilities, a process which has to be integrated into country-led national programmes and systems.

I welcome the balanced approach in the report, which sets out the responsibilities of donor nations to fulfil their commitment to the 0.7% UN target for ODA, together with the responsibilities of partner governments and organisations to utilise additional resources to the best advantage. Efforts to increase levels of ODA allocated to developing countries must be firmly linked with efforts to improve its quality.

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 still under consideration. I have launched a consultative process that will lead to a White Paper on development co-operation and I look forward to receiving views from interested groups and members of the public on this and other issues.

The global monitoring report should be read in conjunction with the UN millennium project report, prepared under the direction of Professor Jeffrey Sachs and, in particular, with Secretary General Kofi Annan's own report, *In Larger Freedom: Towards Development, Security, and Human Rights for All*. In his report, the UN Secretary General has put forward a carefully crafted package of policy commitments and institutional reforms that the world's leaders could adopt in September. These proposals deal with issues of terrorism, weapons of mass destruction, genocide and civil war, as well as extreme poverty, endemic disease and climate change.

It is important in the lead-up to September that work on all of these reports progresses in a coherent way and that member states adopt a coherent approach to the issues at the various international fora at which their representatives will meet.

**Mr. Gormley:** The Minister of State spoke about the consultative process that will result in a White Paper. In this regard, how does he react to the statement by his parliamentary colleague, Deputy O'Donnell, that she disagrees fundamentally with his approach? Is the Government divided on this issue?

What is the Minister of State's response to the call by the World Bank and IMF for a sharp increase in aid and debt relief? Will he confirm that 35 Irish aid and development agencies have written to the Taoiseach calling for a major increase in aid and for the Government to announce a multi-annual plan setting out how the UN target of 0.7% of GNP will be reached? Will he confirm that the umbrella group for these agencies, Dóchas, has said that, based on the existing spending plan, the Government will not achieve this target until 2028? This will be 13 years after the date set for reaching the millennium goals and 21 years after the date on which the Taoiseach promised the UN that Ireland would meet the targets.

I understand the Minister of State is saying we will reach the targets by 2012. How can he reconcile all the estimates? It is clear from the experts that he does not have a hope in hell of reaching the targets.

**Mr. C. Lenihan:** I obviously disagree with the Deputy's last statement. However, in deference to the fact that he will not have much time to respond to my comments, I will answer his questions *seriatim* and in a rather quick-fire manner.

I clearly do not agree with Deputy O'Donnell because I started the White Paper process. We have had two meetings already, one in Limerick and the other in Waterford. It is a very healthy process. Unlike Deputy O'Donnell, I believe in consulting the public on what is a major area of Government policy, namely, overseas development aid. Ireland is now one of the top ten *per capita* contributors of overseas development aid

in the world and it behoves us to consult the people rather than being so arrogant as to believe the people do not count and should not be involved in a consultative process. Deputy Gormley probably agrees with me rather than Deputy O'Donnell on this matter.

**Mr. Gormley:** The Minister of State should not assume anything.

**Mr. C. Lenihan:** There is nothing wrong with consulting the public on an issue as important as that of overseas development aid.

**Mr. Gormley:** I support the aid agencies.

**Mr. C. Lenihan:** I agree with Deputy Gormley on aid and debt relief. We need to be more involved and I hope that in the next few weeks we will be signalling our financial support for a UK-led initiative in that regard. Thus, indebted countries can be given greater financial assistance to lower their debts and allow them to make economic progress.

I agree totally with the request by the 35 NGOs for a multi-annual plan. I am working on this at present with the Taoiseach and Minister for Finance. I suppose I will ultimately have to put the matter to the Cabinet in terms of devising a realistic and achievable timeframe within which we can achieve the target of 0.7% of GNP. "Realistic and achievable" is the key phrase I have always used regarding this subject. Now that we have missed the 2007 deadline, and clearly admitted this, we should set a timeframe that is realistic and achievable. This will comprise our work over the coming months. I certainly hope we will complete this work before July, after which we can travel safely and securely to the UN event in New York, clear in our view that we will achieve the target within an established timeframe.

I do not wish to comment on Dóchas's view that we will not meet the target until 2028. It is clear that its dates and timeframes are at variance with mine. We have made an absolute commitment to achieving these goals by 2015 in line with Kofi Annan's demand—

**Mr. F. McGrath:** Is it not 2012?

**Mr. C. Lenihan:** —that all developed western countries do so. I am not of the same view as Dóchas on this matter. I want to achieve the target before 2015 and not by 2028.

**Mr. Allen:** Does the Minister of State agree that anybody with a little intelligence will realise the White Paper is only a fig leaf to disguise the betrayal on the part of the Government regarding the promises the Taoiseach made at the UN summit? Does he agree that the commitment to establishing a target date by July is only a way of shielding the Taoiseach against the anger he will encounter when he returns to the scene of the

[Mr. Allen.]  
crime at the summit in New York in September? Does he agree that it is an insult to the NGOs to suggest, as he did on numerous occasions, that even if the Government had attained its target of 0.7%—

**Mr. C. Lenihan:** That is simply incorrect. I never stated that. You have alleged that at the Committee on Foreign Affairs.

**Mr. Allen:** Will you please let me finish?

**Mr. C. Lenihan:** At that committee I stated it was not the case. I do not know why the Deputy is persisting with this line of questioning.

**Mr. Allen:** I have listened to you waffling all day and heard you waffling yesterday. You cannot decide that it was a betrayal—

**Acting Chairman (Mr. Carey):** The Minister of State and Deputy Allen should speak through the Chair. Otherwise, I will move on to the next question.

**Mr. Allen:** All I am saying is that the White Paper is just a fig leaf. The suggestion that the timeframe will be announced by July is only a way of safeguarding the Taoiseach when he returns to New York.

Before I was interrupted, I was asking whether the Minister of State will concede that his assertion that the NGOs could not spend in a capable way—

**Mr. C. Lenihan:** I never made such an assertion.

**Mr. Allen:** He did, in this House. He stated they could not spend the money if they were granted it. This was an insult to the organisations and the volunteers working with them.

**Mr. C. Lenihan:** I will be very brief. The answer is “No” to all five questions asked by Deputy Allen. There is no point adding anything further. The answer is “No” to the question on the fig leaf, “No” to the question on shielding the Taoiseach, “No” to the question on the issue he raised at the Committee on Foreign Affairs and “No” to the question on the NGOs and capacity.

**Mr. Quinn:** The Government and the Fianna Fáil Party in particular owe the nation an apology over the way in which they used our name to promise the target would be met in order to win a seat at the Security Council. The Government can make whatever promises it likes under the banner of Fianna Fáil, but not in our name. This is why there is so much anger.

Rather than producing a White Paper, which is a bit of a fig leaf operation—

**Mr. C. Lenihan:** Deputy Quinn does not believe in consulting the people either. He should not be included in Sandymount.

**Mr. Quinn:** No. I will tell the Deputy what I believe and what I suggest he should do. The credibility of his exercise would be enhanced immeasurably if, as with our commitment to the National Pensions Reserve Fund, he committed, by way of legislation, to reaching the goal by a particular time. In this way, he and his successors would no longer be subject to the vagaries of the Department of Finance. This House and the Minister for Finance have no discretion regarding the requirement to put 1% of GDP per annum into the National Pensions Reserve Fund. Such a legislative provision is required to restore credibility regarding overseas development aid. The Minister of State can nominate any year he likes, as close to 2007 as possible, but a legislative commitment would make it realistic. I welcome the consultation exercise with the electorate but it should focus on how best to spend the money, not on the amount.

**Mr. C. Lenihan:** I agree with the Deputy and that is the purpose of the White Paper. I take his comment as a backhanded compliment to me. Our overseas aid volumes have trebled since 1997 and are about to treble again if we achieve the 0.7% and that is why we must consult the public. The UK and the Nordic countries, some of which are the best donors of aid, produce White Papers on seven to ten year cycles.

**Mr. Allen:** The task force report was commissioned only two years ago.

**Mr. C. Lenihan:** My motivation for the paper in the first place is that Deputy Quinn's predecessor set a fine example by publishing the first ever White Paper on foreign policy. In admiration of that I decided to publish a White Paper on this issue. I do not believe it is necessary to legislate yet.

I would prefer to achieve the 0.7% target and lock it in then if necessary. There is a risk to legislating for this figure because if one does so one cannot increase it. I would like Ireland to be in a position to go beyond 0.7% and copy our friends in Scandinavia who give 1% and are increasing that figure.

**Mr. Quinn:** Let us get to 0.7% first.

**Mr. Allen:** We would be happy with 0.7%.

**Mr. F. McGrath:** I agree with the Minister of State's point on the importance of consultation. He said he hoped to reach 0.7% by 2015. We read in the media recently that the target was 2012. Which is it? Does the Minister of State accept that he has a direct responsibility to listen to the voices of the aid agencies?

**Mr. C. Lenihan:** Yes.

**Mr. F. McGrath:** We have an international obligation to listen to them.

**Mr. Gormley:** The problem is that the Minister of State constantly moves the development aid goalposts. That undermines his case.

**Mr. F. McGrath:** He must be a footballer.

**Mr. Gormley:** There is nothing to suggest that Dóchas has got its calculations wrong and that we will not reach the 0.7% until 2028 under current spending plans. Will the Minister of State tell us how he can do it otherwise? All that Dóchas and the aid agencies have said is true.

**Mr. C. Lenihan:** I agree with Deputy Finian McGrath that we must listen to the NGOs. They are our partners. Development Corporation Ireland provides significant funding to them. I listen to their voices almost every day, either on the telephone or in face to face meetings.

**Mr. Allen:** Does the Minister of State do anything else?

**Mr. C. Lenihan:** They are being attended to very well.

**Mr. Quinn:** Are they heard?

**Mr. C. Lenihan:** Deputy Quinn's point is timely. Perhaps the Dóchas figures are correct on its own projections but my officials and I are engaged in putting down, with the Taoiseach and the Department of Finance, a step-by-step time frame within which we can achieve the figures. This I presume is what Deputy Gormley and the NGOs want.

If we are to achieve the figure sooner than the Dóchas date, 2028 and the UN date, 2015, we must provide more money or increase volumes of overseas aid assistance. That is the cornerstone of my point.

We should aim for 2012. To paraphrase our friend, Bono, we are leaders not laggards.

**Mr. Allen:** The Minister of State should not tempt fate.

**Mr. C. Lenihan:** We should not be laggards by waiting to achieve this by 2015, the deadline set down by the United Nations and the European Union in its latest proposal.

**Mr. Gormley:** Is Bono a friend of the Minister of State?

**Mr. C. Lenihan:** We should try to move ahead of the pack and keep our status as a country that is ahead of the rest in terms of overseas development aid. We should not only maintain our posi-

tion as the 9th largest *per capita* contributor in the world but improve on that position.

*Written answers follow Adjournment Debate.*

### Adjournment Debate Matters.

**Acting Chairman:** 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 Neville — to ask the Minister for Education and Science to look at the issue of school transport for the secondary school Salesian College in Pal-laskenry; (2) Deputy Crowe — to ask the Minister for Education and Science to look at the ongoing difficulties faced by pupils and teachers at a school in Tallaght (details supplied); (3) Deputy Costello — to ask the Minister for Justice, Equality and Law Reform to allocate the funding required to ensure that the State Pathologist is provided with appropriate transport to crime scenes; (4) Deputy O'Connor — to ask the Minister for Education and Science what action she proposes to take to deal with the challenge highlighted by the situation in a school in Tallaght (details supplied); (5) Deputy Deenihan — to ask the Minister for Education and Science what action she proposes to take in view of the urgent need to provide a new school in County Kerry (details supplied) where more than 320 children are receiving their education in prefabs; and (6) Deputy Morgan — to ask the Minister for Education and Science to explain the measures his Department took to prevent the 290 job losses at Coca Cola in Dublin and Greenore, County Louth.

The matters raised by Deputies Costello, Crowe, O'Connor and Deenihan have been selected for discussion.

### Adjournment Debate

#### State Pathologist.

**Mr. Costello:** It is extraordinary that the State Pathologist, Dr. Marie Cassidy's entitlement to a Garda driven car has been withdrawn due to cut-backs in the Department of Justice, Equality and Law Reform. The State Pathologist is the most important person involved in the investigation of crimes of homicide. She is the forensic scientist who must examine the body and the scene of the crime before it is disturbed by the elements or other interference. It is essential that she can reach the scene in the shortest possible time to conduct a thorough examination of the scene.

A successful criminal prosecution often depends on the State Pathologist's report. It is unconscionable that the Government would compel her to drive hundreds of miles to the four corners of the country, night or day to conduct a

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detailed, complex examination of the crime scene which must stand up in court, and then drive home again. She might need to drive a considerable distance again the following day.

There are 73 gardaí attached to the ministerial driving pool at a cost of €5 million. Although that number of gardaí is available to Ministers, some judges, the Government Chief Whip, the Ceann Comhairle, the Attorney General, the Director of Public Prosecutions, the Chief Justice and former Taoisigh and Presidents, the Government cannot find the funds to provide one extra driver for the State Pathologist.

The investigation of the murder of Sophie Toscan du Plantier was severely damaged and probably completely stymied because of a 24-hour delay in examining the crime scene. This Government always gets its priorities wrong but to implement this planned cutback from tomorrow, Friday 29 April, would be disastrous. It would be disastrous in the investigation of a murder, the most serious crime. The Minister for Justice, Equality and Law Reform must reverse this decision and ensure the necessary funding is made available to provide the State Pathologist with the necessary transport to carry out her duties efficiently.

Our society has changed dramatically in recent years. It is almost impossible to travel even a short distance because of the number of cars and other vehicles on the roads. To expect that the State Pathologist could conduct her business properly without access to a Garda driver is unimaginable. It is gross negligence on the part of the Government if it does not ensure that the funds are made available to enable her to perform her duties properly.

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan):** I am replying on behalf of my colleague, the Minister for Justice, Equality and Law Reform, Deputy McDowell. I thank Deputy Costello for raising the matter and for giving the Minister the opportunity to clarify the position on this issue.

The Minister is fully aware of the demanding and complex work carried out by the State pathologists and pays a special tribute to their professionalism and dedication. Much of our attention is drawn to the high profile murder cases but pathologists are also involved on a daily basis in sensitive situations which are of great significance for next of kin but which rarely come into focus. They also fulfil an advisory and educational role which is of considerable value to key parties in the criminal justice and medical areas.

The Minister is well aware that the role of forensic pathology in criminal investigations has become more significant but also more onerous over time as the medical, procedural and legal issues arising have developed. It is precisely against this background that the position of

deputy State pathologist was established and, as the Deputy is aware, the current State pathologist was the first holder of that post.

The Deputy may not, however, be aware that it had never been the practice to provide Garda transport to the State pathologist on a full-time basis. As a wholly exceptional measure during the recent period when the State pathologist did not have a deputy to assist her, Garda transport was made available in recognition of the additional demands placed on her as a result of the deputy vacancy.

Other arrangements were also put in place to assist her at that time, in particular the provision of relief cover whereby two pathologists were retained on a fee per case basis. These pathologists, who were based in the south and midlands of the country, were able to reduce the burden on the main office-holder, especially in cases outside the Dublin area. The Minister understands that this facility is still available today should it be of assistance in managing the overall caseload or in minimising the impact of travelling. The Minister is pleased to say that a new deputy pathologist was appointed last November and, as such, the workload and travel can once again be shared.

It is against this background, the Minister understands, that the Garda authorities reviewed the need to provide an on-demand Garda transport facility. This appears to him not to be a question of cutbacks, as has been widely reported, but rather a return to the long-standing position in recognition of the fact that the circumstances which gave rise to the need for special transport arrangements no longer apply. The House will be aware that the Garda is better resourced in terms of financial and personnel resources than ever before. In so far as the separate financial provision for the State pathology service is concerned, this has been increased by 5% in 2005 over 2004.

The Minister further understands that the Garda authorities have indicated a willingness to assist the pathologists in cases of special need and have no reason to believe that this will not meet future requirements. The Garda authorities are well placed to assess when a potential investigation would justify making such special arrangements. The Minister intends to keep this matter, as well as all aspects of the State pathology service, under ongoing review.

**Mr. Costello:** That is not very helpful.

#### **School Staffing.**

**Mr. Crowe:** I welcome the fact my colleague, Deputy O'Connor, has tabled a similar motion. We both live in the area — I in Raheen and he in Springfield. We are concerned that a school in which many in the area have a huge pride is under severe pressure and we seek to draw attention to its problems. The matter was raised last

night during the debate on class sizes and it mirrors many of the problems facing other schools. The school is located in an area that has changed utterly since the time Deputy O'Connor and I moved in. Many of the houses are rented accommodation so that there is a different type of population and many of the children are international.

At St. Mark's junior school, out of projected enrolment figures of 500 to 530 this year, the international pupil population will be between 170 and 200. At St. Mark's senior school, out of projected enrolment figures of 390 to 420, the international pupil population will be between 120 and 140. That school is unique. I do not know of any other school in a similar situation. The difficulty is that many of the children do not have English as their first language and that creates problems in the classroom. Many classes have more than 30 pupils.

We said last night that for historical reasons the ratio for Traveller children is 14:1, the reason being to encourage them into the education system. Depending on their background, many of the international children have no history of going to school. Many of the fourth class pupils in the senior school have never been to school. Given the large class sizes, that issue adds to the difficulty. The school is located beside a RAPID area. If one looks at the socio-economic make-up of the children and their family backgrounds, it is clear the children come a disadvantaged background, yet the school is not deemed disadvantaged. I am aware the Minister is looking at this issue. What the parents want is action from the Minister.

Is the Department of Education and Science aware of the difficulties being experienced by the principals of the two schools and, if so, what action is being taken? Given that many of the parents of the international children are reliant on social welfare, that creates difficulties. There is no home-school-community liaison officer. Therefore, the school is trying to deal with the avalanche of emotional and psychological challenges that accompany many of these children who come from war zones and so on. There is no interpreter in the school. Clearly the money is not available to both schools to employ an interpreter. The school is failing not only the teachers but the children and their parents and those who live in the area. They are proud of their school and yet they have been left in this situation through no fault of their own.

**Mr. O'Connor:** I thank the Ceann Comhairle for his kindness in allowing me to raise this issue. I welcome the Minister of State at the Department of Education and Science, Deputy Brian Lenihan. This Minister of State has shown a great interest in Tallaght and I hope he will understand the issue my colleague, Deputy Crowe, and I — neighbours in Springfield — raise is of great concern. Each time I speak here I mention my con-

stituency and Tallaght. I am not afraid to say I live in the Springfield-Raheen area.

The issue I raise is a problem for my community but we want to deal with it positively. The presence of so many international children has a positive effect while at same time it puts much pressure on the resources of St. Mark's junior and senior schools. We are pleading that the schools be considered as special cases and provided with the required resources. I said last night that these schools were opened in 1973. I was present on that Saturday when the then Minister for Education, Mr. Richard Burke, opened it. It was also the day President Childers died. The schools have had a great history and have done a tremendous job. My sons were educated there. It has always provided a great service and it is still a great school. The local Deputies attended a meeting with the Irish National Teachers' Organisation representatives recently, which was held in Springfield school. The school has always held a place in the hearts of the people of Tallaght.

It is significant that both Deputy Crowe and I are raising an issue in a positive manner about a problem causing difficulty in our area. Deputy

*5 o'clock* Crowe and I in our contributions have highlighted that St. Mark's junior and senior schools have pupils from 32 countries, from Angola, Albania, Bulgaria, Bangladesh, Bosnia, China, Cameroon, Congo, the Czech Republic, Egypt, Ethiopia, England, India, Ireland — thank God, Ivory Coast, Jordan, Latvia, Lithuania, Moldova, Nigeria, Oman, Pakistan, Poland, Portugal, the Philippines, Russia, Romania, Somalia, South Africa, Ukraine, Yugoslavia, Vietnam.

I have listed the countries because it is important to put the situation into perspective. The Acting Chairman has often spoken eloquently in this Chamber about the pressures on teachers and schools, which have been present since the time of my generation and are still present today. I ask the House to imagine 700 children in a school in an area that, as Deputy Crowe stated, is quite close to significant pockets of disadvantage and where the teachers, other staff and the pupils are under pressure.

I ask the Minister of State to make the case for us in the Department that special attention needs to be paid to this school. St. Mark's junior and senior schools are quite unique. This is the message from Springfield. It was great to see the Minister of State in our parish recently. I invite him as the Minister of State with responsibility for children to come to Springfield in the near future. We will be happy to greet him. It would be good for him as Minister of State with special responsibility for children to see the positive work being done in these schools in Springfield and to help us solve the problems on behalf of the teachers.

I pay a warm tribute to the principals of those schools who with their staff are doing a tremendous job in coping with the difficulties we have outlined. It is a tremendous school and facility for



[Mr. O'Connor.]

the local area but they have problems and particular challenges relating to the presence of so many international children. I hope the Department will examine the situation. I ask the Minister of State to use his influence to ask the Minister for Education and Science to send inspectors to the schools. The Department's inspectors have never visited Springfield to examine this problem relating to international children.

**Mr. B. Lenihan:** On behalf of my colleague, the Minister for Education and Science, I thank both Deputies for raising this matter as it affords me the opportunity to outline to the House the staffing position of the schools to which they refer.

In accordance with the staffing schedule, the staffing for St. Mark's junior school for the school year 2004-05 is a principal and 16 mainstream class teachers based on an enrolment of 469 pupils at 30 September 2003. The school also has an additional mainstream class post due to its developing status, two resource posts, one learning support post, two special class posts, one resource teacher for Travellers and three temporary language support posts.

The staffing for St. Mark's senior school for the school year 2004-05 is a principal and 13 mainstream class teachers based on an enrolment of 380 pupils at 30 September 2003. In addition the school has three resource posts, two learning support posts, one permanent special class post, one temporary special class post and two temporary language support posts.

Significant steps have been taken in recent years to improve the pupil-teacher ratio in our primary schools. The pupil teacher ratio, which includes all the teachers in the school including resource teachers, has fallen from 22.2:1 in the 1996-97 school year to 17.44:1 in the school year 2003-04. The pupil-teacher ratio in the current school year for the schools to which the Deputies referred is 17.37:1 and 16.52:1 respectively.

The Department has been active for several years in promoting interculturalism in schools. A range of actions can be taken to support participation of minority groups and Travellers in education. I was very struck by the descriptions given by both Deputies and particularly Deputy O'Connor's description of the extensive range and breadth of nationalities participating in this school. As a Deputy for the western Dublin area I have noticed the remarkable range and level of participation by international students in these schools. Many of the teachers have informed me of the excellent progress they are making with these children and how happy they are to work with them. It is important the House is aware of the great progress and strides being made with these children. I welcome the fact that both Deputies have raised the issue of this school in that context.

The measures the Department has adopted to date, include information for schools on the integration of asylum seekers and Travellers;

additional resources for schools to support the needs of students for whom English is not the mother tongue; resource packs for schools prepared by organisations such as the National Consultative Committee on Anti-Racism and Interculturalism; a video for second level schools highlighting excerpts from the "Mono" TV programme; materials and training for teachers through funding the work of Integrate Ireland Language Training and other bodies; development in progress by the NCCA of guidelines for primary and post-primary teachers on how the existing curriculum can be mediated and adapted to reflect the emergence of an expanding multi-ethnic society; primary level guidelines will be published in May and the post-primary guidelines are expected to be ready by the end of the year; supports provided by the reception and integration agency to assist in the integration of refugees and asylum seekers into schools; expanding provision for language and literacy tuition for adults for whom English is not the mother tongue through the VEC literacy services.

The new curricula at primary and post-primary levels provide ample opportunity to extend students' awareness of the wider world and to learn about the lives and histories of people in other countries and of their contributions to art and science. In particular, the social, personal and health education programmes at primary and post-primary levels are designed to prepare students for participatory citizenship and to develop the skills of critical appraisal and decision making based on human rights and social responsibilities. They also promote a respect for human dignity, tolerance for the values and beliefs of others and a celebration of diversity.

Schools catering for non-national pupils who have significant English language deficits are entitled to assistance to enable these pupils gain full access to the curriculum. Schools with 14 to 27 non-English speaking non-national pupils enrolled are entitled to a full-time temporary language support teaching post at primary level and a whole-time equivalent teaching post at post-primary level. Schools with 28 or more such pupils are entitled to two full-time temporary-whole-time equivalent language support posts. Where there are between three and 13 non-national pupils enrolled in a primary school, the board of management may apply to the primary administration section of the Department for a grant to enable the school to take measures to improve the standard of English of the pupils concerned. Schools with between three and eight such pupils receive grant assistance in the amount of €6,348.69 while schools with between nine and 13 pupils receive grant assistance in the amount of €9,523.04. The total amount expended on such grants in the 2003-04 school year exceeded €2.3 million.

At post-primary level, where there are fewer than 14 pupils, additional teaching hours are allocated ranging from three hours per week for one pupil to 19.5 hours per week for 13 pupils. The

support for an individual pupil is provided for a period of up to two years.

The Department provides a start-up grant of €635 when a language support teacher is allocated to a school. Each school for which the language support teacher continues to be sanctioned is issued a follow-up grant of €318 annually. The purpose of the grant is to facilitate the purchase of appropriate educational material and resources for use by the teacher.

In addition, the Department funds Integrate Ireland Language and Training, IILT, formerly known as the refugee language support unit, a Trinity College company, to provide training for English language support teachers and their principals. An English language programme and English language training materials are available to all teachers who attend their in-service courses. A portfolio known as the European language portfolio, has been developed by the IILT to provide a focus for pupils' learning, which concentrates on English language in the context of the school curriculum and on socialisation within the school. One of the fundamental aims of the training is to equip teachers to enable non-English speaking pupils to participate fully in school life. The Department will continue to keep under regular review these initiatives to promote inter-culturalism in our schools. I thank the Deputies for raising this matter.

#### **School Accommodation.**

**Mr. Deenihan:** I thank the Ceann Comhairle for the opportunity to raise this matter on the Adjournment. Scoil Eoin in Balluanach, Tralee, was established in 1890 and extended in 1929 and 1960. It is a Mercy convent school with a Mercy ethos. Its present enrolment is 620 pupils and the staffing complement on 30 September 2004 included 31 teachers, eight special needs assistants, a caretaker and a secretary. By September 2005, however, the school will lose two teachers as a consequence of being two pupils short for the staffing schedule last September. The school will also be affected if the new weighted system is introduced.

Scoil Eoin has 22 mainstream classes and two classes for autistic pupils and it has a variety of classroom accommodation. The oldest section facing the main road has six rooms with very limited space. The main building dating from 1960 has six classrooms which are small by modern standards and unsuitable to meet the educational needs of young children. There are 12 prefabricated classrooms at the back of the school and other ancillary rooms including offices and a school hall. The school accommodation has been well maintained over the years. It is a credit to all those responsible for its upkeep, including the principal, teachers and caretaker, that the impression one gets on visiting the school is that the buildings are in great condition.

However, the reality is different and there is a need for major improvement in the school accommodation. The adjacent post-primary school was

moved to new premises in Mounthawk, Caherslee, Tralee, some years ago. This movement will facilitate the redevelopment of this important educational centre to provide modern classroom facilities, a better entrance, improved parking arrangements and a general refurbishment of the existing accommodation.

The prefabricated classrooms accommodate 304 pupils, while 134 students are based in the 1960 building and 182 in the 1890 building. The only modification to the oldest part of the school, which must be one of the oldest school buildings in the country, is that central heating was installed some time ago. A request was made by the board of management of the Department of Education of Science for a total rebuild in 2001. At the request of the Department, a feasibility report was presented by the board in late 2002. There has been no response to this report.

Will the Minister of State, Deputy Brian Lenihan, inform the Minister that the ideal solution is to refurbish the existing building as set out in the feasibility study and to build on the site on which the prefabs are based? A suggested move to a greenfield site would not suit the pupils and their families as it would involve a move some way out of town. Moreover, there would be significant expense involved in purchasing a site. The school is already based on a valuable two-acre site and the cost of a new site of the magnitude required would probably equal the cost of refurbishment.

The Minister, Deputy Hanafin, will visit Tralee tomorrow. Will the Minister of State ask her to visit Scoil Eoin on her way to visit the modern post-primary school at Mounthawk? She should see for herself the unacceptable situation whereby children are being taught in prefabs.

**Mr. B. Lenihan:** Deputy Deenihan is indefatigable. I make this reply on behalf of the Minister who will undoubtedly be made aware of the problems of the school in the course of her visitation to Tralee tomorrow. I thank the Deputy for raising the matter as it affords me the opportunity to outline to the House the strategy of the Department of Education and Science for capital investment in education projects. I will also outline the position regarding Scoil Eoin in Tralee.

Modernising facilities in our 3,200 primary and 750 post-primary schools is not an easy task given the legacy of decades of underinvestment in this area as well as the need to respond to emerging needs in areas of rapid population growth. Nevertheless, since taking office, the Government has shown a sincere determination to improve the condition of school buildings and to ensure the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum.

We have progressively increased funding for the school modernisation programme in recent years to achieve our goal with an aggregate total of almost €2 billion allocated for this purpose since 1998, the largest investment programme in

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the history of the State. Since the beginning of the year, the Department of Education and Science has made a number of announcements relating to the schools building and modernisation programme. This year alone, €270 million will be allocated to primary schools and €223 million to post-primary schools for building works. This represents an increase of 14% on the 2004 allocation.

The programmes supported will include 141 major building projects already on site and a further 28 due to commence in the coming weeks and 122 major schools building projects which will prepare tenders and move to construction during 2005. Some 192 primary schools have been invited to take part in the small and rural schools initiative and the devolved scheme for providing additional accommodation. Up to 120 schools have been given approval to rent temporary premises pending delivery of a permanent solution to their long-term accommodation needs and 590 schools were recently given approval to complete essential small-scale projects under the summer works scheme. In addition, 43 schools have been authorised to start architectural planning of their major projects. Some 124 schools have been approved to progress through the architectural planning process with immediate effect, ranging from new schools building projects to extensions and refurbishment projects, allowing for the continuous roll-out of projects under the schools building and modernisation programme.

The new schools building and modernisation programme for 2005 to 2009 will be underpinned not only by a significant increase in overall funding but also by major improvements in the admin-

istration of the funding. Devolving more funding to local level through the summer works scheme and the small and rural schools initiative will allow schools to move ahead much more quickly with smaller projects while also delivering better value for money.

The particular position in regard to Scoil Eoin, Tralee is as follows. The school authority made an application to my Department in 2000 to relocate to the adjacent secondary school campus which became vacant with the opening of the new secondary school at Mounthawk on 1 September 2001. The application was assessed in the school planning section of my Department and it was agreed that the long-term accommodation needs for Scoil Eoin would be to provide accommodation for a staffing of a principal plus 22 mainstream teachers and ancillary staff.

A feasibility study has been received which outlines a number of options for the future development of Scoil Eoin. Detailed examination of this feasibility study regarding the options for the provision of the required level of accommodation is under way to determine the best way forward. As soon as a decision is taken on the best solution to meet the school's current and future accommodation needs, the project will be progressed in the context of the schools building and modernisation programme for 2005 to 2009.

I thank the Deputy for the opportunity to outline the position in regard to this particular school project and to highlight the significant work being undertaken by my Department in implementing the schools building and modernisation programme to ensure that infrastructure of the highest standard is available for all our schoolgoing population.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Wednesday, 4 May 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 9, inclusive, answered orally.*

### EU Enlargement.

10. **Mr. Noonan** asked the Minister for Foreign Affairs his views on whether the EU accession talks with Croatia will recommence before the end of 2005; and if he will make a statement on the matter. [13502/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Croatia applied for membership of the European Union in 2003 and the Commission presented its formal opinion on the application in April 2004. The June 2004 European Council agreed that Croatia fulfils the Copenhagen political criteria and the specific conditions established for the countries of the western Balkans. It decided that Croatia is a candidate country for membership and that accession negotiations should open early in 2005. This decision was confirmed by the December 2004 European Council, which decided that negotiations should open on 17 March 2005, provided there was full co-operation with the International Criminal Tribunal for the former Yugoslavia.

When the General Affairs Council met in Brussels on 16 March, it was clear that it would not be possible to achieve the unanimous decision of member states, which is required for the opening of accession negotiations. The Council reaffirmed the commitment of the EU to Croatia's membership and it adopted the necessary negotiating framework. However, in the absence of unanimity on the extent of Croatia's co-operation with the tribunal, the Council had to postpone the meeting of the bilateral Intergovernmental Conference to begin accession negotiations until it establishes that Croatia is co-operating fully with the tribunal.

The tribunal has identified just one remaining case which Croatia needs to resolve — that of the indicted former general, Ante Gotovina, who remains at large, in hiding. The European Council, in Brussels on 23 March, agreed to establish a team to work with the tribunal and with Croatia and to report back to the Council. The team is composed of the current and future Presidencies — Luxembourg, UK and Austria — together with High Representative Solana and the Commission. It held its first meetings with the chief prosecutor of the tribunal and with the Foreign Minister of Croatia in Luxembourg on Tuesday this week, 26 April.

The Government remains strongly committed to Croatia's future membership of the European

Union. We were very pleased that it proved possible to achieve a strong, unanimous decision by the European Council on Croatia's candidate status during Ireland's EU Presidency. We agree on the importance of full co-operation with the tribunal by all the countries of the western Balkans and that it is an essential requirement for the development of closer relations with the EU. Over the past 18 months, Croatia has made significant progress in its co-operation with the tribunal and I hope that the last remaining issue can be resolved as quickly as possible.

The Government welcomes the agreement reached at the March European Council to establish the team to work with the tribunal and with Croatia. The future work of the team will clearly depend on developments in relations between the tribunal and Croatia. However, it is essential that the Council retains the initiative on this sensitive issue and remains ready to take a positive decision on the opening of accession negotiations with Croatia at the earliest opportunity.

### Diplomatic Representation.

11. **Mr. Gogarty** asked the Minister for Foreign Affairs the way in which the recently announced extension of Irish diplomatic services relate to the new EU European external action service; if the continued development of the European external action service will result in an eventual cutback in Ireland's diplomatic representation abroad; and if he will make a statement on the matter. [13682/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The European constitution provides for the creation of a European external action service, EEAS, to assist the Union Minister for Foreign Affairs in the fulfilment of his or her mandate. The EEAS cannot be established until after the entry into force of the European constitution, the target date for which is 1 November 2006. Preparatory discussions on its establishment are at an early stage. The President of the Commission and the Secretary General, High Representative for the common foreign and security policy are jointly to submit a progress report to the European Council in June.

It is too early to predict what the exact implications of the creation of the EEAS will be for the Department of Foreign Affairs but there is no reason to expect that it will have a major impact. The constitution stipulates that the EEAS is to work in co-operation with the diplomatic services of the member states and that officials seconded from national diplomatic services are to form part of its staff. It is expected, therefore, that some officers from the Department of Foreign Affairs will be seconded to the EEAS. I also expect that both in Brussels and internationally it will work closely with the Department and with our missions abroad.

However, many of the functions currently exercised by national diplomatic services, including

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the promotion and protection of national political, economic and cultural interests, will fall outside the remit of the EEAS. Likewise, the EEAS will have no role in regard to Ireland's national development co-operation programme, the administration of which is the primary task of our missions in priority countries.

It is also important to recall that decisions on the Union's external policies and actions will remain for the European Council and the Council to make. The Government will need to remain well informed on, and directly involved in, international political and economic issues and will, as now, continue to require the advice and support of the Department of Foreign Affairs, which is heavily dependent on the input of our missions around the world.

Finally, the EEAS will, by definition, have no function in bilateral relations within the European Union or in the formulation of national policies on EU issues. These occupy a substantial proportion of the Department's time and resources. The new embassies to which ambassadors have recently been nominated are in current or future EU member states.

#### **Foreign Conflicts.**

12. **Mr. S. Ryan** asked the Minister for Foreign Affairs if he will make a statement on the recent and ongoing crisis in Ecuador; the steps which Ireland and its partners in the European Union are taking to help the Ecuadoran people to resolve the present difficulties, particularly in the capital city, Quito; his estimation of the provisions being made to reinstall democratic governance in that country; if he has satisfied himself that such measures will be left to the Ecuadoran people without interference from abroad; his views on the security of the recently ousted President Gutiérrez; and if he will make a statement on the matter. [13688/05]

58. **Mr. Stanton** asked the Minister for Foreign Affairs his views on the current situation in Ecuador; and if he will make a statement on the matter. [13687/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 12 and 58 together.

The political crisis in Ecuador in recent days follows the decisions of President Gutiérrez to declare a state of emergency in the capital Quito on 15 April 2005 and to dissolve the Supreme Court for the second time in four months. The demonstrations which followed these actions have led to a number of deaths and the decision of the Ecuadoran Congress on 20 April 2005 to dismiss President Gutiérrez and to appoint the Vice-President, Dr. Alfredo Palacio, in his place. Brazil subsequently granted asylum to the former president and his family and they have now travelled to that country.

While apparently ruling out early elections, the new president has promised a referendum on constitutional reform and has also said that he will not interfere in decisions of the judicial or legislative process and will respect international commitments. He has appointed new Ministers, including Mr. Antonio Parra Gil as Foreign Minister. Dr. Palacio has also stated that he will not run as a candidate in the next presidential elections, which are scheduled for October 2006, and intends "to turn the country over in an orderly fashion to the next president".

Ireland does not maintain a resident embassy in Ecuador but we have been kept informed of developments through the embassy of The Netherlands, acting as the local EU Presidency. The Luxembourg Presidency issued a statement on 22 April 2005 expressing the deep concern of the European Union about the unstable political and social situation in Ecuador and deploring the recent deaths during demonstrations there. The statement appealed to the government and political forces in Ecuador to find a peaceful, consensual and negotiated solution to the present crisis, so as to bring about a rapid return to constitutional normality. Ireland fully associates itself with this statement.

The US Secretary of State, Dr. Condoleezza Rice, has also appealed for calm and has said that this is a time for the international community to support the democratic process in Ecuador. On 22 April 2005, the Organization of American States, OAS, decided to send a high level mission to Ecuador to work with that country to strengthen democracy there, following an invitation from the delegation of Ecuador. At their meeting in Brasilia on 19 April 2005, the Foreign Ministers of the South American community of nations issued a statement calling for a return to institutional normality in Ecuador as soon as possible and announced that a delegation, at Foreign Minister level, from Argentina, Bolivia, Brazil and Peru would visit Quito in the near future with a view to helping to resolve the situation.

Although Ireland's direct influence in Ecuador is limited, the Government shares the clearly expressed wish of the international community to do everything possible to support democracy in that country at this difficult time. The statement by the newly installed President, Dr. Palacio, that he will welcome the OAS mission and that it will have access to different sectors of society is encouraging. The Government also welcomes Brazil's offer of asylum to the former president and his family as an immediate contribution to a peaceful resolution of the crisis in Ecuador.

13. **Mr. Penrose** asked the Minister for Foreign Affairs the Government's position regarding the resumption of talks on the reunification of Cyprus; the debates he and his officials have taken part in at European level on this matter; his views on the progress being made on this issue

over the coming months and years; and if he will make a statement on the matter. [13551/05]

**Minister for Foreign Affairs (Mr. D. Ahern):**

The United Nations has the lead role in the search for a comprehensive settlement of the Cyprus problem. However, the EU enlargement process provided the impetus for the most recent efforts towards a settlement, which were undertaken by the UN Secretary General last year, during Ireland's EU Presidency. The Government gave its full support to the Secretary General in his mission of good offices. Ireland, as Presidency of the EU, also maintained close contact with the various parties concerned to encourage their commitment to the negotiating process and to the achievement of an agreed outcome.

As a result of the referendums in Cyprus on 24 April 2004, the accession to the EU of a united Cyprus on 1 May 2004 was not possible. On 28 May, the UN Secretary General submitted a comprehensive report to the Security Council on his mission of good offices. He noted that the unsuccessful outcome represented another missed opportunity to resolve the Cyprus problem and concluded that there was no apparent basis for resuming the good offices effort while the current stalemate continues. The process remains under consideration in the UN Security Council. The EU remains fully committed to supporting efforts for a comprehensive settlement of the Cyprus problem within the UN framework and in line with the principles on which the Union is founded.

Following last year's referendums, the General Affairs Council reviewed the situation on 26 April 2004 and adopted conclusions expressing the determination of the EU to ensure that the people of Cyprus would soon achieve their shared destiny as citizens of a united Cyprus in the European Union. The Council also agreed on the need to end the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging their economic development. Responding to the request of the Council, the Commission subsequently brought forward proposals aimed at the economic integration of the island and improving contact between the two communities and with the EU. These proposals remain under active consideration by the member states.

Since 1 May 2004, the Republic of Cyprus has been a member state of the EU and, in the absence of a comprehensive settlement, the application of the laws and regulations of the Union to the northern part of the island is suspended. Under the Irish Presidency, agreement was reached on a Council regulation on the movement of persons and trade in certain goods across the dividing line in Cyprus. In the light of the experience of the application of this regulation, member states adopted a further Council regulation on 17 February 2005 to improve the facili-

ties for persons crossing the line and to facilitate trade in certain agricultural goods.

**UN Programmes.**

14. **Ms McManus** asked the Minister for Foreign Affairs his views on the abuse of the oil for food programme by the United Kingdom and the United States in their choosing to ignore selectively oil exports to neighbouring countries to Iraq from whom they anticipated and sought assistance for the later invasion of Iraq; and if he will make a statement on the matter. [13541/05]

**Minister for Foreign Affairs (Mr. D. Ahern):**

The Independent Inquiry Commission, established by the United Nations and chaired by Mr. Paul Volcker, is charged with investigating alleged irregularities in the administration of the oil for food programme. The commission is also expected, in its final report, to provide authoritative estimates of the revenues earned by the former Iraqi regime from sales of oil in contravention of Security Council resolution 661, which in 1990 imposed comprehensive economic sanctions on Iraq.

Some estimates of such earnings have, however, already been made. The Iraq survey group, for example, which reported to the US administration in September 2004 on Iraq's weapons of mass destruction programmes, estimated that sales of oil and oil products to Jordan, Turkey and Syria in contravention of resolution 661 amounted, respectively, to \$4.45 billion, \$0.7 billion and \$2.8 billion. The group also estimated that revenue from oil smuggling to other destinations was worth a further \$1.2 billion to the Iraqi regime.

After the first Gulf War in 1991, Jordan approached the Security Council to request an exemption that would allow it to import oil legally from Iraq. While not granting an exemption, the council took note of the request. However, it was widely reported that Iraqi oil was being exported on a regular basis to Jordan. There were also extensive reports, while the sanctions were in force, that oil products, chiefly diesel, were exported by road tanker from Iraqi refineries via northern Iraq into south-east Turkey.

In addition, following a *rapprochement* between the formerly opposed Baath regimes in Baghdad and Damascus, a disused pipeline between Iraq and Syria was alleged to have been reactivated. Syria faced accusations in 2001 in the Iraq sanctions committee of the Security Council, the "661 committee", that it was using this pipeline to import large quantities of Iraqi oil. While not denying that the pipeline had been reactivated, Syria maintained that it was merely being tested with a view to future legal trade.

These earnings from oil exports in contravention of the sanctions were unrelated to the humanitarian programme for Iraq, "oil for food programme", established by resolution 986 in 1996, which permitted the sale of Iraqi oil against

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the supply of civilian goods and which commenced effective operation in early 1997. There have been allegations that the Iraqi regime was in receipt of illegal earnings from bribes and surcharges from suppliers and purchasers under the programme and the Iraq survey group has estimated such earnings at \$1.73 billion. It might be noted, however, that a US Congress sub-committee arrived at much higher estimates.

It is regrettable that public comment has frequently failed to distinguish between the earnings of the Iraqi regime in contravention of resolution 661 and the separate issue of alleged maladministration in the UN's office for the Iraq programme, which was responsible for the administration of the oil for food programme. This confusion has been to the detriment of the image and credibility of the United Nations and its secretariat.

The Volcker commission has already issued two interim reports. In the first, issued in February 2003, it found that the executive director of the office for the Iraq programme had placed himself in a clear conflict of interest in soliciting oil allocations under the oil for food programme from the Iraqi authorities on behalf of an oil contractor. The UN has instituted disciplinary proceedings against him and another official. The interim report also found that the selection process by which three firms were appointed as contractors in the administration of the programme did not meet with the UN's established financial and competitive bidding rules. Nonetheless, it found that, despite some weaknesses in the auditing area, the administration of funds by the office for the Iraq programme was conducted in a disciplined manner.

The second interim report of the Volcker commission focused on the possibility that the previous employment of Secretary General Annan's son by a firm that bid successfully for a contract in the administration of the programme might have influenced the firm's selection. The commission found no foundation for such a link, despite discovering that, unknown to the Secretary General, his son continued to receive payments from the firm in question under a "no-compete" clause for over five years after he had left its employ.

The Volcker commission is expected to complete its work this summer. I look forward to the publication of its final report, which I expect to provide a full and authoritative assessment of the application and supervision of the sanctions regime by the Security Council, as well as of the operation and administration of the oil for food programme.

### Human Rights Issues.

15. **Dr. Upton** asked the Minister for Foreign Affairs the Government's views on the conduct and outcome of the recent elections in

Zimbabwe; and if he will make a statement on the matter. [13560/05]

75. **Mr. P. Breen** asked the Minister for Foreign Affairs if his attention has been drawn to the serious concern at the systematic abuse of human rights in Zimbabwe; and if he will make a statement on the matter. [13487/05]

78. **Dr. Twomey** asked the Minister for Foreign Affairs the situation in Zimbabwe following recent elections in that country; and if he will make a statement on the matter. [13477/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 15, 75 and 78 together.

In a statement issued on 1 April 2005, I outlined the serious concerns of the Government regarding the conduct of the parliamentary elections in Zimbabwe on 31 March 2005. In particular, the high percentage of people turned away because their names did not appear on the electoral register, estimated at between 10% and 15% of voters, as well as the apparent use of postal votes in a concerted manner to influence the outcome in certain constituencies, made it difficult to conclude that the election could properly be regarded as free and fair.

Information which has become available since the election, including the report of the Irish Ambassador who travelled to Zimbabwe to observe the elections, has only served to reinforce the assessment that the elections were not free and fair. An EU declaration to this effect was issued on 5 April. To date, none of those countries or organisations invited by the Zimbabwean Government to send external observers, including South Africa, the African Union and SADC — Southern African Development Community, has been able to make an unambiguous pronouncement that the elections were free and fair. The principal opposition party, the MDC or Movement for Democratic Change, has drawn attention to major irregularities and discrepancies between the initial and final estimates of votes cast in certain constituencies. It has announced that it will challenge certain of these results in court.

It is important that the conduct of the recent election should not be seen in isolation from the general political and human rights situation in Zimbabwe. While there were some improvements compared to previous elections, principally in the reduced level of violence occurring during the campaign, the reality remains that no serious attempt was made by the Zimbabwean Government to try and ensure a level playing field for all those competing in the election, by complying fully with the SADC guidelines for the holding of democratic elections, as it had initially stated it would do. The continuing use of repressive legislation, ongoing harassment and arrest of human rights activists, unequal access to the media and a seriously compromised voters register all ensured

that there was little real prospect of a genuinely free and fair vote on 31 March 2005.

Under the terms of the EU common position, renewed for a further 12 months last February, which imposes targeted restrictive measures against the leading members of the ZANU-PF government, the EU is required to carry out a review of its common position following the election. In light of the flawed conduct of the elections, the serious concerns which still exist regarding the human rights situation in Zimbabwe and the failure by the Mugabe government to make any real progress towards meeting the EU's benchmarks for improving the situation of democracy, human rights and respect for the rule of law in Zimbabwe, I do not believe there is any real basis in any review for concluding other than that the existing restrictive measures should be retained. The EU wishes to improve its relations with Zimbabwe but this can only occur once the Zimbabwean Government shows genuine intent to respond to international concerns and works to promote meaningful dialogue and political reforms within Zimbabwe.

It is particularly important that pressure to move in the direction of greater democracy and improved human rights be maintained at the present time, given that the ZANU-PF government now commands a two thirds majority in the newly elected parliament and is, therefore, in a position to revise the Zimbabwean constitution as it wishes and without consultation.

#### Diplomatic Representation.

16. **Mr. Boyle** asked the Minister for Foreign Affairs the total revenue foregone in 2004 due to exemptions granted to diplomats here; and if he will make a statement on the matter. [13678/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The privileges and immunities granted to diplomats posted in Ireland are laid out in the Diplomatic Relations and Immunities Act 1967, which incorporates the Vienna Convention on Diplomatic Relations into Irish law. Article 34 of the Vienna Convention on Diplomatic Relations provides for the exemption of diplomatic personnel from local taxation. These exemptions from local taxes are enjoyed by diplomatic personnel on a purely reciprocal basis and are granted on the understanding that Irish embassies overseas benefit from similar treatment. The amounts involved are a matter for the Revenue Commissioners, other Government agencies and local authorities and are not available within my Department.

*Question No. 17 answered with Question No. 8.*

#### Foreign Conflicts.

18. **Ms O. Mitchell** asked the Minister for Foreign Affairs the political situation in Belarus; and

if he will make a statement on the matter. [13494/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** In reply to parliamentary questions on 24 November and 2 February last, I outlined my views on the parliamentary elections in Belarus on 17 October 2004 and described Ireland's relationship with Belarus. I also informed the House about the EU Council conclusions on Belarus of 22 November 2004. I made it clear that the continuing lack of any democratic reform in Belarus, and the self isolating economic and foreign policies of the Belarus authorities, are matters of real concern to Ireland and to the European Union. At the same time, I underlined that the EU wishes to foster a more positive trend in Belarus.

In the year since the accession of Poland, Lithuania and Latvia, which made Belarus a direct neighbour of the EU, the Union has been paying closer attention to policy towards Belarus. The focus in the short term is on next year's presidential elections. If they are prepared and held in accordance with OSCE commitments for democratic elections, to which Belarus as an OSCE participating state has freely subscribed, these presidential elections could be an occasion for Belarus to move closer to European values. The Council made clear last November that if the Belarus authorities reversed their present policies and embarked on fundamental democratic and economic reforms, Belarus could have the benefit of closer economic integration and political co-operation with the EU under the European neighbourhood policy. While the EU will do what it can to encourage such an evolution, it must and will respect fully the fundamental principle that it is for the people of Belarus to choose their own course.

I must say, with regret, that the political situation and prospects in Belarus at this point are quite discouraging. When the EU Foreign Ministers discussed Belarus again at their informal meeting in Luxembourg on 15/16 April, a number of Ministers, including myself, expressed concern about the deteriorating political and social situation in the country. There are frequent reports, including from the 11 EU member states who are represented in Minsk, of tightening control by the authorities over civil society groups and of harassment and intimidation of opposition circles. Suppression of independent media outlets has left an information vacuum.

The authorities appear to be pursuing a policy of de-registering independent NGOs so as to cut off funding to them. They seem intent on limiting foreign travel by Belarusian citizens, including possibilities for studying abroad. Many of these issues are mentioned in a resolution adopted last week by the UN Commission on Human Rights, which drew also on a report by its special *rapporteur* on the situation of human rights in Belarus, as well as on a recent OSCE report on freedom of the media. In addition, the CHR resolution



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urged the Government of Belarus to respond urgently to a number of cases of grave human rights abuses, dating back several years, which it has failed to clarify; these cases involve disappearances, summary executions and torture. Ireland, along with all other EU member states, the United States and Canada co-sponsored the resolution.

Pursuant to the November Council conclusions, a series of workshops with NGOs and other interested actors was organised by the Commission in recent months to co-ordinate assistance to civil society in Belarus. The meetings identified a number of possible approaches to working more flexibly and efficiently with Belarusian NGOs and independent media, and encouraging democratic participation. Ireland favours a strengthening of contacts with civil society in Belarus with a view to encouraging and supporting democratic reform at grassroots level. In this context, we are mindful that great care must be taken to ensure that the EU does not inadvertently provoke further repression of civil society and opposition forces.

#### EU Enlargement.

19. **Mr. Deenihan** asked the Minister for Foreign Affairs the commencement date for EU accession talks with Turkey; and if he will make a statement on the matter. [13511/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Turkey has been a candidate for membership of the EU since the Helsinki European Council in December 1999, which agreed that it was destined to join the Union on the basis of the same criteria applied to the other candidate states. The European Council in Brussels on 16 to 17 December 2004 decided, on the basis of the Commission's report and recommendation, that Turkey sufficiently fulfils the Copenhagen political criteria to enable the opening of accession negotiations. It requested the Commission to begin work on a proposal for a negotiating framework and to present it to the Council, with a view to the opening of accession negotiations on 3 October 2005.

The clear objective of the negotiations will be Turkey's accession to the Union, provided it meets the requirements for membership. The pace of the negotiations will depend in large part on progress in the implementation of Turkey's wide ranging reform programme. Given the substantial financial consequences of Turkish accession, the European Council agreed that it will not be possible to conclude negotiations until after the establishment of the financial framework for the period from 2014.

The December European Council also set out the main elements for future negotiating frameworks with individual candidate states, building on the experience of the current enlargement process and taking account of developments within the EU. Turkey's accession negotiations

will take place in the context of an Intergovernmental Conference with the participation of all member states, in which decisions will require unanimity. The European Council agreed that the shared objective of the negotiations will be accession but noted that the process will, inevitably, be an open ended one, the outcome of which cannot be guaranteed in advance.

In preparation for the European Council decision, it was clear that although the search for a comprehensive settlement of the Cyprus problem will remain a UN led process, some movement was necessary by Turkey towards the objective of normalising relations with the Republic of Cyprus, which has been a member state of the Union since 1 May 2004. The European Council welcomed Turkey's decision to sign the protocol adapting the 1963 Ankara agreement of association in order to take account of the accession of ten new member states, including the Republic of Cyprus, and to do so before the actual start of accession negotiations. I welcome the recent agreement by Turkey to the text of the protocol submitted by the Commission. The early signature of the protocol, its ratification and its subsequent implementation would constitute important steps forward towards normalisation of relations between Turkey and the Republic of Cyprus.

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

#### Overseas Development Aid.

20. **Mr. Boyle** asked the Minister for Foreign Affairs if it was rapid economic growth or an economic downturn that resulted in the Government's decision to renege on its commitment on overseas development aid; if the commitment was unrealistic; and if he will make a statement on the matter. [13677/05]

37. **Mr. Neville** asked the Minister for Foreign Affairs when a new and fixed timescale for achieving the UN target for overseas development aid will be achieved; and if he will make a statement on the matter. [13515/05]

84. **Dr. Upton** asked the Minister for Foreign Affairs his views on criticisms of Ireland's record on overseas development aid made by Mr. Bob Geldof at the launch of the report of the Africa Commission in London on 11 March 2005; and if he will make a statement on the matter. [13559/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 20, 37 and 84 together.

The allocation for 2005 provides for an increase of €70 million in Government spending on official development assistance this year. This will bring total Government aid to the developing world to approximately €545 million in 2005, the highest allocation in the 30 year history of the aid programme. In addition, the Government has agreed to provide further increases of €65 million in each of the years 2006 and 2007.

These substantial increases mean that over the three years from 2005 to 2007, €1.8 billion will be spent by Ireland on development assistance. As a result, Ireland will maintain its position as one of the world's leading aid donors on a *per capita* basis. In addition, this three year multi-annual commitment, incorporating substantial annual increases, gives my Department a sound basis to carry forward the long-term planning which is so important for development work.

The increases in spending on aid that this Government has already achieved are dramatic. Ireland's overall contribution to ODA in 1997 was €158 million and in 2004 it was €475 million, a threefold increase. It is important to recognise that since the target of 0.7% of GNP was first agreed at the UN General Assembly in 1970 it has proved difficult for many countries to reach. To date, only five countries have managed to reach or exceed the target.

Ireland, unlike many donors, has successfully focused its aid programme on the needs of the poorest people in the poorest countries. Ireland is one of only six countries to have surpassed the target, endorsed by the UN, of contributing at least 0.15% of GNP in ODA to the world's least developed countries.

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. My Department has recently launched a consultative process that will lead to a White Paper on development assistance. We look forward to receiving views from all interested groups and members of the public.

#### International Bodies.

21. **Ms B. Moynihan-Cronin** asked the Minister for Foreign Affairs his views on the proposed appointment of a person (details supplied) as United States Ambassador to the United Nations, particularly in view of his previously expressed views on the UN; and if he will make a statement on the matter. [13545/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The appointment of a permanent representative to the United Nations in New York is a matter for the member in question and the United Nations as the host authority. It is not the practice

of the Government to comment on diplomatic appointments of other states.

#### Foreign Conflicts.

22. **Mr. Howlin** asked the Minister for Foreign Affairs his proposals following the recent visit to Darfur; and if he will make a statement on the matter. [13549/05]

44. **Mr. Howlin** asked the Minister for Foreign Affairs the contacts he and the Foreign Ministers of the European Union have had with the Sudanese Government about the deteriorating situation in Darfur; the outcome of the talks; and if he will make a statement on the matter. [13550/05]

57. **Mr. Deenihan** asked the Minister for Foreign Affairs if an arms embargo on the government of Sudan is in place; and if he will make a statement on the matter. [13497/05]

62. **Mr. English** asked the Minister for Foreign Affairs the situation in Sudan; the humanitarian assistance that is being made available to the affected regions in that country; the security assistance that will be made available by Ireland to Sudan; and if he will make a statement on the matter. [13478/05]

64. **Mr. Penrose** asked the Minister for Foreign Affairs the contacts he has had through the European Union with the African Union; the support which has been offered to aid that body in its efforts to help ameliorate the present position in Darfur; the outcome of the talks; and if he will make a statement on the matter. [13552/05]

138. **Mr. Durkan** asked the Minister for Foreign Affairs the position regarding the situation in the Sudan, with particular reference to Darfur; and if he will make a statement on the matter. [13867/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 22, 44, 57, 62, 64 and 138 together.

The political, human rights and humanitarian situation in the Darfur region of Sudan remains a matter of the deepest concern for Ireland. The Government continues to use all avenues open to it to urge action in addressing the urgent humanitarian, security and political challenges which exist there. The conflict in Darfur has displaced about 1.8 million people during the last two years. While estimates vary, it is likely that over 100,000 people have died as a direct or indirect result of this conflict.

The latest 30 day report by the UN Secretary General on the situation in Sudan indicates that the security situation in Darfur in March did not improve significantly. While attacks on the civilian population decreased marginally, these positive steps were overshadowed by the increased military activity undertaken by all parties and attacks against international personnel.

In 2004, Ireland responded to the crisis in Darfur by providing €6.38 million in assistance to

[Mr. D. Ahern.]  
the region. This funding was delivered rapidly to assist the life saving work of non-governmental organisations, UN agencies and the Red Cross family. Ireland's funding was utilised to provide food and essential non-food items to help families and individuals survive.

The Minister of State, Deputy Conor Lenihan, visited Sudan from 3 to 8 April and met a wide range of UN representatives, including Mr. Jan Pronk, special representative of the Secretary General of the United Nations. He also met with Sudan Government Ministers, NGOs, the Red Cross, community and regional leaders. In Darfur, the Minister of State visited the Mornei displaced persons camp in west Darfur and the Jabal Mara region of north Darfur. He also met with the force commander of the African Union's observer mission at its headquarters in El Fasher. In his discussions with the Sudanese authorities he stressed the importance of the restoration of peace and security in Darfur as soon as possible; the need for all parties to the conflict to negotiate in good faith and reach an early political agreement; and the need for the government of Sudan to co-operate fully with the relevant UN Security Council resolutions, especially that relating to the International Criminal Court.

Ireland welcomes the decision by the UN Security Council on 31 March to refer the situation in Darfur since mid-2002 to the prosecutor of the International Criminal Court. This will mean that those accused by the international commission of inquiry on Darfur of extremely serious violations of human rights and international humanitarian law can now be brought to justice by this court, of which Ireland is a strong supporter.

After a generation of war the humanitarian situation in the south of the country is also dire. Approximately 2 million people have lost their lives owing to the civil war and over 4 million people have been displaced. The comprehensive peace agreement signed last January offers some hope that at last a new chapter is dawning in the history of southern Sudan and the country generally. In 2004, Ireland contributed approximately €4 million to NGOs and UN agencies working with some of the poorest and conflict affected people in south Sudan.

The Government welcomes the decision taken by the UN Security Council to establish a UN peacekeeping operation in Sudan to support implementation of the January 2005 comprehensive peace agreement for southern Sudan. The United Nations has invited Ireland to contribute a small number of officers from the Defence Forces to act as UN military observers with this operation. This request is currently being considered by the Department of Defence.

The Minister of State's visit to Sudan took place immediately before the major donors' conference on Sudan which was held in Oslo on 11-12 April. The conference pledged approximately

€4.5 billion for Sudan up to 2007. While recognising that the peace agreement represents a new beginning for Sudan, participants emphasised the need to build on the agreement and to bring peace and stability to all of Sudan, including Darfur and the east of the country. Since Ireland is committed to assisting the people of Sudan rebuild their country after decades of conflict, the Minister of State pledged at the Oslo conference that we will provide €15 million to Sudan over the next two years. This funding will be used to meet immediate needs, such as food security, return of the displaced and basic education, and to begin to address the long-term development needs of the Sudan.

The EU has implemented a comprehensive arms embargo against Sudan since 1994. On 30 July 2004, the UN Security Council imposed an embargo on the sale or supply of weapons to all non-governmental entities and individuals, including the Janjaweed, operating in Darfur. This embargo was extended in March 2005 to include the government of Sudan.

The European Union most recently met with the African Union at the ministerial Troika meeting held in Luxembourg on 11 April. This meeting built on the solid partnership which has been established at previous meetings, including that in Dublin in April of last year. The Troika discussions concentrated on a number of issues, including the current situation in several African countries, such as Sudan, Somalia, Côte d'Ivoire and the Democratic Republic of Congo. The EU expressed its concerns over the conduct of the recent parliamentary elections in Zimbabwe. The Troika also discussed the fight against terrorism, conflict prevention and good governance.

With regard to the present situation in Darfur, the EU expressed its appreciation for the leadership role played by the African Union in addressing the Darfur conflict, in particular the role played by the African Union observer mission, AMIS, in improving the security situation in Darfur. For its part, the AU expressed appreciation for the support and co-operation provided by the EU for AMIS. The EU reiterated its continuing support to AMIS and its readiness to strengthen it. The EU is providing €92 million from its African peace facility for this observer mission, while Ireland has allocated €500,000 in support of the humanitarian and human rights aspects of the mission. An officer from the Permanent Defence Forces is also serving as an EU observer with this mission.

23. **Mr. Crawford** asked the Minister for Foreign Affairs if he will report on the security situation in Afghanistan; and if he will make a statement on the matter. [13500/05]

**Minister for Foreign Affairs (Mr. D. Ahern):**  
On 18 March 2005, the UN Secretary General, Kofi Annan, reported on the situation in Afghanistan. The Secretary General said that the

overall security situation had been relatively calm in recent months. He cautioned, however, that the international community should not become complacent and noted that there had been several recent cases of improvised explosive devices and landmines used to target coalition forces, the Afghan national army and coalition structures.

Since the Secretary General presented his report, there have been a number of incidents which indeed illustrate that the security situation remains volatile. On 21 April, 12 suspected militants were reported killed during a rocket attack on a US military base in Khost province, close to the border with Pakistan. On 16 April, a bomb planted by insurgents destroyed five oil tankers outside an American military base in Kandahar in southern Afghanistan. Supporters of the Taleban regime are reported to have carried out the attack. On 19 April, eight suspected Taleban fighters were killed by Afghan soldiers in southern Afghanistan.

The disarmament and demobilisation of irregular militia forces is a key factor in building a secure environment in Afghanistan. I am pleased to report that the disarmament, demobilisation and reintegration process, DDR, has gained momentum in recent months. To date, almost 48,000 militiamen have entered the DDR process. It is estimated that less than 10,000 Afghan militia forces remain to undergo the programme by June 2006, the target date for completion of the DDR process. A large number of heavy weapons, twice the total number originally surveyed, have also been retained as part of this process. I welcome the progress made to date and strongly urge all concerned to make a full commitment to the completion of the DDR process. The training of a reformed Afghan national army and police force, key elements in building a secure Afghanistan, also continues to make progress.

Notwithstanding these positive developments, there is a need for the international community to remain focused on supporting Afghanistan. Parliamentary and local elections will take place on 18 September 2005. These elections will represent the final step in the implementation of the Bonn agreement of December 2001 towards the re-establishment of permanent government institutions in Afghanistan. The elections will undoubtedly present a considerable logistical, political and security challenge. In his report of 18 March, UN Secretary General Annan estimated that more than \$128 million was urgently required to move forward with electoral preparations. The Government is currently considering the allocation of funding towards these elections.

The illicit narcotics industry in Afghanistan remains a serious problem which has implications for the security situation in Afghanistan as well as far reaching consequences around the globe. Afghanistan's opium industry generates an estimated 60% of Afghanistan's gross domestic product, GDP, and Afghanistan produces 87% of the

global opium supply. President Karzai has identified counter-narcotics as a priority for the Afghan Government and has introduced a number of important initiatives in this regard. These include a national counter-narcotics implementation plan, the appointment of a minister for counter-narcotics, the creation of a cabinet sub-committee on counter-narcotics and the establishment of a counter-narcotics trust fund, which will be jointly administered by the Afghan Ministry of Finance and the UN development programme, UNDP.

Ireland, together with our EU partners, fully supports the Afghan authorities' uncompromising stance on the illicit cultivation of and trafficking in drugs. Over the past three years, Ireland has contributed €500,000 per annum to the UN office on drugs and crime, UNODC, €300,000 of which has been channelled into counter-narcotics projects in the region. This contribution is likely to be substantially increased in the present year.

It is clear that Afghanistan will face many challenges in the period ahead and will, therefore, continue to need extensive support from the international community. In this regard, I welcome the unanimous decision by the UN Security Council on 24 March 2005 to extend the UN mission in Afghanistan, UNAMA, for a further 12 month period. Ireland, together with our partners in the European Union, will continue to sustain our support to Afghanistan in the period ahead.

*Question No. 24 answered with Question No. 7.*

#### **EU Development Aid.**

25. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his views on the EU development aid criteria proposed by the Commission. [13628/05]

52. **Mr. Wall** asked the Minister for Foreign Affairs if the Government is likely to review its position on the proposals regarding development co-operation, developed by the outgoing Commission but rejected by the European Parliament; and if he will make a statement on the matter. [13575/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 25 and 52 together.

I take it that the questions refer to the draft regulation on development cooperation — the development co-operation and economic co-operation instrument — currently being negotiated within the external relations chapter of the EU's Financial Perspective 2007-2013. The allocation criteria for Community development aid is one of the policy issues to be resolved in the negotiation of this new instrument.

Ireland's view is that the allocation of resources should be guided by standard, objective and transparent criteria based on need and performance and universally applied to all Community

[Mr. C. Lenihan.] external assistance. With a number of other delegations, Ireland will seek to ensure that this principle is firmly established in the instrument being negotiated.

The instrument has been under discussion in the Council and the European Parliament. It was rejected by the development committee of the European Parliament on 16 March 2005. Since then there have been ongoing efforts by the Luxembourg Presidency and representatives of the European Parliament and the Commission to try to find a solution to the European Parliament's objections. These have to do with a number of concerns, including Parliament's right of co-decision on the legislation and the fact that the instrument combines assistance for both developing countries and industrialised countries. Ireland is hopeful of a successful outcome to these discussions which would enable the European Parliament and the Council to resume their respective detailed examination of the draft legislation.

#### Human Rights Issues.

26. **Ms O'Sullivan** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that a person (details supplied) has been re-arrested and again put on trial, on this occasion for speaking to members of the international media; his views on whether this treatment of this citizen is appropriate for a democratic state; if he has made representations to the Israeli authorities on the treatment of this person; and if he will make a statement on the matter. [13556/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the case to which the Deputy refers and I share the widely held concerns about it. My understanding is that the person has been charged with violation of the restrictions imposed as a condition of his release from prison in 2004 at the end of the prison sentence which he had served. These restrictions include a prohibition on him leaving Israel and on contacting the media. The case against him relating to these charges is still underway and it would be inappropriate for me to comment on the specific aspects of a matter which is before the courts.

The Government has consistently been of the view that the person concerned should not be subjected to the restrictions which were imposed and the government of Israel is aware of this position. However, the restrictions have been the subject of judicial review by the Israeli Supreme Court, which concluded that they are not incompatible with the Israeli Government's obligations in respect of its citizens. I do not believe there is any likelihood that the Israeli Government will overturn the court's decision. The Government will continue to monitor the situation.

#### Illegal Emigrants.

27. **Mr. P. McGrath** asked the Minister for For-

ign Affairs if he has had any recent contact with his US counterpart with regard to new proposals for the regularisation of citizenship for persons resident illegally in the United States; and if he will make a statement on the matter. [13482/05]

77. **Ms Shortall** asked the Minister for Foreign Affairs the discussions he has had with the US authorities regarding the position of Irish persons living illegally in the United States; if his attention has been drawn to the suggestion made by the US Ambassador to Ireland, Mr. James Kenny, at a recent meeting of the Joint Committee on Foreign Affairs that Irish persons might secure the right to stay in the US by paying a fine; if he has sought further details of this proposal for the US authorities; and if he will make a statement on the matter. [13558/05]

136. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which his attention has been drawn to the number and circumstances of undocumented Irish people currently in the United States; his proposals to engage with the US authorities with a view to reaching an acceptable or amicable arrangement; and if he will make a statement on the matter. [13865/05]

137. **Mr. Durkan** asked the Minister for Foreign Affairs the degree to which he has had discussions with the US authorities with a view to regularisation of undocumented Irish in the US; if progress will be reported regarding the possibility of an amnesty; and if he will make a statement on the matter. [13866/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 27, 77, 136 and 137 together.

The number of Irish people who may be resident in the United States without the appropriate authorisation is difficult to estimate. While the US authorities have estimated that the number may have declined to 3,000 in the year 2000, many of the organisations working on the ground with our emigrants would regard this figure as a low estimate.

The circumstances of undocumented Irish people in the US are raised on an ongoing basis in our bilateral contacts with U.S. political leaders. Most recently, the issue was raised when the Taoiseach and I met President Bush on St. Patrick's Day. During our meeting, the President reaffirmed his commitment to work with Congress on immigration reform. The Taoiseach and I very much welcomed this commitment and emphasised the importance of addressing the situation in a positive and sympathetic way.

My attention has been drawn to the media report on the meeting of the US Ambassador to Ireland with the Oireachtas Committee on Foreign Affairs on 2 March as well as to the radio interview given by the ambassador on 3 March. The ambassador pointed out in his radio remarks that the issue of immigration reform was one singled out by President Bush for action. He was

careful to stress that, as any proposals for immigration reform will have to be considered in detail by the US House of Representatives and Senate and the details of any immigration reform bill will not be known until this legislative process is complete, it would be premature to go into any specifics at this stage. I am not aware that any specific legislative proposal involving payment of a fine has been circulated in the US Congress.

Our ambassador and officials in the embassy in Washington continue to monitor closely the debate on immigration reform. The Deputies can be assured that the issues of our undocumented citizens and immigration reform have the highest priority for the Government. Through the ongoing efforts of our embassy and the contacts of the Taoiseach, myself and Cabinet colleagues with political leaders in the US, we will continue to encourage and support all measures that benefit Irish citizens.

### **Border Controls.**

28. **Mr. Costello** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that Irish citizens travelling to and from England have been fingerprinted by immigration officers at Holyhead (details supplied); and if he will make a statement on the matter. [10797/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** On receiving notification of this case, I asked the Embassy of Ireland, London, to raise the matter with the British authorities. The reply received from the British Home Office was that immigration officers at Holyhead carry out this type of spot check on travellers to try and identify suspected or failed asylum seekers. Immigration officers use equipment which scans a single fingerprint. The digital information can then be sent to a national database against which it is compared. This database contains the fingerprints and details of failed asylum seekers.

We have been assured by the Home Office that when an Irish passport or piece of Irish identification is produced to the immigration officer, then almost certainly the fingerprint will not be taken. The person in question has not been in direct contact with my Department and I am, therefore, not aware of whether such identification was produced at the time the fingerprint was requested.

The issue of border controls within the common travel area is the subject of regular discussions with the British authorities. In addition to the discussions between the embassy in London and the British authorities, for example, officials from my Department met with British officials in London on 1 December. The meeting was held at a senior level and the British side was led by the National Co-ordinator for Ports Policing. The focus of the meeting was on steps that can be taken by the British to reassure passengers, minimise inconvenience and avoid unnecessary anxiety, offence and delays. My

officials stressed the importance of ensuring that travellers are properly informed of the procedures in place and that the reasons for carrying out certain checks are fully explained to them.

Should the person in question require any further clarification with the British authorities, I would be happy to have the matter followed up.

*Question No. 29 answered with Question No. 7.*

### **Human Rights Issues.**

30. **Mr. Durkan** asked the Minister for Foreign Affairs his proposals to influence the UN and the EU with a view to seriously addressing the issues of human rights abuse, starvation and war in Africa; and if he will make a statement on the matter. [13689/05]

139. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which progress can be reported in regard to tackling the issues of war, starvation and human rights abuses throughout the African continent; and if he will make a statement on the matter. [13868/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 30 and 139 together.

I am aware of the enormity of the challenges facing African nations as they seek to build the foundations of economic and social development, often in a climate of hunger and warfare. The reduction of poverty, hunger and conflict in Africa are, I believe, some of the most important tasks to which the international community can dedicate itself in the 21st century. Good governance and the promotion of human rights are core elements of these tasks. These objectives will only be achieved when donors such as Ireland, the EU and others work hand in hand with United Nations agencies, dedicated to relieving poverty, tackling famine, building accountable governance and reducing conflict.

The EU is the world's largest contributor to development co-operation. Through its emergency response and food assistance, the EU strives to meet the needs of the most vulnerable populations in Africa. Its long-term programmes of assistance are aimed at rebuilding the devastated economies of Africa. Ireland fully supported the decision by the EU to establish a peace facility for Africa to assist African governments in preventing and solving conflicts on their continent. Ireland will continue to use every opportunity to highlight the plight of Africa at EU level and the need for concerted and coordinated actions, if the millennium development goals are to be achieved on the continent.

At UN level, Ireland has strong partnerships with UN agencies such as the World Food Programme, WFP, UNICEF, United Nations Development Programme, UNDP, World Health Organisation, WHO, and others. These partnerships enable Ireland to play a role in addressing

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humanitarian emergencies in, *inter alia*, Sudan, Ethiopia, Uganda, Eritrea and the Democratic Republic of the Congo. Meeting the needs of some of the most conflict affected populations, especially women and children, is a key objective of Ireland and our partnership with UNICEF is particularly important in this regard.

I have recently returned from Darfur, Sudan, where I witnessed at first hand the excellent work of the UN and its agencies. Ireland has contributed substantially to this effort. I also witnessed the important contribution to stability being made by the African Union, AU, and I am glad that Ireland has also been able to assist the AU. Working closely with the UN, Ireland can also assist in post-conflict situations such as Liberia and Sierra Leone. We have recently opened a development co-operation office in Sierra Leone. The office covers both Sierra Leone and Liberia. We are working with the UN and non-governmental organisations, NGOs, in important DDRR — disarmament, demobilisation, reintegration and rehabilitation — activities for ex-combatants. This is essential work if there is to be no sliding back to conflict and war.

If we are to break the cyclical nature of food insecurity and conflict in Africa, the underlying structural problems affecting poverty and stability must be addressed. Ireland has strong development partnerships with six countries in sub-Saharan Africa. Through these partnerships Ireland fully engages with the governments, donors, EU and UN agencies on the basis of poverty reduction strategy plans, PRSPs. The PRSPs outline how each country prioritises resources and policies with the objective of reducing poverty. These programmes contain a strong governance element throughout, to assist in the building of democratic structures, the rule of law and a culture of respect for human rights.

This comprehensive and African owned approach by donors, governments and civil societies stands the best chance of reversing the downward spiral of economic and social indicators in sub-Saharan Africa, reducing conflict and facilitating real and positive change in the lives of millions of Africans.

#### **Nuclear Disarmament Initiative.**

31. **Mr. G. Murphy** asked the Minister for Foreign Affairs the progress being made on the EU strategy on the non-proliferation of weapons of mass destruction; and if he will make a statement on the matter. [13490/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** A progress report on implementation of the December 2003 EU strategy on non-proliferation of weapons of mass destruction was adopted by the General Affairs and External Relations Council, GAERC, and endorsed by the European Council last December. On that occasion, the Council also reaffirmed its commitment to

use all instruments at its disposal to counter the threat of proliferation of WMD and their means of delivery.

The report, which is available on the EU's official website, highlighted the significant progress that has been achieved on the implementation of the strategy, including with respect to relations with third countries and co-operation with the International Atomic Energy Agency, IAEA, and the Organisation for the Prohibition of Chemical Weapons, OPCW. EU *démarches* to third countries were also carried out to promote key multilateral treaties and agreements. These included *démarches* concerning the universalisation of the International Atomic Energy Agency, IAEA, comprehensive safeguard agreement and additional protocol, the biological and toxin weapons convention, BTWC, and the Hague code of conduct against ballistic missile proliferation. The EU has also continued its efforts in pursuit of membership for a number of newly acceded member states to the relevant export control regimes, that is, both the missile technology control regime and the Wassenaar arrangement, which deals with conventional weapons.

The EU's "Peer Review" mechanism, under which clusters of member states examined each other's dual-use control systems with a view to identifying best practices, was undertaken during Ireland's Presidency of the EU and completed last July. A task force, comprising Finland, the Commission and the Council secretariat, has drawn up a report in which a number of recommendations for the strengthening of the EU's export controls system have been set out. These recommendations are currently being considered by the relevant working group in Brussels.

Most recently, the EU has adopted a common position on the 2005 review conference of states parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which is scheduled to take place from 2-27 May 2005 in New York.

#### **International Bodies.**

32. **Mr. S. Ryan** asked the Minister for Foreign Affairs his views on the recent appointment of a person (details supplied) as president of the World Bank; if he or his officials have made contact with the new president; the international foreign policy implications of this appointment; and if he will make a statement on the matter. [13592/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I welcome the statement by the new president of the World Bank, Paul Wolfowitz, that he will build on his predecessor's legacy in promoting economic growth and social development. Prior to his election, Mr. Wolfowitz travelled to Brussels to meet the European Union Finance Ministers and made clear to them his unreserved commitment to the World Bank's mission of poverty reduction. Following

this discussion, the EU expressed support for him and looked forward to a close and constructive working relationship with him. Mr. Wolfowitz was elected unanimously by the World Bank board on 31 March. He will take office in June.

The office of president of the World Bank is one of great importance for social and economic development throughout the world and particularly for the developing countries which look to the bank as the leading global institution for poverty eradication. Mr. Wolfowitz will begin his term of office at a time when the international community is preparing for the first major review of progress on the millennium declaration which was adopted in 2000. Important decisions have to be made on financing and development, in which the World Bank will be central. We all look forward to decisive leadership from Mr. Wolfowitz on these critical issues.

### Overseas Development Aid.

33. **Mr. Crawford** asked the Minister for Foreign Affairs the level of assistance from Ireland to Uganda; and if he will make a statement on the matter. [13486/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** The Irish bilateral programme of development assistance to Uganda amounts to €32 million in 2005. This budget has remained fairly constant over the past three years.

Ireland's development programme in Uganda is focused on poverty reduction and on assisting the poorest section of the population. The UNDP human development index for 2004 puts Uganda at 146 out of 177 countries in the world. Life expectancy is 45 years. According to the OECD, Ugandans live on a *per capita* annual income of US\$240, less than US\$1 per day. Although Uganda has witnessed a steady decline in AIDS prevalence rates since the early 1990s, the disease remains a leading cause of death. Figures indicate that the pandemic has created 1.7 million AIDS orphans in the country.

There are, however, some encouraging signs. Arising from a committed partnership between the Government and donor countries, literacy rates have risen to 69% of the population. School enrolment is at 71% of children. Uganda is one of the few countries in sub-Saharan Africa that will meet the millennium development goal of having introduced universal primary education, UPE, by 2015.

The elements of the Irish programme in Uganda include support to the poverty action fund, a pooled arrangement involving a combined effort by a number of donor countries to improve services in key areas of human development, including health and education. Ireland also works in three districts in support of decentralisation and improved social services.

Agriculture is the engine of Uganda's economy and Ireland, with others, supports a broad prog-

ramme for agricultural reform and gives particular help to the farm advisory service.

A key issue in the war on corruption and the improvement of respect for human rights is the performance in the justice, law and order sector, an area where Ireland has an extensive engagement in support of institutions of the judiciary, police, prisons, parliament and human rights bodies.

HIV-AIDS is a special focus for Ireland in Africa. In Uganda, Ireland supports prevention strategies for people free of the disease and assists those living with HIV-AIDS, as well as supporting the welfare of those orphaned by its impact.

In addition to our direct programme of assistance to Uganda, Ireland has provided funding of approximately €4.6 million in 2004 for emergency and development activities of the World Food Programme and non-governmental organisations, NGOs, such as Action Aid, Christian Aid, Concern, GOAL, Trócaire and missionary groups.

### Nuclear Disarmament Initiative.

34. **Mr. Connaughton** asked the Minister for Foreign Affairs the efforts being made to negotiate with Iran on issues of nuclear development; and if he will make a statement on the matter. [13495/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The issue of Iran and its nuclear development programme has been followed closely at European level over the past two years since Iran's undeclared nuclear programme was first brought to the attention of the International Atomic Energy Agency, IAEA. Negotiations in Paris between Iran and France, Germany and the UK, supported by the High Representative for the common foreign and security policy, resulted in an agreement in November 2004 on nuclear issues and future co-operation.

Under this agreement, Iran, *inter alia*, reaffirmed that it does not and will not seek to acquire nuclear weapons and committed itself to full transparency and co-operation with the IAEA. Iran, moreover, decided to voluntarily suspend all enrichment and reprocessing activities and to invite the IAEA to verify and to monitor the suspension. The agreement further provided for negotiations on a long-term agreement which will cover political and security issues; technology and co-operation; and nuclear issues.

The European Council last December welcomed this agreement and underlined that sustaining the full suspension of all enrichment related and reprocessing activities was essential for the continuation of the overall process. It supported further efforts with a view to reaching an agreement on long-term arrangements. The European Council confirmed its earlier conclusions on the resumption of the negotiations on a trade and co-operation agreement after verification of suspension. The European Council also



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confirmed the Union's readiness to explore ways to further develop political and economic co-operation with Iran, following action by Iran to address other areas of concern of the EU regarding the fight against terrorism, human rights and Iran's approach to the Middle East peace process.

A steering committee to launch these negotiations met for the first time in December 2004 and established working groups on political and security issues, technology and co-operation, and nuclear issues. Under the terms of the Paris agreement, the steering committee receives progress reports from the working groups and identifies projects and-or measures that can be implemented in advance of an overall agreement. The working groups met most recently on 19 April in Geneva and the steering committee is scheduled to meet again on 29 April in London.

At the meeting of the IAEA board of governors last March, France, Germany and the United Kingdom issued a joint statement in which they gave their preliminary assessment of the negotiations with Iran. They indicated that the negotiations have allowed for an extensive exchange of views, notably on ways to provide objective guarantees that Iran's nuclear programme is exclusively for peaceful purposes, as stipulated in the Paris agreement.

The two sides have also discussed long-term arrangements for co-operation between the EU and Iran in the political and security area, as well as in the economic and technological field. They have also explored the prospects for possible international co-operation in connection with Iran's nuclear programme. The discussions were said to have been conducted in a constructive spirit of open and serious exchanges and that while much progress remains to be made, they represent encouraging steps towards working out long-term arrangements, as foreseen in the Paris agreement.

The statement went on to express satisfaction with the progress reported by the IAEA in its investigations but also expressed regret at some developments which could undermine confidence. These included Iran's failure to report excavation work at one of the sites under investigation and limitations placed on the scope of visits by IAEA inspectors. In reiterating their commitment to the negotiation process, France, Germany and the United Kingdom stressed that it is essential that confidence be maintained through the continued implementation in good faith of all aspects of the Paris agreement.

#### **Debt Relief.**

35. **Mr. Gilmore** asked the Minister for Foreign Affairs his views on the use of IMF gold stockpiles to fund debt cancellation. [13589/05]

69. **Mr. Gilmore** asked the Minister for Foreign Affairs his views on the prospect of 100% debt cancellation for the poorest countries in the

world; if his attention has been drawn to the fact that at a recent meeting of the G7, Ministers moved to support this initiative; his views on this stance; and if he will make a statement on the matter. [13588/05]

92. **Mr. Wall** asked the Minister for Foreign Affairs if progress was made on the issue of debt cancellation at the meeting of the IMF and World Bank in April 2005; and if he will make a statement on the matter. [13576/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 35, 69 and 92 together.

I welcome the statement from the recent ministerial meeting of the IMF and the World Bank that further debt relief is needed to secure long-term debt sustainability and support progress towards the millennium development goals. These financial institutions will now examine detailed proposals which would extend beyond the existing highly indebted poor countries initiative, HIPC.

I also welcome the statement by the G7 Finance Ministers and central bank governors that they are willing to provide as much as 100% reduction of debts owed by the highly indebted poor countries to the international development fund and the African development fund of the World Bank, without reducing the resources available to the poorest countries through these institutions.

These statements are very much in line with Ireland's policy on the debt problems of poor countries which calls for reforms to the way in which the World Bank and the IMF assess levels of debt sustainability. Ireland advocates 100% debt cancellation under certain circumstances and on the basis of additional resources from donors.

While there are differing views about the merit of selling or revaluing part of the IMF gold reserves to fund debt relief, it is not the approach favoured in our debt policy. We see debt relief as a means of providing a sustained increase in resources for developing countries. A one-off operation on IMF gold would not achieve this. Debt sustainability needs to be achieved, while maintaining and increasing the resources available to the developing countries. Any proposal to sell or revalue the IMF gold reserves would of course have to be considered by the Minister for Finance and by the Central Bank.

#### **Common Foreign and Security Policy.**

36. **Mr. Bruton** asked the Minister for Foreign Affairs his views on whether legislative change will be required for Irish participation in EU battlegroups; and if he will make a statement on the matter. [13507/05]

54. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs if he has had any recent discussions with his EU counterparts on the new EU

battlegroups; and if he will make a statement on the matter. [13683/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 36 and 54 together.

As I reported to the House in February, I have already undertaken consultations with the Foreign Ministers of Sweden and Finland on the issue of the ongoing development of the European security and defence policy and the role that battlegroups-rapid response elements can play in enhancing the EU's crisis management capabilities.

I discussed with both ministers plans by Finland and Sweden to participate in the initiative, including the establishment of a Swedish-led battlegroup with the participation of Finland, Norway and Estonia. I also briefed Minister Freivalds and Minister Tuomioja on considerations which will be brought to bear in considering Ireland's participation in the initiative, including our commitment to the triple lock policy, involving the need for Government and Dáil approval and UN authorisation in the deployment of Defence Forces personnel to crisis management missions overseas.

I also intend to raise the issue of battlegroups-rapid response elements when I meet my Austrian counterpart in Vienna later this week.

An interdepartmental group, which includes representatives of my Department, the Department of the Taoiseach, the Department of Defence, the Defence Forces and the Office of the Attorney General, has been established to examine the policy, legislative and operational issues arising from Ireland's possible participation. The work of the group is ongoing and includes consideration of whether legislative change would be needed were Ireland to decide to participate in the battlegroups-rapid response elements initiative.

I believe that this consultation process and the report of the interdepartmental group will enable the Government to make a fully informed decision on Ireland's participation in rapid response elements.

*Question No. 37 answered with Question No. 20.*

### **Departmental Expenditure.**

38. **Mr. Stanton** asked the Minister for Foreign Affairs the number of projects which have been allocated funding under the Communicating Europe initiative in 2004 and 2005; the amount allocated to each of these programmes in 2004 and 2005; the number of these projects which are aimed at increasing understanding and awareness of the European constitution; the success of these projects in raising public awareness of the Euro-

pean constitution; and if he will make a statement on the matter. [13686/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Eleven projects were allocated funding under the Communicating Europe initiative in 2004. I am circulating a table setting out the details.

Three of the projects funded or part-funded related to the European constitution specifically. These were: an explanatory guide to the European constitution and accompanying leaflet produced by the Department of Foreign Affairs and widely circulated to the general public; a national forum on Europe DVD entitled, Towards a Constitution for Europe; and the Institute of European Affairs analysis, Europe Re-United: A Constitutional Treaty.

To date, three projects have been allocated funding in 2005. One of these, assistance towards the publication of a book on the European constitution by students at the Galway Mayo Institute of Technology, relates to the constitution specifically, and will involve a contribution of approximately €1,500.

The UCD law faculty has been awarded €5,000 to assist with funding an international conference entitled, Ireland, Europe and the Challenge of Democracy: Ensuring Democratic Control over Government in European Union Affairs. This will touch on important aspects of the European Constitution.

Continued funding for a media consultant engaged by the Joint Committee on European Affairs has been agreed for the first four months of 2005; this amounts to a total of €6,924. A number of other applications for funding have been received and are being considered, and several of these relate to the European constitution. I expect that further applications will also be received.

In my view and that of the Communicating Europe initiative advisory board, the initiatives funded so far have been of a high quality and should make a useful contribution to greater understanding and awareness of the European constitution.

It should be noted, however, that the Communicating Europe initiative, which had a total budget of €195,000 in 2004 and has been allocated €200,000 in 2005, is an ongoing budget line. Its main purpose is to raise awareness about the European Union in general and to improve the quality and accessibility of public information on European issues. Given the modest level of its budget the initiatives it supports are on a relatively small scale.

Substantially greater funding will be made available specifically to increase public awareness of the European constitution through other channels, including the establishment of the referendum commission, the publication of a White Paper and the nationwide distribution of a short information guide.

[Mr. D. Ahern.]

## Projects Funded under the Communicating Europe Initiative in 2004

Initiative	Expenditure
	€
Explanatory Guide to the European constitution and accompanying leaflet. Funding granted to the Department of Foreign Affairs for the design, translation and publication of an explanatory guide and an information leaflet on the European constitution which were widely circulated to the general public.	37,085.49
National Forum on Europe DVD: Towards a Constitution for Europe	21,725.66
Europe Re-United: A Constitutional Treaty. In December 2004, funding was allocated to the Institute of European Affairs for this publication on the European Constitution.	2,500.00
ICA European Awareness Week — local ICA Guild events. The Irish Countrywomen's Association, ICA, received €17,362.25 for their European Awareness Week in November 2004. The CEI also allocated €1,767.79 in funding to three ICA Guilds who undertook information initiatives in their localities in 2004. The ICA is one of the CEI priority groups.	19,130.04
Adult Education Materials on the EU. The National Adult Literacy Agency, NALA, received funding for the development of EU-focused education materials which will be published later in 2005. NALA is one of the CEI priority groups.	40,000.00
Youth Conferences. The European Youth Parliament received funding for a series of EU youth conferences across Ireland in 2005. The European Youth Parliament is one of the CEI priority groups.	6,000.00
Information leaflet on the EU Presidency. In February 2004, the CEI part-funded the production and distribution of 80,000 copies of a leaflet containing information on Ireland's EU Presidency. The leaflet was circulated to schools, NGOs and libraries throughout Ireland.	4,938.60
Ireland Communicating Europe project. During the Irish EU Presidency, the CEI engaged two officers to devise and execute an information strategy aimed at capitalising on the enhanced profile of European developments during Ireland's Presidency of the EU through the Ireland Communicating Europe section on the presidency website.	25,000.00
DVD: Day of Welcomes. In July 2004, CEI part-funded the production of this DVD which contains highlights of the ceremonies marking the enlargement of the EU at Áras an Uachtaráin on 1 May. The DVD was circulated to all second level schools.	19,374.15
Joint Committee on European Affairs Officer. Throughout 2004, the CEI provided funding to the Oireachtas Joint Committee on European Affairs, JCEA, to allow it to engage a public relations officer to publicise the work of the JCEA.	18,174.00
Ireland and the EU book. In June 2004, the CEI provided €1,000 for printing costs associated with the publication of a book on Ireland's experiences of EU membership, based on the Thomas Davis lecture series which was broadcast on RTE radio in 2002. The book, edited by Jim Hourihane, was officially launched by the Taoiseach in March 2004.	1,000.00

**United Nations Reform.**

39. **Mr. McCormack** asked the Minister for Foreign Affairs if he will report on the contact he has had with other EU governments regarding UN reform; and if he will make a statement on the matter. [13510/05]

60. **Mr. Connaughton** asked the Minister for Foreign Affairs the approach being taken by his Department regarding reform of the United Nations; and if he will make a statement on the matter. [13509/05]

73. **Ms McManus** asked the Minister for Foreign Affairs the proposals he favours with regard to expansion of the United Nations Security Council; and if he will make a statement on the matter. [13542/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 39, 60 and 73 together.

Deputies will be aware that a central element of Ireland's foreign policy has been the promotion of an effective multilateral system and the strengthening of the rules based international order, with the United Nations at its centre.

The Government believes that it is essential that the members of the United Nations take

action to enhance the effectiveness and the legitimacy of the United Nations, and to endow the UN with the means necessary to confront today's global threats and challenges. Promoting such reform was a priority of the European Union during Ireland's Presidency in the first half of 2004.

The House will also be aware that this is a crucial year for the United Nations as members prepare for the summit that will take place at the UN next September, at which heads of state and government will seek to restore momentum to the achievement of the millennium development goals, to agree on reforms that will strengthen the system of collective security, to enhance the human rights function of the United Nations and to reform its institutions and management structures. It is a central priority for the Government to do what it can to promote the success of the summit.

As a practical and substantial contribution to this process, I travelled to New York in February to assure the UN Secretary General of Ireland's readiness to do its utmost to support his reform agenda. Accordingly, I am honoured to have been appointed by him as one of five envoys to act on his behalf in encouraging governments to take the decisions necessary to ensure a satisfactory outcome at the September summit. The

appointment is an indication of the esteem in which Ireland is held by the Secretary General and of its track record of commitment to the United Nations.

As envoy, my task is to make the case for the broad package of recommendations and reforms set out in the UN Secretary General's recent report, *In Larger Freedom*. In doing so, I will work with the Secretary General and with member states to overcome the obstacles and challenges that confront the reform agenda, which the Secretary General has described as "bold but achievable". I have been asked by the Secretary General to focus my efforts on Europe. However, none of the envoys is confined in their activities to any one geographic area.

While the reform agenda is many faceted, one very difficult but important element, and one that receives most public attention, is that of reform of the Security Council. There is general acceptance that the 60 year old structure of the council, which derives from the immediate post-war situation, is not in accord with today's realities. The high level panel that reported to the UN Secretary General in December 2004 on measures to enhance collective security put forward two models for reform: model A, which would extend the membership in both categories, permanent and non-permanent, and model B, which would retain the current permanent members and would, in addition, create a new category of member, elected for four year renewable terms.

The Secretary General has not recommended either of these models to the membership but has urged UN members to reach a decision this year on the expansion of the Security Council for the sake of its credibility and legitimacy.

The Government shares this view and would support an arrangement capable of securing the necessary support among the wider UN membership, as long as it preserved the possibility for smaller countries like Ireland, which make substantial contributions to the work of the United Nations, to serve on the Security Council at reasonable intervals.

#### **Official Travel.**

40. **Mr. English** asked the Minister for Foreign Affairs his travel plans for the coming six month period; and if he will make a statement on the matter. [13512/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am currently engaged in an intensive series of visits to European capitals in discharge of my mandate as envoy of the UN Secretary General. As envoy, I am tasked with presenting the key elements of the Secretary General's report, *In Larger Freedom*, and conveying to the Secretary General, in confidence, the views and concerns expressed by UN members. This is being done to prepare for the summit taking place at the UN in September.

In addition to the ongoing intensive travel schedule being put in place in pursuit of my role

as the Secretary General's envoy, I will also attend a number of EU related meetings over the coming months, including meetings of the General Affairs and External Relations Council, GAERC, and the European Council, and the UN General Assembly in September. The programme of my visits and meetings is kept under review on a continuing basis.

#### **Foreign Conflicts.**

41. **Mr. Kenny** asked the Minister for Foreign Affairs the position with regard to the political and humanitarian situation in Liberia; and if he will make a statement on the matter. [13519/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** While Liberia has made remarkable progress since the comprehensive peace agreement of August 2003, it still faces the major challenges of a successful return to democracy and sustaining the peace process. Liberia is currently administered by a transitional government, under the chairmanship of Mr. Gyude Bryant, until parliamentary and presidential elections are held on 11 October 2005. This election will mark the return of Liberia to a constitutional democracy after 14 years of civil war. The cost of the elections is expected to amount to US\$17.5 million and the EU has pledged €4.5 million in electoral support. Ireland is currently considering a proposal from the Carter Centre for support to election oversight.

President McAleese, accompanied by the Minister for Defence, Deputy O'Dea, visited Liberia on 14 December 2004 and met with Chairman Bryant, the United Nations special representative in Liberia, Mr. Jacques Klein, and the Irish battalion. Chairman Bryant visited Ireland in November 2004 and expressed his gratitude for the invaluable role that Ireland has played in Liberia. The chief of staff of the Defence Forces visited the Irish battalion in February.

Ireland recently established a development co-operation office in Freetown, Sierra Leone, which is also responsible for the delivery of humanitarian and development support to Liberia. At the international donor conference on Liberia in February 2004, Ireland pledged €5 million from 2004 to 2006 towards the recovery and reconstruction needs of Liberia. To date, some €3.5 million of this pledge has been disbursed.

Despite recent improvements in the security situation in UN controlled areas, the Liberian peace process remains fragile and many serious issues remain to be effectively addressed. The situation is generally stable in Monrovia but less so in other areas. Sporadic outbreaks of violence in rebel strongholds highlight the need for a comprehensive process of disarmament, demobilisation and reintegration.

The United Nations Mission in Liberia, UNMIL, was established on 19 September 2003 by UN Security Council Resolution 1509. The

[Mr. D. Ahern.] primary task of UNMIL is to observe and monitor implementation of the ceasefire agreement which was concluded by the Liberian parties in June 2003. More broadly, UNMIL's role is to support the implementation of the comprehensive peace agreement of 18 August 2003. This includes facilitating the organisation of the October elections.

The Irish contingent comprises a motorised infantry battalion of some 426 personnel, together with a small number of additional personnel deployed at force headquarters. The Government is of the view that the deployment of UNMIL is critically important in supporting the implementation of the comprehensive peace agreement and for the political and economic recovery of Liberia. Our personnel have been widely commended for the professionalism of their work.

The UNMIL programme of disarmament, demobilisation, rehabilitation and reintegration, DDRR, for rebel groups recommenced on 15 April 2004. Disarmament and demobilisation was concluded on 31 October 2004. Due to the fact that the number of combatants disarmed greatly exceeded original estimates, the DDRR programme has encountered significant financial problems and an additional US\$20 million is required for rehabilitation and reintegration of the additional numbers.

Ireland contributed €500,000 in 2004 for disarmament and demobilisation and we have provided an additional €500,000 in 2005 for rehabilitation and reintegration of former combatants. Since 85% of Liberians are unemployed, creation of employment and education opportunities for the ex-combatants is extremely important if stability is to be maintained in the country and elections successfully organised next October. Significant strides have also been made in restructuring and reforming Liberia's police force and the USA is providing material and technical support to restructure and reform the army.

Since October 2004, the UN has assisted in the repatriation of over 10,000 Liberian refugees from neighbouring countries, while almost 100,000 internally displaced persons have resettled also. The United Nations hopes to repatriate 150,000 refugees to Liberia in the course of 2005.

Since displaced persons and refugees can vote only in their home areas, speedy implementation before October of the resettlement and repatriation process is important. Ireland has provided significant support towards the needs of internally displaced persons, including assisting in re-establishing agriculture in areas formerly affected by conflict.

In December 2004 the United Nations Security Council renewed its trade sanctions against Liberia, extending bans on timber exports and arms imports to the country for another year. The

timber sanctions may be reviewed after six months. The ban on diamond exports was extended for six months. In March, the UN panel of experts informed the Security Council that Liberia could not as yet meet the criteria for joining the Kimberley Process, which certifies rough diamonds as legal for international sale. Security Council sanctions against the export of diamonds from Liberia are expected to remain in place until the country succeeds in joining the Kimberly Process. The European Union also renewed article 96 measures against Liberia in December in line with the UN Security Council sanctions, as it was agreed that Liberia had not made enough progress in areas such as human rights, governance and the judicial system to warrant an easing of sanctions at this time.

Ireland will continue to encourage all parties in Liberia and the sub-region to carry out their commitments and obligations under the comprehensive peace agreement and support the work of the UN special representative in Liberia, Mr. Jacques Klein, and the EU special representative for the region, Mr. Hans Dahlgren of Sweden.

#### **Trade Embargoes.**

42. **Ms Enright** asked the Minister for Foreign Affairs the countries to which EU arms embargoes currently apply; and if he will make a statement on the matter. [13498/05]

#### **Minister for Foreign Affairs (Mr. D. Ahern):**

At present, there are EU arms embargoes in place against the following countries: Bosnia and Herzegovina, Burma — Myanmar, China, the Democratic Republic of Congo — formerly Zaire, Iraq, Ivory Coast, Liberia, Sierra Leone, Somalia, Sudan and Zimbabwe. This list is publicly available on the EU's official website.

The EU revises its list of sanctions and other restrictive measures against third countries, including arms embargoes, on a case by case basis, when it judges it appropriate to do so. In such cases, the EU takes into consideration all developments in a particular country since the arms embargo was imposed and decides whether these would warrant the lifting of sanctions against that country.

Most recently, for example, the General Affairs and External Relations Council, on 11 October 2004, took the decision to lift the EU arms embargo against Libya, which had been in place since 1986.

#### **Foreign Conflicts.**

43. **Mr. Allen** asked the Minister for Foreign Affairs the situation in Bosnia-Herzegovina; and if he will make a statement on the matter. [13489/05]

#### **Minister for Foreign Affairs (Mr. D. Ahern):**

This year marks the tenth anniversary of the signature of the Dayton Agreement, which brought an end to the war in Bosnia following the break-

up of the former Yugoslavia. In recent years, Bosnia and Herzegovina has made significant progress in the transition from a post-conflict society to a functioning European state, which is developing its institutional relationship with the European Union. However, Bosnia still faces enormous challenges in overcoming the legacy of violence and division from the 1990s and working towards the goal of eventual integration into EU structures, on the basis of the shared agenda agreed at the EU-Western Balkans summit in Thessaloniki in June 2003.

In November 2003, the European Commission completed its feasibility study on the opening of negotiations for a stabilisation and association agreement with Bosnia and Herzegovina. It identified 16 major areas of reform in which significant progress was required before the Commission could make a positive recommendation to the Council on the opening of negotiations. There is general agreement that, since then, the Bosnian authorities have taken a series of courageous political decisions to adopt and implement the reforms identified in the feasibility study. I hope that the Commission will be in a position to recommend to the Council in the coming months that sufficient progress has been made to enable the opening of negotiations. It will be a sign of hope for the region as a whole if we are in a position to take a positive decision on Bosnia and Herzegovina.

One of the issues which has impeded Bosnia's progress in its relations with the EU and in its application to join NATO's Partnership for Peace has been the level of co-operation with the International Criminal Tribunal for the former Yugoslavia, in particular by the Bosnian Serb entity, Republika Srpska. Following pressure from the international community, transfers of indictees to face trial in The Hague have finally begun in recent months. This is an extremely positive development, although progress must be sustained. It remains essential, for instance, that, ten years after the Srebrenica massacre, General Ratko Mladic, the commander of Serb forces, and Radovan Karadzic, the Bosnian Serb wartime political leader, are arrested and transferred for trial in The Hague.

The EU will continue to work closely with the Bosnian authorities, and with the high representative for Bosnia, Lord Ashdown, who is also the EU special representative. The objective is to consolidate peace and democracy and to ensure the political, administrative and economic reforms necessary for the country's progress towards European integration. Under Ireland's EU Presidency, the Council adopted European partnerships for Bosnia and Herzegovina and for the other countries of the western Balkans, which draw on the experience of the latest enlargement process and identify specific areas of reform for further movement in the integration process. The June 2004 European Council also adopted a com-

prehensive policy on Bosnia and Herzegovina outlining the practical arrangements to strengthen the coherence and effectiveness of the EU's involvement in Bosnia.

The EU involvement developed further with the launch on 2 December 2004 of the EU force in Bosnia, Operation Althea. This EU military crisis management mission, which is authorised by the UN Security Council, follows on from the NATO-led peacekeeping force SFOR. The Defence Forces have deployed 53 personnel to the operation, most of whom are serving as part of the Finnish-led multinational task force north, based in Tuzla. The EU force is working alongside the European Union Police Mission in Bosnia to ensure peace and stability, to assist the Bosnian authorities in tackling organised crime and to improve border security and restructure the Bosnian state security services.

The head of the police mission is Assistant Garda Commissioner Kevin Carty. The Tánaiste and Minister for Health and Children, Deputy Harney, visited Bosnia on 19 and 20 March to meet with Irish military and police personnel serving in Bosnia and with members of the Irish community working with Bosnian and international organisations in the country. She expressed the deep appreciation of the Government and people of Ireland for their work in support of the consolidation of a multi-ethnic and democratic society.

*Question No. 44 answered with Question No. 22.*

45. **Mr. P. Breen** asked the Minister for Foreign Affairs if he will report on the political, humanitarian and security situation in Iraq; and if he will make a statement on the matter. [13501/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Following the elections of 30 January, a lengthy process of negotiation between the parties to form the new Iraqi transitional government seems now to be coming to a conclusion. Earlier this month, Kurdish leader Jalal Talabani was nominated as President of Iraq, and Ibrahim Jafaari of the United Iraqi Coalition, the leading Shia grouping, was named as Prime Minister. Further negotiations have continued over the division of ministerial portfolios and the programme for the new government and it is reported this morning that yesterday the national assembly approved the nominations to most ministerial posts. The remaining ministries are expected to be filled shortly. The interim Iraqi Government of Mr. Allawi, which was appointed in June 2004, will then be succeeded by the transitional Iraqi Government under Mr. Jafaari.

This will represent an important milestone on the path to political reconstruction of Iraq mapped out in UN Security Council Resolution 1546 of June 2004. It will also be the first time that Iraqis have had a government freely chosen

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by themselves. The transitional government and national assembly have challenging work ahead of them in rebuilding an effective administration and drawing up a new constitution for Iraq.

They also face a critical challenge in overcoming the very difficult security situation. While there have been some reports of an overall lessening of the number of attacks, it is clear that violence and murders continue in many areas of the country. Much of the violence seems now to consist of sectarian attacks on Shia communities, intended to provoke the Shia population into retaliation against the Sunni minority. Attacks are also directed against Iraqis who are trying to play a part in the rebuilding of their country, in the security forces or the administration. Yesterday Ms Lamia Khadouri, a member of the new national assembly, was murdered. The development of effective Iraqi security forces will be the key not only to providing security for Iraqis but to establishing the conditions which will enable the Iraqi Government to do without the assistance of the multinational forces currently in Iraq.

Establishment of security for Iraqi citizens, rebuilding of government services such as education, health services and sanitation, and the return of displaced persons to their homes are the main humanitarian issues facing Iraq at present. The continuing violence, including attacks on aid workers, is greatly hampering international and Iraqi efforts to tackle these problems.

The External Relations Council on 25 April looked forward to the early formation of the Iraqi transitional government and restated the EU's willingness to assist Iraq in the process of political and economic reconstruction.

#### **International Relations.**

46. **Ms Burton** asked the Minister for Foreign Affairs his views on the ongoing deterioration in Chinese-Japanese relations; the discussions he has contributed to at international and European level in this regard; and if he will make a statement on the matter. [13544/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I have followed with concern the reports of recent tensions between China and Japan. Our embassies in Beijing and Tokyo continue to monitor the political situation in both countries and the wider region. We have made our concerns known to the authorities in Beijing and Tokyo.

I therefore welcome the recent bilateral meeting which took place between the Chinese President, Mr. Hu Jintao, and the Japanese Prime Minister, Mr. Junichiro Koizumi, in the margins of the Asia-Africa summit in Jakarta on 23 April. After their meeting, both leaders are reported to have conveyed their desire to resolve the difficulties. It is to be hoped that both countries will continue to work to resolve these matters through constructive dialogue.

#### **Human Rights Issues.**

47. **Ms B. Moynihan-Cronin** asked the Minister for Foreign Affairs his views on the initiatives and efforts being made by US Senator Edward Kennedy regarding the treatment of 292 Montserratians resident in the United States whose temporary protected status has recently been rescinded; and if he will make a statement on the matter. [13546/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** In a reply in the House on 8 March 2005, I said that Senator Kennedy, joined by Senators John Kerry and Charles Schumer, had written to President Bush to urge a reversal of the decision by the US Department of Homeland Security to terminate the temporary protected status granted to 292 refugees from Montserrat allowing them to reside in the US. This status was granted following the major volcanic eruption in 1997 which destroyed much of the island of Montserrat. Senator Schumer had also sponsored a Senate Bill to provide relief for the Montserrat group and a similar measure has been introduced in the House of Representatives.

The US Department of Homeland Security maintains that the conditions in Montserrat no longer meet the criteria for temporary protected status. They state that one of the criteria for this status, on the basis of natural disaster, is that both the disruption of living conditions and a country's inability to accept the return of its nationals be temporary in nature. The Department of Homeland Security refers to scientific estimates that there is a 50% chance that the volcanic activity in Montserrat will continue for another 14 to 15 years and may continue for decades. Its position is that the situation in Montserrat is, therefore, not temporary and that the temporary protected status of the 292 persons in question ended on 27 February 2005. The Department of Homeland Security points out that not all of these persons are subject to early removal from the US, as some will continue to benefit from other non-immigrant status. They also point out that people from Montserrat are eligible to apply for British citizenship based on their status as British overseas territory citizens.

I understand that the current position is that efforts to secure a deferral in any enforced departures amongst the Montserrat group continue to be made. Any decision on this is, of course, a matter for the US authorities but, as I have previously said, we very much appreciate the humanitarian impulse underlying the initiative taken in this case by Senator Kennedy and his colleagues.

#### **Nuclear Disarmament Initiative.**

48. **Mr. McGinley** asked the Minister for Foreign Affairs if progress has been made in dealing with North Korea and the proliferation of nuclear

weaponry; and if he will make a statement on the matter. [13506/05]

**Minister for Foreign Affairs (Mr. D. Ahern):**

The issue of the nuclear programme of the Democratic People's Republic of Korea, DPRK, is kept under close and regular scrutiny within the European Union. There are, however, very few sources of reliable and independent information concerning its nature.

The DPRK's nuclear programme is being addressed within the framework of the six party talks, SPT, process involving China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States. Three rounds of talks have taken place to date but the process is currently stalled.

However, on 10 February 2005, the DPRK announced that it has produced and now possesses nuclear weapons and that it is to suspend its participation in the SPT for an indefinite period.

On 24 April, the DPRK authorities announced that they were steadily strengthening their nuclear arsenal. The international community has expressed serious concern at these latest developments and intensive diplomatic efforts to convince the DPRK to return to the talks process are underway. Mr. Christopher Hill, the recently appointed head of the East Asia and Pacific Affairs Bureau of the US State Department, is currently in the region where he is conducting talks with the key parties on the issue.

The DPRK was the subject of discussion most recently at the meeting last month of the IAEA board of governors in Vienna. The EU strongly condemned the DPRK's announcement of 10 February 2005 and again urged it to completely dismantle any nuclear weapons programme in a prompt, transparent, verifiable and irreversible manner. The EU also indicated its support for the efforts of the IAEA director general to enter into dialogue with the DPRK with a view to restoring the verification role of the IAEA.

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

Ireland, together with our partners in the EU, supports the SPT process and urges the DPRK to co-operate with the international community to find a solution to the nuclear issue. While not directly involved in these talks, the EU has

availed of every opportunity to confirm the Union's willingness to contribute to the international efforts to move matters forward. The Union has also indicated its readiness to consider enhanced co-operation with the DPRK if the present difficult situation can be resolved in a satisfactory manner.

**State Airports.**

49. **Mr. O'Shea** asked the Minister for Foreign Affairs if he will report on any discussions he has had with the US authorities regarding the reported continued use of Shannon Airport by US aircraft alleged to have been involved in the illegal transfer of prisoners from other jurisdictions; and if he will make a statement on the matter. [13562/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my reply to Questions Nos. 152 of 2 February 2005, 94 of 8 March 2005 and 214 of 22 March 2005 regarding the alleged illegal use of Shannon Airport for the transit of US prisoners. This matter has been raised in discussions with the US authorities. They have confirmed that they do not use Irish airports for this purpose and that they will not seek to use Irish airports for prisoner transit without seeking the authorisation of the Irish authorities.

**Foreign Conflicts.**

50. **Mr. Hogan** asked the Minister for Foreign Affairs the political situation in the Democratic Republic of the Congo; and if he will make a statement on the matter. [13499/05]

**Minister for Foreign Affairs (Mr. D. Ahern):**

The political situation in the Democratic Republic of the Congo continues to be characterised by slow progress towards completion of the transition process. The major priority remains the holding of national elections later this year, as scheduled under the 2002 Sun City peace accords. A number of major legislative reforms, including drafting of a national constitution, still remain to be completed if elections are to take place, in accordance with the scheduled timeframe. The peace accords provide for the elections to be deferred for up to one year, if necessary.

Substantial international support will be required for the holding of these elections, which it is estimated could cost up to almost US\$300 million to hold. The EU has already committed itself to provide some €85 million in electoral assistance and Ireland, in principle, is prepared to consider making a contribution in support of the electoral process, once we have greater clarity as to the timing of the elections. A decision will also be taken closer to the elections as to whether the EU will participate in an electoral observer mission in the DRC, though notionally this is something which Ireland would strongly support.

The continued existence of armed militias in eastern DRC also needs to be confronted if the



[Mr. D. Ahern.]  
 transition process in the DRC is to be successfully completed. MONUC is performing a vital role in seeking to reduce the threat posed by these militias and deserves the full support of the international community for its efforts, in conjunction with the DRC Government, to establish peace and security in the troubled eastern region. The strong and effective action, which MONUC is now taking to confront armed militias in the Ituri region, is welcome. The EU has made clear its willingness to assist the UN in the reinforcement of MONUC's capabilities to enable it to carry out its essential tasks.

Disarmament efforts in eastern DRC have also been greatly assisted by the decision of the Democratic Forces for the Liberation of Rwanda, FDLR, armed group to abandon violence and engage in a process of voluntary disarmament and repatriation to Rwanda. I very much welcome its statement of 31 March 2005 in which it expressed regret for the 1994 genocide in Rwanda and acknowledged the crimes committed at that time. The DRC and Rwandan Governments should now co-operate closely with MONUC and the FDLR to ensure that this important initiative, which provides for the FDLR disarming and returning voluntarily to Rwanda by the end of June, succeeds.

The transitional national government in Kinshasa has, of course, primary responsibility for re-establishing peace and security and effectively exercising its own authority throughout the DRC. Greater efforts are called for by the DRC Government in accelerating the creation of an integrated national army and police force and supporting the process of disarmament, demobilisation and reintegration, DDR, if a secure environment is to be created for the holding of national elections later this year. The EU is actively collaborating with the transitional national government in supporting the process of security sector reform in the DRC, including through deployment of the new EUPOL mission, which will offer advice and mentoring to the integrated police unit, IPU, in Kinshasa, which the EU has helped establish. Ireland has contributed €75,000 towards the costs of establishing the IPU.

The EU will also shortly deploy a second mission, EUSEC DRC, comprising a small planning team to advise key government ministries in the DRC on all issues related to security sector reform. The EU is also providing substantial financial support for the process of disarmament, demobilisation and reintegration, DDR, in the DRC. Ireland and its EU partners also remain active in ensuring that international attention continues to focus on the serious situation regarding observance of human rights in the DRC.

The EU played a key role in securing agreement on a consensus resolution adopted at the UN Commission for Human Rights in Geneva last week which condemns the ongoing serious

violations of human rights throughout the DRC and calls upon the transitional national government to do all that it can to end impunity as well as to co-operate fully with the ongoing International Criminal Court investigation into serious human rights violations carried out in the DRC since 1 July 2002.

### Human Rights Issues.

51. **Mr. Broughan** asked the Minister for Foreign Affairs the progress at European Union level he has made with regard to ending persecution of Falun Gong practitioners in China; the approaches which have been made to Chinese authorities with a view to ending this persecution; and if he will make a statement on the matter.

[13591/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** As stated previously on many occasions, the Government continues to take concerns about human rights in China very seriously. We have an ongoing dialogue with the Chinese authorities at both national and European Union level. Human rights issues are on the agenda of all bilateral meetings with senior Chinese leaders.

The EU-China human rights dialogue, established in 1996, is the agreed formal framework through which the EU raises its concerns about individual human rights cases, including those of Falun Dafa practitioners, and more general issues, such as the protection of freedom of religion and expression, which have a particular impact on practitioners of Falun Dafa. The 19th round of the EU-China human rights dialogue took place in Luxembourg on 24 and 25 February 2005. At that meeting, the EU raised strong concerns about the persecution of persons on grounds of their peaceful expression of belief, in particular members of Falun Dafa. The EU also raised the cases of a number of Falun Dafa practitioners with the Chinese representatives.

During his recent visit to China, from 17 to 22 January 2005, the Taoiseach discussed a wide range of issues, including human rights, with the Chinese Premier Wen Jiabao. The Taoiseach stressed the importance that the Government attaches to China's continued progress in this area. The possibility of developing bilateral co-operation on furthering human rights norms was raised with the Chinese side.

The Taoiseach also had a useful exchange with the Chairman of the National People's Congress, Mr. Wu Bangguo, on the Chinese Government's efforts to promote human rights and the rule of law. Chairman Wu looked forward to Irish and Chinese parliamentarians continuing this dialogue at various meetings scheduled to take place during the course of this year. Discussions on human rights issues also took place at official level during the course of the Taoiseach's visit. Together with our EU partners, the Government will continue to encourage the Chinese auth-

orities to respect fully the human rights of all citizens.

*Question No. 52 answered with Question No. 25.*

### **Overseas Development Aid.**

53. **Mr. Ring** asked the Minister for Foreign Affairs the steps being taken by Ireland at international level to support the millennium development goals; and if he will make a statement on the matter. [13488/05]

97. **Mr. M. Higgins** asked the Minister for Foreign Affairs the progress which has been made to date by the constituent members of the European Union in their respective reviews of their commitments to the world millennium development goals; the progress the Government has made in honouring the commitment solemnly made in September 2000 in this regard, which was recently broken; if there is now a proposal to honour this promise made to the world's poorest; the likely date of publication of the Irish review; and if he will make a statement on the matter. [13566/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 53 and 97 together.

Ireland attaches the greatest importance to the achievement of the eight millennium development goals, the so-called MDGs. The United Nations Secretary General will conduct the first major review of progress towards the implementation of the goals in September of this year. In preparation for this review, in January the UN Millennium Project — an independent advisory body, commissioned by the UN Secretary General and led by Professor Jeffrey Sachs — presented its report, *Investing in Development; a Practical Plan to Achieve the Millennium Development Goals*.

Kofi Annan drew on this report in preparing his own report, *In Larger Freedom: Towards Development, Security, and Human Rights for All*, published in March, in which he has carefully crafted a package of policy commitments and institutional reforms that the world's leaders could adopt in September. The package deals with the interlinked issues of terrorism, weapons of mass destruction, genocide and civil war, as well as extreme poverty, endemic disease and climate change. In order to end extreme poverty and achieve the MDGs, Mr. Annan calls on the international community to implement existing commitments on ODA levels, debt and trade, made at the Millennium Summit and at the Monterrey Conference of 2002.

Ireland will play an active role in the lead up to the September review conference. The Minister for Foreign Affairs has been asked by Secretary General Annan to act as one of his personal envoys to build the necessary support among countries in our own region and to ensure

that the September high level meeting restores momentum to the achievement of the MDGs and a strengthened United Nations system.

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 consideration at present. I have recently launched a consultative process that will lead to a White Paper on development co-operation and I look forward to receiving views from all interested groups and members of the public on this and other issues.

As the world's largest aid donor, the EU has a major role to play in the achievement of the MDGs and Ireland will continue to work to ensure that the EU provides strong leadership in moving towards their implementation. Together with our EU partners, we are currently considering proposals for a consolidated EU contribution to the MDG review at the UN high level event in September. These proposals cover the broad headings of financial resources, policy coherence and Africa, which are the three priority areas already identified by the council. One of the proposals is for a new interim ODA volume target that would significantly increase the overall EU contribution by 2010.

Within the EU, Ireland will press for greater emphasis on linking increased ODA levels with improved aid quality. We also support the goal of 100% debt cancellation for the heavily indebted poor countries, on the basis of additional donor resources. This could release vital resources to help those countries achieve the MDGs.

We fully endorse the focus in the Secretary General's report on the needs of least developed countries and in particular the countries of sub-Saharan Africa, where our national development co-operation programme is centred. Some 85% of our bilateral programme country assistance is spent in that region.

We will continue to prioritise the fight against HIV/AIDS. Ireland's total expenditure for HIV/AIDS work is of the order of €50 million this year, channelled through bilateral, multilateral and non-governmental programmes. We will urge our EU partners that tackling the AIDS epidemic must be done at national level and that it requires a well resourced, longer term, comprehensive attack on poverty, as well as adequate financial resources for HIV/AIDS work.

I firmly believe that every country is responsible for its own development and for the welfare and the well being of its citizens. A key lesson from Ireland's own development experience is the importance of the role of government. Progress towards the goals will only be possible if primary responsibility is assumed by developing countries themselves. Ireland's approach to the implementation of the goals is in conformity with the recommendations of the Secretary General's report.

*Question No. 54 answered with Question No. 36.*

*Question No. 55 answered with Question No. 8.*

### State Airports.

56. **Mr. Cuffe** asked the Minister for Foreign Affairs if he foresees any circumstances by which the Government's position on assisting US forces participating in the war in Iraq by way of the Shannon stopover would change; and if he will make a statement on the matter. [13679/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government has on numerous occasions set out its policy on the use of Shannon Airport by the US military, a long standing arrangement that has been going on for more than 50 years.

In particular, a comprehensive debate on this matter took place in Dáil Éireann on 20 March 2003. During the debate, the Government outlined the various political, diplomatic, legal and other considerations which determine its policy in this area. At that time, and following an extensive discussion of the issues, Dáil Éireann voted to support the Government decision to maintain the customary arrangements at Shannon Airport. US troops currently transiting Shannon *en route* to Iraq are serving in a multinational force, which is operating under UN Security Council authorisation. The Security Council has called on member states to assist the multinational force in carrying out its mandate.

*Question No. 57 answered with Question No. 22.*

*Question No. 58 answered with Question No. 12.*

### Overseas Development Aid.

59. **Ms Shortall** asked the Minister for Foreign Affairs if he will make a statement on the work to date of the Government's special envoy for the tsunami. [13557/05]

79. **Mr. McCormack** asked the Minister for Foreign Affairs the level of support being given by the Government to the countries affected by the December 2004 tsunami in Asia; and if he will make a statement on the matter. [13496/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 59 and 79 together.

Ireland was one of the first countries to respond to the tsunami disaster by pledging €1 million within the first few hours. This pledge was increased to €10 million when the scale of the disaster became clear. The Minister for Foreign Affairs, Deputy Dermot Ahern, visited the affected region in early January. He travelled with the heads of Concern, GOAL, the Red Cross and Trócaire and pledged a further contri-

bution, doubling Ireland's pledge to €20 million, in order to address recovery and reconstruction as well as immediate needs. This is the largest single pledge by Ireland in response to a humanitarian emergency.

To date, €11.3 million has been committed in response to meeting the immediate needs of people in the aftermath of the disaster. This funding has been provided to a range of non-governmental organisations, NGOs, including Concern, GOAL, Oxfam Ireland and Trócaire. Ireland has also assisted United Nations agencies and the Red Cross family. Much of Ireland's funding has focused on immediate response and relief activities, including the provision of food and essential non-food items, such as cooking utensils and shelter. Assistance has also been directed to basic health services, shelter and hygiene assistance.

The emergency phase of the tsunami relief operations has ended. The reconstruction planning and implementation tasks ahead are enormous. We are examining recovery and reconstruction plans, which will provide an opportunity to assist the affected populations in the rebuilding of their lives and livelihoods. Ireland will continue to support NGOs and UN agencies for their ongoing engagement in the affected region, including in particular the sectors recommended by the technical mission from my Department, which visited the region on a number of occasions. These sectors include support for housing and other infrastructure, livelihood regeneration — particularly fishing and tourism — and associated infrastructure and capacity building at local and national levels. Peace building initiatives will also be examined with a view to support.

It is essential that the international pledges are met and that the funds contributed are used in the most effective way possible. Transparency and accountability in the delivery of reconstruction assistance are key to a successful outcome. The European Union will have an important role to play in the reconstruction of the region. Ireland fully supports and was instrumental in shaping the EU action plan to improve its response to the tsunami and similar crises. In this context, we are examining the civil protection capacity of Ireland to respond to this and other future such disasters.

Deputies will be aware that a special envoy has been appointed for the tsunami affected region. The envoy, former Minister of State and current chairman of the advisory board for Development Co-operation Ireland, Mr. Chris Flood, has made two visits to the affected countries. He recently returned from a visit to Sri Lanka and Thailand. During his visit to Thailand, he laid a wreath at the memorial site for those who lost their lives in the tsunami. During his visits, the envoy met a wide range of organisations and individuals, including senior government representatives. He also met NGOs, UN agencies, representatives of local communities and local authorities. The

envoy's mandate is to oversee the disbursement of Ireland's assistance and to ensure it is done in line with best international practice and meets the needs of the most affected.

Ireland remains closely engaged with ongoing developments on the aid effort in the tsunami affected countries. My officials are visiting the region on an ongoing basis, ensuring that effective monitoring of funding and project roll out is taking place. We are in constant liaison with all stakeholders including our partners in the NGOs, UN and international agencies. This engagement will need to be maintained into the medium term and we will do so.

*Question No. 60 answered with Question No. 39.*

### **Human Rights Issues.**

61. **Mr. Gogarty** asked the Minister for Foreign Affairs the concrete, systemic changes in China which can be attributed to the existence of the EU-China human rights dialogue; and if he will make a statement on the matter. [13681/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** As stated previously on many occasions, the Government continues to take concerns about human rights in China very seriously. We have an ongoing dialogue with the Chinese authorities at both the national and the European Union level. Human rights issues are on the agenda of all bilateral meetings with senior Chinese leaders.

The EU-China human rights dialogue, HRD, established in 1996, is the agreed formal framework through which the EU raises its concerns with China about individual human rights cases and more general issues, such as the protection of freedom of religion and expression. The EU carried out an evaluation of the HRD in 2004. On 11 October 2004, the External Relations Council welcomed this evaluation and agreed that a positive trend could be observed, in terms of improvements in the rule of law and respect for economic rights as well as the decline in influence of the state on the daily life of citizens in China. The Council acknowledged that China had made considerable progress over the past decade in its socioeconomic development and economic freedom for ordinary citizens. It also welcomed steps taken by China towards strengthening the rule of law and moves to enhance co-operation with UN human rights mechanisms.

However, the Council expressed concern about continuing violations of human rights, such as freedom of expression, freedom of religion and freedom of assembly and association. The Council deplored the continued widespread application of the death penalty, as well as the persistence of torture. The Council also noted the scope for improving concrete outcomes of the dialogue and, in this regard, endorsed a number of recommendations regarding the modalities of the dialogue, including enlarging the scope of

participation and increasing coherence between dialogue and seminars.

The most recent round of the HRD took place in Luxembourg on 25 and 25 February 2005. The EU deemed this an open and constructive dialogue. In line with China's undertaking to upgrade its presence at the HRD, China was represented on that occasion at director-general level.

A number of concrete and positive first steps have taken place in China recently. In addition to the inclusion of a specific clause on human rights in the Chinese constitution, another noteworthy constitutional amendment in 2004 was the insertion of a constitutional clause stating that private property is inviolable. China has also recently announced that it will undertake reform of its death penalty review system, which will allow its supreme court to review all cases where the death penalty is imposed.

In 2001 China ratified the International Covenant on Economic, Social and Cultural Rights and, in 2003, in line with reporting requirements under the covenant, it submitted its first report to the Committee on Economic, Social and Cultural Rights. The report is due to be considered by the committee in May 2005. Together with our EU partners, the Government will continue to encourage the Chinese authorities to respect fully the human rights of all citizens.

*Question No. 62 answered with Question No. 22.*

### **International Terrorism.**

63. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs the progress being made on the implementation of the EU plan of action on combating terrorism; and if he will make a statement on the matter. [13491/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The EU plan of action on combating terrorism underwent the first of its regular six monthly reviews at the European Council last December. At that time the Council noted that significant progress had been achieved in the short time since the plan's adoption. The plan is structured around seven strategic objectives and advances were made under each heading. In particular, there was closer co-operation between the EU and the United Nations, and the EU and the United States, and improvements were made in the capacity of Europol, Eurojust and the police chiefs task force to combat terrorism. Further advances included the work on the European Borders Agency, which is due to start operations on 1 May 2005, and the strengthening of civil capacity against terrorism, including a cross-border contingency programme and an assessment of the implications of radicalisation and recruitment to terrorism. As regards external relations, the Council noted the stepping up of counter-terrorist co-operation with select priority

[Mr. D. Ahern.] countries with particular regard to political dialogue, information exchange and technical assistance.

The Dutch Presidency gave a particular focus to the EU's actions in the fight against the financing of terrorism. A successful seminar involving police and judicial authorities on terrorist financing was held in The Hague in September of last year. Further work within the Council led to the adoption of a detailed and comprehensive review of EU action in the fight against terrorist financing in December.

As the plan will be reviewed every six months it would be premature at this stage to anticipate the conclusions the Council will draw in June with regard to its implementation. We can, however, note some of the important developments that have taken place since the last review. The Luxembourg Presidency has maintained a focus on the financing of terrorism and has reviewed the EU's procedures on the freezing of assets and the application of financial sanctions. An official level seminar in New York examined how the EU's sanctions mechanisms can become better aligned with those of the United Nations and how both can become better targeted and more effective.

In the broader international context, the second EU-Gulf Co-operation Countries, GCC, seminar on the financing of terrorism was held in Abu Dhabi earlier this year. This unique forum provided an opportunity for the two organisations to reaffirm their shared commitment to tackle terrorist financing and also for key actors to share their experiences and brief each other on developments in the EU and the GCC. Events such as these are fully in keeping with the objectives of the plan of action to deepen the international consensus and enhance international efforts to combat terrorism.

From Ireland's point of view a very important development is the enactment of the Criminal Justice (Terrorist Offences) Act on 8 March last. This legislation permits implementation of the framework decision on combating terrorism, one of the plan's specific actions that Ireland has yet to fulfil. The Act also provides for Ireland's ratification of the remaining international conventions and protocols related to terrorism, including the International Convention for the Suppression of the Financing of Terrorism. Twelve such conventions and protocols exist and all EU member states are committed to their ratification in the plan. The conclusions of the European Council next June will give a fuller picture of the progress being made on the plan's implementation.

*Question No. 64 answered with Question No. 22.*

#### **European Council Meetings.**

65. **Mr. Sargent** asked the Minister for Foreign

Affairs if he will report on the April 2005 meeting of the General Affairs and External Relations Council in Luxembourg; and if he will make a statement on the matter. [13684/05]

#### **Minister for Foreign Affairs (Mr. D. Ahern):**

The General Affairs and External Relations Council met in Luxembourg on 25 April. In the general affairs part of the meeting, we discussed the future financial perspectives for the period from 2007 to 2013. We have entered an intensive phase of this very important negotiation. Ministerial conclaves have been scheduled for the eve of the May and June General Affairs and External Relations Councils. The Luxembourg Presidency is organising work with a view to the reaching of a successful conclusion to the negotiations at the European Council in June.

However, it is not yet clear whether there will be sufficient political will to make agreement possible within that timeframe. At the Council on 25 April there was a particular focus on cohesion policy. I emphasised our continued support for generous cohesion arrangements for the poorest member states, including in particular for our new partners. At the same time, I argued that our own regions should continue to receive appropriate assistance. I also used the occasion to stress once again that the October 2002 agreement on the financing of the Common Agricultural Policy must be respected.

Under the external relations agenda, the Council discussed a wide range of issues and adopted conclusions on the European neighbourhood policy, the Great Lakes, Iraq, Lebanon, the Middle East peace process and the western Balkans. Following the Council, the accession treaty to allow Bulgaria and Romania to become members of the European Union was signed by all EU member states and by Bulgaria and Romania. I and the Minister of State with responsibility for European affairs signed on behalf of Ireland. Before attending the Council, the Minister of State with responsibility for European affairs attended a meeting of the Oireachtas Joint Committee on European Affairs for a detailed exchange of views on the agenda items, and my Department subsequently sent to the committee a copy of the Council's conclusions. These are also available on the Internet at [www.consilium.eu.int](http://www.consilium.eu.int).

#### **Middle East Peace Process.**

66. **Mr. O'Dowd** asked the Minister for Foreign Affairs if he has had recent contact with the Palestinian or Israeli Governments with regard to the renewed attempts to achieve a Middle East peace settlement; and if he will make a statement on the matter. [13517/05]

#### **Minister for Foreign Affairs (Mr. D. Ahern):**

The Government is in regular and ongoing contact with the Palestinian and Israeli Governments through diplomatic channels. I was fortunate to

be able to meet the Palestinian Minister for Communications, Sabri Saidam, at the EuroMed ICT ministerial meeting in Dundalk earlier this month. I hope to travel to the region later this year and to meet my Israeli and Palestinian counterparts and other senior representatives. I will also be attending the EuroMed ministerial meeting in Luxembourg on 30-31 May, where I hope to meet Foreign Ministers from Israel, Palestine and the wider region to review progress in the peace process.

*Question No. 67 answered with Question No. 7.*

### **Emigrant Support Services.**

68. **Mr. Kehoe** asked the Minister for Foreign Affairs the number of recommendations of the task force on emigrants that have been implemented; and if he will make a statement on the matter. [13483/05]

100. **Mr. Sherlock** asked the Minister for Foreign Affairs the progress to date with regard to implementation of the recommendations of the report of the task force on policy regarding emigrants; and if he will make a statement on the matter. [13564/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 68 and 100 together.

The task force on policy regarding emigrants produced a very good report with wide ranging conclusions, covering the full range of emigrant needs. Its recommendations were far reaching and varied and the implementation of some of these will be, by necessity, on a phased basis over a number of years. Considerable progress has already been made, with action under way on over two thirds of its recommendations. A great many of the recommendations in the report relate to issues of continuing importance which will require ongoing action from all partners in the Government and the voluntary sector, in Ireland and abroad.

Funding for emigrant services has been rising significantly in recent years. Indeed, since 1997 funding from the Department of Foreign Affairs and grants from the DION fund for emigrant welfare in Britain have increased by some 850%. I was delighted to secure €8.27 million for 2005, an increase of 63% on the 2004 amount. The task force report, which provides a valuable framework for progress, stresses that help should go first and foremost to the vulnerable, the elderly and the marginalised. The increased funding being made available by my Department this year, the vast majority of which will again be directed to organisations providing frontline services to these vulnerable emigrants, will make a huge qualitative and quantitative difference. These organisations are active across the range of critical areas identified by the task force, includ-

ing pre-departure services and frontline advice and counselling to our community living abroad.

The Irish abroad unit is promoting progress on initiatives which build on the task force report. Officials of the unit have had a wide range of meetings in Ireland with Departments and agencies that have a role in the provision of services to emigrants. They have also had meetings with organisations that provide frontline services to Irish people throughout Britain and the US, including with groups supporting Irish people identified by the task force as being in need of special attention and assistance, such as older emigrants, Travellers and undocumented Irish people in the US.

Close and ongoing exchanges of this type ensure that those in the voluntary sector engaged in the provision of services to our emigrants have an effective channel of communication to the Government. In this way, we can ensure that the needs of our emigrants continue to be accorded the highest priority and that our response is effective and is developed further in the period ahead.

*Question No. 69 answered with Question No. 35.*

### **Human Rights Issues.**

70. **Mr. Broughan** asked the Minister for Foreign Affairs the discussions to which he was party at international or European level regarding the ongoing persecution and murder of the indigenous peoples of the Sierra Nevada de Santa Marta in northern Colombia, including the Kankuamo; and if he will make a statement on the matter. [13590/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I have not been directly involved in such discussions. However, the Government is aware of the human rights abuses suffered by the indigenous communities in Sierra Nevada de Santa Marta in northern Colombia. While we do not maintain a resident embassy in Colombia, the embassies of our EU partners in Bogota cooperate closely with the local offices of the UN system in monitoring the situation of these communities and bringing issues of concern to the attention of the government of Colombia. In August 2004, the Office of the High Commissioner for Human Rights strongly condemned the killing of a leader of the Kankuamo, Freddy Arias.

Representatives of the Kankuamo indigenous group, who are one of the indigenous groups residing in Sierra Nevada de Santa Marta, met with officials from the Department of Foreign Affairs in Dublin on 20 April 2005. They spoke about the human rights violations committed against members of their community during the course of the current conflict in Colombia. They have brought this situation to the attention of the government of Colombia, the Organization of American States and the United Nations.

[Mr. D. Ahern.]

The Kankuamo representatives also pointed out that the government of Colombia is currently developing a number of large scale projects in the area where the Kankuamo live, such as dams and a large tourist infrastructure project. They stated that these projects are also leading to displacement of Kankuamo people without the Colombian Government engaging in prior consultation or negotiation with them. The Kankuamo representatives urged Ireland and the EU to consider the effects on indigenous people if the question of financial assistance to such projects is raised and to press for consultations between the government and the Kankuamo people.

At the 61st session of the United Nations Commission on Human Rights, which concluded last week in Geneva, Ireland supported two resolutions on human rights and indigenous issues. Ireland also worked actively for the inclusion of strong language on the situation of indigenous groups in Colombia in the chair's statement on the situation of human rights in Colombia adopted by the commission. The final statement deplored the continuing violence against indigenous groups and violations of their economic, social and cultural rights.

Furthermore, the statement encouraged the Colombian Government to take special and urgent measures to avoid the forced displacement of indigenous communities. It also appealed to the illegal armed groups to respect the identity and integrity of the indigenous communities. This appeal is particularly relevant to the situation of the Kankuamo, as in recent months they appear to have suffered particularly at the hands of the right wing paramilitary group AUC which purports to be committed to peace negotiations with the government of Colombia.

71. **Ms O'Sullivan** asked the Minister for Foreign Affairs if his attention has been drawn to the violent attacks made by Turkish riot police on a number of Turkish women and their supporters gathered to mark International Women's Day on 6 March 2005; if he has made any representations to the Turkish authorities on this matter; his views on whether such treatment of its citizens is appropriate for a country seeking membership of the EU; and if he will make a statement on the matter. [13555/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I strongly condemn the level of force used by Turkish police against women and young people demonstrating in Istanbul on 6 March to mark International Women's Day. The violence used by the police was unacceptable and it was immediately condemned by the European Union.

At the EU-Turkey Troika ministerial meeting which was held in Ankara the following day, Foreign Minister Asselborn of Luxembourg, representing the EU Presidency, raised the matter directly with Foreign Minister Abdullah Gl. He

asked that the Turkish authorities carry out an investigation into the handling of the policing of the demonstration to ensure that there is no recurrence of this type of police behaviour. The matter was also raised by the EU this week, at a meeting of the EC-Turkey Association Council in Luxembourg on 26 April. I welcome the commitment of the Turkish Government to the completion of an inquiry into the events in Istanbul and I understand that a number of police officers have been suspended pending the outcome.

Turkey has made progress in legislating for human rights reforms in recent years, including legislation to protect women's rights, freedom of expression and freedom of assembly. The December 2004 European Council decided that Turkey sufficiently fulfilled the Copenhagen political criteria to enable the opening of accession negotiations on 3 October 2005. The pace of these negotiations will depend in large part on progress in the implementation of Turkey's wide ranging reform programme.

In all contacts with the Turkish Government, Ireland and our partners in the EU will continue to emphasise the importance of active implementation of the reforms which have been legislated for. The EU will continue to highlight the need for further work in a number of areas, including women's rights, freedom of expression, freedom of assembly and freedom of religion.

72. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the representations made by him to the Spanish Government over the continued banning of democratic Basque political parties, including Batasuna and Aurkera Gustiak, intended to prevent them from contesting the recent regional elections in the Basque country. [13627/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I have made no representations to the Spanish Government on this matter. EU member states unanimously decided on 5 June 2003 to include Batasuna, and its aliases Herri Batasuna and Euskal Herritarrok, on the EU list of terrorist organisations. In taking this decision, the Council was satisfied that Batasuna was a terrorist organisation and that it was an alias of ETA, which itself has been on the EU list of designated terrorist organisations since 27 December 2001. As I understand it, ETA remains engaged in a campaign of violence and neither ETA nor Batasuna has committed itself to peaceful and democratic means of pursuing its objectives.

The list of designated terrorist organisations is reviewed by member states regularly to ensure that the grounds for an organisation's inclusion remain valid. I can assure the Deputy that the relevant bodies within the Council have considered the status of Batasuna carefully, taking into account all available information, and are satisfied that there is a sufficient basis to conclude

that the organisation meets the criteria for designation.

Before its designation by the EU, Batasuna was proscribed in Spain following a vote of the Spanish Parliament on 26 August 2002 and a decision of the Spanish Supreme Court on 17 March 2003. As a proscribed organisation, it was not permitted to participate in the regional elections which were held in the Basque country on 17 April 2005.

The Spanish courts also banned Eukera Guztiaik from participating in the elections on grounds of clear connections with Batasuna. However, a newly formed party, EHAK, which was endorsed by Batasuna, was permitted to campaign and won nine seats in the regional parliament.

*Question No. 73 answered with Question No. 39.*

*Question No. 74 answered with Question No. 7.*

*Question No. 75 answered with Question No. 15.*

*Question No. 76 answered with Question No. 8.*

*Question No. 77 answered with Question No. 27.*

*Question No. 78 answered with Question No. 15.*

*Question No. 79 answered with Question No. 59.*

#### **Northern Ireland Issues.**

80. **Mr. Rabbitte** asked the Minister for Foreign Affairs if he has raised with the Secretary of State for Northern Ireland the opening of the public inquiry into the murder Ms Rosemary Nelson; the Government's position regarding the inquiry; the Government's views on the adequacy of this inquiry; and if he will make a statement on the matter. [13539/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government welcomes the fact that the inquiry into the murder of Rosemary Nelson and the subsequent police investigation into her death opened on 19 April last, in line with the recommendations of Judge Peter Cory. Her case was one of those examined by Judge Cory as a result of the agreement reached at Weston Park in 2001 between the Irish and British Governments.

The setting up of the inquiry has been the subject of ongoing discussions between officials of both Governments and between myself and the Secretary of State for Northern Ireland, most recently at the British-Irish Intergovernmental Conference held on 2 March. The British

Government has consistently assured us that the inquiry will have the powers required to complete its task in the manner set out by Judge Cory. In my meeting with the Secretary of State, I highlighted the importance of engagement between the inquiry panel and the family and their legal representatives and I understand that the family is satisfied with the co-operation they have received to date from the inquiry team.

The opening hearing was held last week in Craigavon. The chairman of the inquiry, Sir Michael Morland, set out the preparatory work carried out to date and his intentions as to the future conduct of the inquiry. An official from my Department was present at the hearing. Full hearings are not expected to begin before spring 2006, after analysis of the considerable volume of written material to be reviewed.

#### **International Criminal Court.**

81. **Mr. Ring** asked the Minister for Foreign Affairs the number of States that have become signatories to the charter of the International Criminal Court; and if he will make a statement on the matter. [13518/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** A total of 139 states have signed the Rome Statute of the International Criminal Court. To date, 98 states have become party to the statute.

Together with our partners in the European Union, Ireland has been a consistent and strong supporter of the ICC, recognising it as an essential means of combating impunity for the most serious crimes of concern to the international community. This position has been recognised in the EU common position of 2001, amended in 2002 and comprehensively updated in June 2003.

The 2003 common position commits the Union and its member states to support the effective functioning of the court and to advance universal support for it by promoting the widest possible participation in the Rome Statute. In February 2004, a detailed action plan on the implementation of the 2003 common position was adopted under the auspices of the Irish Presidency of the European Union. During its EU Presidency, Ireland took an active role in implementing the action plan, including raising it in EU political dialogue with third countries, by making *démarches* encouraging support for the court in various capitals and in liaising with the court itself.

In addition, the EU and its member states have been generous supporters of initiatives to promote the court in third states, as well as to strengthen the capacity of states to co-operate with the court. In this context, during its EU Presidency, Ireland organised an ICC event for representatives of small island developing states in New York and co-sponsored an international conference on human rights and the ICC in Sana'a, Yemen. Ireland also provided funds



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towards a conference entitled “The ICC and the Arab World” which took place in Jordan in February 2005 and it is intended to provide funding to other such initiatives in support of the court in the course of this year. I assure Deputies of Ireland’s continued interest in and support for the court as an essential means of combating impunity for genocide, crimes against humanity and war crimes.

#### United Nations Reform.

82. **Ms Burton** asked the Minister for Foreign Affairs his views on the Chinese objection to Japanese inclusion on the UN Security Council; the way in which this impasse might be progressed; and if he will make a statement on the matter. [13543/05]

#### Minister for Foreign Affairs (Mr. D. Ahern):

It is not the Government’s practice to comment publicly on the views of individual members of the United Nations on the aspirations of other members to permanent membership of the Security Council. There is general agreement among the members of the United Nations that the present structure of the Security Council does not accord with the realities of today. Ireland has long held the view that a reform of the council is required that would enhance its credibility and increase its legitimacy.

The high level panel appointed to consider measures to enhance the collective security system based on the United Nations reported in December 2004. Although it made a wide ranging series of important and valuable recommendations, it failed to agree on a single recommendation for reform of the Security Council. It put forward two models for reform, which are currently under discussion: model A, under which the membership of the Security Council would be expanded in both categories, permanent and non-permanent, and model B, under which no new permanent members would be created, but which provides for additional four year non-permanent seats. The UN Secretary General has not recommended either of these two models to the members for adoption. He has, nonetheless, made clear his view that, for the sake of the credibility and legitimacy of the Security Council and in the interests of the public and political credibility of the overall reform process, a solution should be found this year on the basis of one or other of the models, a variation thereof or on some other model entirely.

The Government shares this view and would support an arrangement capable of securing the necessary support among the wider UN membership, as long as it preserved the possibility for smaller countries like Ireland, which make substantial contributions to the work of the United Nations, to serve on the Security Council at reasonable intervals.

#### Overseas Development Aid.

83. **Mr. Hogan** asked the Minister for Foreign Affairs the level of assistance from Ireland to Ethiopia; and if he will make a statement on the matter. [13485/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** Ireland’s budget for bilateral support to Ethiopia in 2005 is €30 million. This is a small increase on the funding of €29.3 million in 2004.

Ethiopia is one of the world’s poorest countries. In terms of overall human development, Ethiopia is listed near the bottom of the league at 170 out of 177 countries. Life expectancy is 45.5 years, almost 60% of people are illiterate, two thirds of children do not attend school and *per capita* income stands at the abysmal figure of €100, close to the worst in the world. Its growing population, the limited amount of fertile land and susceptibility to climatic and economic shocks put the people of Ethiopia among the most vulnerable in the world. In 2005, Ireland’s development support is linked more closely with Ethiopia’s own poverty reduction strategy paper, PRSP. The PRSP is focused, *inter alia*, on enhanced economic growth, good governance and improved public sector performance.

*Question No. 84 answered with Question No. 20.*

#### Arms Trade.

85. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs his views on whether the EU’s arms embargo on China will be lifted in 2005; and if he will make a statement on the matter. [12196/05]

96. **Mr. Hayes** asked the Minister for Foreign Affairs the position with regard to the possible lifting of the arms embargo on China; and if he will make a statement on the matter. [13480/05]

101. **Mr. Deasy** asked the Minister for Foreign Affairs the position of the Government relating to the lifting of the EU arms embargo on China; and if he will make a statement on the matter. [13481/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 85, 96 and 101 together.

I refer the Deputies to the reply given to the priority question on this matter today. The Government’s position on the lifting of the EU arms embargo on arms sales to China is clear. We support the lifting of the embargo but we do not wish to see any increase in the quantity or quality of arms exports to China.

The arms embargo was introduced in 1989 in reaction to the events of Tianenmen Square. There was no EU arms embargo against China before 1989. China today is a very different society than it was in 1989. It is unquestionably a

freer society, even if respect for fundamental human rights is still significantly less than we would wish.

China has asked the EU to lift the embargo. It argues, rightly in my view, that it does not belong among the category of rogue states — including Burma, Sudan and Zimbabwe — against which the EU also maintains an arms embargo. China says that it regards the lifting of the embargo as a symbolic gesture and that it does not regard it as an excuse to increase arms imports from the EU. The Government's approach is therefore that the EU should lift the formal embargo, while at the same time taking care to ensure that there is no increase in EU arms exports to China. Our position was set out by the Taoiseach during his visit to Beijing in January 2005, when he also explained the importance to the EU of continued progress in the promotion and protection of human rights in China.

At its meeting in December 2004, the European Council reaffirmed its political will to continue to work towards lifting the arms embargo. It invited the incoming Luxembourg Presidency to finalise the well advanced work on this issue in order to allow for a decision, while underlining that the result of any decision should not be an increase in arms exports from EU member states to China.

The Council also recalled the importance of the EU code of conduct on arms exports, which has been in operation since 1998 and contains criteria for assessing such exports, including those relating to human rights, stability and security in the relevant region and the national security of friendly countries. The Council stressed the importance of the early adoption of a revised code of conduct, on which work is continuing and which will reinforce existing EU controls, and of a new instrument on arms exports known as the "toolbox". This instrument is being developed by the EU and comprises a set of measures which may be applied to a country when an arms embargo against it has been lifted. Essentially, it will provide for a greater level of information sharing and enhanced transparency within the EU regarding arms exports to countries which had been subject to an arms embargo.

As the EU works towards lifting the arms embargo, it has also engaged in recent weeks in a dialogue on the issue at senior official level with key partners, including the US, Japan, the Republic of Korea and Australia. EU Foreign Ministers reiterated their wish to develop further the relationship with China when they met for an informal discussion in Luxembourg on 15 and 16 April. The importance attached by the EU to human rights and the peaceful resolution of differences was reiterated in this context. The Ministers also agreed to continue to work on strengthening the code of conduct and on the so-called "toolbox", in line with the European Council mandate.

The Government continues to examine this issue with our EU partners, in the context of our overall relationship with China, our ongoing commitment to human rights and the broader regional and international context. EU ministers will resume consideration of a decision on lifting the embargo once technical work on revising the EU code of conduct on arms exports has been completed. A decision to lift the embargo will require unanimous approval among member states.

*Question No. 86 answered with Question No. 8.*

#### **Diplomatic Representation.**

87. **Mr. Perry** asked the Minister for Foreign Affairs the proposed changes to Irish diplomatic representation across the globe; and if he will make a statement on the matter. [13479/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** In December 2004, the Government approved the opening of resident missions in Bulgaria, Latvia, Lithuania, Malta, Romania and Vietnam. It is intended that these new missions will be opened in the second half of this year. The opening of new Irish missions is considered by the Government on an ongoing basis. As the Deputy will appreciate, however, constraints on Government expenditure and the limits on the resources that can be made available require that the expansion of our diplomatic network must be incremental and be based on a thorough assessment of the costs and benefits involved.

#### **EU Drugs Strategy.**

88. **Mr. McGinley** asked the Minister for Foreign Affairs the position regarding the new EU drugs strategy for the period 2005 to 2012; and if he will make a statement on the matter. [13492/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The European drugs strategy for the period 2005 to 2012 was adopted by the European Council in December 2004. It is an integral element of The Hague programme for an area of freedom, justice and security and was adopted as part of the programme at the Council.

Each EU member state tackles its drug problem through a national drug strategy. However, the drug problem in the European Union is transnational and is not curtailed by the borders of individual member states. The European Union has therefore adopted a consecutive series of comprehensive drug strategies aimed at tackling the problem on a EU wide basis. The strategies have also sought to address the drug problem outside the EU's borders with the aim of securing increased international cooperation, particularly regarding production and drug trafficking routes.

As in previous years, the new strategy is co-ordinated across the three pillars of the European

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Union. It represents the EU's effort to provide added value to the existing national drugs strategies through the application of balanced measures to reduce both demand and supply. It also addresses the drug problem from the cross-cutting aspects of international co-operation and research, information and evaluation. Its fundamental aims are the attainment of a high level of health protection, well being and social cohesion and ensuring a high level of security for the general public. Ireland participated fully in the negotiation of the new strategy and endorses its approach.

With a view to giving it real effect, the European Commission was tasked, in the strategy, with drafting a new European Union drugs action plan for the period 2005-2008. Negotiations on this new plan are in progress and its adoption is expected at the June European Council. The action plan lists the objectives of the strategy, specific actions that need to be taken, the bodies responsible for carrying out these actions and, finally, the indicators to use as a measure for its implementation.

*Question No. 89 answered with Question No. 8.*

#### **Human Rights Issues.**

90. **Ms O. Mitchell** asked the Minister for Foreign Affairs if he has made contact with the Zimbabwean Government regarding the detention of Mr. Roy Bennett MP; and if he will make a statement on the matter. [13508/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government has been active in making known to the Zimbabwean authorities its serious concerns regarding the imprisonment and treatment of the former MDC, Movement for Democratic Change, member of the Zimbabwean parliament, Mr. Roy Bennett. The Irish ambassador to South Africa, who is also accredited to Zimbabwe, conveyed the Government's very serious concerns at a meeting with the acting director general of the Zimbabwean foreign ministry in Harare on 8 March. The ambassador has also raised Mr. Bennett's case with a wide range of contacts during his regular visits to Zimbabwe, including the Zimbabwe Lawyers for Human Rights and respected figures such as Archbishop Pius Ncube. Ireland has also taken the lead in raising the case at EU level and ensuring that EU ambassadors in Harare remain active on this matter.

The Government has also raised Mr. Bennett's case with influential members of SADC, Southern African Development Community, to which Zimbabwe belongs. Concerns over the treatment of Mr. Bennett were raised by the Chief Whip and Minister of State at the Department of the Taoiseach, Deputy Tom Kitt, when he met with

political leaders in South Africa during his visit to that country last month.

The Government made time available last month for a debate in Dáil Éireann on Mr. Bennett's case as well as the general political situation in Zimbabwe. A motion expressing concern at the treatment afforded to Mr. Bennett and at his politically motivated sentencing was adopted unanimously by the Dáil on 24 March 2005. My Department arranged for a copy of the motion to be forwarded to the speaker of the Zimbabwean parliament, via the Irish embassy in Pretoria.

Although initially cleared by the new Zimbabwean electoral court to stand in last month's parliamentary election, Mr. Bennett was subsequently prevented from doing so, following a decision by the Zimbabwean Government to appeal the electoral court ruling. In his absence, Mr. Bennett's wife, Heather, contested his seat but was defeated by the ZANU-PF candidate.

Mr. Bennett continues to be held in prison, with no indication as to whether he might be released before his 12 month sentence is completed next October. I understand that legal appeals against his original sentencing are continuing. The Irish embassy in South Africa continues to follow Mr. Bennett's situation closely and will continue to make representations on his behalf. We will also continue to raise the issue at EU level and urge EU ambassadors in Harare to remain active.

#### **Official Engagements.**

91. **Mr. Sargent** asked the Minister for Foreign Affairs if he will report on his official visit to the United States in March 2005; the discussions he had at the Irish Immigration Centre in Boston on 14 March 2005; and if he will make a statement on the matter. [13685/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I travelled to the United States from 11 to 18 March to represent the Government at St. Patrick's Day events in Boston before accompanying the Taoiseach to Washington. In Boston, I attended a number of promotional events hosted by Irish and Irish-American organisations and State agencies. In addition, I addressed the Harvard University Kennedy School of Government and European Studies Centre on current international issues and updated key contacts on inward investment and recent developments in Northern Ireland.

During my visit, I had a detailed meeting on immigration issues with four organisations in the Boston area, including the two main Irish immigration centres there. I greatly valued the opportunity to hear at first hand of their activities and experiences in providing information, advice and welfare services to Irish people resident there. We had a very useful discussion about issues of concern to undocumented Irish people. I briefed

them on the establishment of the Irish abroad unit within my Department and the additional funding for emigrant services which I have secured for 2005. I was glad to hear that they warmly welcome these developments.

I also took the opportunity to express our deep appreciation for the support they make available to Irish people in the Boston area, particularly to the more vulnerable members of our community. I assured them that we will continue to encourage and support all measures that benefit Irish citizens, including through the ongoing efforts of the embassy and consulates and our contacts at the highest levels with political leaders in the United States.

In Washington, I accompanied the Taoiseach to meetings with President Bush and members of Congress. In addition, I met with US Deputy Secretary of State, Robert Zoellick, to discuss foreign policy issues including UN reform and the EU-US transatlantic relationship, as well as recent developments in Northern Ireland. During my visit, I also had a meeting with the National Security Advisor, Stephen Hadley.

*Question No. 92 answered with Question No. 35.*

#### **EU Enlargement.**

93. **Mr. Durkan** asked the Minister for Foreign Affairs his views on future European enlargement; and if he will make a statement on the matter. [13690/05]

143. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he has directly or through the EU been in contact with future candidates for membership of the EU; and if he will make a statement on the matter. [13872/05]

144. **Mr. Durkan** asked the Minister for Foreign Affairs the sequence of the likely discussions in regard to further enlargement of the EU; and if he will make a statement on the matter. [13873/05]

145. **Mr. Durkan** asked the Minister for Foreign Affairs the progress and discussions that have taken place in regard to further enlargement of the EU; and if he will make a statement on the matter. [13874/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 93, 143, 144 and 145 together.

The Government has participated actively and positively in negotiations on the enlargement process and will continue to do so. Ireland will maintain its constructive support of the enlargement process on the basis that the European Union should continue to be open to all European states which respect its fundamental values. Ireland attaches great importance to remaining in close contact and to developing deeper relations with all of its future partners. It has, for example,

developed assistance and training programmes for its future partners as they prepare for and move towards accession.

With regard to Bulgaria and Romania, the European Council noted the formal closure of accession negotiations at the European Council on 16-17 December 2004. Both countries, together with all the member states, signed the Treaty of Accession to the European Union on 25 April on the occasion of the General Affairs and External Relations Council. They are now entitled to participate as active observers at most EU meetings. The accession of both countries to the European Union will take place in January 2007, if they are ready.

Turkey has been a candidate for membership of the EU since the Helsinki European Council in December 1999, which agreed that it was destined to join the EU on the basis of the same criteria applied to the other candidate states. The European Council in Brussels on 16-17 December 2004 decided, on the basis of the Commission's report and recommendation, that Turkey sufficiently fulfils the Copenhagen political criteria to enable the opening of accession negotiations. It requested the Commission to begin work on a proposal for a negotiating framework and to present it to the Council, with a view to the opening of accession negotiations on 3 October 2005.

The clear objective of the negotiations will be Turkey's accession to the EU, provided it meets the requirements for membership. The pace of the negotiations will depend in large part on progress in the implementation of Turkey's wide ranging reform programme. Given the substantial financial consequences of Turkish accession, the European Council agreed that it will not be possible to conclude negotiations until after the establishment of the financial framework for the period from 2014.

The December European Council also set out the main elements for future negotiating frameworks with individual candidate states, building on the experience of the current enlargement process and taking account of developments within the EU. Turkey's accession negotiations will take place in the context of an Intergovernmental Conference with the participation of all member states, in which decisions will require unanimity. The European Council agreed that the shared objective of the negotiations will be accession but noted that the process will, inevitably, be an open ended one, the outcome of which cannot be guaranteed in advance. The European Union has offered the prospect of eventual membership to the countries of the western Balkans, on the basis of the implementation of a detailed reform process. Croatia applied for membership of the European Union in 2003 and the Commission presented its formal opinion on the application in April 2004. The June 2004 European Council agreed that Croatia

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fulfils the Copenhagen political criteria and the specific conditions established for the countries of the western Balkans. It decided that Croatia is a candidate country for membership and that accession negotiations should open early in 2005. This decision was confirmed by the December 2004 European Council, which decided that negotiations should open on 17 March 2005, provided there was full co-operation with the International Criminal Tribunal for the former Yugoslavia.

When the General Affairs Council met in Brussels on 16 March, it was clear that it would not be possible to achieve the unanimous decision of member states which is required for the opening of accession negotiations. The Council reaffirmed the commitment of the EU to Croatia's membership and it adopted the necessary negotiating framework. However, in the absence of unanimity on the extent of Croatia's co-operation with the tribunal, the Council had to postpone the meeting of the bilateral Intergovernmental Conference to begin accession negotiations until it establishes that Croatia is co-operating fully with the tribunal.

The tribunal has identified just one remaining case which Croatia needs to resolve — that of the indicted former general, Ante Gotovina, who remains at large, in hiding. The European Council in Brussels on 23 March agreed to establish a team to work with the tribunal and with Croatia and to report back to the Council. The team is composed of the current and future Presidencies — Luxembourg, UK and Austria — together with High Representative Javier Solana and the Commission. It held its first meetings with the chief prosecutor of the tribunal and with the Foreign Minister of Croatia in Luxembourg on Tuesday, 26 April 2005.

Ireland remains strongly committed to Croatia's future membership of the European Union. The Government were very pleased that it proved possible to achieve a strong, unanimous decision by the European Council on Croatia's candidate status during Ireland's EU Presidency. There is full agreement on the importance of full co-operation with the tribunal by all the countries of the western Balkans and that it is an essential requirement for the development of closer relations with the EU. Over the past 18 months, Croatia has made very significant progress in its co-operation with the tribunal and I hope that the last remaining issue can be resolved as quickly as possible.

We welcomed the agreement reached at the March European Council to establish the team to work with the tribunal and with Croatia. The future work of the team will clearly depend on developments in relations between the tribunal and Croatia. However, I believe it is essential that the Council retains the initiative on this sensitive issue and remains ready to take a positive

decision on the opening of accession negotiations with Croatia, at the earliest opportunity.

On 22 March 2004, the Taoiseach, in his capacity as President of the European Council, accepted the application for membership of the former Yugoslav Republic of Macedonia at a ceremony in Dublin. The General Affairs and External Relations Council in May requested the Commission to prepare its opinion on the application. I expect that the Commission will present its opinion for consideration by the Council later this year.

As it expands, the EU has sought to strengthen its relations with those neighbouring countries that do not currently have the prospect of EU membership through the European neighbourhood policy. The policy offers these countries the prospect of an increasingly close relationship with the EU, involving a significant degree of economic integration and a deepening of political co-operation in return for concrete progress in the implementation of political, economic and institutional reforms reflecting shared values.

In this way, it is expected that the European Union and its neighbours, regardless of whether they are pre-accession countries, will enjoy strengthened relations based on commitments to common values including democracy, respect for human rights and the principles of market economy and sustainable development, as well as poverty reduction.

#### **Irish Language.**

94. **Mr. O'Shea** asked the Minister for Foreign Affairs if, in view of his commitment to make early progress on the matter, he will provide an update on negotiations with the European Commission to make Irish an official language of the EU; the types of issues that are arising in the negotiations ongoing; and if he will make a statement on the matter. [13561/05]

**Minister for Foreign Affairs (Mr. D. Ahern):**  
At the General Affairs and External Relations Council on 13 December, I outlined to my colleagues Ireland's proposal that official and working status in the EU be accorded to the Irish language. Since then, we have been working to move discussions to a successful conclusion. The EU's language regime is governed by Regulation 1 of 1958. The unanimous approval of member states is required to amend this regulation.

The discussions have been taking place with member states both in Brussels and in capitals. The EU's language regime is complex and we have endeavoured to address and clarify all the issues raised by our proposal. We believe there is a wide understanding of our case. If the status of Irish is to be enhanced along the lines of our proposal, there would be practical and financial implications for the EU translation and interpretation services. These would include the human resources aspects. The Government is continuing

to press our case with the objective of reaching early agreement on our proposal which we know is supported by all sides of the House.

### **Lisbon Agenda.**

95. **Mr. G. Mitchell** asked the Minister for Foreign Affairs if his attention has been drawn to concerns regarding the need for new political guidance at EU and national levels in relation to making the EU an efficient economy; his views on whether there is a role for Members of Dáil Éireann and the European Parliament to oversee the Irish approach to this; and if he will make a statement on the matter. [9098/05]

102. **Mr. Kenny** asked the Minister for Foreign Affairs the co-ordination arrangements he proposes to put in place to implement the Lisbon strategy as agreed at the recent meeting of the European Council; and if he will make a statement on the matter. [12846/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 95 and 102 together.

As the Deputies will be aware, the Taoiseach and I reported to the Dáil on 13 April 2005 on the outcome of the spring European Council held on 22-23 March 2005, at which the mid-term review of the Lisbon Agenda was the main item on the agenda. The European Council committed itself to re-launching the Lisbon Agenda as a “partnership for growth and employment”. While it was decided to focus on two urgent priorities — growth and employment — the European Council also endorsed action in the complementary areas of promoting social cohesion and sustainable development.

In order to better contribute to increased growth and employment, the European Council agreed new arrangements for a simplified and more streamlined approach to delivery. This approach, which Ireland supported, will be based on new national reform programmes and single annual reports replacing the current system of individual reports in each area. Integrated guidelines for growth and jobs, merging the existing broad economic policy guidelines and employment guidelines, will be adopted and member states will submit three year national reform programmes, with the first such programmes due this autumn.

The national programmes will indicate the specific measures which member states intend to take to support growth and employment at national level. The new format will be flexible enough to enable each member state to focus on and deliver its own key priorities in accordance with national administrative arrangements. We are at an early stage in the process of preparing our first national reform programme and additional guidance on practical arrangements is awaited from the European Commission.

The European Council conclusions also stressed the importance of enhancing internal national co-ordination of the Lisbon Agenda. In this regard, consideration is being given by the Government to the existing co-ordination arrangements to progress the agenda. While responsibility for implementing individual elements lies with relevant Ministers and Government Departments, the Department of the Taoiseach has overall responsibility for co-ordinating Ireland’s approach.

Arrangements for consultation with the Oireachtas as well as with other stakeholders on our national reform programme are being worked out and such consultations will take place over the coming months. The role of the European Parliament with regard to the Lisbon Agenda is, of course, principally at the European level. Deputies will be aware, however, of the arrangements for Irish members of the European Parliament to participate in the work of the Oireachtas Joint Committee on European Affairs.

*Question No. 96 answered with Question No. 85.*

*Question No. 97 answered with Question No. 53.*

### **Foreign Conflicts.**

98. **Mr. Rabbitte** asked the Minister for Foreign Affairs if his attention has been drawn to the communication from the UNHCR regarding the inappropriateness of returning refugees to Iraq, including the Kurdish area; if the Government is acting in accordance with the UNHCR’s advice on this matter; if he has had talks with the Department of Justice, Equality and Law Reform on this matter; and if he will make a statement on the matter. [13540/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the advice of the UNHCR on the return of Iraqi asylum seekers. As the Deputy knows, asylum applications in Ireland are assessed within an independent statutory framework. The advice of the UNHCR on returns forms an important part of the assessment of cases. In the circumstances, I have not felt it necessary to discuss this matter with the Minister for Justice, Equality and Law Reform.

### **Foreign Adoptions.**

99. **Mr. Sherlock** asked the Minister for Foreign Affairs the action his Department intends to take to deal with the situation of a person (details supplied) with Irish citizenship who has been abandoned in an orphanage in Indonesia; when the plight of this person first came to the attention of his Department or to the ambassador or embassy to Indonesia; the action which was then

[Mr. Sherlock.]  
taken; and if he will make a statement on the matter. [13563/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my response to the Priority Question on the same matter, given today.

*Question No. 100 answered with Question No. 68.*

*Question No. 101 answered with Question No. 85.*

*Question No. 102 answered with Question No. 95.*

### Hospital Services.

103. **Mr. Rabbitte** asked the Tánaiste and Minister for Health and Children her views on the statement made that the hospital trolleys are a top class facility for persons who required them in view of the fact that many patients are left on hospital trolleys for many days in hospital corridors; and if she will make a statement on the matter. [13772/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** A significant programme of investment is under way to ensure that the physical infrastructure of accident and emergency departments provides appropriate facilities for the treatment of patients. I have already announced a series of measures that are being put in place to improve the delivery of accident and emergency services. These actions take a wide ranging approach and are aimed at improving access to accident and emergency services, improving patient flows through accident and emergency departments, freeing up acute beds and providing appropriate longer term care for patients outside of the acute hospital setting.

### Nursing Home Subventions.

104. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if relatives of deceased nursing home residents who have been illegally charged for their care will receive compensation; when she will make a decision on this matter; and if she will make a statement on the matter. [13773/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** A special Cabinet subcommittee comprising the Taoiseach, the Minister for Finance, Deputy Cowen, the Attorney General, Mr. Brady, SC and myself has been established to consider the issue of repayment in light of the Supreme Court judgment. Full details of a repayment scheme will be announced as soon as possible and it is the intention to make repayments as automatic as possible.

### Cancer Incidence.

105. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if she has conducted a study of cancer clusters on Dublin's northside; if so, the results of such study; and the agency which is responsible for studying patterns to identify possible sources of risk. [13774/05]

**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. The Health Service Executive northern area conducted a study into cancer incidences in a specific area in Dublin's north inner city. My Department has requested the chief officer of the executive's northern area to forward a copy of the study to the Deputy.

### Medical Cards.

106. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the criteria which have to be met by an English citizen who has worked in the UK for 31 years, is married to an Irish citizen who worked in the UK for 11 years, is now living here but has been refused a medical card due to the fact that they are not receiving an EU pension; if such a person is covered under agreements with other EU countries to have the right of a medical card system; and if she will make a statement on the matter. [13775/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Regulation (EC) 1408/71 deals with the co-ordination of social security schemes, including health care, for those moving within the European Union. Under its provisions, persons who are affiliated with the health care system of member state A and who are residing in member state B can receive health care in member state B's public system on behalf of and at the cost of member state A, as if they were affiliated with its health care system. Furthermore, persons who are affiliated with the health care system of member state A and are on a temporary stay in member state B can receive health care in member state B's public system that becomes necessary during their stay, taking into account the nature of the care and the expected length of stay.

Individuals covered by this regulation residing or staying in Ireland receive a medical card, or are treated as though they have one in the case of visitors, in accordance with Annex VI of the regulation where the text relates to Ireland. This states that such persons, when residing or staying in Ireland, "are entitled free of charge to all medical treatment provided for by Irish legislation where the cost of this treatment is payable by the

institution of a Member State other than Ireland.”

Persons covered by the regulations include social security pensioners and their dependants residing in a country other than the country of affiliation, the country paying the pension, who are not also social security pensioners of the country of residence or employed in the country of residence. A social security pensioner of another member state residing in Ireland would, therefore, be entitled to receive a medical card if he or she is not also employed in Ireland or an Irish social security pensioner in general. The dependants residing in Ireland of such a person would also be entitled to a medical card.

Others who receive medical cards under this regulation include those employed in another member state but residing in Ireland and their dependants as well as the dependants residing in Ireland of a person employed in and residing in another member state. Temporary visitors in possession of the appropriate documentation, European health insurance card or equivalent, who become ill or injured while staying in Ireland may receive necessary health care, as described above, free of charge as though they have a medical card.

Irish citizenship is not a factor in determining eligibility for health services or for a medical card under this regulation. Eligibility for health services in Ireland under national legislation is primarily based on residency and means. The determination of eligibility for a medical card is the responsibility of the Health Service Executive. Other than for persons aged 70 years and over who are automatically entitled to a medical card, medical cards are issued to persons who, in the opinion of the HSE, are unable to provide general practitioner medical and surgical services for themselves and their dependants without undue hardship.

It should be noted that the income guidelines are not statutorily binding and even though a person's income exceeds the guidelines, a medical card may still be awarded if the HSE considers that his or her medical needs or other circumstances would justify this. It is open to all persons to apply to the HSE for health services if they are unable to provide these services for themselves or their dependants without hardship.

#### **Health Services.**

107. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if a person (details supplied) will be transferred to a hospice or nursing home for a period following treatment; and if she will make a statement on the matter. [13776/05]

**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 hospice care and nursing care in the Dublin area. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply direct to the Deputy.

108. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the budgetary allocation for persons with disabilities living in Counties Laois, Offaly, Westmeath and Longford; if this allocation is insufficient to continue the existing level of service into the last quarter of 2005; and if she will make a statement on the matter. [13777/05]

**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 allocation of moneys for services for people with disabilities. Accordingly, my Department has requested the chief officer for the executive's midland area to investigate the matter raised and to reply directly to the Deputy.

109. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children when she will roll out nationally the pilot home care grant scheme; and if she will make a statement on the matter. [13782/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** As the Deputy may be aware, the Health Service Executive has been piloting home care grant schemes in a number of areas. These schemes have been targeted at supporting older people living in the community as an alternative to long-term residential care and for older people who are being discharged from the acute hospital system. In the HSE eastern regional area, people have been discharged from acute hospitals under the Slán Abhaile and Home First pilot projects. In the HSE southern area, a similar project, Curam, has been piloted, while the Choice programme in the HSE north west area also provides such a scheme.

My Department has been working with the HSE to develop a national home care grant scheme. This is in keeping with a key recommendation in the O'Shea report on the nursing home subvention scheme which recommended that the health services develop a home based subvention scheme for older people as an alternative to long-term residential care. A draft of the scheme is currently being finalised by the HSE. Funding of €2 million has been allocated to the HSE in 2005 to introduce the scheme. In addition, funding of €113.75 million was allocated in 2004



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for the home help service to support older people living in the community, with this funding being increased to €118.75 million in 2005.

In addition, as part of the Tánaiste's ten point plan to relieve ongoing pressure on acute hospital beds and accident and emergency services, it is proposed that the home care package scheme be expanded to support 500 additional older people who have been discharged from the acute hospital sector to their own home.

110. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the respite care facilities available to families of children with disabilities in the north west area, in particular for those in need of residential respite care. [13846/05]

**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 respite care. 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.

111. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the speech therapy services available in the north-west region, in particular access provided for children with disabilities to essential speech therapy programmes to develop and enhance their ability to speak, including current provisions for access to persons in rural areas; and the future plans to expand the service. [13847/05]

**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 speech and language therapy. 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.

#### Research Funding.

112. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which research is proposed or ongoing with a view to determination of the reasons for high levels of autism in this country; and if she will make a statement on the matter. [13855/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** In December

2004, my Department, through the Health Research Board, approved the expenditure of up to €5 million for autism research as part of a new major international research initiative to help improve international understanding of the genetic causes of autism. The Health Research Board is collaborating with organisations in the United States and Canada to award research grants to identify specific genes or gene variants, which may make people more susceptible to autism. Up to €1 million each year, for five years, will be provided through the Health Research Board to enable Irish researchers to participate in the autism genome project.

#### Autism Incidence.

113. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which autism is recorded on a county or regional basis; and if she will make a statement on the matter. [13856/05]

114. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which the incidence of autism here has been measured against the incidence elsewhere in Europe and worldwide; and if she will make a statement on the matter. [13857/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 113 and 114 together.

The national intellectual disability database report provides a profile of the population with intellectual disability as it was on a particular date and details the existing level of specialised health services for this group. However, the information pertaining to diagnosis is specifically excluded, as the database is not designed as an epidemiological tool. The database does not identify persons with specific disabilities such as Down's syndrome or autism into separate groupings as its principal role is as a planning and monitoring tool. However, more detailed information may be available from the Health Service Executive. My Department has requested the executive's national director for primary, community and continuing care to investigate the matter raised and to reply directly to the Deputy.

115. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which she intends to support research into autism; and if she will make a statement on the matter. [13858/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** In December 2004, my Department, through the Health Research Board, approved the expenditure of up to €5 million for autism research as part of a new major international research initiative to help improve international understanding of the genetic causes of autism. The Health Research Board is collaborating with organisations in the United

States and Canada to award research grants to identify specific genes or gene variants, which may make people more susceptible to autism. Up to €1 million each year, for five years, will be provided through the Health Research Board to enable Irish researchers to participate in the autism genome project.

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 referred to by the Deputy. Accordingly, my Department has requested the executive's national director for primary, community and continuing care to investigate the matter raised and to reply directly to the Deputy.

116. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if research has indicated the way in which children suffering from autism can participate fully and achieve the best possible quality of life; and if she will make a statement on the matter. [13862/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** International literature recommends a range of services for persons with autism which begins with assessment and diagnosis at the earliest possible point followed by an assessment of need to identify the health, educational and other supports required by an individual with autism over their lifespan. My Department is working with the Health Services Executive, the Department of Education and Science, people with autism and their families to enhance the level of support available to both children and adults with autism. Additional funding amounting to over €16 million has been invested in recent years in health related support services for children with autism and those with intellectual disability, including assessment and diagnostic, early intervention and multi-disciplinary support services.

The task force on autism, which was established by the Department of Education and Science, has put forward a range of recommendations ranging from measures aimed at identifying prevalence rates, through issues relating to diagnosis and assessment, the centrality of the role of parents, the required models of education and health care services, the need for specialist training for those involved in service provision, to structural, constitutional and policy issues. The scope of the task force's recommendations is such as to require a multifaceted response involving educational and health care inputs.

Under the national disability strategy, two of the Government's legislative measures, the Education for Persons with Special Educational Needs Act 2004 and the Disability Bill 2004, together with a significant investment programme, provide the framework within which the

support services required to meet the needs of persons with disabilities, including those with autism, will be further enhanced.

#### Health Services.

117. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if the Health Service Executive will provide as a matter of urgency the necessary care and assistance to a person (details supplied) in Dublin 11 and to their family. [13887/05]

**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. 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.

#### Hospital Staffing.

118. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if she has assessed the problem of declining skill mix in the nursing staff in many Dublin hospitals; if she plans initiatives to reduce the reliance on agency nurses and overseas nurses; her proposals to develop new areas of responsibility within nursing that might offer a satisfactory career path and help retain Irish trained nurses within the system. [13893/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Improving skill mix in the health service is a priority for the Government. Sustaining Progress contains a commitment to enhancing skill mix and mainstreaming earlier initiatives in relation to health care assistants. Substantial funding has been provided in recent years for the upskilling of health care assistants. Health care assistants working under the supervision of nurses have been enabled to take on a wider range of duties currently done by nurses, thus allowing the nurses to take on enhanced roles and better utilise their training and education.

Agency nurses have always been a feature of the system. They are required to make up for unexpected absences and dealing with short term fluctuations in workflows. The Health Service Executive — employer representative division — reported in December 2004 that an average of 458 agency nurses were employed, which must be set in context against an overall whole time equivalent nursing workforce of 34,313.

There has been an increase in overseas nurses in the Irish health system over the last number of years. However, the Central Statistics Office estimates that overseas nurses make up just over 8% of the total nursing workforce in the public and private health services. This figure could not be considered excessive. The number of overseas

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nurses is likely to rise in 2005-06 due to the fact that there will be no nursing graduates in autumn 2005.

The retention of adequate numbers of nursing staff has been a concern of the Government for some time. A study published by the Health Service Employers Agency last October showed that nationally, turnover among nursing staff declined by 40% between 1999 and 2003. Among the measures taken to facilitate retention of nurses has been the introduction of improved promotional opportunities, particularly the introduction of a clinical career pathway. The National Council for the Professional Development of Nursing and Midwifery has been especially active in this area and to date 1,652 clinical nurse specialist and 24 advanced nurse practitioner posts have been approved.

#### **Health Service Staff.**

119. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the serious shortage of psychologists in County Donegal; her plans for increasing the number of child psychologists in the county; and if she will make a statement on the matter. [13894/05]

**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 the provision of psychological services. Accordingly, my Department has requested the chief officer for the Health Service Executive's north-western area to investigate the matter raised and to reply directly to the Deputy.

#### **Cancer Screening Programme.**

120. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 335 of 26 January 2005, if she will report on progress to date; and if she will make a statement on the matter. [13896/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The former Health Board Executive commissioned an international expert in cervical screening to examine the feasibility and implications of a national roll out of a cervical screening programme. The examination included an evaluation of the current pilot programme in the mid-western area, quality assurance, laboratory capacity and organisation and the establishment of national governance arrangements. The expert's report was published on 14 December 2004.

I am committed to the national roll out of a cervical screening programme in line with inter-

national best practice. International evidence demonstrates the proven efficacy of programmes that are effectively managed and meet quality assurance standards. Careful planning and consultation with relevant professional and advocacy stakeholders is required before I make definite policy decisions on a national roll out.

My Department is consulting the Irish College of General Practitioners, An Bord Altranais, the Academy of Medical Laboratory Science, the Institute of Obstetricians and Gynaecologists of the Royal College of Physicians of Ireland, the faculty of pathology of the Royal College of Physicians of Ireland, the Women's Health Council and the Irish Cancer Society on the report. The consultation with these key stakeholders is well advanced and will be completed in a matter of weeks.

In addition, my Department allocated a further €1.1 million to the programme on an ongoing basis to complete the transition of the remaining laboratories to new and more effective testing and to support the development of quality assurance and training programmes. These are essential preparatory elements in a national roll out.

#### **Tax code.**

121. **Mr. P. McGrath** asked the Minister for Finance if an Irish person (details supplied) can opt to be taxed in this State in the same manner as their fellow citizens; and if he will make a statement on the matter. [13780/05]

**Minister for Finance (Mr. Cowen):** I have asked the Revenue Commissioners to examine the matter and to report back to me as soon as possible. I will revert to the Deputy on receipt of the relevant report.

#### **Insurance Products.**

122. **Mr. Bruton** asked the Minister for Finance if his attention has been drawn to the fact that the commissions paid to financial institutions in respect of premia for payment protection insurance have not been revealed to borrowers, despite levels of up to 70% commission allegedly applying; and if he will report on the gaps in legislation or codes of conduct which have permitted this situation. [13829/05]

**Minister for Finance (Mr. Cowen):** Regulations were introduced in 2001 in respect of the disclosure, by insurers, of commissions for life insurance policies. However, similar regulations have not been introduced in respect of non-life insurance disclosure.

Under the Central Bank and Financial Services Authority of Ireland Act 2003 the regulatory and supervisory functions in relation to insurance, including the power to make regulations in relation to disclosure, were transferred to the Irish Financial Services Regulatory Authority, the financial regulator.

Since its establishment in 2003 the financial regulator has sought to promote the best interests of users of financial services. In addition to certain well publicised interventions to assist consumers, the financial regulator aims to ensure that financial service providers act in a fair and transparent way and that similar standards apply to different sectors and products. A number of the initiatives taken by the regulator have particular relevance to payment protection insurance.

On 13 January the financial regulator issued a consultation paper entitled *Review of Remuneration Structures and Transparency*. The closing date for the receipt of comments on that paper was 15 April 2005. The financial regulator is considering the submissions and comments received and further requirements relating to the disclosure of commissions are being considered in that context.

The financial regulator also had some concerns about how payment protection insurance, PPI, was being sold arising from consumer focused inspections and undertook a survey of sales practices, suitability assessment and claims history in 2003 and 2004. The outcome of this survey, together with any further information or clarification, will feed into the development of the financial regulator's unified consumer protection code, a draft of which is currently published for consultation.

As regards the sale of PPI, the consultation paper on the draft code proposes an extension of suitability requirements by preparing a written statement on the reasons the recommended product is considered to be in the best interest of the customer at the time it is given. Where a regulated entity offers PPI in conjunction with a loan, the initial repayment estimate of the loan advised to the customer must be exclusive of the payment protection premium. If the customer decides to avail of the payment protection insurance, the regulated entity must endeavour to get the customer to sign a separate statement confirming that he/she is aware that the insurance is optional. The payment protection proposal form must be separate to the loan application form.

The financial regulator has also produced a consumer fact sheet on payment protection insurance designed to help consumers to understand this insurance and to decide whether it is suitable for their needs. The fact sheet is available through its consumer helpline, 1890-77-77-77, on its website [www.itsyourmoney.ie](http://www.itsyourmoney.ie) and from the Information Centre, 6-8 College Green, Dublin 2.

### Special Saving Incentive Scheme.

123. **Mr. S. Ryan** asked the Minister for Finance if he intends to issue directives or guidelines to the financial institutions or credit unions to ensure that approximately 1.1 million SSIA holders complete and return the SSIA4 form at maturing date; the considerations which are being made for older persons who are living alone, the

sick or persons who have moved into a nursing home or institution to ensure that they will not lose out; and if he will make a statement on the matter. [13830/05]

**Minister for Finance (Mr. Cowen):** Special savings incentive accounts, SSIA's, will mature between 31 May 2006 and 30 April 2007 depending on when the account was originally opened. In order for an account to be matured, the account holder will be required to make a maturity declaration on an SSIA4 form to his or her financial institution at any time within a period of three months ending on the maturity date. The declaration will simply confirm that at all times in the period from which the SSIA was commenced until the declaration is made, the saver complied with the terms and conditions of the scheme under the provisions of the Taxes Consolidation Act 1997 as inserted by section 33 of the Finance Act 2001. The earliest date on which a maturity form will be needed is 1 March 2006.

I am advised by the Revenue Commissioners that they have arranged that the financial institutions will issue the SSIA4 forms to account holders and that discussions are ongoing with these institutions to finalise SSIA maturity guidelines and to ensure that these guidelines will be implemented in an efficient and practical manner. The objective of these guidelines and their implementation will be to ensure that all SSIA holders are aware of the maturity procedures required to get full benefits from their SSIA. Issues arising from situations where financial institutions cannot contact account holders are being considered as part of these discussions. It is intended that the guidelines will issue well in advance of March 2006.

### Tax Code.

124. **Mr. J. O'Keeffe** asked the Minister for Finance his views on whether there is a strong case to have LPG zero rated from excise duty in the same way as natural gas (details supplied); and if he will make a statement on the matter. [13831/05]

**Minister for Finance (Mr. Cowen):** The excise duty for LPG, other than that used as a motor fuel, is €41 per 1,000 kgs. While, under the EU energy tax directive, certain LPG usage could have been exempted, this was not viewed as feasible as it would have given rise to potential difficulties, including an increase in the potential for abuse. While natural gas is not currently subject to excise in Ireland, the EU energy tax directive requires member states to introduce an excise tax on natural gas by 2014 at the latest.

### Post Office Network.

125. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the sub-post offices which have closed in the

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Waterford constituency over the past ten years; and if he will make a statement on the matter. [13789/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I am advised by An Post that at the end of 1994 there were 40 sub-post offices and two company owned offices in County Waterford. In March 2005, there were 34 sub-post offices, two company owned offices and two postal agencies.

#### Marine Safety.

126. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources when urgent structural and physical works will be carried out on a building (details supplied) in County Donegal; and if he will make a statement on the matter. [13819/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** There are no urgent structural and physical works required at the marine rescue centre at Malin Head, County Donegal. However, as part of the future development of the marine emergency co-ordination services of the Irish Coast Guard, proposals to further develop the Malin Head station are being considered at this time and this process will be completed as quickly as possible.

#### Harbours and Piers.

127. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the position with an application to upgrade a crane at a pier (details supplied) in County Donegal; and if he will make a statement on the matter. [13820/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Department provided funding of €82,064.81 to Donegal County Council in 2002 and 2003 towards the provision of a crane at Portaleen pier. This Department has not received an application from the county council to upgrade a crane at Portaleen pier.

128. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources the progress to date on the new pier at Clogherhead, County Louth; and if he will make a statement on the matter. [13821/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Port Oriel pier, Clogherhead, is owned by Louth County Council and responsibility for its repair and maintenance rests with the local authority in the first instance. Sanction of €8.55 million, of which the Department will provide 75% grant aid towards the total cost, was approved by the Department in 2004. The

development will provide up to 158 m of quay and will provide safe berthage for the local fishermen. I am pleased to say that I approved the allocation of €4,050,000 to Louth County Council towards the development, costing a total of €5,400,000 in the current year. I understand that the contract has been awarded by the county council and the contractor has moved onto the site.

#### Fishing Industry Development.

129. **Mr. Healy-Rae** asked the Minister for Communications, Marine and Natural Resources the number of fishermen who lost their livelihoods when tuna fishing ceased in south Kerry; and if he will make a statement on the matter. [13822/05]

130. **Mr. Healy-Rae** asked the Minister for Communications, Marine and Natural Resources when the fishermen who fished for tuna in south Kerry will be compensated due to loss of earnings with the cessation of tuna fishing; and if he will make a statement on the matter. [13823/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I propose to take Questions Nos. 129 and 130 together.

In 1998, the Council of Fisheries Ministers took a decision to ban drift netting for tuna with effect from 1 January 2002. This decision to ban a particular form of tuna fishing did not amount to the ending of the tuna fishery. For 2005, a quota of 5,723 tonnes is available to Irish fishermen, which compares favourably with the quota of 3,158 tonnes which prevailed in 2001.

As part of the package negotiated in 1998, it was agreed to postpone the introduction of the ban on drift netting for albacore tuna until 2002. It was accordingly possible during this phase out period to issue a total of 18 drift netting permits. It was clearly understood, however, by all of the fishermen concerned that the ban on drift netting for albacore tuna would be introduced with effect from the beginning of 2002.

As part of the transition process to new methods of fishing this valuable species, Bord Iascaigh Mhara provided substantial support to interested fishermen to develop alternative fishing techniques. The results of trials undertaken in this regard have shown that it is possible to catch tuna with non-drift netting techniques and in these circumstances the question of compensation does not arise.

In so far as the livelihoods of fishermen are concerned, the critical factor is the provision of a good range of fishing possibilities each year. In that regard, the position in recent years represents a broadly favourable position for Irish fishermen, including those formerly involved in drift netting for tuna.

### Postal Service.

131. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources his proposals to deal with the concerns of a person (details supplied) in County Cork regarding the future of the postal network; and if he will make a statement on the matter. [13824/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government is committed to a viable and sustainable rural post office network providing a range of services to meet consumer needs as set out in the programme for Government. This commitment is illustrated by the Government injection of €12.7 million into the network in 2003 to facilitate modernisation measures and the Government has strongly supported An Post initiatives such as the channelling of new utility and banking services through the network. In addition, An Post has introduced the new service delivery models in order to improve access to and take up of post office services.

This network is geared towards customer demand in both urban and rural locations. Notwithstanding the commercial remit of the network, there is a clear recognition of the social benefits of a nationwide service. The network must be adaptable to changing circumstances and trends but the core objective of the Government and An Post continues to be the retention of access to post offices services in as many locations as possible, in the manner which best meets consumer needs, whether services are provided via post office, postal agencies or the postpoint network.

The following are the main business developments in 2004: collection of Garda fines scheduled for 2005; Barclaycard credit card payments; ESB — 800,000 new bill payment transactions; Tele 2 bill payments — new telecom company; and Dublin City Council commercial bin tags.

The automated network accounts for over 95% of An Post's counter business. This means that the 1,000 automated offices transact 95% of counter business while 475 non-automated offices undertake 5% of business. Nevertheless, An Post is now moving to undertake a pilot project, which would see ten manual post offices automated to gauge the effect on business. Furthermore, An Post will undertake a fundamental re-appraisal of the post office network. The objective of this exercise is to build on the existing strengths in terms of nationwide network, strong brand recognition and high footfall and to devise a suite of products and services to meet current and future needs of post office customers. This strategy will provide the road map for future service delivery throughout the network.

The level of remuneration for postmasters-postmistresses is a contractual matter between An Post and the individuals concerned. Contracts in place between An Post and members of the

Irish Postmasters' Union are of a commercial nature and are based, in some cases, on the level of transactions carried out by individual offices. The issue of social welfare payments being paid through the post office network is a matter for my colleague, the Minister for Social and Family Affairs.

### Economic Partnership Agreements.

132. **Mr. Boyle** asked the Minister for Foreign Affairs the Government's views on the UK paper on the economic partnership agreements being negotiated by the European Commission with 77 African, Caribbean and Pacific countries; if, in accordance with the concern expressed by the Joint Committee on Foreign Affairs, the Government will join with the UK and other like-minded governments with a view to changing the EU position on EPAs; and if he will make a statement on the matter. [13840/05]

**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.

EPAs are first and foremost instruments for development that will foster the smooth and gradual integration of ACP states into the world economy, with due regard for their 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. I am satisfied that this approach addresses the particular concern of Ireland and other member states that development and poverty reduction should be the principal objectives of the EPAs.

I have read with interest the recent UK position paper setting out views on how the commitment to put development at the heart of the EPA negotiations can best be delivered. My understanding is that the paper was designed to promote an open discussion on EPA issues, particularly as the substantive negotiations get underway.

Under European Union regulations, the European Commission conducts the EPA negotiations 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. As in all trade negotiations, the EPA negotiation has brought to light differences of approach between the parties

[Mr. C. Lenihan.]  
in a number of areas. It is to be hoped that as the talks progress, these divergences can be resolved in accordance with the principles and objectives underlying the negotiations. We are actively following the developments in the EPA negotiations process and will continue to do so.

### Northern Ireland Issues.

133. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he has raised with the Secretary of State for Northern Ireland the serious concern expressed from many quarters at the inadequate nature of the proposed British inquiry into the murder of Pat Finucane; the response he has received to these representations; the Government's position regarding the inquiry; the Government's views on the adequacy of this inquiry; and if he will make a statement on the matter. [13733/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** As the Deputy is aware, the British Government has proposed establishing an inquiry into the murder of Pat Finucane under the new Inquiries Act. Since the Inquiries Bill was first published, the Government has had concerns that the legislation would not allow an inquiry established under it to meet the necessary standards of independence and openness, in line with the commitment made by the Governments at Weston Park and with the recommendations of Judge Cory, following his investigation into the murder. His report established that there was strong evidence of collusive acts by the RUC, Special Branch, the British Army and the Secret Service.

The Government has raised these concerns with the British authorities at both political and official level. I raised the matter most recently with the Secretary of State for Northern Ireland at the meeting of the British Irish Intergovernmental Conference in Dublin on 2 February last. The Taoiseach has expressed his concerns directly to Prime Minister Blair about the implications the legislation will have for a full, independent, public inquiry. He has met the Finucane family a number of times recently, in the course of which the family were assured of the Government's continuing strong support for their case. During the course of his visit to Washington over the St. Patrick's Day period, the Taoiseach raised the matter directly with President Bush.

The Government is deeply disappointed that, despite its serious concerns, and those of the family and of others, including Judge Cory and Lord Saville, the Inquiries Bill was enacted on 7 April. The Government has reiterated to the British Government that an inquiry into the murder of Pat Finucane must be independent and public.

The British Government, in response, has continually stated that it is its belief that an inquiry established under the Inquiries Act will meet the necessary requirements. On this, we disagree. We

have made known our views with regard to this matter not only in Washington but also at the UN and in the Council of Europe.

The House can be assured that the Finucane family will continue to receive the full support of the Government in their pursuit of a full public inquiry that is compliant with the Weston Park agreement and the key requirements set out in the Cory report.

### Overseas Development Aid.

134. **Mr. Allen** asked the Minister for Foreign Affairs if he will report on the humanitarian situation in Darfur, Sudan; and if he will make a statement on the matter. [13861/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** The humanitarian situation in Sudan, including Darfur, is of the utmost concern to the Government. The conflict in Darfur has displaced about 1.8 million people during the last two years. Estimates vary but well over 100,000 have died from the conflict, directly or indirectly.

I visited Darfur earlier this month. I saw at first hand the intense suffering of many of these vulnerable people. They have been displaced into often overcrowded camps where facilities and services are only now becoming any way acceptable. I visited Mornei displaced persons camp in west Darfur and the Jabal Mara region of north Darfur. I witnessed the important work of the aid agencies and pledged that Ireland would continue to assist in meeting immediate emergency needs and also longer term development activities when possible.

In a matter of weeks, the weather will change in Darfur and the rainy season will commence. This poses new difficulties for the vulnerable population of Darfur and for those humanitarian workers who are endeavouring to assist them. The rains have a potentially disastrous effect on the transport of much needed supplies. Darfur is a predominantly desert environment. Once the area becomes flooded, access is minimal. Food deliveries grind to a halt. As a result, it is all the more important that food supplies be put in place near the displaced populations as early as possible. I saw the food stocks in place in camps but was told by the humanitarian workers that it was not enough. It is now vitally important that further progress is made in pre-positioning supplies. Ireland has contributed to the World Food Programme efforts in this regard.

A further threat is that of disease. Worsening camp conditions, due to the intense rains, can be a breeding ground for potential cholera outbreak. Ireland has supported the UN World Health Organisation and non-governmental organisations including Concern, GOAL and Medecins Sans Frontieres for their work in primary health care response in Darfur.

In total in 2004 Ireland provided €6.38 million in assistance to the Darfur region. This funding was delivered rapidly to assist the life saving work of non-governmental organisations, UN agencies and the Red Cross family. The support was utilised to provide food and essential non-food items to help families and individuals survive.

During my visit I met a wide range of UN representatives, including the United Nations Special Representative of the Secretary General, Mr. Jan Pronk. I also met with Sudanese Government Ministers. I emphasised the importance of a political resolution to the conflict in Darfur. The political conflict is the cause of this enormous human suffering. Only a political solution will allow these people to return to their homes and to cultivate their fields in an atmosphere of genuine safety and security.

After my visit to Darfur I attended the International Donors' Conference on Sudan, which took place in Oslo on 11-12 April. The conference was focused on the needs of the whole of Sudan in the aftermath of the recent signing of a comprehensive peace agreement to end the 20 year old civil war between north and south Sudan. Pledges of some €4.5 billion were made for Sudan up to 2007. While recognising that the peace agreement is a new beginning for Sudan, participants emphasised the need to build on the agreement and to bring peace and stability to all of Sudan, particularly Darfur.

I pledged support of €15 million from Ireland to Sudan over the next two years. This support will be used to address the needs of people across Sudan. We will assist the people of Sudan to move towards recovery and to rebuild their lives. We will work closely with other donors, the UN and NGOs in this enormous task. The 2.5 million people directly affected by the conflict in Darfur will require humanitarian assistance for some time to come, particularly in the absence of a political resolution. I am committed to trying to ensure that the humanitarian and development needs of Sudan, including Darfur, are met by the international community over the coming years.

### **Emigrant Support Services.**

135. **Mr. Stagg** asked the Minister for Foreign Affairs if his attention has been drawn to the Luton Irish Forum which provides services to the Irish community in the Luton area; if his attention has further been drawn to the fact that the premises from which it operates and which is owned by the local council is in the process of being removed from it and that it is not in a position to provide an alternative premises from its own resources; if he will examine the matter with a view to financially assisting this group with the cost of acquiring an alternative premises; and if he will make a statement on the matter.  
[13835/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the Luton Irish Forum and the valuable work it does in providing advice, information and support services to Irish people in the Luton area. Officials of the embassy in London and the Irish abroad unit met with the management of Luton Irish Forum in January this year and an official of the embassy attended its St. Patrick's Day festivities.

I know that the Luton Irish Forum has developed a very good relationship with the Luton Borough Council. It has, for instance, been successful in accessing a number of local statutory grant streams, itself a positive reflection of the quality of services it provides.

The forum is currently located within a building that is owned by the borough council and that is, unfortunately, due to be closed. The embassy has raised this issue with the leader of the borough council and other local representatives. I understand that the current position is that the forum's management is in ongoing consultations with the council regarding various possibilities for relocation on both a temporary and permanent basis. In these consultations, it is supported by a community development worker from the Federation of Irish Societies, a post which is supported financially by the Government through the DION fund.

The Government supports the forum directly through the funding of its key advice worker post. I understand that the forum has made an application under the current round of DION funding and this will be considered carefully. The embassy will remain in close contact with the Luton Irish Forum with a view to being helpful in every way possible.

*Questions Nos. 136 and 137 answered with Question No. 27.*

*Question No. 138 answered with Question No. 22.*

*Question No. 139 answered with Question No. 30.*

### **Human Rights Issues.**

140. **Mr. Durkan** asked the Minister for Foreign Affairs the top ten locations worldwide which present with the most or greatest human rights abuses; the action proposed through the international community to tackle these issues; and if he will make a statement on the matter.  
[13869/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** As has been made clear on previous occasions, it is not the policy of the Government to draw up any kind of league table of countries deemed guilty of the worst human rights abuses.

Together with our EU partners, the Government monitors the human rights situations in many countries throughout the world, on the



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basis of information obtained from a variety of sources, including non-governmental organisations. Where the situation warrants, we make known our concerns about human rights violations to the governments in question, either directly or through action at the UN General Assembly and the UN Commission on Human Rights. At meetings of these bodies, the EU regularly makes statements on the human rights situations in a number of countries from all regions. The EU also introduces or supports resolutions dealing with specific countries.

At the 61st session of the UN Commission on Human Rights, which has just concluded in Geneva, Ireland participated proactively in EU co-ordination on a number of country specific resolutions. The EU introduced resolutions on the human rights situation in Myanmar and on the Democratic People's Republic of Korea, DPRK. The EU also tabled a resolution on Belarus jointly with the USA. In addition, the EU initiated a chair's statement on human rights in Colombia.

Active participation in multilateral organisations such as the EU, UN and the Council of Europe provides an opportunity for Ireland to voice its concerns regarding human rights abuses. Through these organisations, international pressure can be brought to bear on those responsible for the violation of human rights.

The Government will continue to use these mechanisms as a means of highlighting violation of human rights and furthering their protection.

#### **HIV-AIDS Strategy.**

141. **Mr. Durkan** asked the Minister for Foreign Affairs the African countries which show the most progress in tackling the AIDS problem; his plans through the EU or UN to replicate the process; and if he will make a statement on the matter. [13870/05]

142. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he has influenced the international community with a view to addressing the AIDS issue in Africa; the net benefit to date of such intervention; and if he will make a statement on the matter. [13871/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 141 and 142 together.

Since its appearance just 20 years ago, HIV/AIDS has spread to all countries across the globe. One in five adults in southern Africa is living with HIV/AIDS, over 50% of whom are women. The disease is also now spreading rapidly in other regions and poses an enormous challenge to reducing poverty and attaining the millennium development goals.

Ireland has prioritised HIV/AIDS in its overseas development co-operation programme. We were one of the first donors to develop a

HIV/AIDS strategy and we have worked to ensure that the issue is high on the agenda of the EU and of the UN's funds and programmes. Since 2001, Ireland's financial allocations to the fight against AIDS have increased tenfold. The budget allocation will be around €50 million in 2005. These resources are directed at HIV/AIDS activities at global, regional, national and community levels and are implemented through international and regional organisations and in programme countries. The latter include six highly infected countries in southern and eastern Africa.

Although HIV/AIDS is now a huge development challenge in many African countries, there have been some successes in containing the spread of this disease. Uganda, for example, has managed to halt and reverse the spread of HIV/AIDS. This has been due to strong political leadership, the establishment of an effective national co-ordinating authority, the adoption of a multi-sectoral response, the allocation of financial resources and a strong partnership between governmental, faith based and non-governmental organisations. Over the past year, the Government of Uganda has also been scaling up the provision of anti-retroviral, ARVs, drugs for HIV/AIDS treatment. This has contributed to a culture of openness to HIV. Although stigma around being HIV positive still exists, many people have come forward and openly declared their status and are actively engaged in programmes in support of preventing the spread of the disease and providing care and support for others living with the virus.

Another country supported by Ireland, South Africa, reversed its opposition to the establishment of a national programme of HIV/AIDS treatment with anti-retroviral drugs and is now in the process of rolling out a national treatment regime.

Ireland remains fully committed to contributing to the global response to HIV/AIDS, both by our political influence on the international stage and through financial contributions. Through our representation on the executive boards of UN agencies, such as UNDP and UNICEF, we have ensured a strong response to HIV/AIDS. In addition, Ireland funds the joint United Nations programme on HIV/AIDS — UNAIDS. UNAIDS is the main advocate for global action on the epidemic. It brings together the efforts and resources of eight UN system organisations to help the world prevent new HIV infections, care for those already infected and mitigate the impact of the epidemic. In particular, we have a strategic interest in the expanded UN response at country level in Africa. At our meetings with the various UN bodies, we encourage a more co-ordinated response of UNAIDS and its co-sponsors.

Ireland continues to work with the Clinton Foundation, a partnership which provides financial and technical support to assist in the prep-

aration of integrated HIV and AIDS treatment, care and prevention programmes. An amount of €50 million has been committed by the Government for the five year period 2003-7 and Mozambique has been identified as the country of focus. We are actively supporting the development of a new European Commission programme for action to confront HIV/AIDS, TB and malaria and will also be represented at the upcoming review of the declaration of commitment on HIV/AIDS, agreed following the 2001 United Nations special session on HIV/AIDS.

Through these international fora, Ireland will continue to use its influence to advocate and promote strong political leadership and encourage effective country led responses to fight HIV/AIDS.

*Questions Nos. 143 to 145, inclusive, answered with Question No. 93.*

### **Diplomatic Relations.**

146. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which current Irish/Ukrainian diplomatic relations can be enhanced; and if he will make a statement on the matter. [13875/05]

147. **Mr. Durkan** asked the Minister for Foreign Affairs if he has had direct discussions with Ukrainian authorities with a view to ascertaining the way in which support and encouragement can best be offered; and if he will make a statement on the matter. [13876/05]

148. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he has encouraged initiatives through the EU to establish stronger links with the Ukraine; and if he will make a statement on the matter. [13877/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 146 to 148, inclusive, together.

Since the inauguration of President Yuschenko on 23 January at which the Minister of State, Deputy Conor Lenihan, represented Ireland, I have ensured that Ireland took a consistent position of strong support for Ukraine in discussions in the relevant Council bodies. The EU had played a positive role during the unfolding of the political crisis in Ukraine. It was essential, in my view, that it should continue to respond appropriately to the aspirations of the people of Ukraine for the consolidation of democracy and economic reform as the new administration took on the great challenges it faces.

Ministers discussed Ukraine at the General Affairs and External Relations Councils of 31 January and 21 February. Our discussions, along with significant diplomatic effort by the Presidency, Commission and a number of Ukraine's neighbours in the EU, cleared the way for the EU-Ukraine Co-operation Council to adopt a three year joint action plan for Ukraine under the

European neighbourhood policy. The Council on 21 February also approved a series of concrete measures, proposed initially by High Representative Solana and Commissioner Ferrero Waldner, to strengthen co-operation with Ukraine, making full use of the ENP action plan.

Early implementation of measures intended to underpin reform in Ukraine is key. A joint identification by the EU and Ukraine of concrete steps deliverable this year is under way. Both sides expect that there will be some achievements to record when the Co-operation Council next meets on 13 June and particularly at the EU-Ukraine summit scheduled for October. Further support to prepare Ukraine for accession to WTO, the granting of market economy status to Ukraine as soon as outstanding issues are resolved and the early launch of negotiations on visa facilitation and access to EIB financing are among the areas to which Ukraine attaches most importance in the near term. In addition to progressing economic integration, the action plan includes provision for closer political co-operation between the EU and Ukraine. It is hoped that the Union and Ukraine will be able to work together for progress in Moldova, for example.

While much of the content of the action plan relates to matters of Community competence which the Commission will take forward, Ukraine seeks also to interest individual member states or small groups of member states in co-operating with Ukraine on one or other specific aspect in which a member state is well placed to assist. Ukraine is keenly interested in co-operating with Ireland in a wide range of areas.

In consultation with the embassy of Ukraine, my Department has begun to co-ordinate preparations for assisting the development of administrative capacity in Ukraine. The Irish public service, and specifically the Institute of Public Administration, has rich experience of working with the new EU member states over many years to build up their administrative capacity before they joined the EU. I believe that this experience is very relevant for Ukraine at this juncture and I am determined that our lack of familiarity with conditions on the ground in Ukraine will not prevent us identifying a suitable partner in co-operation and making a start on a concrete project fairly soon.

Education is another area in which consideration of ways in which Ireland might co-operate with and support Ukraine is advancing. I am committed to making a start on practical co-operation and hopeful that a successful first experience will lay the groundwork for the development of stronger bilateral links across a range of areas — economic, cultural and political — between our two countries in the period ahead.

I intend to pursue the agenda of co-operation between Ireland and Ukraine during my planned visit to Kiev which I hope will take place shortly.

[Mr. D. Ahern.]

This will be the first visit to Ukraine by an Irish Foreign Minister.

### **Sports Capital Programme.**

149. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism if he will approve funding for an application under the sports capital programme (details supplied); and if he will make a statement on the matter. [13752/05]

**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.

150. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism the status of a sports capital application by a centre (details supplied) in County Roscommon; when he will make a decision on this application; and if he will make a statement on the matter. [13753/05]

**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.

151. **Mr. Nolan** asked the Minister for Arts, Sport and Tourism the number of grant applications for each county under the sports capital programme 2005. [13851/05]

**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. Details of the number of grant applications received from each county are as follows: Carlow — 22; Cavan — 20; Clare — 33; Cork — 151; Donegal — 59; Dublin — 267; Galway — 100; Kerry — 81; Kildare — 44; Kilkenny — 26; Laois — 22; Leitrim — 23; Limerick — 59; Longford — 19; Louth — 42; Mayo — 53; Meath — 28; Monaghan — 39; Offaly — 35; Roscommon — 32; Sligo — 21; Tipperary — 56; Waterford — 40; Westmeath — 25; Wexford — 38; Wicklow — 27; Total — 1,362.

All of these applications 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.

152. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if he will allocate a grant under the sports capital programme to a project (details supplied) in County Galway in order to allow the project to proceed further; and if he will make a statement on the matter. [13888/05]

**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.

153. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if he will allocate a grant under the sports capital programme to a project (details supplied) in County Galway in order to allow the project to proceed further; and if he will make a statement on the matter. [13889/05]

**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.

#### **FÁS Training Programmes.**

154. **Mr. Deenihan** asked the Minister for Enterprise, Trade and Employment if FÁS will be requested to recruit and train accession country drivers, who are already licensed to drive here, in basic language skills and itinerary familiarisation in order to facilitate the coach industry due to the chronic driver shortage; and if he will make a statement on the matter. [13737/05]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** FÁS currently provides training for both heavy goods vehicles, HGV, and coach drivers. FÁS also provides trainees with language training, if necessary. FÁS would be happy to meet with representatives of the coach industry to identify jointly and plan any necessary training and recruitment solutions to labour shortages. Advice and guidance for EU-EEA workers is provided in all local FÁS offices together with relevant information in EU-EEA languages covering rights and obligations, information on living and working conditions and so forth, in addition to allowing full access to FÁS training and employment programmes, including language training.

FÁS provides a recruitment service for employers in all member states of the European Union and European Economic Area. This is a comprehensive advice, selection and recruitment service provided by EURES — European Employment Service — which networks the employment services throughout Europe. The service is provided at local level by FÁS EURES advisers who can instantly access the labour market and job seekers of all member states and quickly and efficiently source suitable candidates for Irish employers with “difficult to fill” vacancies.

#### **Work Permits.**

155. **Mr. Durkan** asked the Minister for

Enterprise, Trade and Employment if and when a work permit will issue to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13853/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The work permits section of my Department has no record of any valid application received containing the details supplied by the Deputy. Applications which are incomplete or incorrect are returned to the employer for completion.

156. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment if he will approve a work permit for a person (details supplied); and if he will make a statement on the matter. [13902/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The work permits section of my Department has no record of any valid application received containing the details supplied by the Deputy. Applications which are incomplete or incorrect are returned to the employer for completion.

#### **Social Welfare Benefits.**

157. **Mr. Crawford** asked the Minister for Social and Family Affairs if he will reconsider the situation of a person (details supplied) in County Monaghan; the reason a special needs supervisor on a school bus is treated differently from a home help; if this situation will be rectified; and if he will make a statement on the matter. [13741/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned is currently in receipt of a reduced rate widow's non-contributory pension. This is a means tested payment. When assessing a person's means, account must be taken of any earnings, savings, investments, property or income which the person may have.

It was decided on 18 March 2005 that the person concerned was entitled to a reduced rate widow's non-contributory pension of €33.80, based on means of €121.05 per week derived from earnings as a special needs supervisor on a school bus. In addition, she is entitled to a fuel allowance of €9 per week. The person concerned was notified of this decision and of her right of appeal.

In the social welfare system, home help earnings are generally disregarded or treated more favourably than earnings from other insurable employment. No substantial changes have been made in these arrangements in recent years.

From January 2000, home helps were successful in securing equivalent status to non-nursing employees in the health service and are broadly in line with rates for equivalent health service staff. It is understood that these new pay rates also apply to the various agencies contracted by the HSE to provide home help services. Home

[Mr. Brennan.] helps employed directly by the HSE now have full employee status, with all of the rights of other health service employees, including annual leave, premia payments and mileage allowances. The treatment of earnings from employment as home help *vis-à-vis* earnings from other insurable employment for social welfare purposes is under review within my Department.

158. **Mr. Stagg** asked the Minister for Social and Family Affairs if his examination of the proposal of this Deputy to provide free travel to Irish pensioners who live abroad while they are visiting Ireland has been completed; and when he expects to make a decision on the matter. [13763/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The extension of free travel to Irish pensioners living abroad could have, apart from the cost and administrative implications, legal implications arising from the prohibition of discrimination against pensioners of other EU member states. If the scheme were extended along the lines suggested, it is likely that it would have to be extended to all pensioners who are EU nationals coming to Ireland for temporary stays. Such an extension would have to be considered in a budgetary context, taking account of other requests for extension of the free travel scheme.

However, I am mindful that this matter has been raised in the House on a number of occasions recently and I am continuing my examination of the issues involved, including the legal situation.

#### Departmental Expenditure.

159. **Mr. Stanton** asked the Minister for Social and Family Affairs the nature of the standard or routine reports relating to the expenditure on benefits that are produced by the accounting systems of his Department each month; the reports produced by or derived from these systems which are brought to his attention; and if he will make a statement on the matter. [13765/05]

161. **Mr. Stanton** asked the Minister for Social and Family Affairs the amounts under each benefits heading in the appendix in his Department's Vote for 2005 (details supplied), together with the amounts expended under each such heading to 31 March 2005 or such other date as he can conveniently provide; the amounts his Department had estimated at the beginning of 2005 which have been spent to such date under each benefits heading; the reason for the variances under each heading; his forecast of whether, for each benefit heading, the amounts estimated are likely to be exceeded or underspent for the full 2005 year in view of the experience

gained in the year to date; and if he will make a statement on the matter. [13767/05]

162. **Mr. Stanton** asked the Minister for Social and Family Affairs the amounts under each sub-head in his Department's Vote for 2005, together with the amounts expended under each such sub-head to 31 March 2005 or such other date as he can conveniently provide; the amounts his Department had estimated at the beginning of 2005 would have been spent to such date under each sub-head; the reason for the variances under each sub-head; his forecast of whether, for each sub-head, the amounts estimated are likely to be exceeded or underspent for the full 2005 year in view of the experience gained in the year to date; and if he will make a statement on the matter. [13768/05]

**Minister for Social and Family Affairs (Mr. Brennan):** It is proposed to take Questions Nos. 159, 161 and 162 together.

In accordance with Government policy in regard to control and management of expenditure, I submit expenditure management reports to Government every second month outlining expenditure incurred in the year to date and projected end-year position for both my Department's Vote 38 and the social insurance fund, SIF. My Department submits reports each month to the Department of Finance comprising income and expenditure tables and qualitative assessments as to likely end-year outturns, for both Vote 38 and the SIF. The amounts drawn from the Exchequer in respect of Vote 38 are also specified. In addition, my Department carries out a detailed review on a quarterly basis of administrative expenditure with a view to monitoring any deviations and initiating any necessary corrective action.

A finance committee, comprising representatives of senior management, assesses the expenditure position based on the monthly expenditure and other reports and any concerns arising from this are brought to my attention. The estimates and expenditure information requested by the Deputy in regard to each sub-head of my Department's Vote and each benefit heading in the SIF appendix is set out in the attached tabular statements. The statements show the position as at the end of February. Full expenditure returns for the month of March are not yet available.

The expenditure variances at the end of February are within the margin of error inherent in the monthly budgeting, or profiling, process. They are attributed to a combination of factors, including the timing of encashment of orders and drafts at post offices, which cannot be predicted accurately. In this regard, payments at post offices account for about 60% of the Department's programme expenditure. Additionally, timing differences as between profile assumptions and actual payments arise from time to time,

particularly in regard to administration expenditure.

My Department is not, at this stage, forecasting any end year variances on Vote 38 or SIF expen-

diture. It is too early in the year to confidently predict outturns on what are very sizeable allocations driven almost entirely by demand led schemes.

## Vote 38

## Social and Family Affairs

	2005 Estimate	Spend end-February	Budget end-February	Variance end-February
	€	€	€	€
<b>ADMINISTRATION</b>				
A1. Salaries, Wages and Allowances	175,119	26,800	25,978	+822
A2. Travel and Subsistence	4,577	439	615	-175
A3. Incidental Expenses	10,178	476	712	-236
A4. Postal and Telecommunications Services	14,505	1,381	1,917	-536
A5. Office Machinery and other Office Supplies	14,164	679	1,488	-809
A6. Office Premises Expenses	6,000	436	719	-283
A7. Consultancy Services	8,000	380	999	-619
A8. Payments for Agency Services	61,426	10,855	12,131	-1,276
A9. Information Society — REACH	10,462	1,073	1,288	-214
A10. Information Society — Modernisation of the Civil Service Registration Service	1,764	14	14	—
<b>Sub-Total</b>	<b>306,195</b>	<b>42,534</b>	<b>45,861</b>	<b>-3,327</b>
<b>SOCIAL ASSISTANCE</b>				
B. Old-Age Pension (Non-Contributory)	627,900	99,979	102,580	-2,601
C. Blind Pension	16,900	2,634	2,748	-114
D. Child Benefit	1,915,700	291,833	296,490	-4,657
E. Unemployment Assistance	690,000	102,347	102,029	+319
F. Farm Assist	63,600	10,656	10,493	+163
G. Employment Support Services	107,543	19,233	18,776	+457
H. Pre-Retirement Allowance	105,800	15,747	16,056	-309
I. One-Parent Family Payment	769,700	111,592	112,083	-491
J. Widows and Orphans Pension (Non-Contributory)	132,600	20,288	20,818	-530
K. Social Assistance Allowances	11,500	1,772	1,775	-3
L. Family Income Supplement	73,800	11,077	11,821	-744
M. Carers Allowance	212,200	31,673	31,985	-312
N. Supplementary Welfare Allowances	702,400	102,616	104,951	-2,335
O. Disability Allowance	636,200	94,018	98,884	-4,866
P. Respite Care Grant	36,000	—	—	—
Q. Free Schemes	204,092	37,829	40,111	-2,283
R. Money Advice and Budgeting Service	13,620	5,717	5,497	+220
S. Family Support Agency	24,466	1,351	2,268	-916
T.1 Combat Poverty Agency	4,236	501	443	58
T.2 Social Exclusion Programme	123	—	—	—
U. Comhairle	20,917	4,500	4,500	—
V. Miscellaneous Services	15,033	4,127	3,712	+415
<b>Gross Total</b>	<b>6,690,525</b>	<b>1,012,024</b>	<b>1,033,881</b>	<b>-21,857</b>
<i>Deduct:</i>				
W. Appropriations-in-Aid	156,573	-26,697	-26,726	+29
<b>Net Total</b>	<b>6,533,952</b>	<b>985,327</b>	<b>1,007,155</b>	<b>-21,828</b>

## Appendix to Vote 38

## Social Insurance Fund

	2005 Estimate	Spend end-February	Budget end-February	Variance end-February
	€	€	€	€
EXPENDITURE				
BENEFITS:				
Disability Benefit	521,200	84,397	81,576	+2,821
Invalidity Pension	534,900	79,293	79,765	-472
Occupational Injuries Benefits	89,600	13,724	13,768	-44
Maternity Benefit	137,100	19,410	19,908	-498
Health and Safety Benefit	184	33	30	+3
Adoptive Benefit	680	113	106	+7
Treatment Benefits	80,300	9,640	10,216	-576
Old Age (Contributory) Pension	1,110,900	170,770	173,793	-3,023
Retirement Pension	1,067,700	158,283	160,147	-1,864
Unemployment Benefit	463,600	70,247	70,866	-619
Widows' and Orphans' (Contributory) Pensions	980,000	148,579	150,053	-1,474
Widowed Parent Grant	3,186	514	530	-16
Deserted Wife's Benefit	91,800	14,140	14,075	+65
Carer's Benefit	8,000	1,175	1,171	+5
Bereavement Grant	13,500	1,995	2,250	-255
Free Schemes	183,828	33,343	35,119	-1,776
Redundancy and Insolvency Payments	150,500	10,053	25,082	-15,029
Administration	211,603	27,052	26,950	+102
Total Benefits	5,648,581	842,762	865,405	-22,644

160. **Mr. Stanton** asked the Minister for Social and Family Affairs the amounts expended in each of the past ten years on software packages, consultancy services and hardware, including maintenance charges, to manage the accounts of his Department; the number of officials engaged in preparing, managing and analysing the accounts centrally; and if he will make a statement on the matter. [13766/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The amounts expended specifically on software packages, consultancy services and hardware, including maintenance charges, to manage my Department's accounts, are only available in respect of the years from 1998 inclusive. The total amounts in each of these years are as follows: 1998 — €33,164; 1999 — €49,419; 2000 — €82,700; 2001 — €245,454; 2002 — €369,831; 2003 — €202,609; 2004 — €106,370. The increased costs in 2001 and subsequent years were due to necessary upgrades of the financial management system which required new hardware and consultancy services.

My Department's accounting system requirements necessarily reflect the substantial scale and complexity of its business. Underlying an expected expenditure of more than €12.2 billion in 2005 are almost one million individual payments each week as well as half a million monthly payments each month. These are made through a

range of different payment instruments. The Department's voted funds and the social insurance fund must be separately accounted for with details of each of the schemes involved. Detailed accounting for all administrative expenditure is also necessary, including that related to about 4,800 staff.

The accounts are prepared and managed by the accounts branch of my Department, which comprises 83 staff. Reports extracted from the accounts are regularly analysed by various officials across the Department for budgetary and wider management purposes.

*Questions Nos. 161 and 162 answered with Question No. 159.*

#### Social Welfare Benefits.

163. **Mr. Ring** asked the Minister for Social and Family Affairs the negotiations which have taken place with the telephone companies with regard to giving the free schemes for mobile phones; and when an announcement on this will be made. [13769/05]

**Minister for Social and Family Affairs (Mr. Brennan):** I am committed to facilitating greater social welfare client choice of telephone services. In this regard my Department is in contact with the regulator, ComReg, regarding the technical and administrative requirements for mobile

phone, as well as land-line services. To date, three mobile phone companies have expressed an interest in participating in the telephone allowance scheme and these companies are in discussion with my Department and the telecommunications regulator.

My Department is carrying out a fundamental review of the current operational arrangements with the various service providers. As part of this review the regulator, interest groups and other relevant entities will be consulted as required. It is expected that this review will be completed within the next couple of months and I will then be in a position to make decisions on the expansion of the telephone allowance scheme to include mobile phones.

#### Postal Service.

164. **Mr. O'Shea** asked the Minister for Social and Family Affairs his proposals to deal with the concerns of a person (details supplied) in County Cork regarding the future of the postal network; and if he will make a statement on the matter. [13825/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Four of the five points raised by the person concerned in the circular type letter received by the Deputy concern matters which are the responsibility of my colleague, the Minister for Communications, Marine and Natural Resources. The other point relates to allegations that my Department is forcing its customers to change from payment at post offices to direct payment into bank accounts.

The position is that social welfare customers opting for a particular payment method do so on an entirely voluntary basis having regard to their own circumstances and particular needs. This is in line with our policy of ensuring that a range of payment options is available to customers and that service is continually improved by providing access to the wide range of payment options and new services and facilities now available.

Current payment methods include payment at post offices by means of a pension order book, electronic or manual post draft issued to the customer's designated post office each week, payment by cheque to the home address of customers and direct payment to customers' bank or building society accounts by electronic fund transfer. Where possible, my Department provides a payment option which best suits the needs of customers.

Some 58% of customers currently receive payment through their local post office, comprising 800,000 customers on longer term schemes who have chosen to be paid by a book of personalised payable orders encashable each week at the customers' designated post office, and a further 135,000 customers, mainly on unemployment schemes, who are paid at their designated post office by electronic or manual post draft each

week. Some 11% or 160,000 customers are paid by cheque through the postal system and 31% or 500,000 customers receive direct electronic payment to their bank or building society account.

By way of illustration, some 66% of new applicants for old age contributory pension and 65% of new applicants for child benefit have chosen to be paid directly to their bank accounts. In late 2003, customers getting family income supplement were transferred to a new payment system. These customers are at work on low pay and many already had their salaries or wages paid into their bank accounts. It suited their needs, therefore, to have their family income supplement paid in the same manner. Currently 84% of those customers are paid by direct payment.

#### Social Welfare Benefits.

165. **Mr. Boyle** asked the Minister for Social and Family Affairs the reason community employment scheme participants are excluded from access to the family income supplement, when social employment scheme participants and those availing of the part-time job initiative are not; and if he will address this anomaly. [13843/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Family income supplement is designed to assist people in low income employment with qualified child dependants where they might otherwise be only marginally better off than if they were fully dependent on a welfare payment.

The part-time job incentive, PTJI, scheme applies where a recipient of long-term unemployment assistance takes up insurable employment for up to 24 hours per week. A weekly allowance is paid, which does not include an increase for child dependants. Participants in this scheme are obliged to continue to make efforts to find full-time work. To qualify for FIS, PTJI recipients must work in insurable employment for a minimum of 38 hours per fortnight. The part-time job allowance is counted as income for FIS purposes.

Participants on CE, which was previously called the social employment scheme, SES, have never been eligible for FIS payments. CE is a publicly funded employment and training programme with the specific objective of progressing the long-term unemployed and other disadvantaged people from social welfare dependency towards employment in the open labour market. CE allowance includes an increase for qualified adult and child dependants, where applicable.

As a State funded employment and training programme rather than full time remunerative employment, CE earnings are specifically excluded by regulation for the purpose of FIS qualification. There are no plans to amend these regulations.

166. **Mr. Nolan** asked the Minister for Social and Family Affairs the number of persons under



[Mr. Nolan.]  
the age of 25 years in receipt of unemployment assistance. [13849/05]

**Minister for Social and Family Affairs (Mr. Brennan):** On 22 April 2005, there were 16,726 persons under the age of 25 years in receipt of an unemployment assistance payment. Of these, some 1,332 received a part-payment as they were employed on a casual or part-time basis.

In addition, some 4,253 persons under the age of 25 years were claiming unemployment assistance but not receiving a payment. Of these, 50 are being disallowed, 1,106 are suspended while the remainder are awaiting a decision on claims which have been recently made.

### Social Welfare Appeals.

167. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason a social welfare application and appeal has been disallowed in the case of a person (details supplied) in Dublin 16; if his attention has been drawn to the hardship caused to this person as a result of the disallowance; and if he will make a statement on the matter. [13881/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, provides assistance to eligible people who have little or no income.

The Dublin/mid-Leinster area of the executive has advised that payment of a basic supplementary welfare allowance and rent supplement to the person concerned ceased when she ceased to reside at the address she had provided. The executive has further advised that she was unsuccessful in appealing against this decision to the executive's area appeals officer. Her case was forwarded to the social welfare appeals office for further adjudication. The appeals officer upheld the original decision to terminate payment of basic supplementary welfare allowance and rent supplement.

The appeals systems both in the executive and in the social welfare appeals office operate independently and are designed to ensure that every appellant's case gets full and satisfactory consideration. Neither I nor my Department have any function in decisions made by an appeals officer.

### Social Welfare Benefits.

168. **Mr. Naughten** asked the Minister for Social and Family Affairs further to Question No. 248 of 20 April 2005, the certain conditions which must be satisfied; the way in which such a grant can be applied for; and if he will make a statement on the matter. [13897/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The respite care grant is an annual

payment for carers who look after certain people in need of full-time care and attention. Both the carer and person in receipt of care must satisfy certain conditions. The carer must be aged 16 years or over; ordinarily resident in the State; caring for the relevant person on a full-time basis; living with the person being cared for or, if not, contactable quickly by a direct system of communication between his or her home and the home of the person being cared for; and caring for the relevant person for at least six months, which includes the first Thursday in June.

The person being cared for must be so incapacitated as to require full-time care and attention — medical certification is required; not normally live in a hospital, convalescent home or other similar institution; and not receive full-time care and attention within his or her own home from another person.

As stated in my earlier reply, from early May application forms and information leaflets will be available throughout my Department's network of local and branch offices, from citizens' information centres and from my Department's website. Carers currently in receipt of either carer's allowance, carer's benefit, domiciliary care allowance or prescribed relative allowance or if the person being cared for is in receipt of constant attendance allowance will not have to apply for the grant as it will be paid automatically.

As already advised, my Department has set up a dedicated unit to administer the enhanced respite care grant scheme. To coincide with the current publicity campaign and to provide assistance and advice on the scheme, a special freefone service at 1800 690590 is being provided until May 11. Thereafter, the new dedicated unit will provide advice and assistance as required.

### Airport Security.

169. **Mr. Gregory** asked the Minister for Transport his views on whether airport security in this State should be under the overall control of the Garda Síochána; and if he will make a statement on the matter. [13749/05]

**Minister for Transport (Mr. Cullen):** There are no proposals under consideration to alter the existing control arrangements for airport security in the State.

My Department, which has responsibility for aviation security policy, liaises on an ongoing basis with the Garda Síochána concerning issues relating to airport security. The Garda Síochána is a member of the National Civil Aviation Security Committee, which was established in 1974 to advise the Government and the civil aviation industry of security policy for civil aviation, to recommend and review the effectiveness of security measures and to provide for co-ordination of the various interests involved.

In the context of wider national security, the Garda Síochána is responsible for monitoring any

terrorist threat and recommending appropriate security measures to address any such threats.

### Road Safety.

170. **Mr. P. McGrath** asked the Minister for Transport if the new centre median safety barriers being installed on existing dual carriageways have been proved to be the last option for motor cyclists and their pillion passengers; and if he will make a statement on the matter. [13778/05]

**Minister for Transport (Mr. Cullen):** It is a matter for the National Roads Authority, NRA, to ensure that motorways and dual carriageways are equipped with appropriate containment barriers in accordance with the NRA's design manual for roads and bridges. The NRA, as a matter of practice, keeps road design standards, including safety aspects, under regular review.

### Public Transport.

171. **Mr. Deenihan** asked the Minister for Transport if he intends to appoint an independent transport regulator; and if he will make a statement on the matter. [13734/05]

**Minister for Transport (Mr. Cullen):** As I have indicated previously, I am committed to reforming the public transport market in order to provide opportunities for both public and private companies to deliver increased public services and to ensure the taxpayer and customer get a high quality of service and the best value for money. In this context, it remains my intention to establish an independent national public transport procurement and regulatory body to, *inter alia*, procure socially necessary bus services, license commercial services and regulate fares.

Officials in my Department are continuing to meet stakeholders regarding their views on how to reform the market within the framework I have set out. When I have had an opportunity to consider these views I will decide how best, in a spirit of partnership, to give effect to reform of the public transport market.

### Proposed Legislation.

172. **Mr. Deenihan** asked the Minister for Transport if he intends to replace the Transport Act 1932; and if he will make a statement on the matter. [13735/05]

**Minister for Transport (Mr. Cullen):** As I have indicated previously, I am committed to reforming the public transport market to provide opportunities for both public and private companies to deliver increased public services and to ensure the taxpayer and customer get a high quality of service and the best value for money.

In this context it remains my intention to replace the Transport Act 1932. This Act provides the statutory basis for regulating the bus market in Ireland and is totally outdated and in need of reform. It is a commitment of this

Government to replace the Act with a modern regulatory framework which achieves a more open, effective and competitive regime.

Officials in my Department are continuing to meet stakeholders regarding their views on how to reform the market within the framework I have set out. When I have had an opportunity to consider these views I will decide how best, in a spirit of partnership, to give effect to reform of the public transport market.

173. **Mr. Deenihan** asked the Minister for Transport the position regarding the replacement of EU Regulation 3820/85 in order to introduce new EU tachograph regulations; and if he will make a statement on the matter. [13736/05]

**Minister of State at the Department of Transport (Mr. Calley):** The European Parliament has recently completed its second reading of the Commission proposal to replace the existing drivers' hours rules and has proposed a number of amendments.

The Council now has three months to consider the Parliament's second reading. If the Council accepts the Parliament's second reading, the proposal could be finally adopted in July 2005. However, if the Council is unable to accept the Parliament's second reading, the conciliation procedure is invoked with a view to finding a compromise. In that event, the procedure leading to final adoption — assuming that an agreement can be reached between the Council and Parliament — could take until the end of 2005 to complete.

### Security of the Elderly.

174. **Mr. Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs the number of funding applications submitted for socially monitored alarms between the years 2000 and 2004 and to date in 2005 with regard to the community support for older people scheme; the number of these applications which were approved for funding in each of these years; the number of older persons who received socially monitored alarms under this scheme in each of the years; the amount expended by his Department on funding for socially monitored alarms under this scheme in each of the years; and if he will make a statement on the matter. [13833/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** Responsibility for the scheme of community support for older people transferred from the then named Department of Social, Community and Family Affairs to the newly formed Department of Community, Rural and Gaeltacht Affairs in June 2002. The scheme was operated through the regional offices of the Department of Social, Community and Family Affairs up to and including 2002.

[Mr. N. Ahern.]

The purpose of the scheme is to encourage and assist the community's support for older people by means of a community based grant scheme to improve the security of its older members. Funding under the scheme can be provided for door locks, door chains and window locks; security lighting; and smoke alarms and the once-off cost of installing socially monitored personal alarms.

Details in respect of the groups approved and amounts approved for security equipment — including socially monitored personal alarms — under the scheme for the years 2000, 2001 and 2002 are available in the Oireachtas Library. The details in respect of grants paid under the 2003 and 2004 schemes are available on my Department's website, [www.pobail.ie](http://www.pobail.ie).

In summary, the details are in the table.

Year	Number of applicant groups	Number of groups approved	Amount (€ million)
2000	Not available	571	4.03
2001	Not available	461	2.68
2002	Not available	432	2.67
2003	461	391	2.86
2004	531	450	2.65*

\*Includes approximately €670,000 paid in 2005 in respect of applications received under the 2004 scheme.

I recently announced the 2005 scheme open for applications. The closing date for receipt of applications in the Department is 24 May 2005.

#### Farm Retirement Scheme.

175. **Mr. Naughten** asked the Minister for Agriculture and Food the reason farmers are not entitled to draw a non-contributory pension in conjunction with the farm retirement pension; and if she will make a statement on the matter. [13898/05]

**Minister for Agriculture and Food (Mary Coughlan):** It is a requirement of the EU regulations under which both the current and previous early retirement schemes are implemented that the early retirement pension can only be paid as a supplement to any national retirement pension that the participant and his or her spouse or partner in a joint management arrangement receive. Consequently, the value of any such national retirement pension, which includes the non-contributory old age pension, must be deducted from the early retirement pension.

176. **Mr. Naughten** asked the Minister for Agriculture and Food the reason farmers are not entitled to draw a contributory pension in conjunction with the farm retirement pension; and if she will make a statement on the matter. [13899/05]

**Minister for Agriculture and Food (Mary Coughlan):** It is a requirement of the EU regulations under which both the current and previous early retirement schemes are implemented that the early retirement pension can only be paid as a supplement to any national retirement pension that the participant and his or her spouse or partner in a joint management arrangement receive. Consequently, the value of any such national retirement pension, which includes the contributory old age pension, must be deducted from the early retirement pension.

177. **Mr. Naughten** asked the Minister for Agriculture and Food the reason a farmer must inform the Department of Agriculture and Food of his or her social welfare entitlements; her plans to automate this system; and if she will make a statement on the matter. [13900/05]

**Minister for Agriculture and Food (Mary Coughlan):** It is a requirement of the EU regulations under which both the current and previous early retirement schemes are implemented that the early retirement pension can only be paid as a supplement to any national retirement pension that the participant and his or her spouse or partner in a joint management arrangement receive. This means the value of any such national retirement pension must be deducted from the early retirement pension.

On entering the schemes, participants signed an undertaking to comply with the requirements, among which it is stated that the pension can only be paid as a supplement to a national retirement pension. The onus remains primarily on the scheme participant to inform my Department of his or her entitlement to a national retirement pension. As a further safeguard against unintentional overpayments, however, my Department and the Department of Social and Family Affairs co-operate in the routine exchange of information and are currently in discussion about ways in which this can be improved further.

#### Grant Payments.

178. **Mr. Crawford** asked the Minister for Agriculture and Food when she intends to make the single payment in order that farm families can plan their financial budget not only from a banking point of view but also from a taxation point of view; if her attention has been drawn to the fact that payments made after 1 January 2005, for instance, for the 2004 livestock year, will be added to the single payment within the one 12 month period and that farmers must know when they will receive this in order to organise their

system to ensure that they retain an income for their family; and if she will make a statement on the matter. [13738/05]

**Minister for Agriculture and Food (Mary Coughlan):** The operation of the single payment scheme is governed by the provisions of Council Regulation (EC) No. 1782/2003. In general, Article 28 of that regulation provides for the issue of payment under the scheme once a year within the period from 1 December of the scheme year to 30 June of the following calendar year.

My Department is currently in the final stages of implementing the single payment scheme and the deadline for the receipt of applications is 16 May 2005. My primary objective is that payment should issue to farmers from the beginning of December 2005.

179. **Mr. Connaughton** asked the Minister for Agriculture and Food the outcome of an application under *force majeure* and under the national reserve by a person (details supplied) in County Galway; and if she will make a statement on the matter. [13739/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named, having been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure* or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee.

Following a full examination of the circumstances outlined in the appeal, the independent single payment appeals committee made a recommendation and a letter issued to the person named on 26 April 2005. The findings of the appeals committee were that the original decision taken by my Department should be upheld.

The person named has also applied under the 2005 single payment national reserve under category C, which caters for farmers who sold their milk quota into the milk quota restructuring scheme between 1 January 2000 and 19 October 2003 and who converted to a farming sector for which a direct payment under the livestock and/or arable aid schemes would have been payable in respect of the years 2000 to 2002. My Department is processing some 16,500 applications to the national reserve while the closing date is 16 May 2005. This application will be examined to assess whether or not the person named has converted to a qualifying sector and he will be notified of the outcome in due course.

180. **Mr. Naughten** asked the Minister for Agriculture and Food when a person (details supplied) in County Roscommon will receive a breakdown of the calculation of their SFP; and if she will make a statement on the matter. [13754/05]

**Minister for Agriculture and Food (Mary Coughlan):** Records in my Department show that a provisional statement of entitlements issued to the person named on 22 March 2005. An explanation as to the basis of the calculation was also included with the statement. Given that the person named may not have received this, I have had arrangements made to have a further copy issued.

181. **Mr. Naughten** asked the Minister for Agriculture and Food when a person (details supplied) in County Roscommon will receive a result to a *force majeure* application; and if she will make a statement on the matter. [13755/05]

**Minister for Agriculture and Food (Mary Coughlan):** An application for consideration under the *force majeure* or exceptional circumstances measure of the single payment regulations was submitted by the person named on 5 February 2004.

Following consideration by my Department and the independent single payment appeals committee of the circumstances outlined, my Department is satisfied that *force majeure* criteria can be applied in respect of the person named. Consequently, the years 2000 and 2001 will be excluded and the year 2002 will be used in the calculation of the single payment entitlement.

The person named was notified of this decision on 25 April 2005 and an amended statement of provisional entitlements reflecting this position will issue shortly. In the meantime, I have arranged for details of the calculation of the named person's single payment to be issued directly to him.

182. **Mr. Naughten** asked the Minister for Agriculture and Food when a person (details supplied) in County Offaly will receive notification of SFP entitlement; and if she will make a statement on the matter. [13756/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application in respect of the inheritance and new entrant measure of the single payment scheme. Following processing of the documentation received the person named was deemed to be ineligible for consideration in respect of the new entrant measure as he submitted area aid applications in all three reference years, 2000, 2001 and 2002.

I am pleased to advise, however, that the application for consideration in respect of the inheritance measure has been successful. Arrangements have been made to issue a provisional statement of entitlements reflecting this position to the person named next week.

183. **Mr. Naughten** asked the Minister for Agriculture and Food when a person (details supplied) in County Roscommon will receive notification of SFP entitlement as an inheritance

[Mr. Naughten.]  
case; and if she will make a statement on the matter. [13757/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named inherited a farm as a result of his father's death but did not submit an application under the inheritance measure of the single payment scheme.

An official from my Department contacted the person named on 20 April 2005 and requested him to submit an application for consideration in respect of the inheritance measure of the single payment scheme. Upon receipt and processing of his application, the person named will be issued with a statement of provisional entitlements reflecting this position.

184. **Mr. Naughten** asked the Minister for Agriculture and Food when a person (details supplied) in County Roscommon will receive notification of SFP entitlement with a correct PPSN; and if she will make a statement on the matter. [13758/05]

**Minister for Agriculture and Food (Mary Coughlan):** The provisional statement of entitlements, which issued recently to the person named, quoted the PPSN for the person named that was held on Department records. However, following direct contact by officials of my Department with the person named, the position regarding the PPSN has been clarified. Arrangements are being made to issue a further provisional statement of entitlements to the person named, quoting the correct PPSN.

185. **Mr. Crawford** asked the Minister for Agriculture and Food the payments which will issue to a person (details supplied) in County Monaghan; when they will issue; and if she will make a statement on the matter. [13759/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted three applications under the 2004 special beef premium scheme, in respect of 24 animals. The first application, in respect of eight bulls, was received on 26 February 2004. The 60% advance payment issued on 18 October 2004 and the 40% balance on 18 April 2005. The second application, in respect of three 2nd age animals and ten bulls, was received on 12 December 2004. The 100% payment issued on 18 April 2005. The third application, in respect of two 2nd age animals and one bull, was received on 31 December 2004. The 60% advance issued on 1 April 2005 and the 40% balance on 18 April 2005. Therefore, all special beef premium applications have been fully paid.

Eleven eligible animals were slaughtered under the herd number of the person named and are, therefore, eligible under the 2004 slaughter premium scheme. The 60% advance payment in respect of nine animals issued on 20 October 2004, in respect of one animal on 1 December

2004 and in respect of the final animal on 21 December 2004. The balancing payment in respect of the 11 animals, which issued on 18 April 2005, took account of the quota overshoot of 2.13%. Therefore, all payments due to the person named under the slaughter premium scheme have issued.

The person named was due compensation of €2,738.99 in respect of seven reactor animals slaughtered on 7 March 2005. Following receipt of a factory docket on 7 April 2005, the claim was processed and payment was made on 25 April 2005.

The person named also applied under the 2004 extensification premium scheme. Payments under this scheme are normally made in June. The application will be considered in due course.

186. **Mr. P. Breen** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Clare did not qualify for the full grant for a slatted house; and if she will make a statement on the matter. [13771/05]

**Minister for Agriculture and Food (Mary Coughlan):** The above named person is an applicant under the farm waste management scheme. The applicant received approval under the scheme for the completion of investment works at an estimated cost of €46,838.70. However, it was found during the course of the pre-payment inspection that some items had not been completed in accordance with the approved proposals. In particular, the area of associated concrete laid was less than that proposed, the dimensions of the completed tank wall were smaller than originally proposed and only ten linear metres of gates were installed compared to the 16 metres proposed. As a result, the overall cost of the completed works was calculated at €44,645.37 and the level of grant, which was paid at 40%, reduced accordingly.

187. **Mr. G. Murphy** asked the Minister for Agriculture and Food if entitlements for single payment will be reviewed for a person (details supplied) in County Cork. [13788/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has submitted an application for consideration in respect of both the new entrant and inheritance measures of the single payment scheme. The inheritance measure is the more beneficial and arrangements have been made to issue a statement of provisional entitlements reflecting this position to the person named.

#### **Milk Quota.**

188. **Mr. Kehoe** asked the Minister for Agriculture and Food the status of an application before the milk quota appeals tribunal by a person (details supplied) in County Wexford; when a decision will be made on the reallocation of

quota; and if she will make a statement on the matter. [13837/05]

**Minister for Agriculture and Food (Mary Coughlan):** Allocations of milk quota from the national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system. It also examines applications from producers whose herds have been restricted by animal disease in the current milk quota year.

The person in question applied for additional quota on the grounds of animal disease in the 2004-05 quota year. The tribunal examined the application last January and its recommendation that an allocation of quota be made was accepted and he was duly notified. The person concerned has appealed the decision, seeking an additional allocation. The tribunal has reviewed his case and the outcome of his appeal will be notified to him shortly.

#### **Rural Environment Protection Scheme.**

189. **Mr. P. Breen** asked the Minister for Agriculture and Food when a person (details supplied) in County Clare will receive the REP scheme payment; and if she will make a statement on the matter. [13838/05]

**Minister for Agriculture and Food (Mary Coughlan):** The application from the person named was received in my Department on 23 March 2005 and is being processed in accordance with the targets set out in the protocol on direct payments to farmers.

#### **EU Directives.**

190. **Mr. Naughten** asked the Minister for Agriculture and Food her plans to introduce a State aid package for those ineligible under the terms of the current CFP scheme; if she will increase the level of grant aid available under the scheme; and if she will make a statement on the matter. [13883/05]

**Minister for Agriculture and Food (Mary Coughlan):** Consultations are ongoing with the European Commission in regard to the action programme for implementation of the nitrates directive in Ireland. The question of possible changes to the conditions of the farm waste management scheme, which has now replaced the control of farm pollution scheme, can only be considered in the light of the requirements of the action programme, when agreed.

#### **Farm Waste Management.**

191. **Mr. Naughten** asked the Minister for Agriculture and Food when the current EU support for the CFP scheme will cease; and if she will make a statement on the matter. [13884/05]

**Minister for Agriculture and Food (Mary Coughlan):** The farm waste management scheme, which has replaced the control of farm pollution scheme, was established under the terms of the National Development Plan 2000-2006. The scheme is co-funded by the European Union and applications will be accepted by my Department under the scheme until 31 December 2006.

Discussions are taking place in Brussels on the rural development framework which will be in operation from 2007 onwards.

#### **Common Agricultural Policy.**

192. **Mr. Naughten** asked the Minister for Agriculture and Food the measures she is taking under the CAP reform agreement to introduce an advisory package for farmers; the additional funding set aside for these proposals; and if she will make a statement on the matter. [13885/05]

**Minister for Agriculture and Food (Mary Coughlan):** Under Article 13 of Council Regulation 1782/2003, which governs the operation of the single payment scheme, member states are obliged to set up a farm advisory system by 1 January 2007. The advisory system is to be operated by one or more designated authorities or by private bodies. Ireland already has a farm advisory system in place operated by both Teagasc and independent consultants.

#### **Visa Applications.**

193. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform when a decision will be made regarding the visa application of a person (details supplied) in County Dublin. [13748/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department approved the application to which the Deputy refers on 25 April 2005. The applicant will be notified of this decision as soon as possible.

#### **Anti-Social Behaviour.**

194. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 162 of 3 March 2005, if the Garda received reports of further acts of vandalism to cars and other anti-social behaviour; the action that is being taken; if anyone has been charged; and if he will make a statement on the matter. [13750/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Further reports of acts of vandalism to cars and other anti-social behaviour in the area referred to in Parliamentary Question No. 162 of 3 March 2005 have been received by the Garda Síochána. Under the Criminal Justice (Public Order) Act 1994, proceedings have commenced against five persons for offences committed in the area.

[Mr. McDowell.]

The sale of intoxicating liquor to young people in the area is the subject of a separate Garda investigation. Gardaí continue to patrol the area in question by using mobile patrols, foot patrols and plain clothes patrols. A policing plan to prevent further similar occurrences is in place and reviewed on an ongoing basis.

#### **Garda Investigations.**

195. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 718 of 12 April 2005, if the Garda received a report of a person (details supplied) in Dublin being attacked; the number of other similar attacks in the same area to date in 2005; and if he will make a statement on the matter. [13751/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** A report from the person in question was received and the incident remains under investigation and no person has been made amenable to date. It is not practice to comment upon ongoing Garda investigations, which are operational matters for the Garda authorities.

To date in 2005, there are six recorded instances of similar attacks in the area of the tow-path or canal bank. Garda foot patrols are giving coverage and attention to that area.

#### **Registration of Title.**

196. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform when the Land Registry Office will issue a land map to a person (details supplied) in County Cork. [13781/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for copy folio and filed plan in respect of the folio number to which the Deputy refer was lodged and completed on 19 April 2005. Application number C2005CK002741D refers.

#### **Visa Applications.**

197. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform if he will prioritise an application for a visa by a person (details supplied) in County Limerick; and if he will make a statement on the matter. [13783/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that the person in question has permission to remain in the State up to 13 May 2005 as a visitor and that no application has been received for a renewal of that permission. I am also aware that she has made an application for permission to remain in the State based on parentage of an Irish born child. The position regarding this application was outlined in my reply to the Deputy's Parliamentary Question No. 420 of 19 April 2005. I am not aware of any application for a visa by the person concerned.

#### **Deportation Orders.**

198. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he has received correspondence from a committee (details supplied); and if he will meet it to discuss the matter raised. [13784/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to the reply I gave to Question No. 346 on Tuesday, 8 March 2005. I have received many representations, including one from the Castleblayney Committee, requesting that the persons concerned be permitted to return to Ireland. I am satisfied that these persons were deported following a fair and comprehensive examination of their asylum claims and of their applications for leave to remain temporarily in the State. I do not intend to revoke their deportation orders, and consequently a meeting with the committee would serve no useful purpose.

#### **Visa Applications.**

199. **Mr. G. Murphy** asked the Minister for Justice, Equality and Law Reform if consideration will be given to an application for a visa on behalf of a person (details supplied). [13785/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy has omitted to supply a visa application reference number. Therefore, unfortunately it has not been possible to identify the application in question. I am informed that a search of all applications recorded by my Department did not yield any current applications for a person with the same name as that supplied by the Deputy. Consequently, it is not possible to comment on the specifics of this case.

However, should an application be submitted it will, of course, be considered, as is the case with all applications received by my Department. Until such time as an application is submitted, or a reference number for an existing application is supplied, I will not be in a position to comment further.

200. **Mr. G. Murphy** asked the Minister for Justice, Equality and Law Reform if consideration will be given to an application for a holiday visa for a person (details supplied). [13786/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department has not to date received a visa application in respect of a holiday visa for the person named by the Deputy for a visit in 2005.

A previous visa application for the named person was received in 2004 and was sought to enable the wife of a non-EEA national employed under the work permit scheme to join with her husband in the State. This application was refused as the visa officer was not satisfied on the basis of financial documentation that the appli-

cant would be fully financially supported by her husband. The refusal was upheld on appeal on 17 August 2004. Any new application will be fully examined by my Department.

As processing times for visa applications are, on average, between four and six weeks from the date of receipt in my Department the applicant can expect a decision within this timeframe.

201. **Mr. G. Murphy** asked the Minister for Justice, Equality and Law Reform if an application for a visa will be expedited for a person (details supplied). [13787/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy has omitted to supply a visa application reference number. Therefore, unfortunately it has not been possible to identify the application in question. I am informed that a search of all applications recorded by my Department did not yield any current applications for a person with the same name as that supplied by the Deputy. Consequently, it is not possible to comment on the specifics of this case.

However, in general, applications are dealt with strictly in the order they are received, in order to guarantee the fairest service to all customers dealing with my Department. In exceptional cases, applications may be prioritised where it is demonstrated that there are extenuating circumstances to do with the case. However, on the basis of the information supplied by the Deputy, it does not appear that any such circumstances exist in this case.

#### **Departmental Programmes.**

202. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application for funding in the name of a company (details supplied) in County Carlow for the provision of an upgraded outdoor play area; the timeframe for the decision; and if a decision will be expedited. [13808/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that a third application for capital grant assistance under the Equal Opportunities Childcare Programme, EOCP, 2000 — 2006, was submitted by this group to my Department some time ago.

The group in question was approved for EOCP capital grant assistance of almost €54,000 in 2001 and a further capital grant of €410,000 in 2002. The group appealed this latter amount and was awarded an additional amount of almost €24,000 in 2003 bringing its total capital allocation to over €488,000. The group submitted a further request for over €99,000 in additional capital funding in autumn 2004. This group has also been awarded staffing grant assistance of €362,949 under the EOCP to date. The additional capital grant application is under appraisal by Area Development Management Limited, ADM. ADM has been in

dialogue with the group and is awaiting additional information from the group to advance the appraisal process.

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme. Following discussions with my colleague the Minister for Finance, an additional capital provision of €90 million was made available over the period 2005-2009, in the context of the 2005 budget.

This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which €205 million has been set aside. Since budget 2005, I have announced a record allocation totalling almost €68 million in capital funding to community based not for profit groups, in two tranches, one in December 2004 and another on 4 March 2005.

The availability of the additional capital funding will enable me to make capital grant assistance available to groups which can show that they address significant child care service gaps and where the project proposal represents good value for money when considered in relation to the guidelines on building costs. In the light of this, the group in question was advised in December 2004 that, whilst its project had not been prioritised for immediate funding at that stage, it will be reconsidered for possible support in the future. When the assessment on the project in question is completed, the application will then be considered by the programme appraisal committee, chaired by my Department, before I make a final decision. In the interim, it would be premature of me to comment further on this application.

#### **Citizenship Applications.**

203. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation by persons (details supplied); and if he will make a statement on the matter. [13809/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Applications for naturalisation by the persons referred to by the Deputy were received in the citizenship section of my Department on 30 April 2003. These cases are under active consideration at present and I will inform both the applicants and the Deputy as soon as I have reached a decision.

#### **Prison Accommodation.**

204. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform if he will meet with a group (details supplied) urgently to afford it the opportunity of discussing its concerns at the selection of the site at Thornton Hall. [13810/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am advised that the group



[Mr. McDowell.] referred to by the Deputy declined the offer of an early meeting with the director general of the Irish Prison Service after the decision to relocate Mountjoy Prison to the site at Thornton Hall was announced. Officials from the Irish Prison Service did, however, meet with a group of representatives from the local school. All the relevant information about the Government decision has since been put in the public domain and has been made available to the group.

I understand that a person associated with a local residents' association has secured leave from the High Court for judicial review of the decision to select the site. In the light of this legal action, it would be inappropriate for me or the Irish Prison Service to have a meeting with the group at this point.

#### Asylum Applications.

205. **Mr. G. Murphy** asked the Minister for Justice, Equality and Law Reform if an application for permission to remain here on the basis of parentage of an Irish born child will be expedited for a person (details supplied). [13811/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application was submitted on 31 March 2005, which is the closing date for applications, and received in my Department on 1 April 2005 seeking permission to remain in the State on the basis of her parentage of an Irish born child under the revised arrangements announced by me on 15 January 2005.

Applications are being dealt with as expeditiously as possible and, in so far as is possible, in order of receipt. Given the number of applications being processed and the fact that this application was one of the last received, processing of the application from the person concerned will be completed in due course.

#### Deportation Orders.

206. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the action he will take in the event of a person deported by his Department being intimidated, violated or threatened on their return to their homeland; if he has contingency plans in such an event; and if he will make a statement on the matter. [13812/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Minister must consider 11 factors under section 3(6) of the Immigration Act 1999, as amended, together with section 5 of the Refugee Act 1996, prohibition of *refoulement*, when considering whether to deport a person.

The safety of returning a person, or *refoulement* as it is referred to, is fully considered in every case when deciding whether to make a deportation order. This means that a person shall not be expelled from the State or returned in any manner whatsoever to a State where, in my

opinion, the life or freedom of that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. The legislation requires that this consideration is given before the deportation decision is made and not after the person has returned. My Department uses extensive country of origin information drawn from different independent sources, including UNHCR, in evaluating the safety of making returns to third countries. I am satisfied that the procedures operated ensure as far as possible that persons are not returned in dangerous circumstances.

#### Citizenship Applications.

207. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the legal basis for his decision to refuse naturalisation to non-nationals other than refugees, programme refugees or stateless persons who have lived and worked here for several years if they at any time availed of such social welfare payments as unemployment assistance, rent support or the one parent family allowance; if his attention has been drawn to the consequences of such discrimination against persons who have had to avail of perfectly legitimate payments to which they are entitled under national and international law; if he will reconsider his policies in this regard with a view to enabling those who have worked here for a specified period to become eligible for naturalisation; and if he will make a statement on the matter. [13813/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The first main point that must be made is that the acquisition of Irish citizenship through the naturalisation process is a privilege — not a right. The discretionary nature of the naturalisation process is in keeping with international practice. Thus it is not the case that a person who has been resident here or in employment here has after a period of time — or even an extended period of time — a right to naturalisation. In fact it has been the case since 1935 that all decisions on naturalisation, even where all of the statutory conditions for naturalisation have been fulfilled, are expressed to be at the “absolute discretion” of the Minister for Justice, Equality and Law Reform.

I set out details of my general policy relating to applicants for naturalisation who avail of long-term State financial support in my response to Parliamentary Question No. 130 on 14 April 2005. I have no plans to review this policy at the present time.

#### Deportation Orders.

208. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if, notwithstanding his previous decision to deport a person (details supplied), the reason for which this person

arrived here in the first place is still sufficiently compelling to defer for an indefinite period their deportation if it transpires that they cannot continue to obtain current treatment in respect of their illness; and if he will make a statement on the matter. [13814/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to the reply I gave to Questions Nos. 164 on Thursday, 3 February 2005, and 265 on Wednesday, 9 March 2005. The person concerned is awaiting deportation following a comprehensive examination of his asylum claim and of his application to remain temporarily in the State. Late representations made regarding his medical condition were considered and were not deemed to constitute grounds for revoking the deportation order and granting leave to remain in the State instead. The decision to deport therefore remains unchanged.

#### Wildlife Acts.

209. **Mr. Stagg** asked the Minister for Justice,

	2000	2001	2002	2003	2004
Category					
Rifles and Air Rifles	39,850	40,281	41,650	43,246	45,225
Shotguns	167,202	166,231	167,157	168,640	168,177
Crossbows	60	64	68	68	74
Pistols and Revolvers	0	0	0	0	120
Total	207,112	206,576	208,875	211,954	213,596

#### Asylum Applications.

210. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform further to correspondence (details supplied) from his Department of 31 March 2005, the position regarding the application; and if he will make a statement on the matter. [13816/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question, along with his wife, arrived in the State on 24 December 1997 and made applications for asylum. The wife gave birth the following month, January 1998. They subsequently withdrew their asylum applications and applied for, and were granted, permission to reside in the State on the basis of parentage of the Irish born child. The person in question was recently requested to furnish documentation to assist with the consideration of the circumstances particular to his application for further permission to remain in the State. The matter is at present under consideration and it is expected that a decision will be made shortly.

#### Decentralisation Programme.

211. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the progress to date with decentralisation of the Garda vetting unit to

Equality and Law Reform further to Parliamentary Question No. 321 of 20 April 2005, the number of firearm certificates or licences that were endorsed in the terms specified in section 2(d) of the Wildlife Acts 1976 and 2000 in each of the years between 2000 and 2004; the number of forearm certificates, and the gun categories involved, that were issued in each of these years; and if he will make a statement on the matter. [13815/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** With regard to the Deputy's reference to the endorsement of firearm certificates under section 2(d) of the Wildlife Acts 1976 to 2000, there is no such provision. However, there is a provision under section 29 of the Wildlife Act 1976 which permits the hunting and killing of exempted wild mammals and birds. The Garda authorities inform me that these figures are not readily available.

However, the figures for the total number of firearm certificates granted in each of the years between 2000 and 2004 are set out in the table.

Thurles; and if he will make a statement on the matter. [13817/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Unlike the Government's decentralisation programme, three areas from within Garda headquarters are scheduled to move. These areas comprise 203 staff, including 89 members of the Garda Síochána — from Garda criminal records office, GCRO; Garda central vetting unit, GCVU; information technology and fixed charge processing system, FCPS. The Office of Public Works has identified a suitable site in Thurles to accommodate all 203 staff and work is continuing in regard to its acquisition. In the meantime, it has been agreed that the Garda criminal records office and Garda central vetting unit will move to Thurles in the coming months. A temporary premises has been identified and the leasing of same should be finalised shortly to accommodate the 40 staff involved.

#### Departmental Programmes.

212. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the position regarding a staffing grant and a capital grant for a group (details supplied) in County Donegal; and if he will make a statement on the matter. [13818/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that applications for staffing and capital grant assistance under the Equal Opportunities Childcare Programme, EOCP, 2000-2006, were submitted by the group to my Department in October 2004 and January 2005 respectively. The EOCP is a seven year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training. These applications have been forwarded to Area Development Management Limited, which is engaged by my Department to carry out detailed assessments on all EOCP grant applications on my behalf.

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 EOCP. This augments the increased EU funding of some €12 million made available last year in recognition of the progress of the programme. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which €205 million has been set aside. Since budget 2005, I have announced a record allocation totalling almost €68 million in capital funding to community based not for profit groups, in two tranches, one in December 2004 and another on 4 March 2005.

The availability of the additional capital funding will enable me to make capital grant assistance available to groups which can show that they address significant child care service gaps and where the project proposal represents good value for money when considered in relation to the current guidelines on building costs. 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 projects in question is completed, the applications will then be considered by the programme appraisal committee, chaired by my Department, before I make a final decision. In the interim, it would be premature of me to comment further on these applications for funding.

#### **Citizenship Applications.**

213. **Mr. Nolan** asked the Minister for Justice, Equality and Law Reform when the passport of

a person (details supplied) in County Carlow will be returned. [13850/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application was received in my Department on 30 March 2005 from the person concerned seeking permission to remain in the State on the basis of her parentage of an Irish born child under the revised arrangements announced by me on 15 January 2005.

The passport from the person concerned was submitted with her application and will be returned to her by registered post shortly. Applications are being dealt with as expeditiously as possible and, in so far as is possible, in order of receipt. Given the number of applications being processed, it is expected that the processing of the applications from the person concerned will be completed within the next few weeks.

#### **Refugee Applications.**

214. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the form of identification acceptable in the case of asylum seekers or refugees who may qualify for residency status here on the basis of parentage of Irish born children but do not possess passports or other identification; and if he will make a statement on the matter. [13863/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It is a fundamental requirement for consideration of applications under the revised arrangements announced by me on 15 January 2005, that applicants submit a valid passport or national identity document as proof of their identity. This requirement cannot be waived.

I am aware that some applicants are experiencing difficulties in obtaining these documents. Where appropriate, applicants are being facilitated with temporary travel documents to enable them to obtain the necessary identity document from their embassies or consulates abroad.

#### **Asylum Support Services.**

215. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will allow a person (details supplied) in Dublin 8 remain at their present address; and if he will make a statement on the matter. [13864/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The lady in question was transferred temporarily to accommodation at Portobello Harbour due to an outbreak of chickenpox at Baleskin reception centre. The arrangement was for four weeks which is the usual quarantine period for an outbreak of that disease. She has since returned to the Baleskin centre where she can avail of a wide range of health services on site, including ante-natal care services. She was advised prior to the transfer that the arrangement was strictly temporary and

in the interest of her own and her unborn child's health.

### **Garda Investigations.**

216. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to reports of a 48 hour delay in Garda response to a vicious homophobic attack in Dublin 8; the steps he has taken about this incident; and if he will make a statement on the matter. [13892/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that, at 8.10 a.m. on Sunday, 17 April 2005, the gardaí at Kevin Street Garda station were made aware that a male person lay injured in a specific area within Dublin 8. Gardaí attended the scene immediately and it was preserved. The scene was technically examined at 9.30 a.m. on the same date. The Garda authorities have further informed me that an investigation immediately commenced to ascertain how the injured party, who remains in a serious condition in hospital, sustained his injuries, and this investigation is continuing.

The Deputy will be aware that it is not practice to comment upon ongoing Garda investigations, which are operational matters for the Garda authorities.

### **Pupil-Teacher Ratio.**

217. **Mr. O'Shea** asked the Minister for Education and Science the proposals she has to address the crisis in regard to class size in County Waterford primary schools (details supplied); and if she will make a statement on the matter. [13790/05]

**Minister for Education and Science (Ms Hanafin):** 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 the teaching resources to have smaller numbers in other classes. Significant improvements have been made in this area in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996.

The pupil teacher ratio, which includes all the teachers in the school including resource teachers, has fallen from 22.2 to 1 in the 1996-97 school year to 17.4 to 1 in 2003-04. Over 4,000 additional teachers have been employed in our primary schools since 1997. These additional teaching posts have been used to reduce class sizes, to tackle educational disadvantage and to provide additional resources for children with special needs.

In line with Government policy, my Department will continue to provide further reductions in the pupil teacher ratio in our schools. Priority

will be given to pupils with special needs and to those from disadvantaged areas.

In regard to the average class size in County Waterford, the latest data available in my Department show that in the 2003-04 school year the average class size in primary schools in Waterford city was 24.7 while in Waterford county the average was 23.8.

218. **Mr. G. Murphy** asked the Minister for Education and Science if the programme for Government 2002 committed the Government to reduce the pupil teacher ratio in schools; when there will be a reduction in the ratio; and the extent of such reduction. [13791/05]

**Minister for Education and Science (Ms Hanafin):** 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 the teaching resources to have smaller numbers in other classes. Significant improvements have been made in this area in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996/97.

Significant improvements have been made in the pupil teacher ratio at primary level in recent years. The ratio 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. Priority will be given to pupils with special needs and those from disadvantaged areas.

### **School Class Size.**

219. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [13792/05]

**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 the teaching resources to have smaller numbers in other classes.

In the 2003-04 school year, the last year for which details are available, there were 19 classes of over 30 pupils in the school referred to by the Deputy. However the average class size in the school is 28. In accordance with the staffing schedule, the staffing of the school for the current school year is a principal and 26 mainstream class

[Ms Hanafin.] teachers based on an enrolment of 752 pupils at 30 September 2003. In addition the school has two resource posts, two learning support teacher posts and three temporary language support posts.

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, the enrolment in the school on 30 September 2004 was 733 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the relevant staffing schedule.

The area in which the school in question is located is experiencing phenomenal growth. My Department has a range of measures in train to address the educational needs in this rapidly developing area.

220. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children. [13793/05]

**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 the teaching resources to have smaller numbers in other classes.

In the 2003-04 school year, the last year for which details are available, there were 12 classes of over 30 pupils in the school referred to by the Deputy. However the average class size in the class is 30. In accordance with the staffing schedule, the staffing of the school for the current school year is a principal and 20 mainstream class teachers based on an enrolment of 573 pupils at 30 September 2003. In addition, the school has two resource posts, one learning support teacher posts, two temporary language support posts and one temporary special class 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, the enrolment in the school on 30 September 2004 was 592 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the relevant staffing schedule.

The area in which the school in question is located is experiencing phenomenal growth. My Department has a range of measures in train to

address the educational needs in this rapidly developing area.

221. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [13794/05]

**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 the teaching resources to have smaller numbers in other classes.

In the 2003-04 school year, the last year for which details are available, there were 26 classes of over 30 pupils in the school referred to by the Deputy. However the average class size in the school is 28. In accordance with the staffing schedule, the staffing of the school for the current school year is a principal and 33 mainstream class teachers based on an enrolment of 945 pupils at 30 September 2003. In addition, the school has three resource posts, two learning support teacher posts, three temporary language support posts and one resource post for Travellers.

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, the enrolment in the school on 30 September 2004 was 934 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the relevant staffing schedule.

The area in which the school in question is located is experiencing phenomenal growth. My Department has a range of measures in train to address the educational needs in this rapidly developing area.

222. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [13795/05]

**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 the teaching resources to have smaller numbers in other classes.

In the 2003-04 school year, the last year for which details are available, there were six classes of over 30 pupils in the school referred to by the Deputy. However the average class size in the school is 29. In accordance with the staffing schedule, the staffing of the school for the current school year is a principal and nine mainstream class teachers based on an enrolment of 265 pupils at 30 September 2003. In addition, the school has three additional mainstream posts due to its developing status, one temporary resource posts and three temporary language support posts.

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, the enrolment in the school on 30 September 2004 was 349 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the relevant staffing schedule.

The area in which the school in question is located is experiencing phenomenal growth. My Department has a range of measures in train to address the educational needs in this rapidly developing area.

223. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [13796/05]

**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 the teaching resources to have smaller numbers in other classes.

In the 2003-04 school year, the last year for which details are available, there were two classes of over 30 pupils in the school referred to by the Deputy. However the average class size in the school is 28. In accordance with the staffing schedule, the staffing of the school for the current school year is a principal and five mainstream class teachers based on an enrolment of 162 pupils at 30 September 2003. In addition the school has one resource post.

My Department will finalise the staffing schedule for the 2005-06 school year shortly and there-

after notify school boards of management. According to data submitted to my Department by the board of management, the enrolment in the school on 30 September 2004 was 167 pupils. The staffing for the 2005/2006 school year will be determined on the basis of this figure and in accordance with the relevant staffing schedule.

The area in which the school in question is located is experiencing phenomenal growth. My Department has a range of measures in train to address the educational needs in this rapidly developing area.

224. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [13797/05]

**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 the teaching resources to have smaller numbers in other classes.

In the 2003-04 school year, the last year for which details are available, there were four classes of over 30 pupils in the school referred to by the Deputy. However the average class size in the school is 29. In accordance with the staffing schedule, the staffing of the school for the current school year is a principal and nine mainstream class teachers based on an enrolment of 251 pupils at 30 September 2003. In addition the school has one additional mainstream post due to its developing status, one resource post and two temporary language support posts.

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, the enrolment in the school on 30 September 2004 was 291 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the relevant staffing schedule.

The area in which the school in question is located is experiencing phenomenal growth. My Department has a range of measures in train to address the educational needs in this rapidly developing area.

225. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have

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30 or more children; and if she will make a statement on the matter. [13798/05]

**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 the teaching resources to have smaller numbers in other classes.

In the 2003-04 school year, the last year for which details are available, there were nine classes of over 30 pupils in the school referred to by the Deputy. However the average class size in the school is 27 and the pupil teacher ratio is 22. In accordance with the staffing schedule, the staffing of the school for the current school year is a principal and 27 mainstream class teachers based on an enrolment of 777 pupils at 30 September 2003. In addition, the school has one resource post, three learning support posts and three temporary language support posts.

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, the enrolment in the school on 30 September 2004 was 735 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the relevant staffing schedule.

The area in which the school in question is located is experiencing phenomenal growth. My Department has a range of measures in train to address the educational needs in this rapidly developing area.

226. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [13799/05]

**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 the teaching resources to have smaller numbers in other classes.

In the 2003-04 school year, the last year for which details are available, there were 11 classes of over 30 pupils in the school referred to by the Deputy. However the average size class in the school is 28. In accordance with the staffing schedule, the staffing of the school for the current school year is a principal and 27 mainstream class teachers based on an enrolment of 761 pupils at 30 September 2003. In addition, the school has three resource posts, two learning support posts and two temporary language support posts.

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, the enrolment in the school on 30 September 2004 was 766 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the relevant staffing schedule.

The area in which the school in question is located is experiencing phenomenal growth. My Department has a range of measures in train to address the educational needs in this rapidly developing area.

227. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [13800/05]

**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 the teaching resources to have smaller numbers in other classes.

In the 2003-04 school year, the last year for which details are available, there were six classes of over 30 pupils in the school referred to by the Deputy. However the average class size in the school is 27. In accordance with the staffing schedule, the staffing of the school for the current school year is a principal and ten mainstream class teachers based on an enrolment of 269 pupils at 30 September 2003. In addition, the school has two resource posts, two temporary language support posts and the services of a learning support teacher based in the school.

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, the enrolment in the school on 30 September 2004 was 270 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the relevant staffing schedule.

The area in which the school in question is located is experiencing phenomenal growth. My Department has a range of measures in train to address the educational needs in this rapidly developing area.

228. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [13801/05]

**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 the teaching resources to have smaller numbers in other classes.

In the 2003-04 school year, the last year for which details are available, there were five classes of over 30 pupils in the school referred to by the Deputy. However the average class size in the school is 28. In accordance with the staffing schedule, the staffing of the school for the current school year is a principal and ten mainstream class teachers based on an enrolment of 272 pupils at 30 September 2003. In addition, the school has one resource posts, three temporary language support posts, one special class post and the services of a learning support teacher based in the school.

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, the enrolment in the school on 30 September 2004 was 282 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the relevant staffing schedule.

The area in which the school in question is located is experiencing phenomenal growth. My Department has a range of measures in train to address the educational needs in this rapidly developing area.

#### **Computerisation Programme.**

229. **Mr. Carey** asked the Minister for Edu-

cation and Science the ratio of students to computers in schools here; the funding necessary to provide a computer for every four pupils; and if she will make a statement on the matter.

[13802/05]

**Minister for Education and Science (Ms Hanafin):** The latest statistical data available to my Department is the ICT school census undertaken by the National Centre for Technology in Education in autumn 2002. Based on that information, there was an overall pupil to computer ratio of some 9:1. To reduce that ratio to 4:1 based on the pupil numbers in that year would have required an increase of some 110,000 computers. Assuming an illustrative cost per computer of €700, the cost of providing 110,000 computers would be in the region of €77 million. Furthermore, every €50 variation in the illustrative cost results in an overall variation of €5.5 million. However, this estimate, which is based on historical data in 2002/03, is purely indicative. The NCTE is undertaking a new ICT school census next month.

#### **School Curriculum.**

230. **Mr. Carey** asked the Minister for Education and Science the funding being allocated for science in schools in 2005. [13803/05]

**Minister for Education and Science (Ms Hanafin):** A new science curriculum has been introduced at primary level supported by a resource grant in December 2004 of €1000 per school plus €10.00 per pupil. The total cost of the grant was €7.739 million.

Revised syllabi in junior certificate science and in leaving certificate physics, chemistry and biology have been introduced. The introduction of the revised syllabi has been supported by comprehensive inservice programmes for teachers, for example, some 62,000 training days for teachers at an estimated cost of €5.6 million was provided in 2002 and 2003 to support these programmes. An estimated €920,000 in 2004 and €980,000 in 2005 is being spent on inservice training for second level science teachers. At primary level, the estimated cost of inservice training for teachers to support the science curriculum is €376,000 in 2004 and €480,000 in 2005.

Additional equipment grants have been provided to schools and laboratories continue to be refurbished as part of the ongoing schools building programme. In that context, €16 million was issued to schools in 2004 to support the implementation of the revised junior certificate science syllabus.

Investment in the programme of research in third level institutes is continuing apace to enhance and promote world class standards in research, innovation and development. Between



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this programme and the various grants to the research councils, and other sources, an estimated €101.5 million will be invested in third level institutions in this area in 2005. This builds on investment over the period 2002-04 of €213.7 million in this area.

I have recently announced a provision of €750,000 towards the cost of the BA festival of science which is being hosted by Trinity College this year.

#### **Post-Leaving Certificate Courses.**

231. **Mr. Carey** asked the Minister for Education and Science the demand for PLC courses in 2004; the extent to which demand exceeded the cap on places on the courses; the additional funding required to meet such demand; and if she will make a statement on the matter. [13804/05]

**Minister for Education and Science (Ms Hanafin):** VECs and schools sought approval for approximately 39,000 post-leaving certificate places in the 2004-05 academic year. My Department approved 28,588 places. The extent to which places sought exceeded the number approved is 10,412. Based on a pupil teacher ratio of 16:1, it is estimated that an additional 651 extra teachers would be required at an annual cost of €35.791 million.

In addition, it is estimated that annual non-pay grants to VECs in respect of 10,412 PLC students would amount to €2.790 million. Full maintenance and part maintenance grants under the relevant student support scheme would also be payable to some students, depending on circumstances. Not including the cost of student support which might arise, it is estimated that the additional funding required to meet such level of demand would be €38.581 million.

#### **School Transport.**

232. **Mr. Carey** asked the Minister for Education and Science the number of school buses fully equipped with seat belts in all seats; the likely cost of providing seat belts in all passenger seats in school buses without them; and if she will make a statement on the matter. [13805/05]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is not readily available.

There are currently in the region of 3,000 vehicles in use each day providing school transport services on behalf of my Department under the school transport scheme. About 20% of the fleet is made up of Bus Éireann school buses and the remaining 80% is owned by private operators on contract to Bus Éireann. My Department has already requested Bus Éireann to conduct a sur-

vey to establish the number of vehicles equipped with seat belts.

A discussion document on safer school buses published by the Department of the Environment, Heritage and Local Government in 2002 stated, *inter alia*: it would not be feasible to fit seat belts with the existing seating configuration in most of the vehicles in use. A schoolbus must meet certain engineering requirements if it is to be safely fitted with seat belts. The structure of the bus itself must be sufficiently robust to withstand the potential loading imposed by occupied seatbelts in the event of an accident. The seats will also impose additional stresses on the bus, particularly on the floor structure. Many of the existing vehicles in the schoolbus fleet, particularly the older ones would not meet the engineering requirements for structural and seat strength without significant retro-fitting. The age of part of the fleet is such that the modifications would not be economically viable. Estimates put the cost of engineering modifications at about €19,000 per vehicle, with the retro-fitting of belts costing much the same again.

#### **School Staffing.**

233. **Mr. Carey** asked the Minister for Education and Science the number of concessionary teaching posts in schools; and the funding allocated for them in 2005. [13806/05]

**Minister for Education and Science (Ms Hanafin):** Teacher allocations for second level schools are approved by my Department on an annual basis in accordance with generally applied rules relating to recognised pupil enrolment. Each school management authority is required to organise its curriculum, teaching timetable and subject options having regard to pupils' needs within the limits of its approved teacher allocation. The rules for allocating teaching posts provide that where a school management authority is unable to meet essential curricular commitments, my Department will consider applications for additional short term support. About 684 whole time equivalent teacher posts have been allocated to schools to meet their short-term curricular needs for the 2004-05 school year.

#### **Third Level Education.**

234. **Ms O'Sullivan** asked the Minister for Education and Science the breakdown of the numbers of students studying full-time courses and the number studying part-time courses in the universities and institutes of technology in 1997, 2002 and 2004. [13807/05]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is set out in the table. It should be noted that completed data are not yet available to my Department for the current academic year and accordingly data for 2003-04 has been provided.

Number of full-time and part-time students enrolled in Universities and Institutes of Technology for each of the academic years stated below

Institutions	1997/1998		2002/2003		2003/2004	
	Full-time enrolments	Part-time enrolments	Full-time enrolments	Part-time enrolments	Full-time enrolments	Part-time enrolments
Higher Education Authority (University Sector)	61,308	9,365	74,922	14,036	77,491	13,420
University College Cork — National University of Ireland, Cork	10,207	930	12,492	1,273	12,993	1,314
University College Dublin, National University of Ireland, Dublin	14,400	2,901	15,888	4,271	16,313	4,295
National University of Ireland, Galway	7,539	446	11,020	1,686	11,368	1,620
Trinity College, Dublin	10,159	2,004	11,628	2,798	11,722	2,587
National University of Ireland, Maynooth	3,758	820	4,707	574	4,956	436
Dublin City University	5,110	1,188	6,205	1,445	6,591	1,302
University of Limerick	6,963	828	8,142	1,576	8,494	1,512
St. Patrick's Teacher Training College, Drumcondra	1,072	121	2,033	171	2,012	185
Mary Immaculate College of Education, Limerick	1,354	116	1,983	198	2,187	143
National College of Art & Design	746	11	824	44	855	26
Institutes of Technology / Other Technological Colleges	41,909	13,157	51,507	17,404	53,586	17,321
Dublin Institute of Technology	9,807	5,891	10,240	5,634	10,307	5,793
Athlone Institute of Technology	2,795	435	3,466	365	3,517	388
Institute of Technology, Carlow	2,450	575	2,476	534	2,510	513
Cork Institute of Technology	4,675	2,401	6,068	3,187	6,108	3,509
Dundalk Institute of Technology	2,362	194	2,624	395	3,111	719
Galway — Mayo Institute of Technology	3,644	333	4,563	1,090	4,983	1,108
Letterkenny Institute of Technology	1,530	239	1,927	274	2,041	124
Limerick Institute of Technology	2,625	803	3,602	904	3,639	794
Institute of Technology, Sligo	2,550	312	3,441	400	3,340	454
Institute of Technology, Tallaght	1,646	1,528	2,297	1,371	2,507	738
Institute of Technology, Tralee	2,286	160	2,422	197	2,485	205
Waterford Institute of Technology *	4,744	224	5,711	2,430	6,062	2,430
Dun Laoghaire Institute of Art, Design and Technology	462	41	1,255	53	1,355	55
Institute of Technology, Blanchardstown†	0	0	856	297	1,027	353
Tipperary Institute†	0	0	354	224	386	87
Hotel Training/Catering Coll, Killybegs	333	21	205	49	208	51
Overall Total	103,217	22,522	126,429	31,440	131,077	30,741

\* No data received for the 2003/2004 academic year. Data refer to the 2002/2003 academic year.

† Enrolments in Blanchardstown IOT and Tipperary Institute commenced in 1999/2000 academic year.

### Schools Building Projects.

235. **Mr. McCormack** asked the Minister for Education and Science the position regarding the provision of a secondary school on the east side of Galway city at the Ardaun-Merlin Park area; if a joint application has been made by Galway City VEC and Educate Together for the pro-

vision of such a secondary school; and if she will make a statement on the matter. [13826/05]

**Minister for Education and Science (Ms Hanafin):** An application has been received from City of Galway Vocational Education Committee for the recognition of a new post-primary school in the eastern suburbs of Galway. An examin-

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ation of existing provision and the likely requirements for education provision in the greater Galway area is underway in the school planning section of my Department and all relevant factors will be considered in this process.

A submission from Galway Educate Together has also been received regarding the need for a new multid denominational secondary school in the Galway region.

236. **Mr. Lowry** asked the Minister for Education and Science if correspondence regarding a school (details supplied) has been brought to her attention; if she will include the school in upcoming building works; and if she will make a statement on the matter. [13827/05]

**Minister for Education and Science (Ms Hanafin):** The school to which the Deputy refers applied for funding under the summer works scheme, SWS, for 2005. Unfortunately, the school was unsuccessful in obtaining funding this year. The scheme for summer 2005 has been finalised and the list of successful schools has recently been published. However, it is open to the school authorities in question to apply under the summer works scheme for 2006, details of which I will announce over the coming months.

#### State Examinations.

237. **Mr. Gregory** asked the Minister for Education and Science if her Department has received any request from history teachers to make more time available for the leaving certificate examination in history from two and a half to three and a half hours; and if she will make a statement on the matter. [13828/05]

**Minister for Education and Science (Ms Hanafin):** I am not aware that my Department has received any request from history teachers of this nature. Leaving certificate history is assessed by a terminal written examination of three hours duration. A revised syllabus will be examined for the first time in June 2006. Assessment will comprise two components, a terminal written examination in June and a research study report which will be submitted in March.

The written examination will be allocated 80% of the marks and will be of two hours and 30 minutes duration. The remaining 20% of marks will be allocated to the research study. The duration of the written paper has been reduced to take account of the addition of the second component. The combination of written examination and research study will ensure a broader range of student skills are assessed and that students' final marks will not depend on one terminal event.

These changes to the assessment of leaving certificate history have been recommended by the National Council for Curriculum and Assessment, NCCA. Teachers are being fully informed of the approach required by the written examin-

ation and the research study through the support service which has been actively engaging with them for the last year and will continue to do so for the coming year.

#### Disadvantaged Status.

238. **Dr. Upton** asked the Minister for Education and Science if she will re-examine the need of a school (details supplied) in Dublin 6W to be given disadvantaged status; and the position regarding the school's application for additional resource teachers. [13844/05]

**Minister for Education and Science (Ms Hanafin):** The Giving Children an Even Break scheme subsumes the previous process of designation of schools that serve areas of educational disadvantage and my Department's approach is now refined to ensure that individual at risk pupils are targeted. Rather than the old method of designating additional schools, under this scheme my Department provides support that is commensurate with the levels of concentration in schools of pupils with characteristics that are associated with educational disadvantage and early school leaving.

The school referred to by the Deputy is included in the urban dimension of the Giving Children an Even Break programme. It is benefiting from supplementary funding to provide additional educational supports for the children concerned. The school was not considered eligible for additional teaching staff based on the level of concentration of at risk pupils.

#### Third Level Education.

239. **Dr. Upton** asked the Minister for Education and Science the guidelines which are in place for third level colleges, including institutes of technology, for disciplinary procedures against students who behave inappropriately; and if she will make a statement on the matter. [13845/05]

**Minister for Education and Science (Ms Hanafin):** In accordance with the Universities Act 1997, universities are responsible for the day-to-day management of their own affairs. Issues such as student conduct are, therefore, a matter for the governing authority and management of each individual institution.

Similarly, institutes of technology, including the Dublin Institute of Technology, are statutory bodies established under the Regional Technical Colleges Act 1992 and the Dublin Institute of Technology Act 1992. Under these Acts, the governance and day-to-day activities of the institutes are matters for the governing body and management of each institute. This includes issues in regard to student conduct.

#### School Enrolments.

240. **Mr. P. McGrath** asked the Minister for Education and Science the number of children

enrolled in primary schools at 30 September or the most suitable date for each of the past 20 years. [13890/05]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is set out in the table. The data refer to pupils enrolled in institutions aided by the Department of Education and Science only.

Enrolment in national schools (including special education)

School year	Numbers enrolled
1984/1985	566,289
1985/1986	567,064
1986/1987	567,567
1987/1988	565,487
1988/1989	560,116
1989/1990	552,182
1990/1991	543,744
1991/1992	534,269
1992/1993	521,531
1993/1994	505,883
1994/1995	491,256
1995/1996	478,692
1996/1997	469,628
1997/1998	460,845
1998/1999	452,533
1999/2000	444,310
2000/2001	439,560
2001/2002	441,065
2002/2003	443,720
2003/2004	446,029

### Irish Language.

241. **Mr. P. McGrath** asked the Minister for Education and Science the opportunities or positions within the public service from which children who receive exemptions from studying Irish in either primary or second level schools will be excluded due to either intellectual impairment or nationality. [13891/05]

**Minister for Education and Science (Ms Hanafin):** In so far as teaching posts are concerned, the position in regard to qualifications in Irish is different for primary and secondary level teachers. At primary level, teachers are class teachers rather than subject specialists and must be qualified to teach the range of primary school subjects to children aged four to 12 years. Accordingly, applicants must satisfy my Department that they are competent to teach the Irish language and to teach the full range of primary school curricular subjects through the medium of Irish before being granted full recognition to teach in mainstream classes in national schools.

Teachers trained outside the jurisdiction of the State, whose qualifications have been assessed and accepted by my Department but who do not possess an appropriate Irish language qualifi-

cation, are granted a five year period of provisional recognition to teach in mainstream classes in primary schools. During this period, these teachers are expected to obtain their Irish language qualification in order to become fully recognised. This qualification is achieved by undergoing and passing the Irish qualifications examinations entitled “An Scrúdú le hAghaidh Cáilíochta sa Ghaeilge”, SCG, both written and oral. Until such time as a teacher passes the SCG, they are not considered fully qualified as a teacher in a mainstream national school.

The Department also grants restricted recognition to teachers who have a recognised primary teaching qualification from another jurisdiction and certain Montessori trained teachers. Restricted recognition gives eligibility to teach in certain categories of special schools and in certain categories of classes in mainstream schools where Irish is not a curricular requirement. Teachers who hold restricted recognition are not required to take the SCG.

At post-primary level, an aspirant teacher must in general hold an approved primary degree, NQAI level 8, of a recognised third level college. To be approved, the course leading to this award must be in a subject relevant to at least one curricular subject from the post-primary curriculum and this subject must have been taken to final examination level. These provisions apply to those teaching Irish. In addition, the aspirant must have successfully completed an approved training in teaching course aimed at the age range 12 to 18 years, that is, the higher diploma in education or an equivalent qualification. Adequate competence in Irish is also required in respect of teachers required to teach through Irish.

Queries in regard to the requirements for other public sector jobs should be addressed to the specific organisation or responsible Minister. My Department has issued guidelines in regard to the granting of exemptions from the study of Irish to primary and post-primary schools. Such exemptions are not granted in the context of employment requirements. The guidelines in regard to an exemption from Irish at primary level are outlined in circular M10/94. The guidelines for post-primary level are outlined at rule 46 of the “Rules and Programmes for Secondary Schools” and in circular letter M10/94. Under the terms of this circular, my Department has delegated authority to the principals of primary and second level schools to grant the exemptions provided that the pupil meets the criteria as set down.

Exemptions may be granted by school authorities for pupils whose primary education up to 11 years of age was received in Northern Ireland or outside Ireland; pupils who were previously enrolled as recognised pupils in a primary or second level school who are being re-enrolled after a period spent abroad, provided that at least three years have elapsed since the previous enrolment in the State and the pupil is at least 11 years

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of age on re-enrolment; certain categories of pupils with special educational needs as set out in circular M10/94; and pupils from abroad who have no understanding of English and who, when enrolled, would be required to study one language only, Irish or English.

#### **Skateboarding Facilities.**

242. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the details of his proposals for the funding of skateboard initiatives; if this funding will be available to both private and public sector bodies; and the number of locations for skateboarding he hopes to develop over the next five years.

[13740/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** On 20 February 2005, I announced my intention to introduce a new initiative to provide, on a pilot basis, facilities for teenagers such as skateboard parks. My Department is developing this proposal and I will be announcing specific details as soon as possible.

#### **Election Management System.**

243. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if audit logs are available from the electronic voting machines used in the general election of 2002; if so, the location at which these logs can be viewed; the contents of same; if audit logs are available for the counting computers used to tally the votes from the different machines used in the general election; if so, the location at which these logs can be viewed; the contents of same; and if he has satisfied himself that the aforementioned logs are complete and accurate. [13747/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** A number of different audit facilities are available on the electronic voting machines and the computers to aggregate and count the votes cast. The equipment was used in Meath, Dublin North and Dublin West, the pilot constituencies at the May 2002 general election. Following a review of the use of the system in 2002, a number of improvements were made in the procedures for recording and reconciling election data. The Commission on Electronic Voting confirmed in its first report, published in December 2004, that the system accurately counted the votes recorded at the pilot polls in 2002.

Responsibility for any records associated with the operation of the audit facilities lies with the Dáil returning officers for the constituencies concerned. Section 129 of the Electoral Act 1992 provides for the retention, and disposal after a period of six months from the date of the poll, of specified documents related to a Dail election. These documents include the counted ballot papers, ballot paper accounts and marked copies of the

register. These provisions have been applied to electronic voting by section 46 of the Electoral (Amendment) Act 2001. If the Deputy provides more specific details on the information sought, I will endeavour to be of assistance.

#### **Flood Relief.**

244. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to a problem with flooding in Moate, County Westmeath, due to the need to upgrade the storm water system in that town; if an application for funding for this project has been received from Westmeath County Council; the date of receipt of this application; the estimated cost of these works; if he will immediately provide funds for this work (details supplied). [13779/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Following the Government's decision to adopt the recommendations of the national flood policy review group, the Office of Public Works has the lead role at national level in regard to the management of flood risk and the implementation of flood relief works. In addition, consideration may be given under my Department's water services investment programme to the inclusion, in an approved waste water scheme, of works to prevent large volumes of storm water overloading foul sewers or sewerage treatment works in urban areas.

Moate sewerage scheme is included in my Department's water services investment programme for 2004 to 2006 as a scheme to enter planning and the submission of a brief outlining the proposed works from Westmeath County Council is awaited.

#### **Local Authority Housing.**

245. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if disability can be used as a refusal for a shared ownership loan; and if he will make a statement on the matter. [13836/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The administration of the shared ownership scheme is a matter for individual local authorities. Authorities must assess each application under the scheme on its merits and must have regard, *inter alia*, to the ability of applicants to manage the mortgage and rental commitments arising from a shared ownership transaction. They must satisfy themselves that the financial commitment being entered into would not put undue pressure on the applicant and his or her family over the lifetime of the loan.

Accordingly, the question of disability is not pertinent in the assessment of loan approval to purchase under the shared ownership scheme. Anyone who believes they are being discriminated against in their mortgage applications

because of disability should refer the matter to the Equality Authority.

#### **Private Rented Accommodation.**

246. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if there are plans for the future roll out of the services of the Private Residential Tenancies Board, PRTB, to sub-national level due to the large workload facing the board and the difficulties facing those outside Dublin accessing its services. [13841/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** While the offices of the Private Residential Tenancies Board are in Canal House, Canal Road, Ranelagh, Dublin 6, the dispute resolution function of the board is carried out, as far as possible, in the area where the tenancy that is the subject of a dispute is located. The panels of mediators and adjudicators established by the board under section 164 of the Residential Tenancies Act 2004 operate countrywide and mediators and adjudicators are allocated disputes based on the location of the tenancy.

247. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if his Department will address the continuing issue of poor sanitary standards in inner city private rented accommodation by increasing resources available to local authorities which are not adequately fulfilling this responsibility. [13842/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Responsibility for the enforcement of the Housing (Standards for Rented Houses) Regulations 1993 rests with the local authorities. Between 1996 and 2004, specific resources for this work have been available to local authorities through registration fees payable by landlords to the local authority in whose functional area their rented dwellings are situated.

Since 1 September 2004, the regulations relating to registration with local authorities have been repealed and replaced with the requirement on authorities to register details of their tenancies with the Private Residential Tenancies Board. Arrangements are in place for the transfer of registration fee moneys from the board to the local authorities in recognition of their registration fee income foregone. The transfer will be based on each authority's performance in enforcing the standards and rent books regulations as evidenced by their statistical returns, as well as the level of registrations relating to their functional areas and the need to distribute income across the four year tenancy cycle. These new arrangements will mean that authorities continue to be specifically resourced for this function and

should lead to greater enforcement activity of the standards regulations on their part.

#### **Water Supply Contamination.**

248. **Mr. Nolan** asked the Minister for the Environment, Heritage and Local Government if the increased expenditure which has had to be made by Carlow County Council due to the emergency caused by the contamination of the water supply to Carlow town will be reimbursed by his Department; and if he will make a statement on the matter. [13848/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I understand Carlow County Council, in consultation with the Health Service Executive, has put in place a number of short-term measures to deal with contamination of Carlow town's water supply. Operational expenditure incurred by local authorities on their existing water services is financed from their own resources, including from local government fund grants and charges payable by non-domestic consumers in accordance with water services pricing policy.

Capital improvement works to water supplies are funded under my Department's water services investment programme. In March 2005, the county council submitted proposals to my Department to increase the water supply from the Rathvilly water treatment works to Carlow town through the installation of a booster pumping station at Friarstown. This work will allow the council to reduce output from the Sion Cross treatment plant, which is currently operating beyond its design capacity, and thereby reduce contamination risks to the town's water supply.

The funding of this work has been approved as an advance element of the Carlow north regional water supply stage two, which is included in my Department's water services investment programme for 2004 to 2006 as a scheme to commence in 2005, at an estimated cost of over €6.8 million. The council is urgently carrying out this advance work.

#### **Urban Renewal Schemes.**

249. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government when he expects the urban renewal scheme for Kilcock to be implemented; and if he will make a statement on the matter. [13854/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** A strategy document prepared by Kildare County Council proposes extensive works at the Square, Kilcock. The proposed works include significant improvements to footpaths and pedestrian areas, together with soft landscaping and provision of street furniture. These works are due to be carried out in 2006 under the urban and village renewal measure of the southern and eastern regional operational programme for 2000 to 2006.

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Kildare County Council has indicated that it remains its intention to undertake the above works in Kilcock in 2006.

#### **Water Quality.**

250. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the measures he is taking to complete a nationwide groundwater study to provide a baseline for the implementation of the nitrates directive; and if he will make a statement on the matter. [13886/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Responsibility for monitoring water quality is assigned primarily to local authorities and to the Environmental Protection Agency. Local authorities have been monitoring groundwaters and surface waters in the context of the nitrates directive since 1992. The level of nitrates is also a parameter which is monitored by local authorities in the context of their monitoring of drinking water supplies.

The Environmental Protection Agency commenced its national groundwater quality monitoring programme in 1995 and is at present, in the context of the implementation of the EU water framework directive, co-ordinating a review of all water quality monitoring programmes. For this purpose, the agency is required under the European Communities (Water Policy) Regulations 2003 to prepare a monitoring programme by June 2006 which will cover all waters and will include the chemical and quantitative status of groundwaters. Comprehensive information in regard to water quality is contained in the series of reports, *Water Quality in Ireland*, issued by the EPA, copies of which are available in the Oireachtas Library.

#### **Energy Efficient Housing.**

251. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if his Department plans to allocate grants for home

energy efficiency for one-off houses; and if he will make a statement on the matter. [13895/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department does not have funds at its disposal to grant assist energy efficiency improvements for one-off houses, nor is such a scheme of grants proposed. However, many effective measures to improve energy efficiency in houses can be achieved at negative or zero equivalent annual cost to the householder. Information on a broad range of energy efficiency measures may be obtained from Sustainable Energy Ireland.

Sustainable Energy Ireland operates a grants scheme with the aim of improving the quality of energy features in Irish housing. However, this scheme is principally designed to support demonstration projects and is available only for a number of housing units and not for one-off houses.

#### **Turbary Rights.**

252. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government when a person (details supplied) in County Roscommon will receive an early settlement top up payment and a per acre top up payment for the sale of bog to his Department; and if he will make a statement on the matter. [13901/05]

**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 person referred to is one of those who participated in the 1999 scheme. The detailed application of the retrospection provisions in this case is being examined and will be communicated to the landowner as soon as possible.