



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Thursday, 5 May 2005.

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# DÁIL ÉIREANN

—————  
*Déardaoin, 5 Bealtaine 2005.*  
*Thursday, 5 May 2005.*  
 —————

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

—————  
*Paidir.*  
*Prayer.*  
 —————

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

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

**Mr. Connolly:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the decision of the Department of Education and Science to dismiss 70 special needs assistants at the end of this year with no provision for redeployment, despite a National Council for Special Education review identifying a requirement for an additional 175 such posts; and to call for the establishment of a redeployment panel system similar to that already in place for the redeployment of surplus teachers.

**Mr. Healy:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the announcement by Waterford Wedgewood of the loss of 495 jobs, including the closure of its Dungarvan plant; the loss of 110 jobs in Waterford City and the urgent need for the industrial development agencies to immediately secure replacement jobs for the areas affected including Dungarvan, Waterford and Carrick-on-Suir.

**Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the decision of the Department of Education and Science to dismiss over 70 special needs assistants despite the shortfall of 175 such assistants throughout the State, the need for the Minister to reverse this decision and to re-allocate assistants where they are required and to publish her review of the proposed allocation system for special needs teachers.

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

## **Order of Business.**

**Minister for Finance (Mr. Cowen):** It is proposed to take No. a10, motion re referral to Joint Committee of proposed approval by Dáil Éireann of the Commission to Inquire into Child Abuse Act 2000 (Section 5), (Specified Period) Order 2005; and No. a6, British-Irish Agreement (Amendment) Bill 2005 — Order for Second Stage and Second and Remaining Stages. It is proposed, notwithstanding anything in Standing Orders, that No. a10 shall be taken without debate and the following arrangements shall apply in relation to No. a6: (i) the proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion at 3 p.m. today; the opening speech of the Minister for Community, Rural and Gaeltacht Affairs and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case; the speech of each other Member called upon shall not exceed 15 minutes in each case; Members may share time; and the Minister for Community, Rural and Gaeltacht Affairs shall be called upon to make a speech in reply which shall not exceed five minutes; (ii) the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 3.30 p.m. by one question which shall be put from the Chair and which shall, with regard to amendments, include only those set down or accepted by the Minister for Community, Rural and Gaeltacht Affairs. Private Members' business shall be No. 43, motion re suicide (resumed), to be taken immediately after the Order of Business and to conclude after 90 minutes.

**An Ceann Comhairle:** There are two proposals to put to the House. Is the proposal for dealing with No. a10, motion re referral to joint committee, agreed? Agreed. Is the proposal for dealing with No. a6, conclusion of Second and Subsequent Stages of the British-Irish Agreement (Amendment) Bill 2005, agreed?

**Mr. Kenny:** Will the Minister for Finance say what the urgency is in bringing forward today the Order for Second Stage, Second Stage and Subsequent Stages of the British-Irish Agreement (Amendment) Bill 2005? What are its implications? What is this about?

**Mr. Rabbitte:** It may come as a surprise to the House that since the foundation of the Irish Republic in 1919, the guillotine has been used 575 times, but that since the current combination of parties assumed office in 1997, it has been used 191 times, 33% of the total number.

**Mr. McDowell:** A lot done, more to do.

**Mr. Rabbitte:** That is not what the Deputy said on his election posters.

[Mr. Rabbitte.]

The Minister for Finance is asking the House to agree that the Dáil should again come to the rescue of the Government in its own incompetence. The legislation involved was rushed through under the guillotine. The British-Irish Agreement Bill 1999, a 56-section Bill, was presented on 8 March 1999. The debate on all Stages got only as far as section 13. It was section 53 which exposed the State to the vulnerability now identified. That section was never debated in this House. What is being sought today is that once again we give the nod to all Stages proceeding in order to protect the State in these circumstances.

Will the Minister for Finance say when this frailty in the legislation was first discovered? What are its implications and, as Deputy Kenny asked, why must all Stages of the Bill be rushed through in this fashion? Will the Minister give an undertaking on behalf of the Government that we are not going to be regularly placed in such a situation? As the Minister for Justice, Equality and Law Reform knows, the issue is again about property rights. It is not dissimilar to the legislation passed before Christmas regarding the long stay charges in nursing homes which was struck down. It was essentially the same issue and the same cause. Again, legislation was railroaded through the House by the Government without permitting serious scrutiny in the Chamber.

**Mr. Sargent:** Like other parties, the Green Party was notified about the briefing yesterday. Why was there that level of secrecy surrounding the briefing? We were trying to find out who should go to the briefing and whether I, Deputy Boyle or some other party spokesperson was responsible for the legislation. We could not find out, for example, if it related to Waterways Ireland. The level of secrecy displayed was worthy of the planning for a *coup d'état* but we discovered at the briefing that the legislation was to deal with a technicality as a result of some incompetence on the Government's part which had to be rectified. However, it cannot be retrospective with regard to court cases that might arise from the legislation.

Why was the matter clouded in such secrecy? Why is the legislation required so urgently? That should be explained because it is clouded in mystery.

**Caoimhghín Ó Caoláin:** The Minister for Justice, Equality and Law Reform, Deputy McDowell, has been back up the pole again in recent times. On behalf of the Sinn Féin team of candidates, I thank him for his helpful intervention.

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

**Caoimhghín Ó Caoláin:** It is an appropriate day for me to share that with the Minister.

**An Ceann Comhairle:** The Deputy is wasting time.

**Caoimhghín Ó Caoláin:** A light moment, perhaps. An explanation is required for the guillotine in this instance. We may or may not, depending on the import of what is being proposed, require the time that has been allocated but it should have been left open. The legislation could have been addressed within the suggested timeframe but it should be open to Members' participation. That is critically important. The statistics Deputy Rabbitte quoted must cause alarm bells to ring, particularly on the Government benches, about the use and abuse of the guillotine. It is inappropriate in this instance. The debate should have been left open. The issue could be dealt with in the normal course of our work.

**Mr. Cowen:** With references to *coups d'état* and guillotines, there is a sense of revolution in the House this morning about a technical Bill. It has obviously exercised the minds of some Members. This is a Bill to clarify legal provisions regarding the operation of the North-South bodies, particularly Waterways Ireland in view of its extensive property portfolio. The Bill also covers other North-South bodies. With regard to the briefing for spokespersons, it is important that the Government is able to bring forward this legislation in a way that will protect the State and not leave it open to unnecessary litigation. There is nothing untoward in that. It is simply prudent and appropriate to brief Members so the legislation can be passed.

It is not the first time an issue has arisen where there is a possible lacuna in the law which needs to be filled. Presumably, we are in agreement on the North-South bodies. Members supported them when they were established. I understand there is no objection in principle on the part of Members. This issue arose in recent months.

**Mr. Rabbitte:** That is not the issue, as the Minister knows.

**Mr. Cowen:** I am simply making the point that everybody is in agreement on the North-South bodies. We are aware of how they are operating in the absence of all the institutions being up and running under the Good Friday Agreement. We hope to see them restored in the aftermath of the elections. However, we also wish to ensure the legal framework for these North-South bodies is not open to challenge.

The Bill removes any doubt that a North-South implementation body is not bound by the Landlord and Tenant (Ground Rents)(No. 2) Act 1978 and directly incorporates the exemption in respect of that protection for dwelling houses contained in the Landlord and Tenant (Amendment) Act 1980 in the same terms as set out in that Act. The Bill is being introduced with a view to its passage through both Houses in one

day and signature by the President later today. It is considered essential to ensure clarity and certainty in this area of law and to remove any doubt that might exist as to the protection afforded to the North-South implementation bodies with regard to landlord and tenant ground rent issues.

That is the technical issue involved. It is urgent and we need to deal with it in the way proposed. That is the reason the briefing was given to Deputy Sargent and others. These are no more or less than technical issues.

Question, "That the proposal for dealing with No. a6 be agreed", put and declared carried.

**Mr. Kenny:** Does the Government propose to withdraw the Disability Bill on the basis of the strong statement of condemnation issued by its disability legislation consultation group? The group clearly states that from its perspective the legislation is flawed.

Does the Minister for Finance agree that workers should be entitled to the minimum wage, including those—

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

**Mr. Kenny:** It does arise.

**An Ceann Comhairle:** Not on the Order of Business.

**Mr. Kenny:** The minimum wage took effect in the last few days. There are workers in An Siopa in the Oireachtas with a disability who are not in receipt of the minimum wage.

**An Ceann Comhairle:** There are other ways to raise the matter.

**Mr. Kenny:** Does the Minister for Finance consider that appropriate?

With regard to the Education Act and in light of the serious comments made by the IVEA today, is it proposed to amend that Act to put in place a safe legal framework for dealing with gross misbehaviour in class by a small number of unruly pupils?

**Mr. Cowen:** With regard to the third question, there is no promised legislation on that matter. A question to the Minister would allow her to elucidate what policy intent she has in that area, given that the matter has arisen recently.

On the second question, presumably all employment is in accordance with employment law. I am not aware of the arrangements but sometimes sheltered employment or training might not be covered by that legislation. I am not sure of the position but there is obviously a training element involved, as distinct from employment, for some people in the disability sector.

The Disability Bill is part of the national disability strategy which, over time, will deliver high quality support services for people with disabilities. The Bill is also part of the multi-annual

investment programme announced in the budget. This is a unique and unprecedented move to provide high priority disability services. No Government can say more than state that it will do everything it can to ensure these issues are dealt with. This legislation has been in gestation for three or four years and it is important now to enact it and get on with providing the improved services, based on existing resources of over €2.5 billion and the €900 million six year strategy announced in the budget.

We have given a commitment to review the legislation after five years. It is important now to proceed with what is proposed. The Government has listened to everybody with an interest in this issue and has sought to accommodate all the proposals made, as far as possible. We are now anxious to proceed. As I said when making my Budget Statement, the Opposition's performance in this area during its time in Government left much to be desired.

**Mr. Kenny:** That was a long time ago.

**Mr. Cowen:** It was not that long.

**Mr. Kenny:** A Government appointed body is condemning the Bill.

**Mr. Rabbitte:** The Minister will be aware that the INO is publishing a paper today on whistleblowing and advising of its concern that where the operation of the health care system endangers patients they ought to have legal protection if they bring that matter to light. Will the Minister indicate the Government's attitude to the Whistleblowers Protection Bill passed by the Government on Second Stage, which I introduced to the House on behalf of the Labour Party in 1999? The Government accepted it. Can he tell me how it stands and when it will be enacted?

**Mr. Cowen:** This Private Members' Bill was published in 1999. As I understand it, the Dáil is waiting for it to go to committee. I am sure the position of the Government was set out in our spokesperson's Second Stage speech. I do not think I can add further to what she had to say.

**Mr. Rabbitte:** Does the Minister have any idea what is the answer to my question?

**Mr. Cowen:** I do. The record will show what was the Government's position in regard to this famous Bill. Deputy Rabbitte asked me what is our position. That is our position.

**Mr. Rabbitte:** I do not know whether that is arrogance or ignorance. It appears to be both.

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

**Mr. Cowen:** Deputy Rabbitte is good at that.

**Mr. O'Dea:** Deputy Rabbitte is familiar with both.



**Mr. J. O’Keeffe:** This is a new reign of terror.

**Mr. O’Dea:** He is a Woody Allen socialist.

**An Ceann Comhairle:** Deputy Sargent should be allowed to speak without interruption.

**Mr. Sargent:** Will the Minister for Finance agree on behalf of the Government that the ESRI report on pensions should to be debated in this House? As Minister for Finance is he mindful of the need to amend the terms of reference of the tax relief review group which deals with property so it could also deal with pensions, given that the tax relief on private pensions appears to be more than what the State pays in pensions?

**An Ceann Comhairle:** The Deputy should confine himself to a question on promised legislation.

**Mr. Sargent:** The Minister for Finance is in the best position to answer that question based on the fact that it concerns pensions.

**An Ceann Comhairle:** Deputy Sargent should submit a question to the Minister in his capacity as Minister for Finance.

**Mr. Sargent:** I seek a promised debate on the ESRI report.

**An Ceann Comhairle:** Is a debate promised?

**Mr. Cowen:** I do not believe a debate has been promised. It is a matter for the Whips if there is a wish to discuss it.

**Mr. Crawford:** I wish to raise three items. First, does the local government rates Bill have anything to do with increased stealth taxes and when will it be introduced?

**An Ceann Comhairle:** We cannot discuss the content of the Bill.

**Mr. Crawford:** Second, a health Bill is on the agenda which appears to relate to health information and controls. When is this due to come before the House in addition to the nurses amendment Bill so we can discuss the crisis in accident and emergency services and the ongoing difficulties in the health sector?

**Mr. Cowen:** It is not possible to indicate when the nurses amendment Bill will be introduced. The health Bill should be introduced this year.

**Ms McManus:** The Minister for Finance is aware that he is being blamed for the lack of progress on capital projects in the health area. For example——

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

**Ms McManus:** I have.

**An Ceann Comhairle:** Will the Deputy come to the question?

**Ms McManus:** The block on BreastCheck and the expansion of Wexford Hospital are being blamed on his delaying the announcement——

**An Ceann Comhairle:** I ask the Deputy to stay within Standing Orders or to resume her seat whereupon I will call Deputy Ó Caoláin.

**Ms McManus:** Just when we thought things could not get worse in the area of health we now find that according to the CEO of the Health Service Executive——

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

**Ms McManus:** I have.

**An Ceann Comhairle:** Will the Deputy come to her question or resume her seat? I will call Deputy Ó Caoláin.

**Ms McManus:** The CEO has stated publicly to a committee of this House——

**An Ceann Comhairle:** The Deputy is being disorderly. I ask her to resume her seat.

**Ms McManus:** I have a question for the Minister.

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

**Ms McManus:** I have a question and I will ask it.

**An Ceann Comhairle:** The Deputy cannot take up the time of the House making a Second Stage speech.

**Mr. Stagg:** It is the Ceann Comhairle who is taking up the time of the House.

**Ms McManus:** There is a shortfall of €180 million in the health Estimate——

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

**Ms McManus:** Can I ask the Minister for Finance if he will introduce a Supplementary Estimate to allow for the fact that there is now a shortfall of €180 million which will mean cutbacks in the area of health because the HSE is short in revenue by €180 million for this year alone?

**An Ceann Comhairle:** The Deputy has made her point. She should allow the Minister to answer.

**Ms McManus:** I thank the Ceann Comhairle.

**Mr. Cowen:** The only Supplementary Estimate the Tánaiste and Minister for Health and Children has indicated will be brought to the House is in respect of any extra expenditure that will be incurred due to long-stay charges in nursing homes which arose as a result of the Supreme Court decision. The increase in health expenditure this year was 14%.

**Ms McManus:** So we are going to have cutbacks.

**Caoimhghín Ó Caoláin:** In a written reply to a parliamentary question I received yesterday from the Tánaiste and Minister for Health and Children, she indicated that a draft resolution will have to come before the Houses of the Oireachtas to revoke the relevant statutory instrument regarding the High Court judgment striking down the Government's proposed inquiry into the conduct of vaccine trials on children in institutional care. Will the Minister indicate to the House when that draft resolution will be brought before this House and the Seanad?

**Mr. Cowen:** I cannot give the Deputy that information but I will ask the Minister to correspond with him and indicate when she expects to be able to do it.

**Mr. Durkan:** Can I ask the Minister for Finance whether he might encourage the Minister for Communications, Marine and Natural Resources to put a priority rating on the various Bills he has proposed for this and subsequent sessions with a view to identifying the order in which it is proposed to deal with the Bills before or after the next general election?

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

**Mr. Durkan:** That is a legitimate question and I am entitled to have an answer. All of the Bills are on the published list. The Minister is not present in the House and I do not know who else to ask. I am in a quandary.

**Mr. Bruton:** He has six dogs in the traps.

**Mr. Cowen:** If the Deputy tables a parliamentary question I am sure he will get a full answer. As for the ability to have it done before the next general election, that would depend on the date of the next general election. It is probably a moveable feast in terms of what legislation will have been dealt with.

**Ms O. Mitchell:** Not according to the Taoiseach.

**Mr. Durkan:** All the Bills are urgent. These include the energy Bill and the postal services Bill, which has gone into oblivion. There are various other pressing issues which need to be dealt with before the next general election so the

people will have an idea of what the Government intends to do.

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

**Mr. Durkan:** It would be important at the earliest possible date that the Minister for Communications, Marine and Natural Resources, the Taoiseach or the Minister for Finance would give some indication. We are about to get the answer now.

**Mr. Cowen:** The Deputy referred to the fact that there are three Bills from the Department of Communications, Marine and Natural Resources on the list for the start of this session, the Energy (Miscellaneous Provisions) Bill, the Foyle and Carlingford Fisheries Bill and the Sea Fisheries Bill. I am not in a position to say when they will be brought to the House but I am sure the Minister can communicate that to Deputy Durkan.

**Mr. Costello:** We have heard a great deal about café-style bars from the Minister for Justice, Equality and Law Reform in recent times. With the arrival of summer time, perhaps the Minister for Finance could give an indication of when we can expect the Intoxicating Liquor Codification Bill that has been promised for a long time. Will it also encompass the Alcohol Products (Control of Advertising, Sponsorship and Marketing Practices/Sales Promotions) Bill?

**Mr. Cowen:** I understand this is in a consultation phase at present.

**Mr. Bruton:** Constipation.

**Mr. Cowen:** A consultation paper has been issued by the Minister for Justice, Equality and Law Reform to enable people in the industry to give their views before the final drafting of the legislation. It will more than likely be next year before it is enacted.

**Mr. Boyle:** In the context of the emergency legislation today and other legislation dealing with North-South bodies, can the Minister explain what is the delay with the register of persons who are considered unsafe to work with children Bill? The regulations that would result from the Bill are already in place in Northern Ireland.

**Mr. Cowen:** I understand it is not possible to say at this stage. Any further inquiries would be best directed to the Minister concerned.

**Mr. Boyle:** Can the Minister explain why the legislation exists in Northern Ireland but not here?

**An Ceann Comhairle:** Deputy, we have to move on. Private Member's business is due to be taken.

**Mr. Cowen:** A cross-governmental working group is reporting to the Minister on proposals for the reform of vetting of employees by the Garda. The Minister for Justice, Equality and Law Reform has appointed an implementation group to advise on the implementation and necessity for legislation. The Department of Education and Science and the Department of Health and Children are in discussion regarding the establishment of pre-employment consultancy services.

**Mr. Kehoe:** Given that it is not possible at this stage to know when the gaming and lotteries Bill will be published, can the Minister give an indication when this will come before the House?

**Mr. Cowen:** I understand it is too early to say when it will come before the House.

**Mr. S. Ryan:** When does the Minister for Finance propose to introduce the Ombudsman's Bill? When will the Government take a decision as regards the future of Aer Lingus, and also in the context—

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

**Mr. S. Ryan:** It is very important.

**An Ceann Comhairle:** Of course it is important, but the Minister can only answer the Deputy's question that is appropriate to the Order of Business.

**Mr. S. Ryan:** One gets more information from the media than one can get in this House.

**Mr. Cowen:** I understand that the Ombudsman's Bill should be coming forward next year. The other matter has been before Government.

**Mr. Naughten:** On promised legislation, in light of the fact that on Monday Teagasc moved cattle off a farm in Ballinamore, County Leitrim, with serious question marks over the procedures employed as to whether they meet with Department of Agriculture and Food criteria—

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

**Mr. Naughten:** —will the Minister for Finance call in the special investigation unit of the Department of Agriculture and Food—

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

**Mr. Naughten:** — and when will the House see the animal health Bill, so we can debate this in detail?

**Mr. Cowen:** It is not possible to say at this stage when the animal health Bill will be brought forward.

**Mr. Naughten:** What about the investigation unit?

**Mr. Cowen:** Perhaps the Deputy should table a parliamentary question to the Minister for Agriculture and Food.

**Ms McManus:** The Minister is not doing very well.

**Mr. Broughan:** Will the Minister give the House a timeframe on the foreshore Bill promised on many occasions by his colleague, the former Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern? Has the recent European Court judgment on illegal dumping any implications for the Exchequer?

**An Ceann Comhairle:** The second question does not arise under the Order of Business.

**Mr. Cowen:** The foreshore legislation is under review, I understand—

**Ms McManus:** Does he know anything?

**Mr. Cowen:** —in the context of a comprehensive new statement and strategy for the Department. That is the current position.

**Mr. Gilmore:** Does the Minister know anything about the critical infrastructure Bill?

**Mr. Cowen:** That matter is to come before Government in due course.

#### Private Members' Business.

#### Suicide Levels: Motion (Resumed).

The following motion was moved by Deputy Connolly on Wednesday, 5 May 2005

That Dáil Éireann:

noting,

- the latest statistics reveal that suicide now accounts for 50% more deaths annually than road accidents — 444 last year as against 293;
- suicide is the most common cause of death among 15-24 year-olds in Ireland, and the highest in this age group of all 25 EU states;
- the suicide rate in Ireland is rising faster than in any other EU country, and the rate among young females doubled between 1992 and 2000;

- the highest rate of suicides over the past five years is among young men in the 20-29 age group;
- in 2003, 11,200 parasuicides, or attempted suicides, presented at hospital accident and emergency departments across the country;
- the correlation between suicide and factors such as unemployment, living in poverty, bullying, relationship break-ups, legal and work related problems, alcohol and drug abuse, physical or sexual abuse in childhood and social exclusion;
- student counselling services in third level colleges across Ireland are stretched to capacity, with lengthy waiting lists over the past two years despite having extra staff employed;
- the slashing of the mental health budget to 6.8% of the total health budget from its 1997 level of 11%, despite continuing to claim more lives annually; and
- there are only 20 inpatient beds with specialised services for adolescents with mental health problems, despite a Government-commissioned report recommending in 2000 that at least 120 such beds are needed;

calls on the Government to:

- immediately implement the 86 recommendations of the 1998 report of the national task force on suicide on ways to prevent and reduce the incidence of suicide or parasuicide;
- establish a national suicide prevention agency to coordinate the services provided by various authorities throughout the country;
- provide a comprehensive programme of multi-disciplinary research and investment in suicide prevention strategies;
- improve awareness of suicide by ploughing extra resources into educational programmes and mental health services;
- address the problem in second-level schools by the inclusion of mental health and psychology in the curriculum;
- increase funding for student counselling services at both second and third levels, and diminish the aversion and stigma attached to seeking counselling, particularly among young males; and
- develop an effective strategic action plan for both the prevention and reduction of suicide as an urgent national priority.

Debate resumed on amendment No.1:

To delete all words after “Dáil Éireann” and substitute the following:

“notes the many initiatives undertaken by Government and by health service providers since 1998 aimed at reducing the incidence of suicidal behaviour including, for example:

- the placement of liaison psychiatric nurses in accident and emergency departments of general hospitals;
- the provision of training to relevant health care personnel in matters relating to suicidal behaviour;
- the development, in each health service area, of a directory of services, both statutory and voluntary, which are available to those concerned about or at risk of suicide;
- the introduction of restrictions in the availability of paracetamol, which can be harmful in overdose;
- the establishment of the national suicide review group and the appointment of suicide resource officers in each health service area;
- the provision of additional funding for research into suicidal behaviour and the prevention of deliberate self-harm;

and welcomes the development of a national strategy for action on suicide prevention, which will be published later this year.”

(Minister of State at the Department of Health and Children, Mr. T. O'Malley).

**Mr. O'Connor:** I propose to share time with Deputies Grealish, Fiona O'Malley, Tony Dempsey, Glennon and Fox.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. O'Connor:** I compliment our colleagues in the Independent group for framing this motion. It gives the House an opportunity to debate an issue that is of great concern throughout the country. I hope there is a measure of agreement across the floor on this issue. My sense is that there is not a family in the State which has not been affected or touched in some way by suicide. I am glad to acknowledge the presence of my colleague, the Minister of State at the Department of Health and children, Deputy Tim O'Malley, who has shown a particular interest in this subject.

Two weeks ago I attended a meeting in Tallaght, organised in An Cosán, the educational development project. My colleague, Deputy Crowe, was also present. It was a most profound evening in the sense that we had the opportunity to listen to a presentation from people who had been affected by suicide in different forms, over the years. The meeting was organised by the support learning group, Action for Men, and was an



[Mr. O'Connor.]

amazing experience. The chaplain in Tallaght hospital, Ms Kathleen O'Connor, facilitated the meeting. It brought home to us the difficulties associated with suicide, the effects it has on communities etc. I said at the time that there is a political dimension to these issues and as such political initiatives are required. In that context I am always happy to acknowledge the contribution that is made on a regular basis to this debate by Deputy Neville. We all should applaud the work he does in that regard. I listened carefully to his contribution last night, and it is important that we support the ideals being expressed.

An initiative has emerged in Tallaght following the sad death of teenager Darren Bolger, about three years ago, in Kilnamanagh, which got wide coverage in the national media. Arising from that sad incident, his mother, Maureen, has developed a teenline initiative over the last couple of years. This type of initiative is something we should strongly support. The message came across at that young man's funeral and subsequently, through contacts with his family, that very often teenagers need someone to talk to, particularly at critical times. It is important that we understand the particular needs in that regard.

We all talk about teenage suicides. Coming to the House this morning I heard Pat Kenny doing a trailer for an item he is to do on that subject. I made the point at the Tallaght meeting that I am often fascinated by incidents of suicide involving elderly people. I am, of course, mindful of young people who, as the subject of this motion, are often under enormous pressure. In Arbour Hill, yesterday, the Auxiliary Bishop of Down and Connor made the point that it was even more dangerous, nowadays, to be a young person, bearing in mind the pressures and difficulties they encounter as regards drugs, alcohol abuse and so on. However, I am also emphasising that there is clearly another group that is affected by suicide, namely, the elderly and I hope the Minister of State will continue to examine that.

I picked up a point from Deputy Neville last night as regards the way suicide is accepted nowadays. The traditional view until recently was that if people committed suicide and families were affected, the best course was not to acknowledge it. Coroners' Courts frequently put "death by misadventure" on death certificates. It is a healthy sign of the development of the community and the country that there is now an acceptance and acknowledgement that a problem exists. I am often impressed at church services where the reality of what is occurring is accepted. There is no question, however, that families and communities are deeply affected. All of us have had contact with families affected by suicide. We know issues have to be resolved as regards who is to blame, what the conflicts were, what should or could have been done etc. It is a subject that requires great sensitivity, but clearly needs action. I am glad the Minister of State has made the point that efforts are being made at health board

level and through the Department of Health and Children to have educational projects targeting this area and more can be done in this regard.

I call on the Department and the Government to continue their work in this regard. Serious consideration should be given to providing an information pack for every home in the country, where people can examine the issues, see what is involved and in particular, learn how responses may be made. There is a job to be done. As legislators, we all have a responsibility to ensure that as much action as possible is taken on this subject. The Government should send information leaflets to every home in the State giving families an idea of how they should respond and providing them with as much information as possible. Such an initiative would not change things overnight as there are many other issues. The families affected by suicide often find it very difficult to access services and to find out what should be done.

Officials from the Department have made the point at the health hearings that they have to deal with a great number of issues. This issue is worthy of our attention.

**Mr. Grealish:** I am pleased to have an opportunity to speak on the tragic issue of suicide. Everyone has been affected by suicide as we all know someone, or people close to someone who has died by suicide. In my constituency, Galway West, eight people have become so concerned about depression and suicide among young people that they are establishing a support group. Rather than focusing on mental health problems, the group plans to promote positive mental health among children and teenagers. A similar model exists in many American schools. Students are identified who may have worries about bullying and other issues. I wish this initiative well.

This issue is serious. We need to look no further than the statistics to realise that we must do more. There were 444 registered suicides in 2003, which is a harrowing toll for families and society. As Minister for State with responsibility for mental health and disability services, my colleague Deputy Tim O'Malley has made exceptional efforts to tackle the issue of suicide. I commend him for his efforts and welcome his contribution to the debate last night.

Growing suicide rates are an international phenomenon. The question that dominates the entire debate is "why?". Why are more people tragically taking their lives? There are no simple answers and that is what makes this such a complex policy area. People have pointed to the decline in family, community and religious belief as contributing to the problem. At the same time, we have seen the ever increasing pressures of modern life, with an increased abuse of alcohol and drugs. Tackling any one of these issues on its own is a difficult task. Tackling them as a combined contributory factor in suicide rates is an extremely challenging task, but one we must meet head on.

It is crucial that we acknowledge the work of the 1998 national task force in producing its report on suicide, as well as the response of the statutory and voluntary bodies to the recommendations of the report. Discussions in this House might give the impression that the responses by the statutory and voluntary bodies have been less than committed. That is not the case. The recommendations of the task force are an important effort in tackling the complex policy areas to which I referred. In every health board area, responsibility for implementing these recommendations lies with the appointed resource officers and that is to be commended. These officers play an important role in not just implementing the findings of the task force, but also promoting positive mental health and destigmatising the suicide phenomenon. They are a critical element in addressing this tragic issue. The issue of stigma has been central in Ireland for many years.

The Irish Association of Suicidology held its annual conference in Galway last year and the same points were made. For far too long there existed in Ireland a stark silence following a suicide and even sometimes a lack of support for the bereaved. This made the loss of a loved one even more difficult to bear. The silence was often excused as merely being respectful. Even the media engaged in this by reporting suicide as a death in tragic circumstances. The conference in Galway heard that this issue only served to stigmatise and isolate the bereaved families. It also left society paralysed by the fear of suicide. The work of resource officers to destigmatise suicide by breaking the silence must continue. I am encouraged by the progress made on the national strategy on action on suicide prevention. It is critical the strategy is action based from the start and I am pleased that this has been confirmed.

We must make education the centre of wider suicide prevention programmes. Experts have highlighted the need to educate health professionals, the public and patients about the link between psychiatric problems and suicide.

**Mr. T. Dempsey:** Tá áthas orm labhairt faoin fhadhb seo sa díospóireacht an-thábhachtach seo. I thank the Minister of State, Deputy Tim O'Malley, for his visit to St. Senan's Hospital in Enniscorthy last week, when he met experts in the field of suicide. I also thank him for his positive approach to try to address the causes of suicide. I compliment Deputy Neville on the hard work he has been doing in the same area.

All politicians have to be alarmed at the increasing rise in suicide. In my county of Wexford, I would like to extend my sympathy to those recently bereaved by suicide. We have had more than our share. If rates of suicide rise, they have to have something to do with community. It is time that one of the sociology departments in our universities examined an area like my county and did an in-depth survey of how the community has changed. I am convinced the changes have

given rise to increases in suicide. Drug abuse is a new phenomenon. There is a diminished spirituality which once gave hope to people. It has often been replaced by despair. Alcohol abuse is at a new level and the increase in wealth has allowed young people to buy alcohol. The points system in the leaving certificate may well be a contributory factor. One of the highlights of my school career was to play hurling. That has largely disappeared. Many people are afraid to play hurling and rugby with their school because they may not get the points that are part and parcel of the rush to university. When one does not engage in social education in school, be it soccer or debating, it can lead to a kind of isolation. Our system no longer allows for it.

Recently, we had a survey by the planning department of Trinity College on the ideal village in Kilmuckridge, County Wexford. It is high time we asked one of our college departments to analyse community changes. It is almost impossible to look at television without witnessing one form of violence or another. On popular programmes such as "The Late Late Show", people are often interviewed on violent crime, be it recent murders in Northern Ireland or whatever. Violence is part and parcel of everyday life, with 100,000 people dead in Iraq and where we in Ireland can look at that on television. People are no longer afraid of death or of the consequences of it.

A survey might help to identify the causes of loneliness. Task forces set up in 1998 and 2001 identified depression as a contributory factor. The breakdown in marriage may also be a contributory factor. A famous sociologist, Durkheim, identified three different types of suicide. If memory serves correctly, one was altruistic, one was anomic and the other egoistic and egoistic suicide was higher among single people than married people. Therefore, relationships may well be a contributory factor. The issue for politicians is not just about spending money, of which a considerable amount has been spent, but more about identifying the changes in community living that are a contributory factor.

**Mr. Glennon:** I am delighted to have the opportunity to speak on this important but sad topic. Like my colleagues on all sides of the House, I am gravely concerned by the growing rate of suicide here and the statistics are extremely worrying.

Suicide touches the lives of many families and has an intensely devastating effect. Many of us know of a family touched by the tremendous pain of losing a loved one through suicide. I know of many families in my constituency who have had to bear this unenviable and intense loss which is difficult to accept and understand. I have also seen how the resulting pain and anguish, and sometimes anger, affects not only the family but the entire community or town in which the deceased lived. We all agree that suicide and reducing the rate of it are an important public health issue.

[Mr. Glennon.]

I looked for an appropriate definition of suicide when researching my contribution. It was difficult to find one, but I came across some interesting phrases. One in particular stood out in its clarity and simplicity. It was: "Suicide is not chosen. It happens when pain exceeds resources for coping with pain." We must focus on the last part — the resources for coping with pain. This is where we, as legislators, can make a difference. In this regard I commend the Minister of State, Deputy Tim O'Malley, for the personal interest he has taken in this issue, and also, in his absence, Deputy Dan Neville for all the work he has done in this area over the years.

It is accepted that we all experience real pain at some stage in our lives. Dealing with that pain is the secret. The resources available to us to deal with it and how we apply them to the pain are what affect our lives and the lives of those closest to us. Most people do not understand suicide. I do not. We experience a variety of emotions when we hear of the death of someone from suicide. There is no easy explanation.

I was interested to hear it explained in this way. If we put a weight on someone's shoulder and then continually add to that burden, the person will eventually collapse because of the weight. Comparisons to this simplistic description may be drawn with someone who commits or tries to commit suicide. That person has come to the point where the weight is too much. As parliamentarians, we have an obligation to ensure the resources for coping with pain always outweigh the pain.

Recently, the Scottish Executive examined the problem of suicide. Scotland has similar statistics to us in this area. Scotland has launched an impressive and expansive programme, Choose Life, which states that tackling suicide must be a long-term strategy as there are no short-term solutions for a problem of this magnitude. It also states that tackling suicide as a single issue policy will result in failure. Therefore, I suggest that our policy on preventing suicide must be at the heart of all our policies, particularly those associated with social justice, education, health, inequality, community affairs, local government, plans for economic regeneration and right across the board. We have a duty to cater for suicide and to reduce the risk.

The Choose Life programme states that the most effective way to tackle suicide is to provide early support and intervention, thereby developing a wide range of supports and services. The need to provide improved training for our front line workers is imperative so that situations can be identified early and that, where possible, suicide can be prevented. I commend to all the Choose Life report and programme of the Scottish Executive.

I want to draw a link between depression and suicide. The American Institute of Suicidology has issued interesting statistics. It has stated that the risk of suicide in people with major

depression is approximately 20 times that of the general population. An alarming statistic is that seven out of every 100 men and one out of every 100 women who have been diagnosed with depression at some stage in their lifetime will go on to complete suicide. This is worrying and alarming. We should keep this in mind at all times when dealing with this tragic issue.

**Ms Fox:** I welcome the opportunity to say a few words on the subject of suicide. Like many others, my community has had the unfortunate experience of losing a number of people through suicide. I thank the Technical Group for raising this matter and highlighting the subject.

One of the first times I spoke in this House was on the subject of suicide. At the time a task force was being set up to examine its high incidence. Since then suicide has overtaken road fatalities as the biggest cause of loss of life among young people. However, while we have many campaigns aimed at reducing the number of road fatalities, there is nothing on a par aimed at those who may be considering suicide.

Thankfully, suicide is no longer the taboo subject it once was. However, in terms of mental health issues, we still have a long way to go before it is a subject that is openly and comfortably discussed in society. Unfortunately, mental health issues such as depression are all too often carried in secret, dismissed or not taken seriously. AWARE tells us that one in three of us will suffer a depressive episode at some time in our lives, yet depression remains under diagnosed and under treated. This rings true when we consider the difficulties with alcohol and drug abuse in society and the ever increasing numbers of those who take their own lives.

The area of mental health services can be a nightmare for many. For many families with a loved one with a mental health problem, it can be impossible to obtain help or services. I am aware of cases where parents have had to go to court and get barring orders against their children, whom they believed were suffering with mental illness, in the desperate hope that a sympathetic judge would force the State to assess them and have them helped. Some families have brought young adults to psychiatric hospitals for help but, shamefully, they were sent home feeling completely alienated. I wish this was an isolated case, but I am aware of a number of such cases.

There are also some families with young adults who are officially diagnosed with a so-called behavioural disorder which does not seem to be severe enough to warrant help. Many of these families tell us that they live in fear of an adult child. They do not want to put them out on the street, yet they do not seem able to get help anywhere for them.

County Wicklow is lucky to have a number of voluntary organisations that provide support and assistance for families of the victims of suicide. Many of the issues they raise with us as public representatives could be addressed on a practical



level. Unfortunately, many families have to wait for up to two years for an inquest into the death of their loved one because it was a suicide. When the inquest finally takes place, it is in a court-house where there are people on all types of business. All the inquests are held together and afterwards bereaved families are just left to grieve in the hallway. This could be easily addressed and the Minister of State should take up the issue.

The provision of counselling services for those considering suicide and families of victims is in short supply. Counselling is mainly left to voluntary organisations to sort out and it is difficult to access the services. The provision of counselling for those considering suicide should be easily obtained and services should be widely publicised and available.

The Department of Education and Science has a vital role to play in highlighting mental health issues in secondary schools because such a large number of young people take their own lives. Special programmes on mental health issues aimed at encouraging young people to seek help if they feel they need it should feature widely in secondary schools so that young people do not feel they are being singled out. A universal programme should be introduced. Young men, in particular, should know a service is available to help them, even if they never need to use it. I welcome the work that is being done on a national strategy and I hope it helps to reverse the trend.

**Mr. Finneran:** I am grateful to Deputy Grealish for sharing time. I welcome the Minister of State, Deputy Tim O'Malley, and compliment him on the initiative he has shown since taking up office. I am pleased to have an opportunity to contribute to the debate, as I have expertise in this area having worked in the psychiatric service for almost 20 years. I have been chairman of the Roscommon Mental Health Association for the past five years. This is a voluntary organisation, which befriends people who avail of psychiatric services. We have held a number of seminars to which we invited people in public life, particularly from the media and RTE, who have suffered or continue to suffer from depression and other mental illnesses. They have helped to break the stigma and taboo attached to mental illness and suicide.

However, the issue should be examined more deeply. I have put many man hours into the mental health association together with numerous colleagues who work on a voluntary basis. Two issues need to be addressed. I am absolutely convinced that the psychiatric service is the Cinderella of the health services. Its funding comprises 7% of the total health budget. Experts believe the psychiatric budget should be between 10% and 12% of the overall budget. The fundamental issue of resources for the mental health service must be addressed. The reason I have identified it is that approximately 15 years ago, health boards rightly moved to a community-based psychiatric service. While the decision was taken, the neces-

sary resources to implement it have not been put in place.

People suffering from a mental illness who have a brush with the law can wind up in a Garda station or in prison. Generally, the gardaí can only deal with their offences on a public order basis. Many people who engage in unsocial behaviour as a result of a psychiatric problem wind up in the courts and in prison and many suicides result.

The appointment of mental health development officers has been totally inadequate. There is one mental health officer in my area who must cover two counties, Mayo and Roscommon. The health board thought so little of the position that it refused to second a person last year to Mental Health Ireland to carry out the relevant duties. The health board insisted the officer should leave the payroll of the health board and it would make a contribution to Mental Health Ireland for that person's work.

A number of fundamental questions must be dealt with regarding mental health services. Mental health is of vital importance to the country's progress. The lack of a proper mental health service is costing hundreds of millions of euro a year. Sometimes people make the foolish distinction that mental illness can be dealt with elsewhere and they do not recognise the connection between mental health and the ordinary day-to-day lives of people. That is a major mistake.

I compliment voluntary groups such as AWARE and Mental Health Ireland. However, we should examine the issue more deeply.

**Ms McManus:** I wish to share time with Deputies Costello and O'Sullivan.

We spend much time debating issues that have only limited relevance to people's lives in this House. However, in this case, no issue is more relevant to thousands of people and more disturbing to society generally so I warmly welcome the motion. I congratulate the framers of the motion for including all the key aspects that need to be addressed if we are to tackle the reality of suicide.

Directly the impact is obvious — the premature loss of life, often of a young person — but indirectly the impact is extensive. As Deputy Neville has written:

Suicide has a profound effect on the immediate family of the victim, his or her friends and on the immediate community. Bereavement by suicide is different from that resulting from other types of death. The intense reaction to the shock of learning of the tragedy produces a complexity of emotions including feeling angry with the victim, feeling rejected, a feeling of deep despair, being depressed, blaming oneself and a very deep sense of sadness. In many cases years after the event, the bereaved have not begun to deal with the trauma. In all cases the bereaved do not fully come to terms with it.



[Ms McManus.]

Recent research carried out in Denmark shows that suicide in one partner is so devastating that it significantly increases the risk of suicide in the other, particularly among men. The increased rate of suicide, therefore, is not of concern because of the victim alone. It matters because of the terrible suffering it causes to families and communities. It was once a hidden tragedy, criminalised and stigmatised but we acknowledge it nowadays, maintain a humane regime to mitigate its impact and ask ourselves why, in a prosperous and more tolerant society, is the rate of suicide rocketing to an unprecedented level.

On a day when he presided over seven inquests, five of which were of people who took their own lives, the County Offaly coroner talked about an epidemic. He is correct but what is highlighted in County Offaly is reflected in other counties to a greater or lesser degree. As the motion rightly points out, people who are poor are at a higher risk of suicide, as are unemployed people, those in prison, and those who are marginalised.

While the number of victims is increasing, the social factors are becoming more stark. Four times the number of people who died by suicide in the 1970s die each year. The extraordinary increase has been experienced in other societies, which have undergone drastic social change. That is one factor but the increase is also clearly linked to a growing inequality within our society. We must rely on British research to give us the hard evidence on this point but over the past 20 years the social difference in the rates of suicide in England and Wales has become significantly more marked. Suicide is on the increase and increasing proportionately among those living in poverty in countries where inequality has deepened over the past 20 years such as Ireland. A fairer society in many ways is a healthier society and that is nowhere more evident than in the area of mental health. The paradox is that clinical resources tend to be concentrated in the least deprived, rather than the most deprived areas.

A remarkable inequity in mental health services is documented in the report, *The Stark Facts*, prepared by the Irish Psychiatric Association. Not only are mental health services underfunded, the problem is further exacerbated by the way in which these funds are distributed. Funding allocations for different regions are based on historical factors such as the location of mental hospitals and not on current needs of the regions.

This has led to some regions spending five times as much *per capita* on mental health services as others. The 2003 inspector of mental hospitals report finds a 19-fold disparity in *per capita* spending. What is worrying about these imbalances is that the worst-off areas tend spend the least. In other words funding is directed towards the areas that need it least. The most deprived areas have significantly fewer acute

beds, larger sector sizes and a greater temporary to permanent consultant psychiatric staffing ratio.

Ireland has the worst suicide rate among young men of any developed country. It is strongly associated with alcohol and other substance abuse. The true extent of the level of suicide is unknown because so many deaths of drug abusers are impossible to determine. Was an overdose a deliberate effort to end an unbearable life or was it simply an accident? We will never know the full extent of the problem but we certainly should know about the young men at risk of suicide. However, only 20% of young males in Ireland who commit suicide were in contact with a health professional in the year prior to their death.

Parasuicide is the strongest identified risk factor for future completed suicide, yet when a person presents at a hospital's accident and emergency department following a suicide attempt he or she may be seen by a liaison mental health nurse or psychiatrist, but too often there are no referral services for this person. There are too few social workers, clinical psychologists and addiction counsellors, and community mental health teams are often only available between 9 a.m. and 5 p.m. The development of primary care teams and primary care networks would provide more accessible health professionals so that GPs and hospitals have support in managing 'at risk' clients. As things stand nearly 50% of the country's medical card holders do not have access to general counselling services. Three of the Health Service Executive areas covering 12 counties do not have any counsellors to deal with routine cases of anxiety and depression.

In our recently published policy document on mental health the Labour Party argues for a comprehensive strategy to tackle suicide, including addressing the epidemic abuse of alcohol in both social and medical areas, targeting of those at high risk such as those who present with parasuicide, addressing shortcomings in our education system on mental health issues, the provision of support services to those suffering from depression and the training of primary care health professionals, especially GPs and accident and emergency services, to enable the early detection of depression and suicidal tendencies.

This kind of strategy requires funding and resources, yet we have seen in recent years under this Government a steady proportionate decline of funding towards mental health services. In 1997, 13% of the total health budget was spent on mental health services. Now the figure is down to 6.9%. We argue strongly that a baseline of 10% should be set to guarantee a certain standard and evenness of care.

It is particularly important that the issue of funding be addressed. We live in a society that is more unequal than ever before, which I regret. It is the direct result of a Government ideology that has failed to resource public services and a quality of life for all our citizens. Inequality leads to greater ill-health and that is nowhere more evident than in the area of mental health and suic-

ide. In a culture where there are only winners and losers, and where the pressures to achieve are so dominant, those who fail whether emotionally or socially often suffer the most terrible anguish.

For some the only way out is an end to life and far too many are taking that route. There is an onus on all of us to question the pressures that prey so heavily on vulnerable people, but there is a particular onus on us as policy makers to address the cause of those pressures where we can. It is clear that despite its unprecedented resources this Government has not seen fit to provide high quality accessible care and supports to people at risk of mental illness. For some that has meant the difference literally between life and death.

**Mr. Costello:** I complement the technical group for putting this motion before us today, and Deputy Dan Neville for ploughing a lonely furrow on this issue for a considerable period. I engaged in a number of debates in the Seanad with Deputy Neville when we were both Senators. He has done good work in this area.

Suicide is the unpredictable killer and tragedy of our time. It contradicts the normal flow of life and death. It takes the young and apparently healthy while older people are left to grieve. It is comparable with road deaths, which also kill the young and healthy. Such unnatural deaths can and must be combatted and prevented. In 2003 there were 444 suicide deaths in this country. The national task force on suicide was established in 1998 and the Minister of State earlier spoke on the €17.5 million that has been spent since that time on suicide prevention. That amounts to €2.5 million per annum, which is not that much to spend on the killer of 444 people per annum, and this number is growing.

Ireland now has the fifth largest suicide figure of the 15 to 24 year old group in the 25 states. Suicide is not just a phenomenon in Ireland it is increasing globally. The difficulty in determining the number of suicides now and in the past is partly due to the incredible stigma and silence that surrounded suicide, which in many ways both church and State conspired to put in place. Suicide was a crime under legislation and the church refused to allow people who committed suicide to be buried in consecrated ground. That double stigma was one of the main causes of those committing suicide being shunned and of people being afraid to come forward. That residue still remains with us and it is still extremely difficult to determine precisely the number of people who have committed suicide.

Nobody knows for certain the reasons for suicide, but the fact is that suicides take place largely among younger age groups and among males. Depression, lack of self-esteem and self-confidence, being emotionally locked in and an inability to communicate are all factors. Suicide is not selfishness, as a certain Deputy previously stated in public. Men have much to learn from women about proper communication, emotional

engagement, and avoiding the tension and depression that can be locked up so easily in a young person who finds it difficult to cope. Young people may not have assertiveness, confidence or skills during the traumatic teenage years to cope with the pressures and problems of life.

That being said, there is no doubt that a greater percentage of deaths from suicide take place in disadvantaged and marginalised areas such as prisons and mental hospitals. I have seen prison experiences over the years. A considerable number of people commit suicide or attempt to commit suicide because being locked up for 16 hours a day with nothing to do for most of that time is extraordinarily depressing, and few people have the coping skills required.

Every Deputy believes the greatest cluster of suicides is within his or her constituency, but in Dublin's north inner city, the combination of disadvantage, drug abuse, alcohol abuse and imprisonment has contributed enormously to the huge number of suicides that have occurred. The solution is to have a much fairer and open society with the State providing the intervention mechanisms and the resources when problems arise.

**Ms O'Sullivan:** I commend the Technical Group for tabling this motion giving us the opportunity to address the issue of suicide. I join with my colleague in complimenting Deputy Dan Neville on the work he has been doing over a number of years. The Minister of State, Deputy Tim O'Malley, who is in the Chamber, has been involved in the issue also both as Minister of State but also in my local area where we met with a number of groups who are concerned about this issue. In drawing up the national strategy for action it is important that such groups are listened to and that they have a central input into whatever strategy will be put in place because they have done a great deal of work throughout the country. The one I know best is the Rosbrien Suicide Awareness Group in Limerick, with which the Minister is very familiar. It has a great deal of knowledge at this stage, most of which, sadly, is from its members own experience of what needs to be done. These groups should have a major input into whatever decisions are made in terms of implementing the policy.

I spoke to a representative from that group coming into the Dáil this morning and one of the strongest points made is that this issue requires a much broader strategy than mental health alone. It must be dealt with by Government as a broad societal issue. One of the problems of dealing with suicide solely as a mental health issue is that we do not have that necessary broader input. In terms of education in particular, there is a major need for more input than is currently the case.

In the mental health area, the problem is still largely within the realms of psychiatry but I and these groups believe that psychotherapists, psychologists, counsellors and other professionals must be brought to the young person as soon as they need it, for example, if somebody turns up

[Ms O'Sullivan.]  
in an accident and emergency unit. I am aware professionals in this area are being put in place in accident and emergency units but the experience is that a person is referred almost immediately to the psychiatric services, are then put on waiting lists and are either admitted to a psychiatric ward or attend day-care units but they are not often in a position to respond in that way. They need immediate support and somebody to talk to. The Minister of State, Deputy Tim O'Malley, has heard the views of the group I referred to but I ask him to take these points into account when drawing up strategies.

On the question of education, I note from the newspapers this morning that Professor Fitzmaurice from UCD will make a speech later today on the narrow focus of the leaving certificate and what students are doing increasingly in schools. Despite programmes such as the social, personal and health education programme, it is not an examination subject that is compulsory at senior cycle level, although it is compulsory at primary and junior cycle level. The focus on the points race and achievement in the school system is having a serious effect on the self-esteem of many young people and does not provide the space to address those type of issues.

The National Council for Curriculum and Assessment has produced a document, from which I will quote, on broadening the leaving certificate, changing the syllabus and introducing what it describes as short courses to which points in the leaving certificate would attach. Among the short courses they suggest is a type of personal self-esteem and health education option. If we include such courses in the central syllabus where they can be awarded points and broaden the leaving certificate generally, it will make a major difference. Currently, those issues do not get the necessary attention in schools because of the drive in the points system. The NCCA stated:

Not changing, leaving things as they are, is not an option. It is a temptation. At a glance it may seem that senior cycle is 'not broken', and requires no 'fixing'. A closer look confirms that it is 'not broken' but that the pressures from a student cohort participating in education for longer with diverse learning needs, together with the dynamics of social, economic and cultural changes are beginning to tell. . . . Senior cycle is too important a stage in the life and education of a young person to attempt to hold the system together with superficial repairs or to await the onset of a crisis.

That advice should be heeded. The Minister is somewhat reluctant to make any changes in the leaving certificate because it is transparent and fair but it is part of the problem because it narrows the focus of young people.

Some programmes in schools appear to be well thought out. One of them is a suicide awareness information programme in the former South Eastern Health Board area. Those type of options

must be examined also. I ask the Minister to take on board the points I have made and ensure that suicide is seen as a broader issue than simply one of mental health.

**Caoimhghín Ó Caoláin:** I wish to share time with Deputies Gormley and Boyle.

**An Ceann Comhairle:** Agreed.

**Caoimhghín Ó Caoláin:** Molaim na Teachtaí Neamhspleácha as an rún a chur os comhair na Dála. Is práinneach an cheist í seo agus tá dualgas ar gach duine sa saol poiblí díriú uirthi. Tá díoma orm, áfach, le leasú an Rialtais. Ní leor é agus tá súil agam tar éis na díospóireachta seo go mbeidh an Rialtas féin ag díriú i gceart ar cheist an fhéinmharaithe.

I commend the Independent Deputies for using their Private Members' time to address the very serious issue of suicide. It is an urgent issue about which everyone in public life must be concerned. I wish to pay tribute to Deputy Dan Neville for his courageous and consistent address of this issue over the years of my representation in this House.

The motion sets out the stark statistics. By far the most striking is the fact that suicide is the most common cause of death in Ireland for those in the 15 to 24 age group. We all know the reality behind the statistics and I doubt if there is a Teachta Dála who does not know a young person who has taken his or her own life or a family bereaved by such a tragedy. Indeed, I am sure we all know of multiple cases and the terrible tragedy visited on families and whole communities, and the dark clouds that have come over homes and communities throughout the length and breadth of our country that do not dissipate lightly. I am all too familiar with the grief that is visited on individuals, families and communities by the tragedy of suicide and the extended tragedy of recurring, apparently connected suicides.

All of that places a serious obligation on everyone in politics and in public administration to concentrate on this problem and co-operate in its effective address. Government has a special responsibility as it is in the power of Government to take measures that can directly impinge on this serious issue of our time. Those measures are clearly necessary if the problem is to be addressed in a coherent and effective manner. In that regard, I am disappointed with the Government's amendment because it clearly reflects on the very little that is being done.

We have to place the issue of suicide in the overall context of mental health. While not everyone will be comfortable with that, it is very important we recognise it is the context in which it needs to be addressed though not by any means exclusively.

It is in the framework of mental health services that the State needs to address the issue of suicide.

12 o'clock



There is an immediate problem in that mental health is by far the most neglected sector in our health services. Despite the fact that one in four people will suffer from some form of mental illness at some point in their lives, the budget for mental health as a proportion of the overall health budget has consistently fallen through the years. The standard explanation is that over the past 40 years we have moved from a model of institutional care, which confined large numbers of people with mental illness and which took a large slice of the health budget to maintain. There has been a very welcome move away from what was, in effect, the imprisonment of the mentally ill. The new care in the community approach spearheaded by those at the coalface of psychiatric services in my constituency of Cavan-Monaghan must be commended as essential and welcome.

The people continuing to develop the service deserve our praise and support. The problem is that a sufficient proportion of funding was not maintained to support alternative mental health services. The fact that there are not comparable numbers in institutional care now should not have meant a decreased budget. We need to maintain services and continue to invest more to mirror and aid the success we have seen. The main concentration must be on the areas of education, prevention and counselling.

Despite advances in treatment and attitudes, there is still a significant social stigma associated with mental illness. People are reluctant to acknowledge to others that they have mental health problems such as depression. There are very few of us who could not put our hand up at some point in our lives and say that to some degree we feel low. We must remove the stigma and provide courage and support to people. The first step to be taken is to be prepared to speak about depression. This is most especially true of young people, especially boys and young men, for whom it is the most challenging step of all.

AWARE addressed the issue in its report on suicide published in 1998. Other Deputies may already have quoted from it, but I am especially taken by it. It is very important to record aspects of the report.

The attitudinal shift that AWARE believes society needs to go through, if it is to effectively address suicide prevention, is only likely to come about by addressing the issue in or before the early teenage years. Development of positive attitudes to mental health coupled with acquiring skills in problem solving and building self-esteem are likely, over the medium term, to result in significant change in help-seeking behaviour by those with psychological distress, and to provide a more positive approach to these problems by people beginning careers in the caring professions.

The key phrase is "significant change in help-seeking behaviour". I have no doubt that many lives will be saved if that is achieved. We hear it said often that many people in our society are voiceless. The tragedy of suicide is often that those who take their own lives feel they are with-

out a voice to speak or a friend to listen to them in their trouble. We must get the message to young people in distress that there is a way forward and provide essential resources for accessible education, advice, counselling and treatment.

AWARE's 1998 report summarises very well the complex, causal factors that contribute to suicide. Psychiatric disorders, usually depression or an intoxicant problem, are present in 90% of people who take their own lives. Not everyone who suffers depression, however, goes through the act of suicide or even attempts it. AWARE speaks of a domino effect with the three components depression and related disorders, dramatic losses in life and, finally, the added depressing effect of alcohol or illicit drug use. AWARE's recommendations, of which I will cite three, are reflected in the number of recommendations of the 1998 task force on suicide.

First, AWARE recommends a dual approach to suicide prevention, an immediate range of interventions focusing on those considered to have a high suicidal risk, a longer term strategy directed at public attitudes to suicide and its causative factors and the development of programmes within schools. Second, AWARE recommends the development of a health partnership whereby the health services, voluntary bodies, the workplace and schools review, monitor and implement preventative strategies in the area of public health, including suicide prevention. Third, AWARE recommends a significant emphasis on addressing public attitudes to mental illness, enhancing awareness of depression and its improved treatment in general practice, reducing the impact of life crises such as employment loss and personal relationship breakdown, including media reporting of suicide events and increasing efforts to address suicide among young men and the elderly.

The national task force on suicide reported in 1998 and made a very wide and comprehensive series of recommendations. That very few have been implemented is very clear from the inadequate Government amendment to the motion. Even in the key area of research on suicide in Ireland, not enough is being done. I commend the issue for address by the widest body of public debate possible. It is an issue that requires open and accessible discussion. Many organisations could consider hosting or sponsoring events that focus greater attention on suicide. I encourage strongly local organisations to give time to this subject.

**Mr. Gormley:** I congratulate Independent Members for putting this motion to the House and join other speakers in commending Deputy Neville on his work on suicide. The problem of suicide has reached crisis proportions in Ireland. I remember as a child hearing that Sweden had the highest rates of suicide internationally, but perhaps that was apocryphal. While we hear now that Hungary and other eastern European countries have very high rates of suicide, Ireland has phenomenal levels. There is not a family or neighbourhood that has not been touched in some way by this growing trend.



[Mr. Gormley.]

As Deputies, Members are very aware of the impact suicide can have on a community. While the death of a family member is always a source of grief, suicide leaves mental and emotional scars that are very difficult to heal. Suicide is quite simply devastating for families who feel anger and guilt in equal measure while the questions of “why” and “what if” remain. There are no easy answers, which makes suicide a very difficult and sensitive political issue. Members on this side are reluctant to make suicide a political issue as we do not wish to create a political football from a matter that is very sensitive for the families involved. Nevertheless, there are questions to be asked, which is why the motion has been moved.

Suicide is largely a white male phenomenon, though statistics from the United States of America suggest this is changing. The AWARE report, which like most Deputies I have read in preparation for the debate, demonstrates that there are three essential components of suicide, the most important of which is depression followed by traumatic loss and alcohol and illicit drug abuse.

Some 90% of those who attempt to commit or commit suicide suffer from some form of depression, which is a telling statistic. We do not really deal properly with the issue of mental health, which has been largely ignored. The problem is that once depression sets in a person's thinking becomes restricted to the extent that there appears to be only one logical outcome — perhaps one could call it a twisted logic — which is to end one's life.

Research shows that, unfortunately, telephone help-lines, such as that of the Samaritans, do not seem to work. Last weekend, I visited a beauty spot in England which features a series of cliffs. People have taken their own lives at that location and right beside the cliffs there was a telephone number for the Samaritans. I thought it was a futile gesture to provide the number, however, because anyone contemplating suicide is hardly going to use their mobile phone at the last minute to ring the Samaritans. We need to understand, therefore, what works in preventing suicide and what does not. According to the AWARE report, the Samaritans' service does not work and, likewise, school information programmes on suicide appear to have little impact. Those of us who qualify as lay people in this area may not have been fully aware of these facts but now we know that certain things do not work. We also know that where methods of suicide are made easier, more people will obviously avail of them. This is an important factor in the United States where 60% of suicides result from firearms. It is different here because guns are not widely available.

Alcohol abuse is not being addressed properly, as I have said repeatedly. We are talking about the implementation of a task force report on suicide, but we should also examine the question of implementing the report of the task force on alcohol abuse. Why have those recommendations not been implemented? There is a cultural aspect in that, in many ways, we have glamorised the consumption of alcohol. Many years ago, I recall

that the current Minister for Health and Children, Deputy Harney, appeared on RTE's “Late Late Show”. Another guest on the show advocated the use of cannabis, but Deputy Harney condemned him out of hand. When she was asked about alcohol, however, she said there was nothing wrong with it. I put it to the Minister of State that the real drug problem in this country is not heroin, crack cocaine or cannabis, but alcohol. We are ignoring it at our peril. Alcohol affects one's mood and leads to depression. The question is whether that in itself leads to depression and, in turn, to suicide or whether there is a direct correlation between excessive alcohol consumption and suicide. In any event, we have not implemented those recommendations and continue to permit the advertisement of alcohol at sporting events, which are sponsored by drinks firms. This is completely unacceptable. Yesterday, during a break in a television news bulletin, I saw an advertisement for Coors Lite which glamorised the consumption of alcohol. More young people are drinking at an increasingly early age and that is leading to increased suicides.

The AWARE report goes into many details about why things have changed, but what has changed? The House may take the statistics as it wishes, but the report states that three studies have compared trends and demographic features in Europe. They found that the increasing suicide rate in people aged 15 to 24 is associated with a higher divorce rate, high unemployment, and a reduction in the population under the age of 15. Ireland has experienced huge social change and AWARE makes it clear that in other countries such change has had negative results. I am not saying the Government can do much about some of the aspects involved in social change, but we need to examine closely why people are engaging in anti-social behaviour.

Another problem is the decline in church attendance and the fact that people do not have a strong belief system to counteract the trend towards suicide. I agree with speakers who said that one cannot always be sure that past suicide figures were compiled accurately. For example, there were 71 suicides in 1947, although the real figure may have been higher. I can see that the Minister of State is sceptical and perhaps he is right. The figure may have been a lot higher in those days when people were afraid to admit it. Even if they were disguising the level of suicide, however, it is a fact that it has increased enormously.

As regards suicide prevention programmes, the AWARE report makes it clear that there are tell-tale signs concerning potential suicides. We need to examine that matter. Primary care can play an essential role in detecting those with suicidal tendencies. The Minister must implement the primary care strategy which can deal with 90% of illnesses, including depression.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I welcome the opportunity to speak on the important issues of suicide and suicide prevention. I congratulate the Independents and the Technical Group for

tabling this motion. Naturally, as a Minister of State, I might not agree with every sentence in the motion but it has formed the basis for a valuable discussion. While the quality of the debate has been high, it has also demonstrated that no side of the House has a monopoly on compassion. Suicide is a subject that touches the lives of every Deputy nowadays. I have listened carefully to the contributions and I was stuck by their high standard, both yesterday and today.

The motion refers to statistics and it is not a bad point of departure to examine the statistical position. Deputy Gormely summarised it fairly in concluding that the statistics were remarkably low decades ago, even allowing for the fact that there may have been, and probably was, an element of under reporting. There has been a noticeable shift in recent times. There is no doubt that, in particular, the number of young males committing suicide has increased significantly in the last decade, with 305 such deaths in 1994, rising to 358 in 2003.

It is important to point out, contrary to what is suggested in the motion, that youth suicide in Ireland is not the highest in the European Union. The most recent analysis, however, does suggest that it is the fifth highest, which is a very high ranking in European terms. As regards the overall suicide rate, Ireland ranks 17th in the European Union. It is obvious from this statistic that while our general rate of suicide is not especially high compared to other EU member states, our rate of youth suicide is very high. That is quite a remarkable disparity. Recent figures suggest that the rates have stopped rising. Perhaps we have come to the end of that period of rapid social change, to which Deputy Gormley referred. We may not have come to the end of it, but it is correct to say that we experienced the fastest rising rate in Europe in the 1980s and 1990s, albeit from a low base rate that may have included an element of statistical inaccuracy. These are, therefore, worrying trends which require further research to back up our strategies.

We can touch on the causes of this difficult problem, a number of which were pinpointed by Deputy Gormley. He referred, for example, to the culture of alcohol abuse. While it is a clinical fact that the consumption of alcohol causes depression, this is not well known, particularly among young people. We must continue to point out this fact because it often helps those who realise they are depressed to overcome the problem. Although the period of depression for many abusers of drink is short term in character, persons, particularly younger persons, who abuse alcohol are in a vulnerable position during this short period.

Deputy Gormley also referred to the decline in traditional religious belief systems. There is no doubt this has also played a part in recent rapid social change. This creates a challenge in the educational context to ensure schools not only impart information but also assume a role in forming character. All the different patrons in primary

schools are concerned about this issue and are promoting definite ethical curricula, irrespective of the ethos from which they come.

As Deputies are aware, there was a marked reluctance to discuss the issue of suicide in the past. Since the 1998 task force report we have had available to us a template for analysing our efforts in this area. Many contributions focused on the recommendations of the task force report. We have made significant progress in implementing the report. For example, a suicide resource officer has been appointed in each Health Service Executive area. In addition, the national suicide review group, National Suicide Research Foundation and national parasuicide registry have been established and liaison psychiatric nurses appointed to accident and emergency departments in general hospitals. Provision has also been made for training relevant health care personnel in regard to suicidal behaviour and such training is ongoing in all Health Service Executive regions.

Furthermore, legislation has been enacted restricting the availability of medication which can be used to overdose. A social and personal health education programme has been developed and is now compulsory for all junior cycle students in secondary schools. A directory of services has been published in each Health Service Executive area for those who may be at risk of suicidal behaviour. A new Form 104, the form on which the Central Statistics Office figures are based, has been developed and a Garda inspector has been nominated in each division to oversee its use and completion.

These are just some examples of progress made to date. Much greater detail about various initiatives under way around the country can be found in the annual report of the national suicide review group which is laid before the House each year. As Deputies will be aware, many of the recommendations of the task force require continuous development, particularly in the areas of training and the enhancement of mental health services. I would like to address the development of mental health services for adolescents in greater detail but, unfortunately, insufficient time is available to do so. The Minister of State with responsibility for mental health services, Deputy Tim O'Malley, is committed to making progress in this area.

**Mr. Gregory:** It is a dreadful fact that suicide is the most common cause of death among young people in Ireland aged 15 to 24 years. It is not surprising, therefore, that every one of us will have a friend, neighbour or relative who has been directly affected by such tragedy.

The questions before us are how effective are our health agencies in responding to this major national issue and have even the most basic measures been introduced to assist those who might seek help. Yesterday, I put these questions to the test when my office telephoned a number of health agencies to ask a basic question, namely, whether we could be put through to a suicide

[Mr. Gregory.]  
helpline or an emergency telephone contact number for suicide. We started with the main telephone number for the Department of Health and Children and were put through to the mental health services. I was hopeful at this point but after a period on hold we were informed that no helpline or contact number was available and were advised to try the Samaritans. The attitude to our request was one of surprise.

We then tried the main telephone number of the Eastern Regional Health Authority, now known as the eastern region of the Health Service Executive. We were put through to an information line which gave us a suicide bereavement helpline number. When we called this number we were informed it was not in service. Having double checked the number with the same negative result, we called the Health Service Executive information line again and were given a second number. On telephoning this number we were greeted with a voice message that we had reached the AWARE helpline. This message was repeated six times before we were cut off.

We then tried the main telephone number for the former Northern Area Health Board and were immediately given the name of a counsellor designated as a suicide officer and a direct telephone number. When we rang, we were greeted by another voice message informing us that we had reached the Health Service Executive, offices hours were from 9 a.m. to 1 p.m. and 2.14 p.m. to 5 p.m. and we should leave a message after the tone. The call was made at 4.30 p.m. on Wednesday. If this is the best our health service has to offer on a mid-week working day, what would have been the response to a crisis call late on a Friday or Saturday evening? We all know the answer.

Where does our experience of the system leave the statements in the Government amendment, which notes, for example, the “many initiatives undertaken by Government” since 1998, including “the development, in each health service area, of a directory of statutory services” and “the appointment of suicide resource officers in each health service area”. The amendment is shamefully bogus and I call on the Minister to withdraw it in light of what I have said. Suicide continues to be largely ignored, a fact the Minister of State should admit, and urgent basic action is required immediately.

**Mr. Healy:** I thank the many voluntary organisation involved in this area, including GROW, AWARE, Schizophrenia Ireland, Mental Health Ireland and the Samaritans, all of which are involved in raising public awareness, addressing local needs and dealing with individuals and families who have been traumatised and devastated by suicide in their family circle or community. I have personal experience of suicide in my extended family. I thank Deputy Neville who regularly raises the issue of suicide and Deputies from all sides who spoke on the issue last night

and this morning in a concerned, compassionate and genuine manner.

Suicide must be addressed in a sympathetic and sensitive manner using effective, urgent and committed means. Unfortunately, none of these terms applies to the Government amendment and I join my colleague, Deputy Gregory, in asking the Minister to withdraw it, even at this late stage, and allow the motion to be passed unanimously. The amendment borders on the dishonest and is clearly disingenuous. It refers, for example, to Government initiatives which have resulted in the “placement of liaison psychiatric nurses in accident and emergency departments of general hospitals”. Deputies are given to believe that a liaison nurse is available in every accident and emergency department on a 24-hour basis. As the Minister of State, Deputy Tim O’Malley, is aware, this is untrue, as is clear from his decision last night to amend his speech by inserting the word “many” before accident and emergency departments. It is disingenuous of the Government to make this claim given that a liaison psychiatric nurse is not available in every accident and emergency department and, even where one is available, it is not on a 24-hour basis. What happens after 5 p.m. or at weekends? As Deputy Gregory who tested the system told us, nothing happens.

The amendment also refers to “the provision of training to relevant health care personnel”. The relevant personnel are solely professionals, that is, nurses and doctors. What is the position regarding non-nursing personnel such as cleaning, catering and porter staff who have a track record in developing contacts with vulnerable patients. They, too, should be trained in matters relating to suicidal behaviour. We have heard about directories of services but many of them are gathering dust on shelves. I call on the Minister of State at this late stage to withdraw the amendment and allow the motion to pass unanimously.

**Mr. J. Breen:** Each day it is estimated that in excess of 2,000 people commit suicide around the world. The available figures greatly underestimate the true suicide rate. In the field of mental health, the discrepancy between what we suspect and what we can prove to be true is nowhere greater than in the case of suicidal behaviour.

I call on the Government, and on the Minister for Education and Science in particular, to undertake a review of our educational priorities and ensure appropriate account is taken of the needs of our young people as part of a balanced education. There have been knee-jerk reactions to the problems of drug abuse, crime prevention and anti-social behaviour faced by our young people. They have come too late from a Government that only reacts because the problems are costing us money and upsetting the middle class voters and business people who have a vested interest in making our society appear safe so they can earn their money in comfort. It is time to examine the real issues affecting Irish life, to instigate



adequate educational programmes and to equip young people with the tools they need to deal with the issues they will face during their lives.

It is time to end the stigmatisation of mental health issues. This can be done by introducing mental health to the school curriculum at an early stage. Our young people can learn that it is acceptable to seek help for problems and that mental health issues can be dealt with in society in a way similar to physical health. It is time we promoted a positive attitude to mental health, encouraging the young to seek help in times of crisis. The Government should plough some of the money we have gained from our economic success into our communities and education system to fund life skills education for young people and to provide adequate care resources for those seeking help.

We should examine the prevalence of suicide in rural areas and the possible implications of rural isolation. It is vital that the Government does not abandon rural areas. Services must be available to everyone and not concentrated in areas of high population density. Resources must be available to examine the effects of unemployment, social exclusion, lack of educational opportunities and rural isolation as factors in the increased numbers of people attempting to or taking their own lives. Following such research, a commitment must be given to act on the results and to provide for proper responses to such needs as are identified.

I call on the Government to put people first and provide increased funding as requested to deal with the current sad situation. I call on the Minister of State to withdraw the disgraceful amendment to this motion and face the true facts outlined by Deputy Gregory. The Government should put people first instead of making cheap political points to cling to power. The Minister of State should act as a man of his word and withdraw this shameful amendment. Government Deputies should have the courage of their convictions and vote with the Independent Deputies in this matter. I commend Deputy Connolly for tabling this motion.

**Ms Harkin:** I welcome the opportunity to speak on this motion tabled by the Independent Deputies. It calls on the Government to develop an effective, strategic action plan for the prevention and reduction of suicide and to implement it as a national priority.

I listened to many speakers on this motion and the subject has been treated sensitively. We are talking about people's pain, the devastation of families and the shock and incomprehension of communities. We tread lightly because we do not want to add to that pain. The discussion is not political in the sense of scoring points. It is, however, political in that a meaningful political response is urgently needed. So far the response has been woefully inadequate.

I call on the Minister of State to withdraw the amendment, particularly in light of the statement made by Deputy Gregory today. Most of the

amendment is meaningless. The basic facilities to assist those who need our help are not in place. The answering machines at the end of helplines that give opening hours of 9 a.m. until 12.30 p.m. confirm that the response of the Government to the suicide issue is totally inadequate. The Minister of State should do the decent thing and withdraw this empty amendment.

I attended a seminar on suicide recently in Dromahair in County Leitrim organised by recently bereaved families. I commend those who organised it for making the effort to raise awareness, to inform the public and to destigmatise suicide. Similar seminars have been held throughout the State; I know of two recently in County Monaghan. Meetings have been crowded with people who are genuinely concerned. There is a desire on the part of the public for information and help.

This Government is failing to give the help that is so badly needed. Many speakers referred to the cut in the mental health budget. Last week I went to see the new Clarion Hotel in Sligo which was formerly the old mental hospital, St. Columba's. When St. Columba's was closed a number of years ago people were glad but the money was not re-invested in community services and it is not being invested in support services for those concerned about and those at risk of suicide.

Politicians cannot solve all of society's problems and this issue is wider than resources and services. The responsibility of the Government, however, is to implement immediately the 86 recommendations of the 1998 report of the National Task Force on Suicide, as we have asked in the motion.

This is a difficult issue and there are no easy answers, quick fix solutions or guarantees we will get things right but the research has been done here and in other countries. The reports have been written and there is no excuse for inaction. A document was published in the last few days entitled "The Health of Irish Students". When will its recommendations be put in place or will it simply be put on the shelf on top of the pile that is there already?

We have all the information we need, we now need action. We need suicide prevention programmes in schools, colleges, health centres and community centres and we need suicide awareness programmes. Most people are aware of the symptoms and signs of meningitis due to an excellent information campaign. We need the same level of awareness about suicide. Early detection and treatment lead to better outcomes.

My colleagues have quoted the different models across the world, with Deputy Connolly mentioning the German model that showed a reduction of 26% in self-harm incidence, and the Australian and Canadian models, with reductions of up to a third in self harm. Experience in other countries has shown action can work and we need as a matter of urgency to put such projects in place on a nationwide basis and not just as pilot programmes to protect all citizens who are at risk.



[Ms Harkin.]

We must increase the mental health budget and adequately resource the primary care system so it can respond to those who need help.

If the Minister of State will not accept the motion today, we ask him to implement the recommendations in it. The Minister of State, Deputy Brian Lenihan, listed actions being taken

by the Government to address the suicide issue but they are not working, they are wholly inadequate and we ask the Government to develop an effective strategic action plan for the prevention and reduction of suicide and to implement it as a national priority.

Amendment put.

The Dáil divided: Tá, 59; Níl, 52.

Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Brady, Martin.  
 Browne, John.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Cooper-Flynn, Beverley.  
 Coughlan, Mary.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Fox, Mildred.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Harney, Mary.  
 Haughey, Seán.

Hector, Máire.  
 Jacob, Joe.  
 Kelleher, Billy.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 McEllistram, Thomas.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Donoghue, John.  
 O'Keeffe, Batt.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Sexton, Mae.  
 Smith, Brendan.  
 Wilkinson, Ollie.  
 Woods, Michael.  
 Wright, G. V.

Níl

Breen, James.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Connolly, Paudge.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gormley, John.  
 Gregory, Tony.  
 Harkin, Marian.  
 Hayes, Tom.  
 Healy, Seamus.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Lynch, Kathleen.  
 McCormack, Padraic.

McGrath, Finian.  
 McGrath, Paul.  
 McManus, Liz.  
 Mitchell, Gay.  
 Mitchell, Olivia.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Quinn, Ruairí.  
 Rabbitt, Pat.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Twomey, Liam.  
 Upton, Mary.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Gregory and Connolly.

Amendment declared carried.

Motion, as amended, put and declared carried.

**Child Abuse Act 2000: Referral to Joint Committee.**

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

That the proposal that Dáil Éireann approve the draft Commission to Inquire into Child Abuse Act 2000 (Section 5) (Specified Period) Order 2005, a copy of which was laid before Dáil Éireann on 13 April 2005, be referred to the Joint Committee on Education and Science in accordance with paragraph (2) of the Orders of Reference of that committee, which, not later than 19 May 2005 shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

**British-Irish Agreement (Amendment) Bill 2005: Order for Second Stage.**

Bill to amend the British-Irish Agreement Act 1999 and to provide for related matters.

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I move: "That Second Stage be taken now."

Question put and agreed to.

**British-Irish Agreement (Amendment) Bill 2005: Second Stage.**

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I move: "That the Bill be now read a Second Time."

Is Bille gearr teicniúil é seo, an Bille Um Chomhaontú na Breataine-na hÉireann (Leasú) 2005, a dhéanfaidh soiléiriú ar an gcosaint atá ann go bhfaighidh na Stáit dílse sna Comhlachtaí Foirfheidhmithe Thuaidh-Theas.

The British-Irish Agreement (Amendment) Bill 2005 is a short, technical Bill which proposes to clarify the protection of State property vested in the North-South implementation bodies. I thank the Opposition parties for agreeing to take this Bill today and I will outline why we feel it is prudent to introduce the Bill in the House.

The Good Friday/Belfast Agreement provided that at least 12 subject areas would be identified for co-operation and implementation for mutual benefit under the aegis of the North-South Ministerial Council. Co-operation in these areas would be implemented in two ways — in the case of at least six of them by means of existing bodies in each jurisdiction separately, also commonly referred to as the areas for co-operation, and in the case of at least six others by means of new North-South implementation bodies, also commonly referred to as the North-South bodies, operating at a cross-border or all-island level.

As the House is aware, the British-Irish Agreement Act 1999 established the six North-South Implementation Bodies: the Foyle, Carlingford and Irish Lights Commission, InterTrade Ireland, An Foras Teanga — the North-South language body, SafeFood — the food safety promotion board, the Special European Union Programmes body, and Waterways Ireland. An Foras Teanga and Waterways Ireland are the two bodies the Department of Community, Rural and Gaeltacht Affairs co-sponsors with the Department Culture, Arts and Leisure in the North.

The purpose of the Bill before us today is to remedy a possible technical defect in section 53(b) of the British-Irish Agreement Act 1999. I stress that it is a possible defect. I will say a word or two by way of background to this area of law first. A tenant of a private landlord who pays ground rent has, under the Landlord and Tenant (Ground Rents) (No 2) Act 1978, the right in certain circumstances to buy out the fee simple, i.e. to buy out the ground rent and hence acquire unfettered ownership of the property at nominal cost. In State land cases, that right does not apply to tenants in possession of commercial leases. In the case of tenants of dwelling houses on State land, the right to buy out was granted in 1980, but with a fallback provision that the State authority can decide that it would be contrary to the public interest to let the dwelling house go.

Section 53(b) of the British-Irish Agreement Act 1999 gives the North-South implementation bodies protection as State authorities under landlord and tenant (ground rents) legislation. The effect of such protection is that a lessee does not acquire the right to buy out the fee simple of a property on State land in respect of which a ground rent is paid. However, the reference in section 53(b) is to section 70 of the Landlord and Tenant Act 1980. This is in effect a subsequent amending provision: the original provision which shields State authorities is section 4 of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978.

The issue mainly arises for Waterways Ireland in view of its extensive property portfolio, but the Bill covers the other North-South bodies also. The issue only arises in the South as there are no implications for the operations of the bodies in the North.

The overall effect of the 1978 Act is to give a lessee of certain categories of property the right to acquire the fee simple, subject to conditions and exemptions detailed in that Act. Section 4 provides that this right does not apply in the case of properties leased from a Minister of the Government, the Commissioners of Public Works or the Land Commission. Section 70 of the 1980 Act is a subsequent provision which modifies that general exemption by creating a right to buy out the fee simple in the case of dwelling houses erected on land owned by a State authority, subject to the right of a State authority to prevent alienation of an individual property where it considers that the public interest so requires.

[Éamon Ó Cuív.]

This Bill removes any doubt that a North-South implementation body is not bound by the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 and directly incorporates the exemption in respect of that protection for dwelling houses contained in the Landlord and Tenant (Amendment) Act 1980 in the same terms as set out in that Act.

The legislation does not apply to any notice of intention or any application made relating to the acquisition of the fee simple before the passing of the Bill or any arbitration or appeal  
*1 o'clock* to the Circuit Court in respect of such a notice or application. Any such notice or application — I am informed by Waterways Ireland that it currently has 12 cases on hand — and any subsequent developments, whether by way of arbitration or Circuit Court hearing, will continue as if this Bill had not been enacted.

This legislation seeks to deal with a potential technical defect in the 1999 British-Irish Agreement Act. The intention of the Oireachtas at that time is abundantly clear from section 53 of the Act. The intention was to put Waterways Ireland and the other North-South Implementation Bodies in the same position *vis-à-vis* ground rent legislation as the Office of Public Works or a Minister or State authority. In other words, the relevant sections of the 1978 (No. 2) Act and the 1980 Act would apply. It will be a matter as appropriate for the courts to interpret the current legislation and make decisions on any cases that come before them. Nothing I say today should be construed as a comment on any case that might end up in such a position or a statement that there is solid ground for any such notice served or case that might be taken.

The Bill is being introduced today with a view to its passage through both Houses of the Oireachtas in one day and signature by the President later today. This is considered advisable in the interests of clarity in this area of law.

The Bill is short, containing four sections, two of which — sections 1 and 4 — are technical. Section 2 restates section 53(a) of the British-Irish Agreement Act 1999, which provides that a body is a State authority for the purposes of the Statute of Limitations 1957, and creates a new section 53A in the 1999 Act to expand and clarify the existing provision in section 53(b) of that Act. The new section clarifies that a North-South Implementation Body is not bound by the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 and repeats the exemption in respect of dwelling houses contained in the Landlord and Tenant (Amendment) Act 1980 in the same terms as set out in that Act. Section 3 provides the appropriate savers in respect of any application made prior to enactment of the Bill under the ground rents legislation or any appeal before the courts.

Deputies will appreciate that the Bill is designed to put into legislative form the clear

unequivocal original intention of the Oireachtas to provide the North-South Implementation Bodies with the necessary legislative protection for the State property vested in them for the benefit of all, as was originally intended by the Oireachtas in the British-Irish Agreement Act 1999.

Bunaithe air sin, ba mhaith liom an Bille seo a mholadh don Teach agus rá go bhfuil sé soiléir ón tús cad a bhí i gceist ag an Oireachtas a dhéanamh. Níl muid á rá go bhfuil aon fhadhb ann, ach ar fhaitíos go bhféadfadh sé tarlú go bhfuil aon fhadhb ann, is fearr bheith cinnte dearfa go bhfuil gach rud ina cheart. Bheadh súil agam go mbeadh sé ar ár gcumas an Bille seo a phlé agus, mar a dúirt mé, tá sé i gceist an Bille a achtú inniu agus síniú an Uachtaráin a lorg.

**Mr. Crawford:** I thank the Minister and his officials for the quick briefing on this Bill. However, I query the secrecy and urgency surrounding this issue. Why did it have to be rushed through so quickly? I and my party are committed to the British-Irish Agreement and we will do everything possible to ensure it is implemented for the good of our people. However, there is always a danger with rushed legislation. Recently, we saw what happened with the 2001 health Bill which will now cost taxpayers an estimated €2 billion. What is the benefit of rushed legislation?

This Bill seeks to close possible loopholes in section 53(b) of the British-Irish Agreement Act 1999. The difficulties mainly arise for Waterways Ireland in view of its extensive property portfolio but the Bill covers the other North-South bodies. The Bill removes any doubt that a North-South Implementation Body is not bound by the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 and directly incorporates the exemption in respect of that protection for dwelling houses covered by the Landlord and Tenant (Amendment) Act 1980 in the same terms as set out in the Act.

What Minister introduced the British-Irish Agreement Act 1999 in the Dáil? Who was the Attorney General who advised on this legislation? The Minister said there are 12 cases on hand. What costs might this loophole cause for the State? What is the likely overall loss for the State? When was the problem discovered? Why were there such delays in rectifying it? I do not blame the Minister because he did not introduce the initial legislation, but when one considers health and other issues, there appears to be a litany of defective legislation slipping through. This legislation cannot be retrospective so it does not apply to the cases already under way.

As a Deputy representing the Border counties of Cavan and Monaghan, I have a keen interest in this issue and an anxiety about problems that might arise. One of the great projects that could have major cross-Border implications is the Ulster canal project. Everybody is aware of the benefit which the Ballinamore-Ballyconnell canal brought to the area. We must close any loophole

that might damage the prospects of other such projects, such as the Ulster canal with which I am most familiar, coming to fruition.

This project is on hold with Waterways Ireland as a result of the failure of the political parties in Northern Ireland to implement the Good Friday Agreement through the Northern Ireland Assembly. Sinn Féin is well aware of what is required to rectify that situation. I trust that after today's election in Northern Ireland, the IRA will do as the Sinn Féin leader requested, give up its arms and make it clear the war is over so democracy can be used as the way forward. It is frustrating for people who are interested in positive constructive action that a body such as Waterways Ireland, with the capabilities that were demonstrated by the Ballinamore-Ballyconnell canal, is in a care and maintenance mode. That is the decision of the two Governments as they await the full working of the Assembly.

With regard to the Ulster canal, will the Minister clarify the situation regarding land that has already been taken over by neighbouring farmers or other property owners? If the canal is opened, what is the legal situation for Waterways Ireland? Will this legislation affect it? When the canal is being restored, and I believe it must be restored, will farmers and property owners have to be compensated and will this legislation affect that? Where people are using houses, warehouses, stores and so forth that belong to the State on long-term leases, will they have the right to buy such properties? The Ballinamore-Ballyconnell canal has shown the benefit the Ulster canal could bring to the community.

Another cross-Border project that predates the Good Friday Agreement relates to the River Blackwater in north Monaghan, which again showed the benefits of co-operation north and south of the Border. I do not wish to delay proceedings, I just want clarification on what damage has been done by the potential loophole that exists. Is the Minister absolutely satisfied with the Bill, which is rushed and does not allow time for us to get legal advice? Is he satisfied that the changes he is making will close all the loopholes and make sure that people with ulterior motives cannot benefit from them or stop progress in the future? I believe in people's rights but people are literally sitting up at night trying to find loopholes in legislation. It is our job in this House to make sure that the rights of the public and the State are protected. We will support the Government in that endeavour.

**Mr. O'Shea:** Nuair a toghadh don Seanad mé i 1987, thug Príomh-Aoire Fhianna Fáil, an Seana-dóir Liam Ó Riain, an-cabhair agus an chomhairle dom, go ndéana Dia trácaire ar a anam dílis. Is cuimhin liom go maith é á rá liom go bhfaigheadh mé amach de réir a chéile nach mbíonn reachtaíocht a achtaítear faoi bhrú ama go maith. Fuair mé amach go raibh an ceart aige agus mar chruthú air sin ní ghá dúinn ach féachaint ar an gcrúachás ina bhfuilimid inniu.

As a newly elected Senator in 1987, the then Fianna Fáil Whip in the Seanad, the late Senator, Willie Ryan, was extremely helpful to me in terms of assistance and advice. He told me on one occasion that I would find with experience that rushed legislation does not turn out to be good legislation. Today's business brought back Senator Ryan's advice forcibly to me. I wonder what he would have thought of the fact that, according to research available to me, during the existence of the revising Chamber, Seanad Éireann has taken Committee and Remaining Stages together on 171 occasions out of a total of 173, or in 98% of cases, under the present Government. In the Official Report, the heading Committee and Remaining Stages occurs 69 times, 52 of these, or 75%, were between June 1997 and the end of 2002. What is crystal clear is that the Government has increased the amount of rushed legislation passing through the Oireachtas to a dangerous level. The basic function of the Legislature is being most seriously undermined.

I have opposed ground rents in all my political life. I have campaigned for the abolition of ground rents and I published a Private Members' Bill on the subject in the early 1990s. Ground rents are an anachronism and a nuisance and have little useful function, if any, in a modern democracy. The Taoiseach informed the House that the Government would like to do its best to abolish ground rents but that there are constitutional concerns regarding citizens' property rights. It is decidedly odd that the Government is seeking here to preserve the rights of the public sector thereby overriding the property rights of citizens. For this the Wild Geese spread their wings.

The two Houses are being asked to take a great deal in good faith in regard to explanations proffered about a Bill that was shown to us yesterday afternoon. I thank the officials for the briefing we were given. By way of comparison, the Health (Amendment) (No. 2) Bill 2004, intended to plug ongoing exposure calculated to amount to up to €2 billion, was presented on a Monday and was debated on the following Thursday and Friday. The only equivalent to genuinely overnight legislation like this which I can recall was the Offences Against the State (Amendment) Act 1985 which granted the power to seize identified funds held by the IRA in a bank account which was liable to be withdrawn at a moment's notice.

It is worth noting that the original 1999 British-Irish Agreement Bill was presented to the Dáil on 8 March, it passed Second Stage on 9 March and passed all further Stages on 10 March. Only three hours were allocated for the completion of Committee and Remaining Stages. When the guillotine fell, the House was on section 16 of a 56 section Bill. The error sought to be corrected was to be found in section 53(b). The guillotine involved the composite approval of 11 Government Committee Stage amendments and two that had missed the Committee Stage deadline and



[Mr. O'Shea.]

were submitted on Report Stage. The Bill passed all further Stages in the Seanad the following day. The agreement to which the Bill gave effect, establishing North-South Implementation Bodies, had been signed by the then Minister for Foreign Affairs, the former Deputy, David Andrews, and the then Secretary of State, Ms Mowlam, on the day before the Bill passed all Stages.

According to the then Minister:

An important additional safeguard put in place yesterday was that, in an exchange of letters between the Secretary of State and myself, we agreed that the two Attorneys General will consult and co-operate as necessary to address any problems which may arise concerning the interpretation and application of our respective domestic legislation in regard to the bodies. The two Governments are also committed to taking all the appropriate steps should problems arise. The adoption of an approach under which most of the substantive detail is contained in an agreement between the two Governments, rather than in separate legislation, should minimise the risk of divergent judicial interpretation.

If there has been consultation on this issue, the discussion has taken place more with Westminster than with the parties in Leinster House. If discussion has not taken place, what importance was attached to this "additional safeguard"?

Section 5 of the 1999 Act contained a most extensive power to overcome the sort of problem that might be generated in the haste to legislate. It states:

If in any respect, any difficulty arises in bringing any provision of this Act or the Agreement into operation or in relation to the operation of any such provision, the Taoiseach may by regulations do anything which appears to him or her to be necessary or expedient for removing that difficulty, for bringing that provision into operation or for securing or facilitating its operation, and any such regulations may modify any provision of this Act so far as may be necessary or expedient for carrying such provision into effect for the purposes aforesaid, but no regulations shall be made under this section in relation to any provision of this Act after the expiration of 3 years commencing on the day on which the provision came into operation.

That section has its own constitutional difficulties and, in any event, it became spent three years after the Act came into operation. It is noteworthy that the problem we are addressing here went unnoticed not just in the course of the drafting process but apparently for the first three years during which the legislation was in operation.

The relevant portion of section 53 of the 1999 Act provides that a North-South body shall be deemed to be an "appropriate State authority" for the purposes of section 70 of the Landlord

and Tenant (Amendment) Act 1980. That section in turn provides that a person who, but for section 4 of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, would be entitled to acquire the fee simple of a dwelling house shall, notwithstanding those provisions, be entitled to acquire that fee simple unless "the appropriate State authority" is satisfied that such acquisition would not be in the public interest and so certifies. Section 4 of the 1978 Act simply states that the Act does not bind a Minister of the Government, the Commissioners of Public Works in Ireland or the Irish Land Commission, collectively grouped as State authorities.

In summary, the 1978 Act contains two separate provisions, covering the acquisition of the fee simple in dwelling houses and in other property. Neither set of provisions bound the State as landlord. The 1980 Act allows the tenant of a dwelling house to acquire the fee simple from the State, unless there is certified to be a contrary public interest. The 1999 British-Irish Agreement Act, we presume, was intended to assimilate North-South bodies to the position of State authorities exempt from the non-dwelling house provisions and exempt, on "public interest" certification, from the dwelling house provisions. However, that intention was inadequately put into effect. The combined effect of the three Acts is to state that a tenant who, but for the fact that the ground rents legislation does not bind landlords who are Ministers, the Office of Public Works or the Land Commission, would have been entitled to cancel the ground rent and buy his or her property outright can proceed to enlarge his interest and acquire the fee simple from them unless the appropriate North-South implementation body certifies that such acquisition would not be in the public interest.

This is an entirely meaningless provision. The ground rents legislation continues to exempt only Ministers, the OPW and the Land Commission. North-South bodies are classed as State authorities for the purposes of a section that does not change that situation. The tenants of North-South bodies are entitled to buy out the fee simple because they are not and have never been persons who, but for section 4 of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, would be entitled to acquire the fee simple of their dwellings. Section 4 of the 1978 Act never applied to them because their landlord is not a Minister, the OPW or the Land Commission.

The error is a drafting one and the courts will not correct it. It arises from the fact that the bodies have been deemed to be State authorities for the purposes of the rule that allows such authorities to permit their tenants to acquire the fee simple but have not been deemed to be State authorities for the purposes of the earlier rule that the legislation permitting tenants to enlarge their interest does not apply to State authorities in the first place. The error is described in the note circulated by the Government Chief Whip as a "possible technical defect". This seems to be

less than entirely forthcoming. The section does not achieve its intention.

Why should the North-South bodies enjoy the exemption the State does in its capacity as landlord from the application of legislation allowing tenants to purchase a fee simple interest in their property? Why should the State enjoy that exemption? Why should the bodies enjoy the status of State authority for the purpose of the extended limitation period provided by section 13 of the Statute of Limitations 1957? There seems to be nothing in the agreement which this legislation is intended to implement that requires such a status to be bestowed, nor does the equivalent Northern Irish legislation, the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999, appear to make such provision. This is all the more reason for the Attorney General, even belatedly, to consult his British counterpart. Polling day is of no direct concern to Lord Goldsmith. Policy issues are involved here that deserve greater consideration.

In the history of the State, there have been 189 Seanad resolutions requesting the President to sign a Bill into law earlier than five days after it is presented for signature. The last request was made for the ill-fated Health (Amendment) Bill 2004. Of those 189 requests, a whopping 61 — almost one third — have been moved during the eight years of this Administration's period in office.

The sole purpose served in introducing this Bill without notice and seeking to have it enacted in one day is to prevent any person paying ground rent to a North-South body from escaping the application of this corrective measure by serving a notice of intention to acquire the fee simple of his or her property. Has the Attorney General advised whether the statutory entitlement created by the 1978 Act, the right of a property owner to enlarge his or her interest in that property, is not to be characterised for constitutional purposes as itself being a property right and so protected from arbitrary interference? Has the Supreme Court judgment on the Health (Amendment) Bill been taken into account?

Our normal policy is not to oppose or table amendments to Northern Ireland related Bills. However, this Bill would seem to have a purely domestic application. It has no real implications for the peace process. We dislike ground rents and would support any mechanism for their complete abolition. They are an unnecessary and anachronistic relic of bygone times and serve only to act as an irritating clog on the otherwise complete capacity to sell, bequeath and dispose of domestic property.

The 1978 Act specifically exempted the State, in its capacity as landlord, from the provisions enabling tenants from acquiring the fee simple of their property. Prior to that, as the background briefing note makes clear, it was presumed that legislation did not bind or restrict the State unless it specifically said so. This was based on the view that the modern Irish State had inherited the

royal prerogatives of the former British crown. The legislation in 1994 over Mullaghmore, *Howard v. Commissioners of Public Works*, put an end to that belief. However, the Supreme Court allowed for the possibility of an exemption in favour of the State being set out in the legislation itself rather than applying as a matter of course by virtue of former royal status.

I remain to be convinced of the merits of exempting State authorities in the first place and also extending that exemption to include the North-South bodies. I accept, however, that this was the intention of the drafters of the 1999 British-Irish Agreement Act, even though the section in which it was expressly received no Oireachtas scrutiny. I accept also that both the bodies and their tenants must have conducted their affairs over the intervening years on the assumption in good faith that the legislation did not apply to them. We are being asked to take a great deal in good faith and, on that basis, I will not oppose the Bill. However, I stress that if any aspect of the explanations and factual outline given to us today turns out to be defective to any material extent, that would amount to a serious situation. We should not be put in the position of having to rush to judgment on significant issues with such a paucity of information and time for considered assessment.

**Caoimhghín Ó Caoláin:** I propose to share time with Deputy Boyle and, perhaps, Deputy Cowley.

**Acting Chairman (Mr. Kirk):** Is that agreed? Agreed. The Chair will monitor progress.

**Caoimhghín Ó Caoláin:** Questions must be raised about why this Bill is necessary. How did it come about that the British-Irish Agreement Act 1999 refers to the Landlord and Tenant (Amendment) Act 1980 and not to the Landlord and Tenant (Ground Rents) (No. 2) Act 1978? This Bill has come, quite clearly, out of the blue and it is difficult for us to address its detail in so short a time, little though that detail may be. Something is wrong in the legislative process when this can happen.

We are being asked to make a technical change in the 1999 Act concerning the exemption of State lands in the 1978 legislation. I understand that this means owners of commercial property on State land who pay ground rent to the State will not have the right to buy out the leases. Owners of dwelling houses on these lands will continue to have the right to buy out the ground rent. Perhaps the Minister can confirm that in his closing remarks as it was not clear to me from the explanatory memorandum that was circulated.

We will not oppose this legislation, primarily because we do not want to cause any difficulty for the North-South implementation bodies, particularly Waterways Ireland, at this time. However, we are concerned that we have not heard the other side of the story. There must be one. Are there people who have a genuine case

[Caoimhghín Ó Caoláin.]

to make in terms of their leases of State lands? I do not know and that is a difficulty.

Sinn Féin is also concerned that the massive anomaly and injustice of ground rent is being ignored and continues to exist. Successive Governments, including the current Administration since 1997, have deliberately ignored this issue. Why must people pay ground rents on properties they own, whether a home or whatever and regardless of whether the rent is paid to private landlords, the State or local authorities? It is an injustice that should be done away with. The Government has a ground rent Bill on its list of promised legislation for all the years I have spent as a Member of this House. The only reason it is there, perhaps, is to give the Government the semblance of a reply whenever the issue is raised by other Deputies. There is clearly no intent on the Government's part of addressing this vexed issue.

This Bill concerns the all-Ireland implementation bodies established under the Good Friday Agreement. It must be said on polling day in the Six Counties that those bodies are not operating fully and the all-Ireland Ministerial Council is not working at all. Every effort must be made to ensure we reach a situation where all that functions once again. My commitment to that is absolute.

**Éamon Ó Cuív:** The Deputy knows who can sort it out. Sinn Féin can sort it out.

**Caoimhghín Ó Caoláin:** The Government has a responsibility for this. The Minister sent me a reply to a written parliamentary question about a request from Monaghan County Council to meet him regarding the Ulster Canal, which is a critical issue.

**Acting Chairman:** I do not like the prospect of the debate straying somewhat.

**Caoimhghín Ó Caoláin:** I am not straying from the debate. This issue is about inland waterways and is about canals and so on. Despite his missive to Monaghan County Council, the Minister is clearly accepting the situation of a care and maintenance mode under the direct Ministers. He should not accept that. As a democratically accountable Minister, he has a binding responsibility to the Irish people to pursue proactively—

**Éamon Ó Cuív:** It always amazes me—

**Caoimhghín Ó Caoláin:** —this issue at every turn. The Minister will have his opportunity to reply. He should be good enough to allow me to use my time.

**Acting Chairman:** The Deputy should be allowed to continue and I ask him to speak to the Bill.

**Éamon Ó Cuív:** I never thought I would hear a Sinn Féin member wish to deal with a British minister rather than an Irish one.

**Caoimhghín Ó Caoláin:** We do not want them here at all. We want them to pack up their bags and go. Until that is achieved, the Minister has a responsibility in the interim. I am speaking about the Bill and this is an issue that is integral to it. I want the Minister to accede to the request of Monaghan County Council to meet the council and discuss this issue. I want him to assure us that he is continuing to do everything and that he has not parked the issue, waiting for change to occur. He must work now and must put the maximum pressure on direct Ministers to ensure that there is progress the very important issue of the Ulster Canal.

I look forward to the renewed negotiations after the elections today and to the full implementation of the Good Friday Agreement, including the resumption of the All-Ireland Ministerial Council and the implementation bodies covered in this Bill. In the interim, the Government should do everything in its power to work the structures that exist. We all have to contend with them unfortunately, but that is the reality. I am deeply disturbed that the Government appears to have parked major projects like the Ulster Canal when it should take the lead on an issue of such importance.

**Éamon Ó Cuív:** Sinn Féin parked the project.

**Caoimhghín Ó Caoláin:** I hope the Minister is not competing with Deputy O'Dea to be the heckler of the year. I will await the Minister's reply when he has the opportunity. In the meantime, I will not oppose the Bill as I wish the matter to be addressed and progress to be made. The Minister should also take into account my remarks on a ground rent Bill, which the Government has trundled out in legislative programme after legislative programme since 1997, yet about which nothing has been done.

**Mr. Boyle:** The subterfuge that accompanied this Bill, with phone calls to spokespersons of the different parties on Monday and a briefing yesterday, seems to indicate that there is a degree of discomfort in the Government about this Bill. As spokesperson for my party, I received a phone call on the briefing on Tuesday. As my party divides the brief for the Department of Community, Rural and Gaeltacht Affairs between Deputy Sargent and me, I asked under which arm of the Department the briefing was being delivered. I was told it was the Gaeltacht section and on that basis Deputy Sargent went to attend yesterday's briefing. Despite that, it was never mentioned what the Bill was and to what it referred. Neither the briefing itself, the memorandum or the Minister's speech gave a sense of the urgency with which this Bill is being addressed today.



I fear the Minister might be putting us into a situation where we are compromising the House under the doctrine of the separation of powers. If there is a legal argument regarding legislation that has been passed in this House when there are cases pending, the passage of this Bill will certainly not acquire any degree of retrospection. It may, at best, stop future legal actions coming forward. It disturbs me that we are putting out a signal that we in this House are correcting our mistakes on the hoof. In fact, this is the mistake of the Government. Deputy Rabbitte was quite clear on this today on the Order of Business. He spoke about the Government amending a Bill that had already been guillotined in the House. The same Government decided at the time that it only required a certain amount of debate. It is this attitude that brings us back to the House time and time again to deal with emergency legislation. If this Government is to have any legacy, it will be the amount of amended legislation that it has put before the House because it has refused to do its job properly. It refuses to engage with the Opposition to allow sufficient debate and proper scrutiny of legislation.

In the wider context, the Green Party supports closing the loophole and facilitating of the North-South bodies. It is unfortunate that it has to come forward in a Bill of this nature. It is also unfortunate that we are dealing with half formed organisations which many of us would like to see operating to the fullest possible extent.

This Bill is getting the Government out of a quagmire in which many residents of domestic dwellings find themselves. The speed with which the Government has put forward this Bill, while at the same time not tackling the wider issue of acquiring a fee simple and ground rent, shows a double standard against which we must protest. The sense of priority given to this Bill and other legislation that involve North-South Ministerial bodies and all-Ireland bodies is astounding. I asked a question this morning on the status of the Bill on the register of people considered safe to work with children. The treatment of that Bill here and in Northern Ireland shows a notorious double standard in the priorities of the Government. The regulations that would follow from the passage of that Bill here are already in existence in Northern Ireland, yet we continue to drag our feet. We refuse to give appropriate legislative weight to the very important issue of child safety and child abuse.

We will not oppose this Bill, but we indicate strongly our unhappiness with its presentation before us, and the way in which the House has been treated.

**Dr. Cowley:** I am delighted to speak on this Bill. I cannot stand over this legislation, as it is legislation on the hoof. There is a sense of expediency about the Bill, which upsets me. There is a need to provide legislation to control what is going on with alternative practitioners as some of them are preventing people from having legit-

imate treatment, which is costing those people their lives. Yet we are still waiting for legislation on this and we do not have a hope in getting it through the House. The Government pays lip service to supporting older people in their own community, but there is always a lack of legislation that would oblige the Government to provide the resources necessary to allow that lip service to become a reality. This Bill is no exception either. I support it, but it is only mending the cracks.

North-South bodies are an important element in this small island and it is important that we foster and encourage North-South relationships. There is a dubious distinction in one area, neither the North nor the South has a helicopter emergency medical service. Ireland is the only country in Europe without that service. I met successive Ministers for Health and Bairbre de Brún on the matter. I met the North-South emergency care body, set up under the Good Friday Agreement, in Newry which agreed to examine the issue of a helicopter emergency medical service for North and South. Both areas have been without the service for so long that we could learn from the systems around Europe and create a system of which we could be truly proud.

A feasibility study was proposed which was commissioned in 2002, but not published until 2004. The haste involved in this Bill was certainly not put into producing that report. The report proves the case for a helicopter emergency medical service as essential for inter-hospital transport and beyond both North and South and in a North-South context. Unfortunately, that has not happened. The Department thought so little of the report that it did not have the decency to publish it in book form. It only published it on the website, despite the fact that the study was set up in a North-South context.

I hope the Government will give the same urgency to the report and to doing something about it as it is giving to solving this situation to get itself out of a spot. I urge the Minister to examine the position with regard to a helicopter emergency medical service. It is important that we deal urgently with the situation where people with, for example, fractured spines are put into the back of ambulances to be taken at 30 mph on the rocky road to Dublin with their future well-being and their lives at stakes. I support this Bill with the provisos I have mentioned.

**Mr. Naughten:** I welcome the opportunity to speak on this legislation. The reason we are debating this legislation today is that it was guillotined in the House on a previous occasion. When the Minister replies, will he elaborate on how this flaw was picked up. Did somebody try to buy out his or her fee simple and as a consequence was the anomaly in the legislation found and the legislation found inadequate? Is that the reason for the urgency of the legislation? We have been given no reason for that.

Will the Minister give us some examples of the types of leases concerned here? Are they mainly



[Mr. Naughten.]

farmland or residential, or what other type of property is involved. When I heard last night that this Bill was coming through the House today, I got a copy of the Waterways Ireland annual report to try to discover the type of property involved. A significant amount of the assets of Waterways Ireland pass through my old constituency of Longford-Roscommon and, particularly, my new constituency of Roscommon-south Leitrim through which the Ballinamore-Ballyconnell canal runs.

The only detail I could find in the 2002 report in the Library is a very brief comment relating to the significant amount of property which Waterways Ireland has and is trying to manage. I understand there are ongoing issues relating to the transfer of property in the North to the jurisdiction and control of Waterways Ireland. Will the Minister update us on that situation? The only information I could get from the annual report was that in 2002 there was an income of €48,838 from property, the only detail we have on the assets of Waterways Ireland. This is a substantial income considering that many of the properties in question would not have involved much maintenance over recent years.

The reason I wanted to speak on this legislation concerns the maintenance of properties under the control of Waterways Ireland. Many people are directly impacted by the lack of maintenance of properties under the jurisdiction of Waterways Ireland. Under the heading of the management and maintenance of waterways in the annual report, there is nothing about the maintenance of the waterways, which are the single largest asset and property under the control of Waterways Ireland.

The largest element of that property is the River Shannon, but no maintenance of that asset takes place. While some development has taken place over the years, some of which is mentioned in the annual report, this mainly relates to mooring spaces and marinas. In fairness, I compliment Waterways Ireland on that work because we need additional facilities.

Will the legislation have an impact on the rental of moorings or berths by Waterways Ireland, perhaps on a long-term basis, to particular individuals or companies. I know a substantial number of the private berths on the River Shannon are rented on a long-term basis to many of the cruiser companies. Is the same the case with Waterways Ireland? Naturally, there would not be a demand for those facilities during the winter months. Could a claim be brought in that regard under the current legislation prior to its amendment today?

I want to discuss the maintenance of the Shannon as an asset of Waterways Ireland because over recent years there has been considerable clogging up of the waterway, whether as a result of silt from Bord na Móna or otherwise. The problem is so serious that during the summer months we have to call on Deputy

Cowley's emergency services on occasion to fish people out of Lough Ree or other parts of the Shannon because their boats have hit rocks. On one occasion the Air Corps had to come to the rescue because of a lack of day to day maintenance of the waterway.

It is critical that more focus is put on the maintenance of the assets of Waterways Ireland. Many people would be very critical of the fact that Meelick weir is not regularly maintained and this causes a huge back-up of water north of the weir and south of Athlone. They are also critical that the river channel is not maintained, which will have a significant impact in coming years on navigation of the river unless action is taken by Waterways Ireland to protect these State assets which are under its control but which appear to be ignored. They are ignored in the organisation's annual report, which is disappointing.

I hope we will see development of some of the assets under the control of Waterways Ireland. These properties and assets must be substantial if they generate an income of over €48,000. Some properties are rented out on long-term leases. I presume the legislation deals with properties held on long-term leases. Having read its annual report, Waterways Ireland is not up to speed regarding its assets in terms of numbers and control in this jurisdiction and Northern Ireland. Its assets need to be clarified and the body should outline a development plan to maintain and develop them to their potential. The development of the waterways network could make a major contribution to tourism.

Waterways Ireland, in promoting and developing its assets, could enter into joint development projects with private operators. The body will not have resources in the long term to develop many of these assets but it can, through public private partnerships and co-operation with private organisations, develop them. Given that the legislation addresses a number of anomalies, difficulties should not arise in this regard.

However, I have a major difficulty with the way Waterways Ireland maintains and develops our waterways as an asset. For example, the River Shannon is viewed as a boundary and not as an asset by all State bodies, including tourism boards and local authorities. The only organisation, which can view the river as an asset other than the ESB, is Waterways Ireland but it is not fulfilling its role to utilise and develop the river. One only has to compare the facilities on Lough Erne, in which substantial investment has been made over the past number of years, with those on Lough Ree and Lough Derg. Similar investment in waterways in this jurisdiction has not taken place. This must be examined. Waterways Ireland has major assets such as the canal at Lecarrow in County Roscommon and other facilities at Portrun, County Roscommon. None of these has been developed by the body, which tends to wash its hands of the assets. Waterways Ireland is not prepared to lease these facilities on a long-term basis to a developer who would utilise them.

I hope the legislation can address current anomalies and be used by Waterways Ireland as a mechanism to enter into long-term agreements with private operators to develop amenities along the River Shannon. The organisation is not aware of the potential of these assets and how they can be fully utilised in the future.

I refer to another issue, which is outside the scope of the legislation.

**Acting Chairman:** The Deputy has spent some time outside the scope of the Bill.

**Mr. Naughten:** I referred to assets, which are under the aegis of Waterways Ireland, and the legislation deals with such assets.

I refer to the report of the Oireachtas sub-committee on the River Shannon, chaired by former Deputy, Seán Doherty. The report recommended that the Western Development Commission should co-ordinate development with Waterways Ireland and local authorities. However, while substantial development, thankfully, is taking place in towns such as Athlone and Carrick-on-Shannon on the banks of the river, it is impacting on the river's flood basin, which could have major repercussions for land owners and for navigation. I ask the Minister to examine this and to issue guidelines regarding development on the river so that this asset is not destroyed. It will a few years before we witness the implications of the current development. Will the Minister take this issue up with Waterways Ireland and re-examine the feasibility of implementing the Doherty report?

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Ba mhaith liom buíochas a ghlacadh leis na Teachtaí a labhair ar an ábhar seo. I will address a number of issues. Anything owned by the State, an agency of the State or a North-South body is the people's property and we have an obligation to protect that. It would be wrong to do anything else. Mention was made of the health Bill introduced prior to Christmas but Members have turned that issue around. The Opposition's criticism at the time was the issue was not addressed quickly enough and that it should have been addressed years ago.

However, the minute we found there may be a problem with the legislation in this area, we set about addressing it. Great play has been made of the non-disclosure of the contents of the Bill to Opposition spokespersons until last night. That was done to protect State assets and anything done to protect the people's property from those who might take successful court cases is wise and prudent. There is often a total disconnection between the fact that when a Minister is protecting something on behalf of the State, he or she is doing so on behalf of the people and not himself or herself. This property is held in trust by the Minister for the people. I expected that the socialist view on this would be that it is absolutely imperative to act swiftly so that nobody can exploit issues that might arise in the future.

I was asked when we found out about this issue. Suggestions were made in late 2004 that there might be a legal dispute as to the correct meaning and effect of section 53(b). We sought legal advice and, as soon as we had a definitive view from the State's legal advisers that there might be a problem, the Government approved the drafting of the legislation. This work was then given priority by the Attorney General's office. A number of planning applications, most of which are in respect of dwelling houses, are not at issue in this matter, as they go back a number of years.

It became prudent to address this by way of legislation only in recent times when it became an issue of sustained legal examination by Waterways Ireland and the State's legal advisers. There are as many legal opinions as there are legal people. If there were not, there would be no need for courts because everybody would know before the case what the judgment would be. If there was a definitive view of what was right or wrong or the legal position, there would be no business in the Four Courts and millions of euro would not be made because everything would be so black and white. People would not need to go to court because they would know beforehand whether they would win. However, the law is not that precise a science and, for example, judges take different views of the same issue. How often has the High Court taken one view while the Supreme Court has taken another? Courts take different views of the same cases and the same evidence.

There is a potential legal problem, which will be eliminated and prevented from becoming a major problem by the legislation. We have all debated the need for the State to act on potential legal problems since Christmas. At the end of the day, only the courts, rightly or wrong, give the view that counts. Their view is no more infallible than anybody else's but if they give a view, we must make sure we are on the right side of it.

It was asked who was the Attorney General at the time, but that is not relevant as different people give different opinions and this is not an absolute science. I am not a lawyer.

*2 o'clock* I do not know who is right or wrong in these issues. There are different views. It is a highly technical complex issue of law and I do not believe any of the Opposition Deputies would stake their lives on this. As we found out to our cost recently, when the experts advise that there may be a problem, it is better to act.

Other Bills were said to be more urgent. Some big complex issues require a large Bill and subject to all the pressures will be drafted as soon as possible. This is a clear-cut issue of a technical defect that can be quickly rectified. Another issue raised was the principle of the guillotine. My colleagues on the Opposition benches who have experience of me as a Minister know I do not like the guillotine and it should be avoided. We waste too much time on Second Stage and have too little time on Committee Stage of a Bill. I hope

[Éamon Ó Cuív.]

we will achieve Dáil reform as Committee and Report Stages are more important than Second Stage during which we make many and long speeches so that at the end of term we are required to run legislation through.

Every day during the Order of Business Opposition Deputies stand up as we did when we were over there, and ask why we do not have more legislation. We have a fixed amount of sitting time and in reality nobody here feels we are under-worked. We all agree that Deputies have a wider role in society than merely a legislative one, and the idea of sitting five days a week for 12 or 13 hours is nonsense, particularly for those of us who represent constituencies outside of Dublin. We must examine more efficient and effective ways of legislating and when we do so I hope we get full co-operation from the Opposition.

I have not checked the record but perhaps I will, to see if any Member of the Opposition had amendments down for the 1999 Bill, which needed to be brought in quickly due to the circumstances at the time. If not, how can they be sure that if we had spent days discussing it, this potential problem that might exist in an esoteric issue of law would have been found? We examine all amendments put down by Opposition Members, even if they are not taken on board. If we find a valuable issue we incorporate it into one of our own amendments and it will be carried even under a guillotine. Although I have not examined the record, I suspect that if one checks it, one will find an amendment was not put down.

Life is becoming more complicated with much more litigation nowadays, and because of the complexity of law we will increasingly find more flaws in it. We all know that more people now have money to examine legislation in an effort to establish rights that were never intended. The Oireachtas needs to intervene more quickly to identify and deal with potential loopholes, and Members should not be afraid to come into the House if a potential problem is identified. I do not care how much time is spent on Bills. I have had Bills on which hours were spent but when they went through another issue arose, and my attitude is that in that case we should change the Act. That should not be a major issue.

A number of broader issues were also raised that I should address in this context. The maintenance of the waterways is important and Waterways Ireland is a significantly important body. Anyone who has visited the Shannon or any other waterway has seen the large economic benefit that has accrued to such places from Waterways Ireland. The Deputies present have an interest in Waterways Ireland and it is fair to say that the economy of the region around the north end of the Shannon has been stimulated by Waterways Ireland. It is incorrect to say we do not spend money on maintenance. I am advised that Waterways Ireland spends €13 million on maintenance each year.

The State contribution to Waterways Ireland to date is approximately €35 million. The annual business plan, as opposed to the annual report, details maintenance and capital expenditure. Northern Ireland is a much smaller territory with fewer miles of waterway and its expenditure is approximately €10 million. We spend three and a half times as much, which is proportionate to current wealth. I intend to go further in the future but the current North South situation is a problem. Deputy Crawford and Deputy Caoimhghín Ó Caoláin and other members of Sinn Féin were present when I met a delegation on the Ulster Canal at the request of a Fianna Fáil local councillor in County Monaghan. The meeting lasted approximately an hour and a half and I explained *ad nauseam* that—

**Acting Chairman:** The instructions under the Order of Business were that the Minister would have five minutes to respond.

**Éamon Ó Cuív:** I will wrap up but I will make this point briefly.

**Mr. Crawford:** Let the Minister finish this point.

**Mr. Naughten:** We will take a broad definition of five minutes.

**Éamon Ó Cuív:** We will work on Connemara time, which is a bit slower and more leisurely paced. I would like to clear this matter up. Within a month of that meeting I was asked for another meeting. I am a patient man and will readily meet delegations but I did not see the point of discussing the same issues with the same delegation for another hour and a half when I was still not sure what it was about. I wrote to Monaghan County Council a number of weeks ago asking members to clearly spell out what they wished to discuss with me.

The nub of the matter is that everyone knows we are getting nowhere without the North South bodies working with a devolved executive in Northern Ireland as we understood they would and that lies in our hands as Irish people. I appeal to Sinn Féin and the DUP to cut the deal and get on with it, and I say to Sinn Féin particularly that in my early days as a politician I worked with everyone to try to resolve issues and did not condemn. I worked with republican prisoners to try to further the process and suggested to them that they would make much more progress politically than they would through violence. They accepted my argument that republicanism is a non-violent tradition and I am delighted that they called a ceasefire. I am a republican and somebody who believes in a united Ireland and reconciling the green and the orange, but what baffles me is that 11 years after the ceasefire it is within our grasp to get everybody around the table working in agreed structures, but they cannot make the final jump.



As somebody who is steeped in the republican tradition, I believe that anybody not willing to make that final jump is not acting as a republican. They must not have read the works of Wolfe Tone or the Proclamation of 1916. If Sinn Féin members want the Ulster Canal built and progress made on North-South issues and if they want me to move forward, it is in their own hands. They should act as proper republicans and cut the deal, as we always said we would, with our fellow Irish people. We can then sort out the problem of developing the Ulster Canal.

As Minister I would like nothing more than to see the current unnecessary impediment removed. We could then progress projects such as the Ulster Canal which would have a major effect on the counties through which it passes.

Tá an-áthas orm go raibh deis againn an Bille fíorthábhachtach seo a phlé ar an Dara Céim. Is é caomhnú atá i gceist anseo, cosaint an phobail seachas aon rud eile. Is é leasú beag teicniúil atá i gceist anseo atá simplí go maith. Ar fhaitíos na bhfáitíos, ba cheart go mbeadh tagairt do dhá Acht seachas Acht amháin, agus cuirfear é sin ina cheart inniu. Níor cheart go mbeadh náire nó fáitíos orainn deireadh a chur le héiginnteacht agus rud a dhéanamh an-soiléir. Mar sin, molaim an Bille don Teach agus glacaim buíochas arís leis na Teachtaí a labhair ar an mBille.

Question put and agreed to.

#### **British-Irish Agreement (Amendment) Bill 2005: Committee and Remaining Stages.**

Sections 1 to 4, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

Question proposed: "That the Bill do now pass."

**Mr. Crawford:** May I ask a question? The Minister talked about responsibility but when did he first become aware of this issue? I asked him earlier to identify the then Attorney General. I am not trying to pinpoint individuals but we must be sure about who is responsible for this area. I am not suggesting that I am clear on all the technicalities involved but we employ people on behalf of the State to do that and we must be as sure as we possibly can be that they are fully responsible, that they will deliver and not cost the country unnecessary funds.

A situation arose in the health area, for instance, and I asked the Minister for Health and Children a question about the number of reports etc. The position is that 150 reports were produced costing €31 million but we now know that a memorandum was not read. We do not want long reports; we want the facts on what happened.

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I answered the question on when we knew about this matter. The suggestion was made in late 2004. I compliment my officials on bringing this issue to my attention. I told them that there is a formulation which, if followed, is safe enough, that is, the issue is brought to my attention, analysed and the legal advice of the Attorney General sought. He will say whether an issue arises. That procedure was followed and it was decided that an issue may arise and that, in the interests of certainty, the word "may" was not good enough and that it was better to close a possible loophole. Once that was decided, the idea was to draft a Bill as quickly as possible and act on it. This issue was dealt with speedily, allowing for the fact that one must await the advice.

I always describe administration as being similar to playing tennis. When the ball comes to one, the object is to return it, but one cannot play the ball again until it comes back to one. We look for legal advice but until we get that, we cannot decide our next move. When the legal advice is available, the next move is decided and so on. That was done. In relative terms this issue has not been that long in gestation. On the other hand, the procedures must be followed. We are learning from this but if an issue is raised on which there is legal doubt, the official definitive view must be sought of the relevant authority, which in this case was the Attorney General, and depending on the view, it is then acted upon.

On the question of the identity of the then Attorney General, I am not sure if that issue is relevant for a number of reasons. It is a technical area of law and there are differing legal opinions ranging from "no problem at all" to "a serious defect". Perhaps the then Attorney General would still say there was no problem because, as Members are aware, Attorneys General differ.

**Mr. O'Shea:** The identity of the Attorney General at the time is a matter of public record. Will the Minister not provide it to the Deputy?

**Éamon Ó Cuív:** I do not have the name in front of me.

**An Leas-Cheann Comhairle:** We are past Report Stage.

**Éamon Ó Cuív:** That clouds the issue. I do not know—

**An Leas-Cheann Comhairle:** We are on Fifth Stage and I must put the question: "That the Bill do now pass."

**Éamon Ó Cuív:** May I have one more minute? The Leas-Cheann Comhairle has been very indulgent but I like to help the Deputies.

I do not know whether the then Attorney General would stand over his view that this is correct. That is not the issue. The issue is that I must ask the current Attorney General for his view and,



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irrespective of the fact that the then Attorney General would have a different view, I must act on the advice of the current Attorney General. That is the way it works. The relevant issue, therefore, is not whether the individual who was in office at the time had a different view. The relevant issue for me, as Minister, is to get the view of the current Attorney General. That is the view on which I must act. It is irrelevant whether a previous Attorney General has a different view. If he is no longer Attorney General, that is irrelevant to the issue and is therefore a red herring.

Question put and agreed to.

*Sitting suspended at 2.20 p.m. and resumed at 3.30 p.m.*

## Ceisteanna — Questions.

### Priority Questions.

#### Inland Fisheries.

1. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason the final report on the review of inland fisheries services has not yet been published; when it will be published for public consultation; if his attention has been drawn to the fact that board members, chief executive officers and staff are in a state of limbo with great uncertainty hanging over their careers and the future of the inland fisheries services and that it is impossible to make long-term decisions in regard to fisheries management; and if he will make a statement on the matter. [14661/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** In December 2003, my predecessor appointed consultants to undertake a high level review of the inland fisheries sector. An independent steering group has also been established to oversee the work of the consultants.

The aim of the review is to deliver a root and branch examination of the State's role and objectives in the inland fisheries sector. The consultants were required to evaluate the adequacy of the current model for the governance of the inland fisheries sector; to define the current relationship between the Government, the Departments and the inland fisheries sector and suggest new more effective models; and to recommend a structure that would contribute to the optimum development of the inland fisheries resource.

While I appreciate that previous indications were that I expected to publish the report of this high level review before now, I am sure the Deputy will nevertheless agree that, given the size and complexity of the task assigned to them, it was important that the consultants appointed to

undertake this review be allowed the necessary time to deliver a report which fully and comprehensively addressed all the issues.

I can confirm that I have recently received the report from the consultants and I am currently considering its findings. After consultation with the Minister, Deputy Noel Dempsey, it is my intention to bring this report to Government in the near future and to have it published as soon as possible thereafter. In the meantime, I fully recognise there are concerns within the fisheries boards, both at board level and among certain staff, at the delay in publishing this report. I am nevertheless assured by the management of the central and regional fisheries boards that no significant difficulties have arisen as a result of this delay and that the boards continue with their day-to-day operations in accordance with their current business plans.

**Mr. Durkan:** Have the consultants finalised their contribution to the report or will they be required to make any further input? Have they been paid for their work and are there any outstanding payments?

Has the steering group examined the report and signed off on it? While I appreciate the intricacies of the report and its importance, when does the Minister of State expect to be in a position to publish it in full and to implement its recommendations?

**Mr. Gallagher:** As I said, the report of the consultants is with me. After discussions with the Minister we will submit the report to Government within the shortest possible period. Depending on the decision of Government, I expect to publish the report some weeks later. There should not be any inordinate delay.

As for payment, I am not sure if payment has been made for the report. As we only have it for a number of weeks I doubt that payment has been made but I can get the information for the Deputy. After that, the next stage of the review is dependent on the Government's acceptance of the consultants' recommendations. I am aware that many people are watching this space, many of whom have vested interests, who are working with the boards. They are anxious to know what is happening and I am also anxious to conclude this matter as quickly as possible.

**Mr. Durkan:** What discussions have taken place between the Minister of State and his senior Minister? I accept the Department is one global office. To what extent has the Minister of State entered into discussions and negotiations with a view to addressing the issues raised in the report?

Can the Minister of State give any indication as to when the elections for members to the regional fisheries board will take place? Will it be later this year? What is the position and status of the boards at present? To what extent are the regional fisheries interests being directed at this time and by whom?

**Mr. Gallagher:** As far as consultation between the Minister, Deputy Noel Dempsey, and me, is concerned, we have had a general consideration of the issue. We will be looking at this matter over a number of weeks. I am going through the report. It is quite comprehensive and will take some time. On conclusion of that process I will discuss it with the Minister prior to sending a memo to Government. As far as the boards are concerned, they are still *in situ*. What will happen in future will depend entirely on the decision by Government. From a practical point of view, the boards, and the Central Fisheries Board, are still playing a very important role in the development of the fisheries sector in their respective areas.

### Harbour Authorities.

2. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will urgently examine and reform his Department's management of the five national fishery harbours including a review of the Fishery Harbour Centres Act 1968 to include full ongoing consultation with all the stakeholders, users and workers in the five national fishery harbours; if he will especially act urgently to deal with local complaints over the administration and maximum utilisation of the new harbour development in Killybegs, County Donegal; and if he will make a statement on the matter. [14637/05]

**Mr. Gallagher:** Given that this matter was reviewed recently, I have no plans to again review my Department's management of the five national fishery harbour centres or the Fishery Harbour Centres Act 1968. In 2000, the then Minister for the Marine and Natural Resources, Deputy Fahey, set up a review group to examine the management structures and future potential of the fishery harbour centres. The review group presented its report in December 2001. It was decided at that stage to retain the management structure and operational model currently in place and I am satisfied this should remain the position.

The fishery harbour centres at Killybegs, Howth, Dunmore East, Castletownbere and Ros a Mhíl are managed by my Department. In addition, there is constant pressure from Dingle that it should also be taken over and operated directly by the Department in the same way as the other fishery harbour centres. The existing fishery harbour centres are managed with a view to promoting greater local input and initiative. Both I and my officials are constantly available for consultation with all the stakeholders, users and workers in the five harbours.

While there have been some limited local complaints over the administration and utilisation of the new Killybegs harbour, these must be balanced against the many positive and constructive comments and submissions received from local harbour users and interest groups. It is important that the management of the harbour and associated facilities is carried out in an even-

handed manner and that competing interests are appropriately balanced. While some staffing issues have arisen in the harbour over the past year, I am satisfied the temporary arrangements in place have not compromised the management of the harbour. It is important that the question of harbour management is dissociated from the completely separate matter of fishery control in the harbour, which is a separate statutory function carried out by a different section of the Department. The recently completed €50 million development in Killybegs is the largest single investment in a fishery harbour centre and was funded under the national development plan and from the European Union Structural Fund.

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

On foot of this investment I engaged the services of marketing consultants to market the new facilities and attract more vessels and diverse shipping activities to Killybegs. I recognise the importance of using and developing this facility to the optimum. With an effective marketing strategy we can ensure that the full potential of Killybegs is realised. The opportunity to attract new business for the facility is being fully explored from a number of perspectives, including local industry, offshore activities and tourism. A major focus of the marketing project involves wide-ranging consultation with existing and potential customers, local authorities and community and business groups.

The marketing project involved the establishment of a Department-led steering group, which has been charged with delivering on key objectives of the project. In summary, the group wants to maximise the potential of the port for throughput of general cargo, while maintaining Killybegs as Ireland's premier fishing harbour. It is focused on effective communications with stakeholders and interest groups and having a professional and transparent policy in that regard. I am confident that this investment will more than pay for itself in the coming years and will have enormously beneficial consequences for Donegal and beyond, both socially and economically.

**Mr. Broughan:** The question arose from the two-day visit to Killybegs of the Joint Committee on Communications, Marine and Natural Resources. I know this is an area the Minister of State has represented for a long time and with which he is very familiar. I pay tribute to Mr. Art Kavanagh of the chamber of commerce and Mr. Sean O'Donoghue of the KFO as well as the other bodies and stakeholders who met us. I was asked, as a priority, for Killybegs, Howth, Dunmore, Rossaveal, Castletownbere and Dingle to request the Minister of State to look seriously at the 1968 Act to see whether he can give the local stakeholders and fishermen some say in the administration of their ports. We got complaint after complaint about harbour charges, restricted landing times, local electrical systems and the

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weighing system, where the water is weighed with the fish — it was blue whiting when we were there — instead of being weighed in the factories. The Minister of State was supposed to be working on that.

It was felt the system of administration is by diktat from the Department of Communications, Marine and Natural Resources. Is it not disgraceful that three of our premier fishing ports, Killybegs, in Deputy Gallagher's constituency, Howth, in mine, and Dunmore have had to exist for so long without a harbour master or general manager to run the show in each port? That is no way to treat these vitally important parts of the economy and the fishing industry. There were many complaints about the administration of the harbour development and the need for the removal of what the local Killybegs people call "the lump" or mound of materials on the quay-side, dug out and not moved.

There was a whole range of requests from the Minister of State's constituency to upgrade the roads, the N56, the ring road, the electricity and sewerage systems. It seems that nothing is working. The Minister of State now has an opportunity to take urgent action on behalf of the people of Killybegs and their community leaders, Mr. Kavanagh, Mr. O'Donoghue and the rest, to ensure that the restrictions on the users and workers in the port are removed. The country's premier fishing port should be used to its fullest possible capacity.

I would like the Minister of State's views on those points which I am relaying to him from his constituents.

**Mr. Gallagher:** Effective administration at the harbour centres has been constrained for some time by the number of harbour master vacancies. The Deputy is aware of the situation in Killybegs. It is a human resource issue. Since Monday last the assistant harbour master has been acting as harbour master there. I was recently informed that the public appointments service has established a panel of suitable candidates and offered positions to the first three people on it. Following the appointment of successful candidates, the administration of all the fishery harbour centres, including Killybegs, will be significantly enhanced.

As regards the committee's visit to Killybegs and the necessity for consultation, I appreciate the importance of all those who use the harbour. The Department merely manages the harbour. There are many stakeholders and harbour users, particularly producers and processors. The producers are paying harbour charges which have been in place since September 2003. There has been ongoing consultation with Mr. Art Kavanagh and the chamber of commerce, Mr. Seán O'Donoghue and others.

As regards the question of weighing water, I am dealing with that on the basis of recommendations from the industry and it is well advanced.

I hope that by the May or June council meeting there will be a satisfactory outcome to that. I am aware of the ESB problem, but unfortunately some people in Donegal took it on themselves to appeal to An Bord Pleanála and put green grass and fresh air ahead of other matters. I met the ESB recently, however, and it is submitting a new plan.

**Mr. Broughan:** I welcome the recent report about the marina, but what steps is the Minister of State taking to develop our fine new port in Killybegs?

**Mr. Gallagher:** We have appointed a managing consultant and hope to have a report within a matter of months. I am anxious to make full use of the major investment by the State in Killybegs.

### Fishing Fleet Protection.

3. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the ongoing use of illegal gear by Spanish vessels off the Irish coast. [14775/05]

**Mr. Gallagher:** I am aware of concerns being expressed regarding the fishing activities of Spanish owned fishing vessels in the waters off the Irish coast and these concerns have been tabled on a number of occasions in the past. I have had inquiries made into this matter and the control authorities advise that these vessels are regularly checked, both at sea and on landing into Irish ports, as are all fishing vessels operating within the Irish fisheries patrol area. The logged catches from these vessels are reported to the European Commission and details of these catches are returned to the flag member state of the vessel concerned.

The Irish Naval Service monitors the fishing activities of Spanish-owned fishing vessels as part of its normal patrol missions. Checks at sea include the inspection of fishing gear used by vessels, using the methods and criteria prescribed under EU fisheries legislation, for compliance with requirements on minimum mesh sizes. Vessels are also boarded at sea and their catches inspected for compliance with EU fisheries legislation governing the minimum sizes of fish. The proper recording of catches is also checked.

The Department's land-based inspectorate also carries out regular checks of all vessels when they discharge fish into Irish ports. Spanish owned vessels, and all other non-Irish vessels, are required to give prior notification of landing, including information on catches aboard the vessel which it is proposed to land. Inspections carried out by the Department's sea fishery officers check the advance notification information against the catches recorded in the European Union fishing logbook and the actual fish being landed. In addition, checks are made on the fishing gear used by these vessels and on other technical requirements set down in EU fisheries legislation.



Where fisheries offences have been detected, the cases are referred to the Attorney General's office and prosecutions are taken under his direction. I have brought some recent allegations about use of illegal mesh size in gill net fisheries to the attention of the Department's land based inspectorate and the Naval Service. This matter will continue to receive due attention in the context of overall fisheries control and enforcement.

**Mr. Ferris:** I brought to the attention of the Department of Defence the fishing by Spanish vessels off the Kerry coast, north of the Pistola bank and other areas. I have outlined for Department officials the *modus operandi* of Spanish vessels fishing for hake. At both ends of the net they use the legal size mesh, but most of the middle area is covered by mesh smaller than the minimum prescribed, which is, however, legal for other types of fish caught in the Bay of Biscay. Apparently they can get away with it when they come ashore by using this pretext.

Some weeks ago when the Naval Service was inspecting the gear on a Spanish vessel it conveniently broke down while being hauled and the vessel was towed ashore, thereby making inspection of the entire net impossible. Has the Minister of State been made aware at any time by fishery inspectors that this situation is ongoing? Have the inspectors ascertained the enormous differences between the amount of hake being landed by the Spanish in comparison to Irish fishing vessels? My understanding is that on an eight to ten day trip, 28 tonnes is landed, equivalent to four times what the Irish vessels could land for the same duration. Is there a liaison procedure between the Minister of State's Department and the Department of Defence about what the fishermen describe as illegal fishing by Spanish vessels off the Kerry coast?

**Mr. Gallagher:** I am aware of the correspondence forwarded by the Deputy to my colleague, Deputy O'Dea. I take seriously the allegations about the length of gear. There is no restriction on the length, but the end of each net is legal while the centre is often illegal. There have also been allegations from one of the POs. From a control perspective, I am told it is difficult to detect the practices because the nets are many miles long and they are left in the water continuously.

I want to ensure that there is a level playing pitch throughout Europe. I am treating this very seriously. We are in communication with the Minister for Defence and we are anxious to apprehend any vessel that is fishing illegally. I understand what Deputy Ferris is saying about the quantities, but those that are landed in Ireland must be logged. We will continue to inspect them and my officials will continue to ensure that those that do not give us prior notice are brought to justice. The grounds were once the most prolific grounds in Europe, but due to over-fishing that is no longer the case. We cannot allow

that to continue and conservation is very important.

#### **Post Office Network.**

4. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if there will be any further closures of post offices or sub-post offices; if he will secure a major improvement in labour relations at An Post; if his attention has been drawn to the social responsibilities incorporated in the services provided by An Post and the post offices; if he will take the necessary initiatives to set the postal service on a sound financial footing and in a position to provide a modern, efficient and competitive service in line with the requirements of the business and domestic sector now and in the future; if he will ensure the transaction of the maximum amount of Government business through An Post and the post offices, with particular reference to social welfare payments and Government grants; if he will upgrade all post offices, including sub-post offices to facilitate modern electronic fund transactions; and if he will make a statement on the matter. [14773/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** There continues to be a key national role for An Post, both in delivery of mail and as a quality service provider through its nationwide network of post office outlets. The market for traditional postal and post office services is changing globally and meeting customer needs has become more important than ever. In order to remain competitive, An Post needs to make the best possible use of its long established and trusted brand name and deploy its resources in a manner which continues to serve existing customers' needs and attracts additional customers for a range of new services.

There is agreement that change is required if the postal services of An Post are to adapt to the modern business environment. To develop an agenda for change, an exhaustive process of negotiation between An Post management and trades unions, with the assistance of the State's industrial relations machinery, has been ongoing for some time. In an effort to resolve all remaining difficulties on collection and delivery arrangements, the outstanding issues are currently being dealt with in the Labour Court with a view to agreeing a way forward that will see the company placed on a secure financial footing. I have continuously emphasised the need for all stakeholders in the company to work together in a partnership approach and to utilise the industrial relations mechanisms of the State, where necessary, in order to agree and implement a strategy to return the company to financial stability.

This Government and the board of An Post are committed to the objective of securing a viable and sustainable nationwide post office network as set out in the programme for Government. Notwithstanding the commercial remit of An Post,



[Mr. N. Dempsey.]

there is a clear Government recognition of the social benefits of maintaining the nationwide post office network. Accordingly, An Post development strategies for the network continue to take full account of these social benefits. I met with representatives of the Irish Postmasters Union and I listened to their views with interest. I also emphasised to An Post management the importance of developing a long-term strategy for the network. The challenge for the company is to develop a strategy that satisfies the needs of existing customers, while attracting new customers into the post office.

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

An Post has already had some success in winning new business and continues to benefit from a considerable amount of Government business, especially in the areas of social welfare payments and savings products. To ensure that our post offices remain attractive to customers, An Post must upgrade IT systems in order to offer an enhanced suite of financial and other services and high grade EFT functionality to social welfare customers via post offices. Pending the implementation of new IT upgrades, I have agreed with the Minister for Social and Family Affairs that, for the moment, all payment options will receive equal standing on social welfare forms and that the Department of Social and Family Affairs will not actively push EFT for social welfare clients. In addition, a pilot project will see a number of small post offices computerised.

On the matter of post office closures, it is only when a suitable candidate for a vacancy cannot be found or where there are no applicants, that a post office is closed.

**Mr. Durkan:** Has the Minister issued any specific direction regarding his preferred options for the future of An Post? Has he asked if the outstanding labour relations issues have been addressed? Has he given a direction on the future role of sub-post offices? If so, to what extent? Can he report progress on the discussions that are taking place? Given its national importance, has the issue been discussed in Cabinet? If so, what is the nature of the direction given to the Minister by his Cabinet colleagues? At this stage, how does the Minister see a resolution of this issue and in what timeframe?

**Mr. N. Dempsey:** It is not in order for me to issue directions to An Post that would interfere directly in matters that are before the Labour Court. Therefore, I have not issued any directions *per se*. I have met with the management of An Post four or five times since I became Minister. The Department officials also meet with An Post on a regular basis. An Post management is aware of my views on a range of topics, including the need for An Post to resolve the difficulties that it has internally, especially in the area of postal

delivery. I have spoken privately and publicly to management about where I see the future of the post office and about the necessity to modernise. I did that as recently as last Saturday at the IPU conference.

I am not directly privy to the talks which the Deputy mentioned. The talks process finishes today or tomorrow and a report will be prepared for the Labour Court, which will make its recommendations after that. There were 84 points of contention that will hopefully be resolved with recommendations from the Labour Court. I cannot discuss that which might be discussed at Cabinet, other than to say the annual report of An Post was recently before the Government and there was a general discussion on it.

**Mr. Durkan:** Can the Minister inform the House whether he has had discussions with his Cabinet colleagues with a view to diverting all possible Government business compatible with postal services through An Post? This could maximise the Government grant from various Departments, including the Department of Social and Family Affairs.

**Mr. N. Dempsey:** It is Government policy to ensure that as much Government business as possible is done through the post office network. This year, the Garda fines collection system is the latest Government service that will operate through An Post. It is my policy to ensure the maximum amount of business goes through An Post.

#### **Broadcasting Legislation.**

5. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will consider a statutory register of interests for broadcasters in future broadcasting legislation in view of concerns of viewers and listeners in relation to the reports of the supply to and free use of cars and other benefits by broadcasters engaged in current and public affairs and the massive salaries and rewards enjoyed by these broadcasters, often through their own companies, which subcontract their services to the national and other broadcasters; and if he will make a statement on the matter. [14374/05]

**Mr. N. Dempsey:** Work is continuing on the development of legislative proposals that will form the basis of a new broadcasting Bill. The priority issues to be addressed by the legislative proposals are the establishment of a single content regulator for both private and public service broadcasters as recommended by the forum on broadcasting, the establishment of RTE as a commercial company under the Companies Acts 1963 to 2003, the provision of a statutory mechanism for future adjustments to the level of the television licence fee, and the development of the right of reply mechanism allowing persons whose reputation and good name have been damaged by an assertion of incorrect facts in a television

or radio programme to gain redress speedily. It is intended that the single content regulator will combine the existing regulatory functions of the Broadcasting Commission of Ireland and the RTE authority.

With regard to the specific issue of requiring broadcasters to maintain a statutory register of interests, all aspects of broadcasting policy are being considered in the development of the legislative proposals. My intention is to ensure that the broadcasting regulatory environment continues to encourage the maintenance of high quality radio and television services by both independent broadcasters and RTE.

**Mr. Broughan:** Thanks to the *Evening Herald* freedom of information request, we read last night that distinguished broadcasters such as Pat Kenny and Gerry Ryan earn upwards of €600,000 per annum and Ryan Tubridy earns upwards of €300,000 per annum. A number of other broadcasters and newscasters also earn very high salaries. What are described as high-profile newshounds on various news stations are also equally well remunerated.

Concerns have been raised by a number of viewers and listeners to my office regarding additional reports, in *The Sunday Times* I think, relating to the provision of free luxury cars for broadcasters. It was reported, for example, that Mr. Tubridy has the use of a Lexus IS200, Mr. Pat Kenny has the use of a BMW or has a relationship with BMW, Mr. Gerry Ryan has a relationship with the Mazda company and Ms Gráinne Seoige of Sky News Ireland has an association with Audi.

It seems important to me that the interests of commercial news broadcasters and people involved in the public domain of broadcasting who comment on national and international issues should be publicly known. I have the fifth edition of the RTE staff manual 2004 which states in section 2.16:

It is the clear and unalterable policy of RTE that no programme presenter — especially those who are involved in news and/or current affairs and related output — should be associated with commercial or other interests such that the audience's perception of their broadcasting role is or could be adversely affected. Thus, no involvement in advertising, no public association with specific projects or services, no availing of access to goods or services on preferential terms, no association with the promotion of goods or services will be permitted.

A few pages further on in the manual, section 4.9 states: "Broadcasters and performers engaged by RTE as independent contractors are not staff and are not covered by this manual." It seems, therefore, that the requirements for clarity and transparency are not clearly indicated in the manual.

Does the Minister intend to ensure in the broadcasting Bill that the interests, commercial or

otherwise, of all commentators on public affairs, including ourselves, be declared? Listening to a current affairs programme last night — a programme I was on a few nights previously — I found it jarring that a publication of the presenter was advertised in the middle of his programme. Is that an area we need to examine?

I say to our distinguished print journalists, one of whom is present, that if they are commenting on public affairs, the same requirements for transparency as apply to us should apply to them and to news and current affairs broadcasters, including those who report so faithfully on our doings in this House. I would be grateful for the Minister's opinion on these concerns which have been transmitted to me by numerous constituents.

**Mr. N. Dempsey:** Much of the time many of us would be interested in where some journalists come from when they make comments about what we do in this House. However, the longer one is here, the more one learns and the more one understands where they are coming from.

The matter raised by the Deputy could be discussed during the course of the broadcasting Bill. The affairs of anybody involved in public life, particularly anybody being paid by the State with public service obligations of one kind or another, such as public representatives, should be open to public scrutiny in so far as they relate to the work they are doing.

There is a distinction in RTE between people who are employed by RTE and those who are contracted. Nobody has brought to my attention the fact that anybody has abused his or her position in that respect. It would be a major consideration if there was an abuse of position. There was a recent incident where someone was thought to be involved in a conflict of interest situation. I would be willing to discuss the matter with Deputy Broughan during the course of the broadcasting Bill. It would be useful to consider the issue. It is not a simple black and white issue. We must consider to whom it should apply and whether it should only apply to particular types of journalists or broadcasters and whether we would apply the same standards to a light current affairs programme as to a heavy news programme. There are issues we could discuss.

**Mr. Broughan:** It is important for the integrity of the broadcasting system and news media generally that we have full transparency across all areas. When does the Minister expect the broadcasting Bill to come to the House? Deputy Durkan and I are blue in the face asking about it. Broadcasting companies, including the national broadcaster, are always asking us about it. When will we sit down to work it out? Does the Minister intend introducing a regulator, such as Ofcom in the United Kingdom, that will take over from ComReg and have a wide remit? Ofcom has done excellent work in many areas for the British public in the area of broadcasting. Would we be well served if we had a similar regulator?

**Mr. N. Dempsey:** That is being considered in the context of the Bill. Both Deputies have asked their question often, but they get a consistent answer. They do not need to ask it as often as they do. It will be published before the end of this year.

### Other Questions.

#### Telecommunications Services.

6. **Mr. McEntee** asked the Minister for Communications, Marine and Natural Resources the position in regard to availability of broadband here compared with other European countries; if the progress here is in line with that elsewhere; the reason for any discrepancy; and if he will make a statement on the matter. [14540/05]

8. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources his views on the fact that Ireland remains in the 22nd place in the 2005 World Economic Forum's networked readiness index, part of the Global IT Report which measures the propensity for countries to exploit the opportunities offered by ICT; his further views on a report of the European Commission (details supplied) which shows the Government slipping down the rankings in various categories of e-government; and if he will make a statement on the matter. [14389/05]

27. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the progress in the past 12 months in the provision of broadband services throughout the country in respect of both wireless and fixed line facilities; the number of connections made through wireless and fixed line or other means including satellite; and if he will make a statement on the matter. [14542/05]

34. **Mr. McEntee** asked the Minister for Communications, Marine and Natural Resources the extent to which progress to date in the provision of broadband services is in keeping with the revised targets set by his Department; his proposals to accelerate the programme; and if he will make a statement on the matter. [14539/05]

56. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources his views on the fact that Ireland remains close to the bottom of the EU broadband services scorecard compiled by the European Competitive Telecommunications Association; and if he will make a statement on the matter. [14384/05]

104. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources the number of broadband service providers engaged or seeking to engage in the provision of broadband services; and if he will make a statement on the matter. [14538/05]

181. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources

the number of broadband service providers engaged or seeking to engage in the provision of broadband services; and if he will make a statement on the matter. [14767/05]

182. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which progress to date in the provision of broadband services is in keeping with the revised targets set by his Department; his proposals to accelerate the programme; and if he will make a statement on the matter. [14768/05]

183. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to availability of broadband here as compared with other European countries; if the progress here is in line with that elsewhere; the reason for any discrepancy; and if he will make a statement on the matter. [14769/05]

185. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the progress in the past 12 months in the provision of broadband services throughout the country in respect of both wireless and fixed line facilities; the number of connections made through wireless and fixed line or other means including satellite; and if he will make a statement on the matter. [14771/05]

**Mr. N. Dempsey:** I propose to take Questions Nos. 6, 8, 27, 34, 56, 104, 181 to 183, inclusive, and 185 together.

Progress on the availability of broadband in Ireland is out of line with the rest of Europe. We are providing availability at much higher rates than most European countries. In January 2004 we had 35,000 broadband customers, most recent figures indicate 140,000 customers, which is a 400% increase. In 2004 there were more than 80 Internet service providers while today more than 130 companies are listed by ComReg, with at least 45 different broadband offerings across a variety of technologies, including DSL, fibre, cable, leased lines and satellite technology.

In essence, broadband technologies can deliver broadband to any customer in Ireland. The rate of uptake is dependent on access by the service providers to suitable infrastructure. Because the level of investment by the sector in high-speed broadband infrastructure has failed to keep pace with the demand for broadband, my Department is addressing the infrastructure deficit, in co-operation with the local and regional authorities, by building high-speed open access fibre-based metropolitan area networks, MANs, in 120 towns and cities nationwide, using European regional development fund and Government funding under the National Development Plan 2000-2006. Full details of my Department's regional broadband programme can be found on the website, [www.dcmnr.gov.ie](http://www.dcmnr.gov.ie).

I have set the industry a target of 500,000 broadband customers by the end of 2006. The Government's broadband target is to be within the top half of EU countries by the end of 2007.



In the context of Ireland's ranking in various league tables, my officials and I have read and are aware of all current published reports. In that regard, Ireland's placing of 22nd in the World Economic Forum's 2005 report is a significant improvement on 51st position in the previous report in November 2003.

**Acting Chairman (Dr. Cowley):** I propose to allow one minute for each supplementary question and one minute for each reply.

**Mr. Durkan:** Having regard to the revised targets by his Department, does the Minister accept the take-up of 140,000 customers is disappointing and it is unlikely, given the progress to date, that the revised target will be achieved? An earlier date had been set for the original target. Are the various service providers meeting targets under each heading, for example, wireless or satellite? How does their performance compare with service providers throughout Europe and worldwide?

**Mr. N. Dempsey:** I have little doubt the revised targets will be met. The rate of increase in broadband take-up at 400% over the past 12 months is indicative of a significant acceleration in the take-up and provision of broadband. No targets have been set for individual sectors, whether that is wireless, satellite or whatever. The overall target is most important and I am satisfied, based on the take-up over the past six months, we will achieve the target we have set.

**Mr. Durkan:** I would like to conclude this line of questioning.

**Acting Chairman:** I call Deputy Broughan. I do not make the rules.

**Mr. Durkan:** My questions are brief and I do not interrupt. Please let me conclude my questioning.

**Acting Chairman:** I do not make the rules of the House but they must be enforced.

**Mr. Durkan:** May I ask one supplementary question?

**Acting Chairman:** The Deputy will have an opportunity to ask further questions after Deputy Broughan.

**Mr. Durkan:** Those are new rules. There are no such rules.

**Mr. Broughan:** Is it not depressing to read media reports every week about various indices such as the World Economic Forum's network readiness index, according to which Ireland is static in 22nd position? We used to be top of the premiership table, together with Sweden, in e-government but we have slipped to fourth. We have slipped in the areas of health, library

systems and taxation to 12th, 15th and 24th of 28. Even during the Minister's administration of the programme, does he agree Ireland's performance in availing of broadband and ICT is increasingly worrying and needs urgent action? Is the Northern Ireland example not the way to go? Northern Ireland was 100% broadband enabled a few months ago but only 200 of 1,400 Eircom exchanges are broadband enabled in this jurisdiction. Is that not a total disgrace?

Recently the Minister for Transport represented the Minister at a conference in Kilkenny. He lost his temper with the chief executive of Eircom and said he wanted action. Is it time the Minister called in Dr. Nolan, Mr. McRedmond and the other Eircom board members to tell them enough is enough, that our situation is embarrassing and disgraceful and that we are at the bottom of the league in broadband provision?

Ireland used to be at the cutting edge of technology but earlier significant job losses were threatened by IBM, a company which has been in the State for a quarter of a century. Is it time the Minister took dramatic action in the provision of broadband and ICT? If not, the next Government, whatever its complexion, will face a great crisis. Must the Minister not take action now and at least copy his counterpart in Northern Ireland?

**Mr. N. Dempsey:** It is a little stretch of the imagination to link job losses at IBM with the roll-out of broadband in Ireland.

**Mr. Broughan:** It is central.

**Mr. N. Dempsey:** I do not agree with the Deputy that Ireland is slipping down on every index in European terms. Ireland is at full employment and has one of the lowest personal taxation models in Europe.

**Mr. Broughan:** We will not be if this continues.

**Mr. N. Dempsey:** I do not share the Deputy's doom and gloom. He referred to the World Economic Forum index. Ireland was ranked 21st of 80 countries in 2002, 22nd of 102 in 2003 and 22nd of 104 in 2004. Ireland is seventh in the EU rankings behind the UK, Germany, the Netherlands, Luxembourg, Austria and France.

**Mr. Broughan:** We used to be top of the premiership. We are slipping down.

**Mr. N. Dempsey:** I do not agree with the Deputy's gloomy outlook. However, I agree that we need to ensure the rate of increase in the availability and take-up of broadband is maintained and we will do so. Governments cannot direct private companies to do anything.

**Mr. Broughan:** Seán Lemass did.

**Mr. N. Dempsey:** I hope private companies will recognise the commercial advantage to be gained



[Mr. N. Dempsey.]  
and that they will continue to roll out broadband at the current rate.

**Mr. Eamon Ryan:** I thank the Minister for his broad reply. Is the Government's main input in this area the provision of the MANs, which represents a significant investment in fibre optic rings? How many of the commercial suppliers of broadband use the MANs? If the Minister does not have the information to hand, will he forward it to me later? What was the turnover of the MANs in the last financial year? While they are operated by an independent company, I would like to ascertain how successful the strategy has been do date.

I am interested that the Minister is optimistic that the target of 500,000 customers will be achieved by next year because it is ambitious. While the increase in take-up over the past year is welcome, the figures presented by him earlier demonstrate it is slowing.

The dramatic increase in DSL broadband connections which occurred last year and saw up to 120,000 connections by the end of the year has slowed considerably based on the figures presented by the Minister today. The first four months of this year saw only an additional 20,000 connections.

**Acting Chairman:** The Deputy will have another opportunity to ask questions.

**Mr. Eamon Ryan:** I will finish if I may. On that basis from where does the growth come? Does the Minister believe we will get the additional 350,000 connections in the next year and a half from DSL connections, wireless internet or other connections? On what does the Minister base his optimism?

**Mr. N. Dempsey:** I do not have the level of detail the Deputy requests on MANs but I will provide him with as much information as possible. Where the MANs are in operation they are used by almost all operators including Eircom for enhancing its network. It is used extensively by service providers in various parts of the country.

My optimism for take up of broadband arises from the introduction of the metropolitan area networks, 19 of which are now in place with an addition seven currently being built. The schools broadband programme is also rolling out, and all schools will have it by the end of this year. That will have a revolutionary effect in increasing the level of demand. I met the co-ordinators of the county broadband group scheme yesterday. They referred to approximately 500 more communities availing of that scheme throughout the country, and a significant level of interest. I base my optimism on that demand and interest. If the Deputy drops me a note on those specific points I will be delighted to provide him with the information.

**Mr. Durkan:** How many service providers are there, what number of connections is attributable to each, how many service providers have offered to provide service, what is the manner and methodology whereby they intend to provide the service and to what extent, if any, have the Minister or ComReg evaluated their potential in accelerating the provision of broadband services throughout the country?

To what extent has the Minister received submissions from service providers with a view to enhancing and improving the service? To what extent has he received submissions from the business sector, particularly the IT sector and those involved in high technology, with a view to seeking an acceleration of the provision of the service throughout the country? I ask the Minister to indicate the extent to which he feels service can be provided which is comparable, competitive and in line with the accelerated programme available to consumers in other jurisdictions.

**Mr. N. Dempsey:** The number of service providers registered with ComReg, the body with which they must be licensed, has increased from 80 to 130 companies. At least 45 different broadband offerings exist across a range and variety of technologies, including DSL mainly, but also fibre, cable, lease lines and satellite technology.

Business people, including people who work at home and from home, are regularly in contact with the Department on the provision of broadband. I do not know the numbers of representations but there are quite a few. We recently had meetings with the chambers of commerce of Ireland and discussed the role they might play in the rollout of broadband. I am in touch with two bodies linked to IBEC, the Telecommunications and Internet Federation and the Telecommunications Users Group, and they are also anxious to roll out broadband in all its forms throughout the country. The €15 million required for the broadband for schools scheme was provided by TIF. While a significant level of interest and representation comes from the private sector and the public generally for this, the largest group of people who make representations or raise queries on this matter are Members of the Oireachtas on behalf of their constituents.

**Mr. Durkan:** The Members of the Oireachtas then write to those constituents.

**Mr. N. Dempsey:** There seems to be a greater awareness in this House of the benefits and needs for it than in some of the business organisations.

**Mr. Broughan:** Is the Minister definitely stating that he will not take a similar initiative as was taken in Northern Ireland, where BT won a tendering competition to enable the Six Counties to be fully broadband enabled? What does the Minister expect will happen regarding local loop unbundling? When telecom companies other than Eircom make a case to either an Oireachtas com-

mittee or Members, it is generally top of the agenda and an issue about which they feel upset. Will the Minister comment on the consequent high cost of DSL and the low speeds we have in comparison with countries such as Korea and Japan? When will the interactive public sector broker for the citizen be fully operational? This is within the remit of the Minister and Deputy Kitt is also involved.

**Mr. N. Dempsey:** The Deputy has raised an issue on which we need more focus. It is convenient for me and Opposition Members to discuss quantity of broadband but the issue of its quality is even more important. Even if the country was entirely broadband enabled, not everybody would want it or use it. The quality of what is on offer is extremely important and perhaps we would be better employed focusing on that rather than quantity.

**Mr. Broughan:** Would the Minister choose fibre optics?

**Mr. N. Dempsey:** That is what we are doing in the MANs programme. That is based on fibre optic because that is what we believe is necessary. Eircom has indicated that by the end of next year it will have achieved 90% coverage with DSL. We must focus more on quality as 512 bytes DSL is basic broadband and we should have at least one or two megabytes. Local loop unbundling is a matter for ComReg which knows the urgency of this and I do not want to interfere in its work. I agree with Deputy Broughan that it is urgent. Circumstances here are not the same as in Northern Ireland so we will not hold that type of competition, and instead we will provide MANs and the group broadband schemes. Alternatives are available, therefore, including open access fibre-optic cables, that will allow people, companies and competition come into the market. My concentration is on trying to increase the type of competition in the market that will have the most beneficial effect by providing a wider level of service at more competitive rates.

**Mr. Eamon Ryan:** On the point Deputy Broughan made earlier, is the Minister aware that IBM made a presentation to the Oireachtas joint committee examining the area of broadband? It made the point that in many ways Ireland was an unattractive venture for business and that it could not provide home broadband connections to its staff. That was the specific point IBM wanted to raise before the committee. Is the Minister aware of that?

The Minister referred to the roll-out of school access to broadband. I presume he is counting each school as a connection point and that the 500,000 does not refer to every child, welcome though that access would be. While I accept the Minister's point that it is not simply a numbers game, his solution of providing a competitive market does not include a significant section of

our community who cannot afford a €400, €500 or €600 a year connection charge for broadband, regardless of the quality of the connection made. What efforts does the Minister have in mind to bridge that digital divide where significant sections of our community will be unable to access such connections? Other than trying to provide for a competitive market, how does the Minister see that divide being crossed in the roll-out of broadband? How many of the 500,000 people mentioned will be classified among those who may not come within the normal commercial market?

**Mr. N. Dempsey:** I can confirm to the Deputy that for counting purposes, it will be 4,200 schools rather than 500,000 students who will have access. That relates to the last question the Deputy raised. Part of the rationale behind the rolling out of the schools broadband programme, as was my rationale when I was Minister for the Environment, Heritage and Local Government in rolling out direct broadband access in libraries throughout the country, was to try to counteract and prevent the widening of the digital divide that exists in society. It is by such means that we can try to affect the situation regarding the digital divide to ensure that people have access and, if they cannot afford access themselves, that there will be public points where people can have access to the Internet.

**Mr. Eamon Ryan:** Will that be via the schools or elsewhere?

**Mr. N. Dempsey:** It will be via schools, libraries and public buildings generally. I encourage local authorities, through the libraries, their offices and so on, to make these points available. Government should be more active in making public places available for people to ensure they are not unduly affected by the digital divide.

#### **Fisheries Protection.**

7. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources if the serious concerns of the snap net fishermen on the River Suir will be immediately addressed and remedied in relation to the total disruption of this fishery as a result of the installation of outfall diffusers on the bed of the Suir by South Tipperary County Council; if he will report on whether these diffusers are installed in breach of the Fore-shore Acts; and if he will make a statement on the matter. [14376/05]

**Mr. Gallagher:** South Tipperary County Council has located outfall pipes, with diffusers, for the new Carrick-on-Suir waste water treatment plant in the River Suir. Representatives of snap net fishermen who operate on the river expressed the view to the Department that the location of the outfall diffusers is likely to cause disruption to their operations by creating a snagging or fouling hazard for their nets. In light of

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these concerns, a report on the matter was obtained from the Department's engineering division. This report advised that the outfall diffusers and the associated navigation buoy would have an effect on snap net fishing but that this effect could only be described as minor. Specifically, the report was of the view that any effect would be limited to a comparatively small area in the local vicinity of the diffusers.

As I indicated in my reply to Question No. 81 of 10 March 2005, officials of the Department would be prepared to meet representatives of the fishermen concerned to afford them an opportunity to detail their concerns about the works in question. I understand this meeting, which will also be attended by officials of South Tipperary County Council, is scheduled to take place today. Careful consideration will be given to issues that the fishermen's representatives raise at the meeting. The formal granting of a licence under the Foreshore Acts in respect of the outfall is being finalised. I am anxious to have the matter resolved in the interests of all the parties concerned.

**Mr. Broughan:** I thank the Minister of State for his reply. It says something for parliamentary questions that on the day we have a question down, a significant meeting is taking place. I commend the Minister of State and my colleague, Councillor Denis Landy, from south Tipperary, who has valiantly represented the fishermen concerned over recent years.

The issue arose when South Tipperary County Council put outfall diffusers in the bed of the river near Carrick-on-Suir. It is incredible that it did not apply at that stage to the Minister for a foreshore licence. Is the Minister of State now confirming that there is no foreshore licence and that the works were illegal? The fishermen concerned are from lower income households who would have supplemented their incomes through their fishing licenses. They have suffered a grave loss. They tell me that on a north haul they have lost 100 yards of haul because of the presence of these structures on the bed of the river, that at the top of the haul the buoy is in the way and they lose another 50 yards and that a tributary of the great River Suir, Ballylynch River, is blocked from pipes downstream and is filling up with silts. They say also that when flooding occurs in the area, fisheries at that location are seriously eroded. I welcome that a meeting is taking place between South Tipperary County Council and the fishermen but if the foreshore process was not legally gone through, is it the case that it must start again from scratch and the fishermen compensated for this loss of livelihood?

**Mr. Gallagher:** I accept that the Deputy wants to give credit to his colleague but I would like to record the interest of my parliamentary colleague, Deputy Davern, on this issue. It is fortu-

itous that this meeting is taking place today. It was not designed that way—

**Mr. Broughan:** A lucky coincidence.

**Mr. Gallagher:**—but we will both take credit if the matter is resolved. My advice is that the effect could be described as minor but I will examine the issues raised by the Deputy and the effect he says this work is having on the snap net fisheries.

On the legality of the work, I must be blunt and say that the county council should not have commenced outfall work on the foreshore until the foreshore licence was in place and it was advised as such by letter in January 2004. We are in this position now, however, and we are talking about the common good. We all favour, particularly those in Tipperary, the importance of the waste water treatment plant that was developed by South Tipperary County Council as an integral part of the local authority's programme for developing and upgrading sewage treatment facilities throughout the country. That plant came into operation last year. There is a common good factor here. It is not a question of repercussions or the blame game. After the meeting today, on which I hope to have a report fairly soon, the focus will be on ensuring that the position is regularised satisfactorily in the interests of all concerned. I hope that will be done as soon as possible.

**Mr. Eamon Ryan:** It is remarkable that the local authority in question was informed of the need for the licence but did not proceed. Questions must be asked about the local authority's relationship with the Department and its management of the legislation.

The River Suir, like many rivers in the south east and on the east coast, is under severe pressure with salmon numbers far below conservation limits. That we are heading towards potential extinction of salmon on that river will be of concern to snap-net commercial fishermen. What does the Minister of State intend to do to ensure salmon run the river in sufficient numbers to provide a commercial future for snap-net fishermen on the river? What specific measures will best ensure the survival of the salmon stock into the future?

**Mr. Gallagher:** Even if we were here until 6 p.m., we would not have sufficient time to debate the matter.

**Mr. Eamon Ryan:** We can start.

**Mr. Gallagher:** We have discussed it on a number of occasions. The Deputy wants me to go through what has been done and the decisions which have been taken by the Government over a number of years on commercial fishing. I am aware of the Green Party campaign in which the Deputy was involved on foot of which the Department received 4,000 cards, though one



would have been sufficient for me to read. Green Party representatives were very welcome when they came to my constituency. They would have been very welcome in west Donegal.

**Mr. Durkan:** North Donegal.

**Mr. Gallagher:** I presume Green Party representatives in Donegal adopt their party's policy. Despite what has been said by the Green Party, I have no baggage in this area and am completely objective. I am trying to find a balance between the interests of the commercial fishing sector and angling and tourism. We have made advances, including a reduction from 220 to 139, from 12 miles to six miles and the putting in place of a three-year strategy. Towards the end of the third year, the scientists decided to change from a 50% risk assessment to a 75% risk assessment. Thanks to Deputy Gilmore, monofilament netting—

**Mr. Gilmore:** The Minister of State should not drag me into it.

**Mr. Gallagher:** The Deputy was helpful.

**Mr. Gilmore:** The Minister of State should not use me as cover.

**Mr. Gallagher:** Measures taken include the four-day week. I am anxious to ensure we find a balance and that we have a sustainable fishery. I hope we will have more time to discuss the matter on another day.

**Mr. Eamon Ryan:** The Minister of State failed to provide a response on how we will look after the specific interests of commercial fishermen on the Suir. The problem is that he cannot do so under current policy.

I assure the Minister of State that Green Party members nationally are very much behind the campaign I organised. Have members of the Minister of State's party expressed doubts or interest on current Government policy? Is the Minister of State confident that Fianna Fáil Party members in the south east are fully supportive of the policy he has adopted?

**Mr. Broughan:** I wish to return to the original point which involved the 70 or 80 families in Carrick-on-Suir whose livelihoods are deeply affected. I welcome the Minister of State's intention to have a meeting today and his statement that the matter will be resolved as soon as possible. Can I tell the families the matter will be resolved in the next number of months? It is the key point. I expect that in its general election manifesto, Fianna Fáil will make promises in this respect.

**Mr. Gallagher:** After today's meeting, I will receive a report and communicate directly with Deputy Broughan. I will be anxious to achieve resolution.

Deputy Eamon Ryan will never be in the position of membership of a broadly based party like Fianna Fáil which represents every parish in the country. It is inevitable that there will be divergent views within our party. I have had discussions with many Deputies from the south east as well as with inland representatives who have very strong views on the matter. They appreciate the balanced approach I have adopted which accords with Government policy.

**An Leas-Cheann Comhairle:** Question Time is concluded.

**Mr. Durkan:** There is a minute left.

#### **Estimates for Public Services 2005: Message from Select Committee.**

**An Leas-Cheann Comhairle:** The Select Committee on Health and Children has completed its consideration of the following Revised Estimates for the Public Services for the service of the year ending 31 December 2005: Votes 39 and 40.

Deputy Durkan, I had to take that business. I could not have done so after 4.45 p.m.

**Mr. Durkan:** Unfortunately, I attempted to ask supplementary questions on other issues, but was curtailed severely. I thought the last question would have been taken and intend to lodge an official complaint.

#### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Healy — the need for the Minister and the Health Service Executive to implement the High Court agreement for the provision of general hospital services in south Tipperary; (2) Deputy Deenihan — the uncertainty surrounding the funding for child care projects in County Kerry; (3) Deputy Burton — the need to renovate and expand St. Brigid's national school, Castleknock, following the masonry fall from the building; (4) Deputy Neville — school transport for the secondary school Salesian College, Pallaskenry; (5) Deputy Costello — that the Minister ensure that no asylum seeker sitting a State examination this summer will be deported during the examination period; (6) Deputy Cowley — if the Minister will address the critical situation in which the Mulranny, Achill and Ballycroy areas are left without an ambulance base; (7) Deputy Ó Caoláin — the decision of the Department of Education and Science to dismiss over 70 special needs assistants despite the shortfall of 175 such assistants throughout the State and the need for the Minister to reverse this decision and reallocate assistants where they are required and to publish her review of the proposed allocation system for special needs teachers; and (8) Deputy Gilmore — the case of



[An Leas-Cheann Comhairle.]  
a person who is suffering from vCJD in a Dublin hospital.

The matters raised by Deputies Gilmore, Costello, Neville and Ó Caoláin have been selected for discussion.

### Adjournment Debate.

#### Health Services.

**Mr. Gilmore:** The case in question is sad and sensitive and involves a 24 year old man who has been diagnosed with vCJD and is seriously ill in a Dublin hospital. I have been contacted by the young man's family. While they do not wish themselves or their son to be publicly identified, they have asked me to raise the matter publicly with the Minister for Health and Children because they believe there are aspects of the case which are of public concern.

This young man was diagnosed with vCJD in November 2004. He had lived all his life in Ireland and had never travelled abroad. It is clear, therefore, that he contracted the disease here, which raises questions about the adequacy of the safeguards in place to prevent vCJD arising in Ireland. The family of the victim have drawn my attention to the Southwood report published in the UK in 1990 which led to the implementation of a range of preventative measures there. The measures included the establishment of a national vCJD surveillance unit and joint inter-departmental committee to provide independent advice, the banning of mechanically recovered meat and meat and bonemeal and the destruction of surgical instruments used on vCJD patients. A range of other measures to protect blood supplies was also implemented. In addition, the UK Government has provided funding for research for a test to detect the disease at the incubation stage.

The Minister for Health and Children should make a statement on the measures which have been put in place in Ireland to prevent vCJD and, specifically, state when such measures were implemented and explain how they are monitored. The family want to know how their son came to develop vCJD in Ireland, given that he had never travelled abroad, and they are entitled to an explanation. The UK Government established a compensation fund for victims of vCJD and their families. While the House will appreciate that the family's concern at this time is for their son, the Tánaiste should nevertheless consider the UK fund and state whether it is intended to introduce a similar measure here.

I have on a confidential basis supplied the Tánaiste with the details of the case to enable her to respond fully. I hope the Minister of State will be able to respond on the Adjournment in the positive and sympathetic manner the matter demands.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Late last year, we learned with regret of the occurrence of a case of vCJD in a young man in Dublin. I convey my sympathy and that of the Tánaiste to the family of the young man who are coming to terms with very difficult circumstances. The case concerns a 23-year-old man who was admitted to hospital about eight months ago. It has been confirmed that he is suffering from variant CJD and the probability is that he contracted it before the current strict controls on the sale of meat in Ireland were brought into force in 1996. Given that the incubation period for variant CJD is considered to be several years, it is virtually impossible to identify a specific source of infection. However, the CJD advisory group and the National Disease Surveillance Centre will give further consideration to this issue.

The clinical management of the case is, of course, a matter for the clinicians involved. The Tánaiste has been briefed by the chairman of the national CJD advisory group on any possible broader public health implications which may have arisen from this case.

The CJD advisory group provides scientific, professional and technical advice on all aspects of CJD and the policy responses that are appropriate in light of the evolving information and evidence on this topic.

There are no public health issues in this case. The patient has never received a blood transfusion, was never a blood donor and has not received any invasive medical treatments.

New variant CJD is a rare degenerative fatal brain disorder in humans. It is believed that the vast majority of persons who have developed vCJD became infected through the consumption of cattle products contaminated with the agent of BSE. The Food Safety Authority of Ireland and the Department of Agriculture and Food are responsible for BSE controls. The FSAI stresses that the BSE controls in place in Ireland since 1996, are very strict and there are layers of robust control measures to ensure maximum consumer protection concerning BSE.

The incidence of BSE in Ireland continues to decline in the Irish cattle population, demonstrating that the controls introduced in 1996 and 1997 are working. There are fewer cases of BSE and the vast majority of current cases are in animals born before the introduction of these enhanced controls.

One of the key factors for establishing the FSAI in 1996 was the BSE crisis. The FSAI bases its decisions upon the best scientific data and knowledge, and develops inspection and audit controls to ensure maximum consumer protection in regard to meat and meat products. A rigorous policy of safeguards is now firmly established throughout the food chain.

There is a sequence of controls for BSE along the food chain. The feeding of meat and bonemeal to all farm animals is prohibited and there are stringent controls at rendering plants and feed

mills. The main consumer protection measure has been the removal of specified risk materials from the human food chain. These are the parts of an animal most likely to contain BSE infectivity if that animal is incubating the disease.

All cattle are examined by veterinary inspectors before slaughter at abattoirs and rapid BSE testing is carried out on all animals over 30 months of age. Veterinary inspectors under service contract to the FSAI ensure slaughtered cattle have had the SRM removed. At boning plants, the carcasses are inspected again. Environmental health officers under contract to the FSAI inspect carcasses in butcher shops. In addition, all butchers operating in Ireland are aware that it is illegal to sell meat products containing SRM.

The FSAI and the Department of Agriculture and Food have been to the forefront in the EU with the most aggressive controls to protect both animals and humans from the BSE agent. The FSAI, the Department of Agriculture and Food and the other agencies involved in policing the food chain are working closely together to ensure full compliance and maximum consumer protection.

I have also been assured that the measures in place to protect public health, especially concerning the protection of the blood supply, are in accordance with best international practice.

A number of technical sterilising measures are taken on blood supplies and a number of donor deferral measures, especially in respect of persons who lived in the UK, form the cornerstone of this activity.

Following preliminary discussions with the chairman of the CJD advisory group and the medical director of the Irish Blood Transfusion Service, the initial conclusion is that the situation presented by the occurrence of this case does not require that any other measures, apart from those already in place, need to be taken.

The IBTS undertook a review of its policies following the case of transfusion infection in the UK last year and will continue with those policies. The CJD advisory group has also recently endorsed the most up-to-date infection control guidance in respect of the management of CJD in the hospital setting. The Department is ensuring the circulation of the guidance through the hospital system.

The disease continues to be notifiable and the national CJD surveillance unit in Beaumont Hospital continues its activity in monitoring the occurrence of CJD in Ireland.

At this difficult time for those concerned, I ask everyone in this House and in the media to respect the privacy of this young man and of his relatives.

#### **Deportation Orders.**

**Mr. Costello:** I ask the Minister for Justice, Equality and Law Reform to ensure that no asylum seeker who is sitting an Irish State examination this summer will be issued with a deport-

ation order or deported during the examination period.

The Minister should ensure that no unaccompanied minor or asylum seeker who is due to sit State examinations here should be issued with a deportation order or actually deported. I also want the Minister to state that such students should not have to sign on at the Garda national immigration bureau in Burgh Quay until their examinations are over. Otherwise, anybody who is being threatened with deportation or the likelihood of deportation would have to sign on at the bureau now and in June.

State examinations are stressful enough at the best of times but the threat of arrest and deportation while young people are studying for or sitting examinations is absolutely intolerable.

Recently, the Minister allowed a young man, Olunkunle Eluhanla, to return from Nigeria to complete his leaving certificate examinations. The Minister admitted making a mistake and said that Mr. Eluhanla should not have been deported in the circumstances. The Minister should now follow this action with its logical counterpart, namely that anybody planning to sit examinations shortly should be free to study and sit those examinations without fear of gardaí knocking on their doors at home or in the classroom, or being arrested and detained when they report to the Garda national immigration bureau.

In Mr. Eluhanla's case, the Minister said the immigration bureau had noted on the deportation document that the fact the student was going to sit an examination should be taken into consideration. That note was left unheeded, however. A publicly declared policy statement is now required from the Minister so there is no danger of it being misinterpreted or going unheeded and another such mistake being made. That is a logical deduction given what the Minister has already declared about the case of the young Nigerian whom he allowed to return in order to sit the leaving certificate examination. It should be made clear that no one currently studying for the junior or leaving certificate examinations in June will be deported between now and the start of the examinations, or during the examinations.

**Mr. B. Lenihan:** I am replying on behalf of the Minister for Justice, Equality and Law Reform, Deputy McDowell. Before dealing with the substance of this matter, I need to make it clear that no asylum seeker will be, or ever has been, deported. In its express terms, Deputy Costello's motion addresses the Minister on the need to ensure that no asylum seeker who is sitting an Irish State examination this summer will be issued with a deportation order or deported during the examination period. Of course, it is impossible for the Minister to deport an asylum seeker, which is a fundamental point in terms of this matter.

**Mr. Costello:** That is not true because they are still asylum seekers when the final order is being

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issued. They are just waiting to see whether they will be allowed to stay.

**Mr. B. Lenihan:** No, that is not correct. I will bring the Deputy through the details of the matter. Asylum seekers are persons who come here seeking refugee status. Their asylum claims are thoroughly investigated and if they are found not to be in need of protection under the Geneva Convention they are no longer asylum seekers.

**Mr. Costello:** We know the rules.

**Mr. B. Lenihan:** Furthermore, before any deportation takes place, they are given an opportunity to go home voluntarily or to give reasons why they should not be deported. The suggestion that they can still give reasons why they should not be deported, does not relate to their character as failed asylum seekers. There are two fundamental underlying principles with regard to the asylum process, and the treatment of individuals, who are not found to be refugees at the end of that process, when asylum seekers come here and seek our protection that their cases are fairly and independently examined. A deportation process, after a person's case has been dealt with fairly, is central to the proper running of an immigration and asylum system.

The definition of a refugee is set out in section 2 of the Refugee Act 1996. I do not propose to go through the entire definition but it is clear that the task in the case of each individual asylum seeker is to determine whether, following investigation, he or she is deemed to come within the terms of that definition on the basis of all the information which is gleaned.

Under the Refugee Act 1996, two statutory offices were established to consider applications or appeals in respect of refugee status and make recommendations to the Minister on  
5 o'clock whether such status should be granted. These offices are the Refugee Applications Commissioner and Refugee Appeals Tribunal. Every asylum applicant is guaranteed an investigation and a determination of his or her claim at first instance by the Refugee Applications Commissioner and a right of appeal to a statutorily independent and separate body, the Refugee Appeals Tribunal. Every asylum applicant is also guaranteed access to legal assistance provided by the refugee legal service.

The final decision in respect of an asylum application is a matter for the Minister based on the recommendation of the commissioner. However, under the legislative scheme of things, the Minister is obliged, save in exceptional circumstances, to accept such a recommendation. When the Minister makes a decision under the provision of section 17(1) to refuse to give a declaration of refugee status to an individual, notification is sent to the individual who is informed that three options are open to him or her. He or she may

voluntarily leave the State, consent to a deportation order being issued in respect of him or her—

**Mr. Costello:** I want an answer, not a lecture, from the Minister of State.

**Mr. B. Lenihan:** The wording of the matter raised by the Deputy is erroneous.

**Mr. Costello:** The Minister of State's response to my contribution is irrelevant.

**Mr. B. Lenihan:** It is highly relevant. If an individual consents to a deportation order being issued in respect of him or her, arrangements will be made for his or her removal from the State. The third option available to him or her is to make written representations, within 15 working days, setting out reasons he or she should be allowed to remain temporarily in the State.

**Mr. Costello:** Every time I table a question or raise a matter, I receive the same lecture.

**Mr. B. Lenihan:** I will not take the Deputy through the various statutory factors the Minister must consider. Leaving aside the mistaken reference to asylum seekers being deported, I presume the substance of the issue raised by the Deputy is that persons sitting a State examination this summer would neither be issued with a deportation order nor deported prior to the examination taking place. The wording of the matter is a variation of a matter raised by the Deputy on the Adjournment on 22 March when he asked that we do not deport the schoolgoing children of non-national parents who are facing deportation—

**Mr. Costello:** It is a different issue.

**Mr. B. Lenihan:** An asylum seeker cannot be deported.

**Mr. Costello:** This has no connection with the matter I raised on 22 March as it relates to a much broader issue.

**An Leas-Cheann Comhairle:** Allow the Minister of State to continue without interruption.

**Mr. B. Lenihan:** The earlier debate arose from circumstances the Deputy referred to, namely, the deportation to Nigeria in mid-March of a young man who was to sit his leaving certificate examination in Palmerstown community college next month. Although it has been the policy of successive Ministers for Justice, Equality and Law Reform not to reveal the personal details of the cases of individual applicants for asylum, in light of the widespread media reporting at the time I will refer to the case in question as the Kunle case.

**Mr. Costello:** This is irrelevant.

**Mr. B. Lenihan:** The Minister reversed his decision in the Kunle case on its unique facts and allowed the young man concerned to return to sit his leaving certificate examinations. I refer Deputies to the Minister's response to the Seanad Adjournment debate of 25 March 2005 in the matter.

A general policy not to deport schoolgoing persons leading up to examination periods cannot be inferred from the decision in the Kunle case. I ask Deputies to consider what would be the consequences of such a policy. In effect, no person in any form of State education and, by implication, none of his or her family members could be deported from the State for a considerable part of the year. Further, the logic of such a policy would be that a person at any point in the education system leading up to an exam could not be deported.

Deputies should bear in mind that a substantial number of asylum seekers are of an age when they are likely to be engaged in the State education system where examinations of one sort or another are a common feature. For example, of the 7,900 asylum applicants in 2003, almost 1,100 were accompanied minors between the ages of four and 18 years. Similarly, of the 4,766 asylum applicants in 2004, more than 700 were accompanied minors between the ages of 4 and 18 years. To give a guarantee that none of those persons — and again, by implication, his or her siblings and parents — would be deported or even issued with deportation orders during a substantial part of the year would be irresponsible. It would send out a message to the world that Ireland had an obligation to provide an education, including the right to sit examinations, to those who, having been found not to be in need of international protection, had otherwise no right to be in the State.

**Mr. Costello:** May I ask a question?

**An Leas-Cheann Comhairle:** No provision is made for questions during the Adjournment debate.

**Mr. Costello:** I asked the Minister of State whether individuals who are due to sit State examinations will be deported between now and the examinations and received six pages of waffle in reply.

### School Transport.

**Mr. Neville:** I welcome this opportunity to raise school transport arrangements as they apply to the Salesian secondary college, Pallaskenry, County Limerick. The position is that the children travelling to the school are from rural and urban areas. Since 1967, the school has shared a catchment area with city schools. Slightly more than 50% of the its student population come from the western suburbs of Limerick city and in many cases these students live closer to the college than any other school in the city to which they would

have a chance of gaining admission. In the early 1970s, Mungret college, which served the same catchment area as the Salesian secondary college, closed and Mount Trenchard Mercy convent in Foynes closed in the 1980s. Students from Kildimo, a village near the Salesian college, and other areas closer to the city have traditionally attended the school and availed of free school transport. Many children from Limerick city who experienced difficulties securing a place in schools in their locality travelled to the Salesian college and their younger siblings then attended the school at a later date.

Students from throughout the county catchment area may travel into the city using the school transport scheme, whereas students in the city's suburbs will have to pay privately under recent changes to travel to the Salesian college. Many students in the catchment area cannot get to the school because no transport services are available. National schools in Shauntrade and Adare, for example, have 34 students in sixth class who would be expected attend the college. The Salesian college shares a catchment area with the VEC school in Askeaton. Students from the west of the catchment area travel for convenience purposes — it is a shorter distance — to the Askeaton school, the next parish but one to Pallaskenry. The Pallaskenry catchment area, on the other hand, has traditionally been the area between the village and the city and the village and Adare.

The feeder schools for the Salesian college include Pallaskenry, Kildimo, Ballybrown, St. Nessian's, Mungret, and St. Paul's, Dooradoyle. The proposed new directive will result in school transport services being removed for students from Ballybrown, St. Nessian's, Mungret, and St. Paul's, Dooradoyle, which leaves the college with two feeder primary schools. Each of these has approximately 35 students, some of whom will decide to attend school in Limerick city because free transport will be available to the city. Children from rural areas will, therefore, be able to avail of free transport into Limerick city.

I ask that free school transport continue to be provided to students in the traditional catchment area of Pallaskenry in line with the position since 1967. The issue was examined on a number of occasions and each time it was decided to maintain the *status quo*. The benefits available to city schools should also be open to the Salesian college but the current cut-off point for availability of free school transport has been set at less than three miles from the college. The Salesian college has enjoyed a good reputation for more than 100 years during which the Salesian Fathers have given excellent service to the community. As the Minister will appreciate, the new directive has serious implications for the school. I ask that the current position, which has worked since 1967, be maintained and children who wish to attend the same school as their siblings and neighbours be allowed to do so. Some of the children in question have difficulty securing a place in



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schools in Limerick city. In addition, Pallaskenry is regarded as the natural choice of school for children in the locality.

**Mr. B. Lenihan:** I thank Deputy Neville for raising this matter on the Adjournment. I am replying on behalf of the Minister for Education and Science, Deputy Hanafin. While I am not sure my response will be of great assistance to the Deputy, I will place on record the views of the Minister on the issue.

One of the main objects of the school transport scheme is to provide a basic level of service for children who live long distances from schools and might otherwise experience difficulty in attending regularly. Approximately 140,000 primary and post-primary pupils use the school transport scheme on a regular basis. The allocation for school transport in 2005 is €116.533 million, an increase of 6% on last year's outturn. In the region of 30% of the allocation will be expended this year on transport costs and grant-aid for children with special needs who represent about 6% of the overall number of children carried each day.

For the purposes of post-primary education provision, the country is divided into catchment areas, each of which has its own post-primary centre. Under the terms of the post-primary school transport scheme, a pupil is eligible for school transport if he resides 4.8 kilometres or more from the post-primary centre in the catchment area in which he lives. A post-primary centre is not necessarily a school building. It is usually a central point in the catchment area to which the distance from home is measured.

Eligible pupils who wish to attend post-primary schools in another catchment area may be allowed transport on school services from within the catchment boundary of the centre being attended, subject to there being room available on the school transport service and no additional cost to the State. The pupils themselves are responsible for getting to the catchment boundary or to the nearest school bus service within that catchment area.

An eligible pupil who is approved for catchment boundary transport is not guaranteed school transport for the duration of his education at that centre. As a concessionary measure, continued transport will depend on the availability of space on the school service to that centre in each school term.

A large number of pupils who reside in the Limerick city catchment area have been provided with full transport facilities to the Salesian college, Pallaskenry, because of difficulties encountered in previous years in securing placements in certain schools in Limerick city. The continued provision of full school transport facilities for these pupils and new applicants for school transport is being reviewed in the light of the outcome

to the new centralised application system for enrolments for pupils in Limerick city which was put in place for the next school year. Catchment boundary transport will continue to be available to pupils enrolling in the Salesian college, Pallaskenry, subject to the terms of the scheme.

### Special Educational Needs.

**Caoimhghín Ó Caoláin:** Gabhaim buíochas leis an Leas-Cheann Chomhairle as deis a thabhairt an cheist seo a phlé. The decision of the Department of Education and Science to axe the jobs of more than 70 special needs assistants has caused shock throughout the State, especially to those working in the special needs area. I compliment the trade union IMPACT, which represents special needs assistants, on bringing this matter to public attention.

These assistants provide invaluable support in schools to children with special needs. In many cases, children simply could not attend school without their help. They operate in both special and mainstream schools and assist children with both physical and intellectual disabilities. The assistants are part of the infrastructure of care and education in this State. We know how inadequate that support structure is for children with special educational needs and for people with disabilities, although I acknowledge improvements have been made in recent years.

One of those improvements was the recruitment of the assistants in the first place. There are now more than 5,000 of them linked to individual pupils rather than to schools or localities. In that overall context, the decision to cut more than 70 of these posts is seen as incredible. As my colleague, the Sinn Féin education spokesperson, Deputy Crowe, stated yesterday, it beggars belief. It is even more incredible considering the review carried out by the National Council for Special Education, which advises the Minister for Education and Science, has identified a shortfall of 175 special needs assistants in the State.

IMPACT has called on the Department of Education and Science to agree a mechanism that would keep experienced special needs assistants in the system and avoid these sackings. I fully support that call. The Department has informed the union, however, that the special needs assistants are allocated to individual pupils and that when they move on or are no longer in need of a special needs assistant, the post must go. The Department has said that there is no system of reallocation and it would be too complex to create one. I do not accept that. Compared with the complexities faced by parents, teachers and assistants in looking after children with special needs, this is a minor bureaucratic hurdle that could easily be crossed if the will existed.

I urge the Minister of State to agree with IMPACT a panel system for special needs assistants similar to that operated for teachers. I understand there will be talks next week and I urge

the Minister of State to approach those talks with flexibility and generosity. As IMPACT has stated, it is utter madness to show dedicated, experienced staff the door when children in other schools are crying out for a special needs assistant. This will hit the most vulnerable children in the education system. There is a suspicion this is being done so the Department can avoid its responsibilities under the Protection of Employees (Fixed-Term Work) Act. The Act outlaws discrimination of temporary staff and restricts employers' ability to avoid the responsibilities by hiring staff on a series of short-term contracts. I hope that is not the case. Special needs assistants have only been in the system for four or five years so it makes no sense to make more than 70 of them redundant.

This issue must also be related to the continuing failure of the Minister for Education and Science to issue her review of the revised system of allocation for special needs teachers. We were promised that review earlier this year and then in April. We are now in the month of May and parents of children with special needs, school principals and teachers who are trying to plan for the coming school year are still in the dark. This is no way to treat the most vulnerable children in the education system and I appeal to the Minister of State to inform the House where we stand on the review of the special needs teachers allocation and to do all he can to ensure it published speedily.

**Mr. B. Lenihan:** I am replying on behalf of the Minister for Education and Science, Deputy Hanafin, but I am glad Deputy Ó Caoláin has raised this matter on the Adjournment of the House because it gives the Minister an opportunity to put the case. While legitimate matters about staff concerns arise from this matter, there is no substantive issue related to the welfare or care of this group of vulnerable children.

Special needs assistants are assigned to schools to meet the care needs of individual children who have been assessed by a psychologist as requiring this type of support. Where it has been established that additional special needs assistant posts are necessary, these posts continue to be allocated on an ongoing basis. The recruitment of additional staff in schools where such a need has been identified is not contingent on the removal of special needs assistants from schools with surplus staff. Where a need has been identified, schools can proceed immediately to recruit the required staff.

This Government has put in place an unprecedented level of support for children with special needs. Since 1998, the number of special needs assistants has increased from under 300 to nearly 6,000. In addition, more effective systems, such as the National Council for Special Education, have been put in place to ensure that children get support as early as possible.

At this stage the National Council for Special Education has dealt with all new applications from schools for special needs assistance that will be required from the beginning of September 2005. Therefore, there should be no reason a child enrolling in a school in September 2005 who requires special needs assistance does not have that assistance in place from his or her first day in school.

**Caoimhghín Ó Caoláin:** There is a shortfall.

**Mr. B. Lenihan:** There is no restriction on the recruitment of special needs assistants. The Department of Education and Science has been conducting a review of special needs assistance provision in primary schools. The review is concerned with the level and deployment of special needs assistance posts in mainstream classes. The intention of this is to ensure that the level of approved special needs assistance support in schools, and the manner in which that support is allocated, ensures that the special care needs of pupils are being appropriately met. Where the review to date has found that additional special needs assistants are needed to cater for the needs of specific children in schools, those schools have been informed that they may make the necessary arrangements immediately for putting the required staff in place.

The review has also found that some schools no longer have the care needs for which the special needs assistant was originally sanctioned. In some cases the child may have left the school while in other cases the care needs of the child have diminished as the child has progressed through the school. Where a child for whom a special needs assistant was sanctioned no longer needs such support, that post ceases. In this regard the schools where surplus special needs assistant support was identified have been advised they may retain this surplus until the end of the current school year.

There is no redeployment scheme in place by which special needs assistants, surplus to requirements in a particular school, can be redeployed to another school. Putting such a scheme in place would be complex as there is no guarantee that as a post becomes surplus in one school, an additional post would become available in the locality.

**Caoimhghín Ó Caoláin:** However, it could be.

**Mr. B. Lenihan:** Unlike teachers, where posts are allocated on a pupil-teacher ratio basis, enabling a redeployment scheme to work effectively, special needs assistant posts are allocated on the basis of individual care needs and the creation of a workable redeployment scheme would be more difficult.

Discussions are ongoing with IMPACT, as referred to by the Deputy, on this matter and further discussions are scheduled for next week.

[Mr. B. Lenihan.]

However, the appointment of special needs assistants to individual schools is a matter for the boards of management of those schools. It is open to any existing special needs assistant to apply for a newly created post in any other school.

The revised procedure for providing a general allocation of resource teaching hours to schools will be announced soon, in time to be implemented for the next school year. Resource

teaching for children in the lower incidence disability categories is now dealt with by the National Council for Special Education. These resources will continue to be allocated on the basis of individual applications.

I thank Deputy Ó Caoláin for giving me the opportunity to clarify the position on these matters.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 10 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 8, inclusive, answered orally.*

### Digital Hub.

9. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources the position in regard to the achievement of the various targets set for or by the digital hub; and if he will make a statement on the matter. [14501/05]

48. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources the extent to which costs anticipated in the digital hub project are on target to date; and if he will make a statement on the matter. [14502/05]

154. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to the achievement of the various targets set for or by the digital hub; and if he will make a statement on the matter. [14732/05]

155. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which costs anticipated in the digital hub project are on target to date; and if he will make a statement on the matter. [14733/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 9, 48, 154, and 155 together.

The digital hub project managed by the independent Digital Hub Development Agency has been and continues to be successful in attracting digital industry tenants and operates a number of significant community, educational and promotional initiatives as part of its role. The agency has been successful in growing the cluster with almost 50 companies now employing over 300 employees in the hub.

Turning to the social and community development remit of the hub, the agency has also surpassed expectations. The Liberties learning initiative uses technology to tackle social and educational disadvantage in the area. Supported by funding from Diageo Ireland, the programme is delivering a range of learning and showcasing projects focused on the creative use of digital media and reflects the national priorities of building a knowledge-based society and addressing the digital divide. The schools programme of the Liberties learning initiative has developed a range of programmes in 16 local primary and second level schools aimed at addressing the digital divide.

These include providing information and communication technology, ICT, equipment and technical support to local schools, providing professional training to teachers so they are fully informed about the education benefits of ICT and advising and informing the schools of employment opportunities in the digital sector. The schools programme aims to equip local children with the skills needed to live in a digital age, and to work in the digital media industry, which will be located on their doorstep.

I am currently exploring options with the agency to deliver the property development project in a timely manner. When completed the project will deliver 500,000 sq. ft. of enterprise, learning and educational, residential and retail space.

While the larger hub site is being developed, the agency is space constrained, given the high number of tenants. Parts of the former Media Lab Europe, MLE, building are now being utilised by the hub on a temporary basis. In terms of the financing of the operation, the initial premise in setting up the digital hub was that it would become financially self-sustaining over time. However, due in the main to delays in developing the hub site for commercial exploitation, the agency has not become self-sustaining and continues to operate on the basis of borrowings in addition to income from rental of property.

### Electricity Generation.

10. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources his aims and views in relation to the present consultation on the single electricity market for the island of Ireland; and if he will make a statement on the matter. [14390/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** In November 2004, Minister Barry Gardiner MP and myself, as Ministers with responsibility for energy policy in Northern Ireland and Ireland, respectively, launched a development framework for an all island energy market. We agreed that the challenges faced on the island in relation to the safety, security and sustainability of energy supplies can best be achieved through co-operation on an all island basis. After a lengthy and detailed consultation a range of development priorities were identified and the first among these was the development of all island wholesale trading arrangements, which the energy regulators north and south were charged with developing.

I am pleased to note that both regulators have committed to delivering this new electricity market by July 2007. The present consultation on the design proposal for this new market being undertaken jointly by both regulators represents a significant step forward on this project and I fully support it. It will bring long-term benefits to consumers both North and South.

### Energy Conservation.

11. **Mr. Naughten** asked the Minister for



[Mr. Naughten.]

Communications, Marine and Natural Resources the steps he has taken or instructions he has given to achieve energy saving or improved efficiency; and if he will make a statement on the matter. [14516/05]

165. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the steps he has taken or instructions he has given to achieve energy saving or improved efficiency; and if he will make a statement on the matter. [14746/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 11 and 165 together.

While there is no room for complacency in relation to the vital matter of energy saving and energy efficiency, the situation in Ireland is fairly good, compared with many other European countries. However, we are always open to new ideas and I intend to engage proactively with this agenda.

Sustainable Energy Ireland, SEI, is an agency established by Government in 2002 under the aegis of the Department of Communications, Marine and Natural Resources. Its remit is to promote and assist environmentally and economically sustainable production, supply and use of energy across all sectors of the economy.

Indeed, by International standards Ireland compares very favourably with other IEA countries in terms of energy intensity. According to the International Energy Agency's 2003 Ireland review, Ireland has the second lowest energy intensity in the IEA countries. For comparison, the same publication notes that Finland's energy intensity was in 2001 over 90% higher than Ireland's.

It fell by 4.8% in 2002 and 5.8% in 2003 suggesting that the economy is continuing to become more energy efficient. Primary energy intensity fell by 33% between 1990 and 2003, or 3% per annum. An analysis carried out by Sustainable Energy Ireland's energy policy statistical support unit suggests that 33% of the change in energy intensity could be accounted for by structural changes in the economy. The remaining 67% was due to economies of scale, fuel mix and energy efficiency improvements.

SEI is responsible for the rollout of the energy conservation measure of the sustainable energy priority of the National Development Plan 2000-2006. SEI implements a range of programmes, which includes three programmes in the industry sector, four programmes in the built environment, four renewable energy programmes, as well as specialised statistical analysis and policy advice.

The programmes operate in four areas: renewable energy and CHP; research and development; industry and public sector; and residential. Under the renewable energy and CHP programme, SEI runs an information service called the renewable energy information office offering independent

advice on all aspects of renewable energy development. The research and development programmes include a research programme aimed at promoting sustainable energy practices in Irish housing. There are also a number of research and demonstration programmes, which supports the increased application, and deployment of renewable technologies. Operating to implement best practice with regard to industry and public sector buildings, SEI offers support to stimulate the application of improved energy efficiency design strategies, technologies and services in public sector building construction and retrofitting. The replication of these strategies, technologies and services is a key factor of this programme.

The establishment of voluntary networks such as the large industry energy network, LIEN, which collaborating together to reduce energy costs and increase energy efficiencies is a key factor of this programme. LIEN members in 80 companies saved approximately 123.6 GWh of electricity in 2003 amounting to a consequential reduction of almost 43,419 tonnes of CO<sub>2</sub>.

The residential sector too is targeted within SEI's programmes both at an information campaign level and through the home energy rating programme. Both my Department and SEI worked with the Department of the Environment, Heritage and Local Government in designing the implementation plan for the EU energy performance of buildings directive in Ireland launched earlier this week.

#### Electricity Generation.

12. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has determined directly or through the regulator a role for wind generated energy producers in the future having particular regard to developments in this area throughout Europe; and if he will make a statement on the matter. [14491/05]

21. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources his views on the role which wind energy can play in meeting energy requirements here; and if he will make a statement on the matter. [14397/05]

25. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources if he has given directions in regard to his preferred options in respect of the extent to which he sees wind generated energy playing a role in electricity production in the future; and if he will make a statement on the matter. [14490/05]

58. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources the proportion of electricity needs here being generated by wind; the proportion he expects will be generated in ten years' time; and if he will make a statement on the matter. [14399/05]

66. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources

if he has had direct communications with a company (details supplied) or other energy producers with a view to determination of the extent to which he intends to support such production in the future; and if he will make a statement on the matter. [14504/05]

72. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources the reason there is a reluctance on the part of the Government to support wind generated electricity; and if he will make a statement on the matter. [14492/05]

89. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources the details of the renewable energy group's progress on developing new support mechanisms for renewable energy; when he will be able to provide details of the new support mechanisms that will be put in place; and if he will make a statement on the matter. [14548/05]

143. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has given directions in regard to his preferred options in respect of the extent to which he sees wind generated energy playing a role in electricity production in the future; and if he will make a statement on the matter. [14721/05]

144. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has determined directly or through the regulator a role for wind generated energy producers in the future having particular regard to developments in this area throughout Europe; and if he will make a statement on the matter. [14722/05]

145. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason there is a reluctance on the part of the Government to support wind generated electricity; and if he will make a statement on the matter. [14723/05]

157. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had direct communications with a company (details supplied) or other energy producers with a view to determination of the extent to which he intends to support such production in the future; and if he will make a statement on the matter. [14735/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 12, 21, 25, 58, 66, 72, 89, 143, 144, 145 and 157 together.

The promotion of renewable energy technologies in electricity production is a key priority of this Government. This priority is shared by EU Community institutions which have addressed a directive, the Renewables Directive — Directive 2001/77/EC, to all member states to increase the consumption of green electricity by 2010. The obligation addressed to Ireland is to deliver a programme capable of increasing the amount of

electricity from renewable energy sources to 13.2% of total consumption by 2010.

Existing hydro facilities together with the current AER support programme operated by my Department and activity in the liberalised green market are capable of delivering significantly on the target in the directive. Additional capacity will be supported under a new support mechanism which I announced recently. I will return to this point later in my reply.

In 2003, the latest year for which figures are available, 1.7% of the total electricity consumed came from wind powered electricity generating plant. At that time there was 189 MW of wind power connected to the electricity network. This figure is growing and of the 624 MW of renewable energy sourced electricity generating plant currently installed, 362 MW is wind powered. This is an increase of 173 MW, or over 91%, since the latest statistics were calculated.

The target of 13.2% approximates to 1,400 MW to be connected to the electricity network by 2010. It is acknowledged at EU level as a challenging target. It will require us to more than double existing capacity within five years. This is the minimum target I am demanding. My overall target is to optimise the amount of renewable energy technologies which can be connected to the network while maintaining safe and reliable supply and reasonable retail charges for consumers.

The amount of wind powered stations which can be usefully connected to the network in ten years' time is dependent on future technological developments within the technology, future electricity demand, the size and future mix of technologies on the electricity network and the development of interconnectors. It is only by monitoring these variables over time that realistic further targets can be set for 2015 and beyond.

In addition to the environmental benefits, it is important the State reduces its dependency on fossil fuels, the prices of which are subject to the vagaries of the global markets and geopolitical developments which can adversely affect both the price and availability of supplies. From a national economic perspective and not just an energy policy perspective, increasing the amount of renewable energy in the system will be helpful in substituting costly fuel imports and in dealing with levels of uncertainty in the future evolution of energy prices.

Wind powered plant is currently the most competitively priced of all renewable energy technologies. It is, therefore, the dominant renewable technology at this time. However, as wind is an intermittent fuel source, it presents particular challenges for the networks operators as penetration levels grow.

Future challenging targets to increase wind powered stations will require the cooperation and coordination between my Department, Sustainable Energy Ireland, SEI, the market regulator, the electricity networks operators and developers. I am happy to report that all these

[Mr. N. Dempsey.]

key players, and more, have participated in a consultation process launched in December 2003 and in the work of the subsequently established renewable energy development group.

The group's report will form the basis of my future policy decisions on the increased penetration of renewable energy technologies in the electricity market and will seek to ensure that developers can make a reasonable rate of return on renewable energy projects while ensuring that the interests of national competitiveness and the ultimate burden of cost to the final consumer are all fully taken into consideration.

In addition to the formal communications within the renewable energy development group, my Department has also had several bilateral meetings with the company mentioned by a Deputy and with other energy producers. Deputies can be assured, therefore, that there have been ample opportunities for both developers and suppliers to influence the future policy direction.

Although the report of the renewable energy development group is not yet completed, I have received updates on the work in progress. On 7 April last, I was able to announce the outline of a future support mechanism, AER VII. This revised system will move away from competitive tendering to a fixed price proposal. In addition, the support which was previously tied to contracts with the ESB will now be available for supply contracts with any licensed supplier. I also indicated in my announcement that wind powered technology will remain the dominant technology in delivering this target.

AER VII will contain a quantitative limit and a competitive element therefore remains. The actual capacity limit in AER VII will be a specific term of major interest to all potential applicants. It is appropriate that it is made accessible to all potential applicants simultaneously. I am not in a position, therefore, to announce a specific quantitative target until AER VII is formally launched. Currently, my Department is in consultations with suppliers about the practical implementation of the new arrangements announced on 7 April last. I expect these consultations to conclude shortly. Publication of the detailed terms and conditions of the future support mechanism AER VII will be published shortly after those contacts with suppliers finish.

There is, therefore, no reluctance on my part to support continuing growth in the amount of any renewable energy technology including wind connected to the network even if that requires fundamental changes of the type I have outlined for AER VII. From my point of view, we must optimise the contribution of renewable energy based electricity to the national supply on a basis that is fair to all parties, including consumers, and that it can be integrated safely and easily into the national network. The time which has been invested by my Department, SEI, CER, the network operators and developers within the REDG

will, I am confident, result in accelerated development of new plants in the short term.

### Mobile Telephony.

13. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources if he has issued instructions directly or through the regulator with a view to a reduction in mobile telephone costs here in line with other European countries; and if he will make a statement on the matter. [14507/05]

160. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has issued instructions directly or through the regulator with a view to a reduction in mobile telephone costs here in line with other European countries; and if he will make a statement on the matter. [14738/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 13 and 160 together.

I have no function in the setting of pricing for phone services. The regulation of telecommunications operators, including pricing for mobile services, is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations made under the EU regulatory framework for electronic communications.

As Minister for Communications, Marine and Natural Resources, I have responsibility for overall telecoms policy and my main goal in this policy is to create conditions for sustainable growth and competition that will benefit the economic and social development of Ireland and facilitate competitive services.

It is my belief that improving the market conditions to enhance competition is the best way to drive down mobile phone charges to the end user. The more competitive telecoms services that are on offer, the better in the long run for consumers, the sector and the economy.

In March 2004, my predecessor issued policy directions to ComReg, including a direction on competition. The direction on competition mandates ComReg to focus on competition as a key objective, with a particular focus on competition in the fixed and mobile markets, and to implement where necessary, remedies which counteract or remove barriers to entry and support entry by new players to the market and entry into new sectors by existing players and to have particular regard to the following also: market share of new entrants; ensuring that the applicable margin attributable to a product at the wholesale level is sufficient to promote and sustain competition; price level to the end user; and the potential of alternative technology delivery platforms to support competition. ComReg has, as one of its key objectives, under the Communications Regulation Act 2002, the promotion of competition in the exercise of its functions. Com-



petition in the fixed and mobile markets will drive down prices for consumers.

I have no information to say that Irish mobile charges are generally the highest in Europe. However, ComReg's quarterly key data for the Irish communications market for Q4 2004 indicate that the Irish mobile operators' average revenue per user is the second highest in Europe. Switzerland has the highest.

The Deputies will be aware that in February 2005, ComReg designated Vodafone and O<sub>2</sub> as having joint dominance in the wholesale mobile access and call origination market. Following on from this, in March of this year, ComReg placed an obligation on Vodafone and O<sub>2</sub>, requiring them to provide access to other companies on their networks.

Vodafone, O<sub>2</sub> and Meteor have notified me that they wish to appeal to an appeal panel ComReg's finding of joint dominance and the resulting obligations imposed by ComReg on Vodafone and O<sub>2</sub> to give other operators access to their networks. My officials are currently examining these notifications of appeal.

#### **Fisheries Protection.**

14. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources his policy with regard to the further licensing of mussel longline areas within Kilmakilloge harbour, County Kerry, in view of the grave concerns expressed recently by a group (details supplied); and if he will make a statement on the matter. [14377/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Department has received applications for the renewal of aquaculture licences granted in Kilmackilloge harbour for the cultivation of mussels on longlines. While the Department would wish to proceed with the consideration of these applications, it has certain concerns about the manner in which aquaculture is being conducted in the area, and compliance with licence requirements.

Specifically, it appears that certain operations are not being conducted entirely within the boundaries of the licensed areas. In addition, a number of the sites are poorly maintained and contain longlines that are out of alignment, thus creating unnecessary visual intrusion.

There are indications also that, in many instances, stocking density, in terms of longlines per hectare, has been excessive. This can lead to slow growth and affect the quality of the harvested product. It is proposed that officials of the Department will meet the Kilmackilloge operators shortly with a view to addressing these issues and concerns. The aim will be to determine a framework within which aquaculture can continue and progress in the area in an orderly and sustainable manner. It would be inappropriate, pending the resolution of these issues in relation

to the existing aquaculture operations, to consider further licensing of sites in Kilmackilloge.

#### **Energy Resources.**

15. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources if support for biofuels here is on a par with the encouragement available in other European countries; and if he will make a statement on the matter. [14509/05]

33. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources the extent to which his Department or other agencies under his aegis have had discussions with producers of biodiesel or other biofuels; the likely role for such alternative fuels in the future; and if he will make a statement on the matter. [14493/05]

47. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the number of bodies, agents or agencies with whom he or agencies under his aegis have had discussions with regard to the future production of biofuels; the outcome of such discussions; and if he will make a statement on the matter. [14518/05]

96. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the reason he restricted the excise duty exemption on bioethanol and biodiesel to 1 million litres each, in view of the fact that such fuels can be used in any vehicle once blended with conventional mineral oils and that the existing sugar beet industry here has the capacity to deliver 600,000 tonnes of sugar beet to produce such products; if he expects to achieve the targets set out in the 2003 biofuels directive that 5.75% of diesel and petrol sales in 2010 come from biofuels. [14554/05]

146. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which his Department or other agencies under his aegis have had discussions with producers of biodiesel or other biofuels; the likely role for such alternative fuels in the future; and if he will make a statement on the matter. [14724/05]

162. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if support for biofuels here is on a par with the encouragement available in other European countries; and if he will make a statement on the matter. [14740/05]

167. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of bodies, agents or agencies with whom he or agencies under his aegis have had discussions with regard to the future production of biofuels; the outcome of such discussions; and if he will make a statement on the matter. [14748/05]



**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 15, 33, 47, 96, 146, 162 and 167 together.

In March 2004, my Department secured an amendment to the Finance Act 1999 which provides for the introduction of a pilot scheme for excise tax relief for biofuels. The European Commission has now given State aid clearance for the scheme that was launched by my Department on 20 April. Interested parties have been invited to apply for excise relief through a competitive call for proposals process. Under the scheme, excise relief may be granted for pilot projects producing up to 6 million litres of pure plant oil, 1 million litres of biodiesel and 1 million litres of bioethanol.

When the Finance Act measure was originally negotiated with the Department of Finance in 2003, the level of interest expressed to the Department in developing biofuels, in particular bioethanol and biodiesel, was considerably lower than is currently the case. Since the Finance Act measure was first announced interest in biofuels has grown considerably but the Finance Act measure relates to pilot projects only.

The primary focus of interest expressed to date has been in the biodiesel and pure plant oil sectors. In respect of bioethanol, I understand that Irish Sugar plc intends to process Ireland's full sugar quota at its Mallow plant. Production of bioethanol from sugar is more expensive than production from wheat and would be a commercial decision for any potential developer.

Biodiesel, bioethanol and pure plant oil are addressed in the EU Biofuels Directive. This directive sets indicative targets for the market penetration of biofuels in member states. An interdepartmental group has been set up, chaired by my Department and comprising officials from Sustainable Energy Ireland, SEI, the Department of the Environment, Heritage and Local Government, the Department of Transport, the Department of Agriculture and Food and the Department of Finance. The group is considering policy options for the development of a biofuels sector in Ireland. As part of the group's work, a liquid biofuels strategy study was published by SEI in December 2004. This report provides comprehensive details on the potential for the development of a biofuels market in Ireland and options to stimulate the market.

In relation to other alternative fuels, Sustainable Energy Ireland was established under the Sustainable Energy Act 2002 to promote and assist in the sustainable production, supply and use of energy, in support of Government policy. A number of SEI research, development and demonstration programmes are currently in operation across all sectors of the economy addressing these strategic objectives.

My Department is responsible for the promotion and development of renewable energy, including biofuels and I am committed to the

development and promotion of a biofuels market in Ireland's transport fuel sector.

Sustainable Energy Ireland is also funding a number of biomass projects and studies through its renewable energy research development and demonstration programme. Under the programme, Sustainable Energy Ireland offers capital grant aid for biofuels market demonstration projects in the pure plant oil, biodiesel and bioethanol categories. Funding of €250,000 has already been awarded by SEI to one company which is demonstrating the feasibility of producing and selling vegetable oil locally as a transport fuel. It is intended that further grant aid will be available under the programme for biofuel demonstration projects.

It is anticipated that these initial measures will lead to market penetration of biofuels of 0.13% within two years. Further measures to increase market penetration over a longer timeframe are currently being considered.

The Biofuels Directive sets indicative targets for market penetration of 2% by end 2005 and 5.75% by end 2010. The targets in the directive are indicative and not mandatory and most member states, including Ireland, would not be in a position to meet the 2% target by end 2005. Ireland is starting from a very low current production base, and the 2% target therefore represents a considerable challenge.

Under the EU Biofuels Directive, member states were required to submit a report to the Commission in 2004, giving details of current market penetration of biofuels and projected targets for 2005. The reports by member states are now available on the Commission's website and indicate that market penetration of biofuels is also low in many other EU member states. Only six countries have identified current market penetration levels of 1% or higher, with a further 12 countries, including Ireland, identifying current market penetration levels ranging from 0% to 0.7%. Only 21 member states have reports posted on the Commission's website.

Member states have reported using a variety of mechanisms to stimulate biofuels market penetration ranging from introducing exemptions from excise duty on biofuels, special tax rates on biofuels, grant assistance and certificate obligation systems but most member states are still at a very early stage in developing biofuels policy.

#### **Electricity Generation.**

16. **Ms Lynch** asked the Minister for Communications, Marine and Natural Resources when he expects domestic customers to receive benefits from electricity market opening in view of the steady rise in domestic electricity prices and consequent higher bills; and if he will make a statement on the matter. [14387/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** As regards domestic electricity prices, the Deputy will be aware I have no function in relation to the pricing

of electricity as this falls within the remit of the Commission for Energy Regulation, CER, the independent regulator for electricity and gas. Turning to the kernel of the question, the Deputy will also be aware that liberalisation of the electricity market has proceeded on a phased basis since February 2000 under the regulatory oversight of the CER.

In accordance with the Electricity Regulation Act 1999 (Eligible Customer) (Consumption of Electricity) Order 2003 on 19 February last, the market opened fully to competition. From that date, all customers have been eligible to source their electricity from any licensed supplier and the entire market became contestable. Scope now exists for all customers, household and non-household alike, to seek out keener prices in the competitive market. This is over two years in advance of the July 2007 deadline set down in Electricity Directive 2003/54/EC.

The opening of the market has benefited customers by broadening customer choice. The latest information available to me from the CER indicates that to date 10,202 primarily non-domestic customers have switched supplier. Since full market opening the CER has ensured that the support systems and processes are in place to enable new entrant electricity suppliers to serve any customer in Ireland.

To date suppliers have focused on larger customers because this was the first segment of the market to open to competition, a pattern that is very common in other newly liberalising markets. Over time, as suppliers target the domestic market, I expect to see those benefits extended to the domestic customer.

As part of its oversight role in the opening of the market, the Commission for Energy Regulation plans to launch shortly, a new customer-focused website to help inform customers of their rights and entitlements and answer questions they may have about their electricity supplier.

### **Energy Resources.**

17. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources the latest information available to his Department regarding the proposed development of the Corrib gas field; and if he will make a statement on the matter. [14405/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The development of the Corrib gas field, which is situated some 70 km off the coast of County Mayo, is progressing steadily. The development has received the necessary statutory approvals, consents and licences for the development of the field and work on the project has commenced. The developers expect that first gas will flow in early 2007. A considerable amount of work will be undertaken in 2005 towards achieving this end. This will include, among other things, construction of the terminal, the installation of the

onshore pipeline and work on the offshore with regard to pipeline and the subsea.

My Department is at present considering two applications from the developers for consent to install and commission; phase 3; onshore pipeline and umbilical, originally submitted in June 2002 and phase 6 works: manifold installation and infield works. The requirement to seek the approval for consent to install the pipeline is an administrative condition attaching to the consent to construct the pipeline given by the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, on 15 April 2002.

In the context of considering phase 3 application, officials from my Department met Shell in March 2005 to discuss the application further. At that meeting, Shell advised that the company had appointed Shell Global Solutions to carry out a peer review on the quantified risk assessment, QRA, and associated reports-studies submitted to my Department by the then operator Enterprise Energy Ireland Limited in connection with their application. Shell agreed to submit these reports to my Department by April of this year. I can confirm that a QRA report, version E, has now been received in the Department, and that a suitably qualified consultant has been appointed by my Department to review and assess this document and report to me on all aspects and especially that of public safety. I intend to make these reports, the QRA version E and the report by my consultant on this document, available to the public.

### **Broadcasting Legislation.**

18. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources when he will publish his plans on the independent future of TG4; and if he will make a statement on the matter. [14395/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** TG4 is primarily an Irish language television station. It first broadcast on 31 October 1996 and operates as part of the RTÉ family of services. The Government is committed to supporting the development of Irish language broadcasting, and to the establishment of TG4 as a separate statutory body, as provided for in the Broadcasting Act 2001.

The Government has agreed that I would indicate my intention to appoint a date towards the end of 2005 or early 2006 as the establishment day for Teilifís na Gaeilge. The Government decision also provided for the establishment of a project management group to oversee the establishment of Teilifís na Gaeilge as an independent entity. The group will be chaired by my Department and will include officials from the Department of Finance and the Department of Community, Rural and Gaeltacht Affairs, along with RTÉ and TG4. My Department is in the process of appointing external advisers to assist with the

[Mr. N. Dempsey.]  
preparation of a detailed implementation plan for the separate establishment of TG4.

### Digital Hub.

19. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources the progress made with regard to the consultation process with a view to establishing a new research entity at the former MediaLab Europe premises in the digital hub; when he expects that the process will be completed; and if he will make a statement on the matter. [14396/05]

36. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources the full extent of expenditure to date in the context of the anchor tenants at the digital hub; if he will report on progress in the search for a replacement; and if he will make a statement on the matter. [14500/05]

133. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with the relevant bodies, groups or agencies regarding the possible installation of a new anchor tenant for the digital hub. [11645/05]

153. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the full extent of expenditure to date in the context of the anchor tenants at the digital hub; if he will report on progress in the search for a replacement; and if he will make a statement on the matter. [14731/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 19, 36, 133 and 153 together.

A consultation with regard to the development of a new digital research entity in the digital hub was recently undertaken on my behalf. The report found a high level of support for the proposal to continue public investment in the digital media sector in Ireland with the establishment of a new research entity at the former Media Lab Europe premises in the digital hub. That consultation proposed that the new entity would undertake research in the general area of digital media, but that there would be greater focus on sustainable research and a more directive approach to research in a new business model. It also recommended better links to Irish universities, effective management and improved corporate governance, in accordance with general guidelines for State bodies.

It is well appreciated and agreed that the new project will not be a replication of existing mainstream research centres, such as those currently funded by the Higher Education Authority or Science Foundation Ireland. A high quality, interdisciplinary project, involving both research and innovation, that, *inter alia*, supports the Hub and that is effectively linked with commercial and

business interests in the digital media sector in Ireland, is likely to emerge.

Proposals are now being sought by the Higher Education Authority on my behalf for the establishment and management of a national digital media research and innovation centre, the National Digital Research Centre, NDRC, to be located in the digital hub. The centre will complement existing Government initiatives focussed on digital media and technology enterprises and assist in the development and growth of the digital hub district. As well as having a clear educational research focus supported by a strong link with a third-level institution, this new centre will provide a focal point for the development of a wider research and innovation ecosystem relevant to and including the digital industry itself. The centre will have a strong industry input and affinity, married with an imperative for commercialisation, with a particular focus on Irish-based industry. There will be an emphasis on interdisciplinary research and innovation, and a focus on demonstrating solutions in an industry context.

Proposals are being invited from higher education institutions, public research institutes, private sector entities or consortia. The call for proposals will consist of a competitive two-phase structure, entailing a short-listing expressions of Interest stage followed by a comprehensive tendering process.

Digital media is at the cornerstone of the Government's information society agenda. The NDRC, together with existing activities and initiatives in the digital hub district, represents the type of value-added activity that I believe will contribute to Ireland's future at the forefront of the knowledge society. It is proposed to establish the new centre towards the end of the year.

### Energy Resources.

20. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources his views on the uncertainty in respect of the Arklow wind energy project; and if he will make a statement on the matter. [14527/05]

30. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the reported decision of a company (details supplied) to abandon plans to build one of the biggest offshore wind farms in Europe off the Arklow coast due to the lack of support for alternative energy; the implications for this decision for alternative energy policy; and if he will make a statement on the matter. [14398/05]

174. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his views on the uncertainty in respect of the Arklow wind energy project; and if he will make a statement on the matter. [14757/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 20, 30 and 174 together.



Offshore wind energy is a significantly more expensive means of electricity production than onshore wind. While it is appropriate to facilitate demonstration projects to a judicious extent offshore, the fact that there is substantial unexploited potential onshore suggests that the latter should be favoured. That said, there are technical impediments, notably in the area of grid availability and access thereto, which militate against major offshore projects.

I am generally aware that further development of the Arklow project is not intended at this time. It is reasonable to assume however, that the existing turbines will continue in operation. I have no reason to believe that the situation in regard to Arklow will jeopardise the achievement of the 2010 target for renewable energy. In reply to other questions I have said that we can finalise the new support mechanisms for alternative energy and it is therefore not correct to refer to a lack of support.

*Question No. 21 answered with Question No. 12.*

#### **Postal Services.**

22. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources if he will consider replicating the model followed by the UK postal authorities including the recognition of a social obligation; and if he will make a statement on the matter. [14496/05]

150. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he will consider replicating the model followed by the UK postal authorities including the recognition of a social obligation; and if he will make a statement on the matter. [14728/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 22 and 150 together.

The Government and An Post share the objective of maintaining a nationwide post office network through a strategy of maximising the volume of viable business handled by the network. There is clear Government recognition of the social benefits of maintaining the nationwide post office network and An Post development strategies for the network continue to take full account of these social benefits.

It is my understanding that additional funding for the post office network in the UK has come from two sources. The UK Government has directly funded a programme to restructure the urban network by providing grant aid for postmasters who wish to exit the post office business and investment funds for remaining operators who wish to upgrade individual post offices. In addition, historical Royal Mail surpluses, which were not transferred to Government but were invested in Government gilts have been used to subsidise the rural network. The gilt resource is finite and, therefore, this source of funding is

transitional in nature and has not prevented closure of post offices.

The Irish Government has already provided funding by way of a €12.7 million equity investment in 2003 to support the modernisation of the post office network and it is not envisaged that further public funding will be provided to An Post. The best way to sustain the post office network is to gear the network to provide a range of products and services that meet consumer needs. Accordingly, the fundamental requirement for An Post is not for State aid but rather for the company to address strategic issues relating to the post office network. The challenge for the company is to develop a comprehensive strategy that satisfies the needs of existing customers while attracting new customers into the post office.

In this regard the company has had some success in winning new banking and bill paying contracts, and these services are now available at the post office counter. The network also benefits from substantial existing contracts with the Department of Social and Family Affairs for social welfare payments, and the National Treasury Management Agency for a range of Government savings products. I accept that to ensure that our post offices remain attractive to customers, any future strategy must satisfactorily address electronic technology issues in a comprehensive fashion. In the interim, An Post is implementing a pilot project to computerise ten manual post offices.

#### **Energy Resources.**

23. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources his policies in regard to energy conservation and efficiency with a view to achieving Kyoto targets; and if he will make a statement on the matter. [14515/05]

75. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources the way in which he proposes to meet the guidelines set down in the Kyoto protocols with particular reference to reduction in emissions through conversion or use of alternative energy; and if he will make a statement on the matter. [14499/05]

152. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the way in which he proposes to meet the guidelines set down in the Kyoto protocols with particular reference to reduction in emissions through conversion or use of alternative energy; and if he will make a statement on the matter. [14730/05]

164. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his policies in regard to energy conservation and efficiency with a view to achieving Kyoto targets; and if he will make a statement on the matter. [14745/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose



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to take Questions Nos. 23, 75, 152 and 164 together.

Government policy on the sustainable use of energy is directed through Sustainable Energy Ireland, SEI, which was established under the Sustainable Energy Act in 2002 as an independent non-commercial State body. SEI and its programmes are funded under the current national development plan and the economic and social Infrastructure operational programme to end 2006.

SEI is responsible for focusing on the deployment of energy efficiency and conservation measures across all sectors of the economy. Its programmes include an extensive consumer information programme, a warmer homes scheme to address fuel poverty in low-income households, an industry programme to encourage better energy management and energy efficiency in the industrial sector, a public sector programme designed to produce model energy efficient buildings in the public sector and the house of tomorrow programme which provides grant aid for the building of groups of energy efficient homes.

Throughout the 1990s in Ireland, economic growth has been particularly strong, especially from 1993 onwards. This resulted in GDP in 2000 being almost double that of 1990. Analysis of statistics shows a relative decoupling of Ireland's total primary energy requirement, TPER, from economic growth, particularly since 1992. The most dramatic change in the period occurred in 2002, where GDP increased by 6.9% on the previous year, and primary energy increased only very slightly, 0.1%. In addition, energy-related carbon dioxide, CO<sub>2</sub>, emissions fell by 1.4%, showing the most notable decoupling in both energy and CO<sub>2</sub> emissions from economic growth. This trend continued in 2003 with 3.7% increase in GDP and energy consumption remaining essentially constant and energy related CO<sub>2</sub> emissions decreasing again by 2.1%. These successes are due to changes in the structure of the economy and to improvements in energy efficiency.

The development of alternative energy in Ireland has, to date, been supported under the alternative energy requirement, AER, programme. This programme is administered by my Department and was introduced to support an increased contribution from renewable energy technologies in electricity production in Ireland. In May 2004 a renewable energy development group was established to advise on future options on policies, targets, programmes and support measures to develop the increased use of renewable energy in the electricity market to 2010 and beyond. I have received updates on the work of the group and on 7 April last I was able to announce the outline of a future support mechanism. This revised system will move away from competitive tendering to a fixed price proposal. In addition, the support that was previously tied to contracts with the ESB will now be accepted

from any licensed supplier. I also indicated that wind powered technology will remain the dominant technology in delivering this target.

The final report of the group, which will be published after the new support mechanism is finalised, will form the basis of my future policy decisions on the increased penetration of renewable energy technologies in the electricity market and will seek to ensure that developers can make a reasonable rate of return on renewable energy projects while ensuring that the interests of national competitiveness and the ultimate burden of cost to the final consumer are all fully taken into consideration.

In parallel to the work of the renewable energy development group, a number of other strategy and policy groups have examined alternative and sustainable energy sources. A bioenergy strategy group, BSG, considered the policy options and support mechanisms available to Government to stimulate increased use of biomass for energy conversion while a combined heat and power, CHP, policy group considered the most suitable and appropriate environments in which CHP can usefully be implemented in Ireland, so as to maximise energy efficiency. The work of both of these groups has inputted into the renewable energy development group.

My colleague, the Minister for the Environment, Heritage and Local Government, has lead responsibility for Government policy on meeting Ireland's target under the Kyoto Protocol. I understand that work on a review of the national climate change strategy, taking account of developments since its publication at the end of 2000, is currently in progress in his Department and will be completed in the coming months.

#### **Telecommunications Services.**

24. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources his views on the recommendation from ComReg that Eircom be split in two in order to improve competition in the telecommunications market; and if he will make a statement on the matter.  
[14402/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Commission for Communications Regulation, ComReg, recently published a consultation document entitled Forward-Looking Strategic Review of the Irish Telecoms Sector. The consultation document is presented in two parts, the first looks at establishing a regulatory strategy for the telecommunications sector from 2005 to 2010 and the second part focuses on key emerging trends. It sets out a number of possible scenarios for the Irish telecoms sector, one of which includes the vertical separation of Eircom in the interest of competition.

ComReg is independent in the exercise of its functions and it would not be appropriate for me to comment in detail on this matter. However, I note that in general, ComReg is optimistic about

the Irish telecoms sector. It cites high GDP per capita, low unemployment, an educated workforce and a relatively young population as key positive factors for growth in the sector.

*Question No. 25 answered with Question No. 12.*

26. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the pilot digital television project for the Dublin region and on his plans for the timing of the analogue television switch-off; and if his Department plans to become active in publicising the end of the analogue service and the arrival of the digital network. [14393/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Digital television is already available in Ireland. Both cable-MMDS operators and satellite operators provide subscription digital television services. Free to air analogue television services are provided on a terrestrial basis. Over time it is expected that analogue terrestrial services will migrate to digital terrestrial services in most countries. This migration is already happening on a significant scale in a number of European countries.

I have proposed that a digital terrestrial television pilot programme be developed in Ireland. The purpose of the pilot is to bring further momentum to the transition to digital terrestrial broadcasting and to test and trial various aspects of the service. I have asked my Department to set out how the pilot may be implemented, and to prepare appropriate processes to develop the pilot. I expect that the pilot will be developed this year and that it will become operational in 2006.

Free to air analogue terrestrial transmissions will continue for a period after the national roll-out of digital terrestrial television has begun. At a certain point analogue transmissions will be turned off and the full switch-over will then be complete. While the pilot is underway, I intend to hold comprehensive discussions with all relevant stakeholders around the timing of analogue switch-off. When decisions have been taken about the nature and timing of analogue switch-off, it will be necessary to ensure that Irish viewers are fully informed of all the issues arising, such as issues around reception equipment replacement. All stakeholders will have a role in informing viewers of the likely changes.

*Question No. 27 answered with Question No. 6.*

#### **Harbours and Piers.**

28. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources further to a meeting in Ballycotton with a delegation, the plans he has to support the development of the harbour in Ballycotton, County Cork;

the timescale involved for the beginning and completion of this project; the resources of funding which will be made available for the development; the overall budget available for his Department for fishery harbour development in 2005; and if he will make a statement on the matter. [14478/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The harbour at Ballycotton is owned by Cork County Council and responsibility for its maintenance and development is a matter for the local authority in the first instance. In 2001, the council submitted a report prepared by consulting engineers on the estimated cost of the Ballycotton harbour development plan. The proposed development was estimated to cost a total of €6 million.

Cork County Council applied for funding in 2002 under the marine tourism grant scheme of the national development plan for a development including a marina at Ballycotton, County Cork. However, as the applicants had not obtained the necessary statutory permissions, their application could not be considered further. The applicants were informed of this and that they could apply for funding under a future call.

No funding was available for the grant scheme in 2003 or 2004. The findings of the mid-term review of the regional operational programmes recommended reallocation of funds to other priorities. The Ballycotton harbour development association recently submitted a summary of an updated proposed development for Ballycotton harbour to the Department. The proposed development consists of ten phases over a year and a half and is estimated to cost a total of €3.07 million. The allocation for the fishery harbours development programme is €20.55 million for 2005 and a programme for the funding of small harbours within the overall programme is under consideration at present. The fishery harbour programme involves co-funding by the local authorities and the updated proposal for development at Ballycotton would have to be submitted by the local authority. In this case Cork County Council would be required to submit their updated proposal to the Department and be prepared to contribute 25% funding to the project.

#### **Fishing Industry Development.**

29. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources if his Department will make a national submission to the EU consultation on the future maritime policy of the Union recently announced by President Barroso; his views on the fisheries policy in the United Kingdom, a number of whose political parties are planning to re-examine Britain's membership of the Common Fisheries Policy; his further views on any possible impact of this debate on the future of Ireland's fisheries; and if he will make a statement on the matter. [14382/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The European Commission announced on 2 March 2005 its decision to launch a consultation process on a future maritime policy for the EU. A task force, chaired by Commissioner Borg, is to be established to prepare a consultation paper on developing an integrated strategy for Europe's seas. The publication of this document is not scheduled until the first half of 2006.

It is expected that the paper will cover a wide range of issues that are under the remit of my Department and other Departments and agencies, including transport, shipbuilding, tourism, fishing, water quality, oil and gas extraction to the conservation of species and the protection of the marine environment. When the consultation paper is available, my Department will examine the publication with other relevant bodies and contribute to the development of future policy on the areas under its remit. With regard to my views on the fisheries debate in the general election in the United Kingdom, I consider that it would be inappropriate for me to make a statement on this matter in the context of the upcoming general election. I do not, however, consider that this debate will impact on the future of Ireland's fisheries. It is a matter for ourselves, within the framework of the EU Common Fisheries Policy, to deliver a sustainable future for our fishermen and coastal communities dependent on fishing.

*Question No. 30 answered with Question No. 20.*

#### Postal Services.

31. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that the EU Commission might look on a proposal to assist in the reorganisation and financing of An Post; and if he will make a statement on the matter. [14497/05]

149. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that the EU Commission might look on a proposal to assist in the reorganisation and financing of An Post; and if he will make a statement on the matter. [14727/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 31 and 149 together.

I am aware that services of general economic interest, such as postal services, can benefit from certain financial measures only to the extent that such measures are necessary to fulfil public service obligations. This is the basis on which the Commission approved the €12.7 million equity injection to An Post in 2002, to fund a modernisation programme. There are no proposals to pay further State aid to the Company.

The Government and An Post are committed to the maintenance of a nationwide post office network and to the universal mail delivery service, which requires that mail be delivered at a uniform tariff to every address in the State. To ensure that these commitments continue to be honoured, the fundamental requirement is not for state aid but rather for An Post to address certain structural and strategic issues relating to the mail service and the post office network respectively.

In regard to mail delivery and collection, exhaustive negotiations are ongoing between unions and management, with the assistance of the state's industrial relations machinery to conclude a recovery plan that all agree is necessary. I have urged both sides to work to bring the negotiations to a successful conclusion.

Turning to the nationwide post office network, the challenge for the company is to develop a comprehensive strategy that satisfies the needs of existing customers while attracting new customers into the post office. An Post has already had some success in winning new business and continues to benefit from a considerable amount of Government business, especially in the areas of social welfare payments and savings products. To ensure that our post offices remain attractive to customers, future strategy must satisfactorily address electronic technology issues in a comprehensive fashion. In the interim, a pilot project will see ten small post offices computerised.

32. **Mr. G. Murphy** asked the Minister for Communications, Marine and Natural Resources if he has come to conclusions in regard to the likely future role for An Post; and if he will make a statement on the matter. [14495/05]

39. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the extent to which assessment has been carried out with a view to the determination of suitable and compatible services that might be available to An Post and the post offices; and if he will make a statement on the matter. [14486/05]

98. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources if he has had any recent discussions with An Post management or unions with particular reference to the role he envisages for the postal service and post offices in the future; and if he will make a statement on the matter. [14484/05]

138. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had any recent discussions with An Post management or unions with particular reference to the role he envisages for the postal service and post offices in the future; and if he will make a statement on the matter. [14715/05]

140. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which assessment has been carried out with a view to the determination of suitable and compatible services that might be available



to An Post and the post offices; and if he will make a statement on the matter. [14717/05]

148. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has come to conclusions in regard to the likely future role for An Post; and if he will make a statement on the matter. [14726/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 32, 39, 98, 138, 140 and 148 together.

There will continue to be a key national role for An Post, both in delivery of mails and as a quality service provider through its nationwide network of post office outlets. The market for traditional postal and post office services is changing globally and meeting customer needs has become more important than ever. In order to remain competitive, An Post needs to make the best possible use of its long established and trusted brand name and deploy its resources in a manner which continues to serve existing customers' needs and attracts additional customers for a range of new services.

There is agreement that change is required if the postal services of An Post are to adapt to the modern business environment and to continue to offer a top class nationwide delivery service to the customer into the future. To progress the change agenda, an exhaustive process of negotiation between An Post management and An Post trades unions, with the assistance of the state's industrial relations machinery, has been ongoing for some time. To keep up the momentum of the process and in an effort to resolve all remaining difficulties on collection and delivery arrangements, the outstanding issues are currently being dealt with in the Labour Court with a view to agreeing a way forward that will see the company placed on a secure financial footing.

With regard to the future of the post office network, this Government and the board of An Post are committed to the objective of securing a viable and sustainable nationwide post office network as set out in the programme for Government. I have met the Irish Postmasters' Union and I have listened to its views with interest. I have also emphasised to An Post management the importance of developing a long-term strategy for the network.

The challenge for the company is to develop a strategy that satisfies the needs of existing customers, while attracting new customers into the post office. An Post has already had some success in winning new business and continues to benefit from a considerable amount of Government business, especially in the areas of social welfare payments and savings products. To ensure that our post offices remain attractive to customers, future strategy must satisfactorily address electronic technology issues in a comprehensive fashion. In the interim, a pilot project will see ten small post offices computerised.

*Question No. 33 answered with Question No. 15*

*Question No. 34 answered with Question No. 6.*

### **Fishing Industry Development.**

35. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources his views on the current economic downturn in the Killybegs fishing industry and its serious impact on the whole south-west Donegal region, and on the major problems which were recently brought to the attention of the Oireachtas Joint Committee on Communication, the Marine and Natural Resources during its recent visit to Ireland's premier fishing port; and if he will make a statement on the matter. [14380/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** With regard to the problems brought to the attention of the Oireachtas Joint Committee on Communications, Marine and Natural Resources during its recent visit to Ireland's premier fishing port, I have not been formally advised of these by the committee. I am, of course, fully aware of the prevailing concerns of the industry in the area.

For many years, County Donegal, and in particular the Killybegs area, has been to the forefront of the Irish fishing industry, and has been a vital source of permanent and seasonal employment opportunities in coastal communities, as well as boosting the local economy through ancillary industries. As the Deputy will be aware, the fishing industry in Europe and elsewhere is generally experiencing some difficulties at the present time in relation to a number of fish stocks. The primary challenge facing the fishing industry at the present time concerns the need for effective conservation measures to provide for the sustainable exploitation of these stocks into the future.

The industry in Donegal is, of course, significantly based on pelagic stocks. While the Irish quota for mackerel has been reduced for 2005, I secured a very substantial increase in the quota for blue whiting on top of the increase achieved for 2004. I have asked BIM to work closely with industry to develop a significant human consumption market for vessels landing blue whiting into Irish ports in order to maximise the benefits of this fishery. I am pleased that during the spring fishery a considerable volume of blue whiting has been processed for the human consumption market.

EU measures to strengthen control in pelagic fisheries introduced in 2004 as a consequence of concerns about illegal landings right across Europe remain in place. The effective implementation of these measures is critical to ensure the medium to long-term sustainability of fish stocks and to maximise the market prices for vessel owners respecting quota allocations. In this regard I have pursued some technical changes to



[Mr. N. Dempsey.]  
the current control regime that take account of the particular situation of the Irish industry which I expect will be brought forward by the Commission in the near future. Quotas for demersal species in area VI, northwest coast, have been declining over more than a decade. A long-term cod recovery plan was introduced in 2004 to promote recovery of the cod stock in this area. I believe that the recovery plan allied to the industry led initiative involving the closure of codling fishing grounds off the Greencastle coast in County Donegal, which were introduced in 2003, will help rebuild this stock and will also contribute to the recovery of the whitefish stocks under pressure in this area. Notwithstanding recent difficulties in the south-west Donegal region, I am therefore confident Killybegs will maintain its pre-eminent position as Ireland's premier fishing port in the future and remain an economic lynchpin of the area.

*Question No. 36 answered with Question No. 19.*

#### **Mobile Telephony.**

37. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources if he has issued directions to the regulator regarding the number of likely participants in the provision of mobile phone services in the future; and if he will make a statement on the matter. [14506/05]

159. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has issued directions to the regulator regarding the number of likely participants in the provision of mobile phone services in the future; and if he will make a statement on the matter. [14737/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 37 and 159 together.

I have no function in setting the number of likely participants in the provision of mobile phone services in the future. The regulation of telecommunications operators is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations made under the EU regulatory framework for electronic communications.

As Minister for Communications, Marine and Natural Resources, I have responsibility for overall telecoms policy and my main goal in this policy is to create conditions for sustainable growth and competition that will benefit the economic and social development of Ireland and facilitate the provision of competitive services.

#### **Fishing Fleet Development.**

38. **Mr. Stanton** asked the Minister for

Communications, Marine and Natural Resources when the review of the Irish whitefish fleet and available fishing opportunities in the whitefish sector will commence; when this review will be completed; the way in which he will involve the whitefish fishing industry when his Department considers policy changes and options for change to deliver a long-term sustainable and economically viable future for the whitefish sector here; and if he will make a statement on the matter.

[14543/05]

#### **Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):**

As part of the Government's commitment to set out a long-term strategy for the sustainable development of the fishing industry, as set down in the programme for Government, I recently announced that a review of fleet structure and available fishing opportunities in the whitefish sector would take place. The first part of this review will involve an independent economic assessment of the whitefish fleet to bring forward options for change in current arrangements and practices that will deliver a long-term sustainable and viable future for the sector. This will be carried out with the full involvement of the industry. The second part will involve the introduction of policy changes and management arrangements.

I will shortly invite applicants to tender for this economic assessment and I anticipate that the study will commence immediately upon the selection of the successful applicant and be completed in autumn 2005. I intend to examine the findings of the economic assessment, once submitted to me, in full consultation with all relevant stakeholders. I will then be in a position to consider what policy changes and options are needed to deliver a long-term sustainable and economically viable future for the whitefish sector.

*Question No. 39 answered with Question No. 32.*

#### **Electricity Generation.**

40. **Mr. Hayes** asked the Minister for Communications, Marine and Natural Resources the position in regard to the provision of further electricity interconnectors; the timetable for same; and if he will make a statement on the matter. [14522/05]

170. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to the provision of further electricity interconnectors; the timetable for same; and if he will make a statement on the matter. [14752/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 40 and 170 together.

At a bilateral meeting in November 2004, Mr. Barry Gardiner, MP, the Northern Ireland Minister for Enterprise, Trade and Investment, and I

endorsed plans put forward by the Commission for Energy Regulation, CER, and the Northern Ireland Authority for Energy Regulation for the construction of a second North-South electricity interconnector. The proposed interconnector will provide increased system security and reliability. It will be a positive step toward further developing competition and will facilitate the development of a fully functioning single electricity market. The two regulators and two transmission system operators, North and South, are currently discussing details of route options, ownership structures and other technical issues.

The ESB national grid and Northern Ireland Electricity will progress the additional interconnector to the point where planning permission for all the necessary line and station works is obtained. The next steps are to agree a detailed route and site selection, conduct an environmental impact assessment and prepare the planning permission application. When these steps are completed total costs for the project will be available, which will be subject to final approval by the Commission. This will inform policy decisions as to how best to progress the project to finality.

With regard to the east-west interconnector, the CER has appointed a consortium led by KPMG's corporate finance division to advise on the financial, technical, commercial and procurement aspects relating to new electricity interconnection between Ireland and Wales. Phase one of the project, to be completed before the summer, will look at procurement options, routing, capacity, ownership and operational parameters.

A decision on taking the project forward, whether on a regulated, merchant or a hybrid basis, will be taken at the end of phase one when a recommendation will be presented to me by the CER. East-west interconnection remains a fundamental part of the electricity strategy for Ireland and this project will provide increased security of supply, competition and integration of the Irish electricity market into the wider European energy market.

### Decentralisation Programme.

41. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the proposed extent and timetable for the decentralisation of his Department under the Government's decentralisation programme; the number of his officials who have to date indicated an interest in relocating to offices outside Dublin; and the number of officials at each grade level in this regard. [14550/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government's decentralisation programme includes the relocation of the Department's headquarters, involving 378 posts, to Cavan; the sea-food and coastal zone functions, 91 posts, to Clonakilty and the maritime safety directorate and the Irish Coast Guard, 47 posts, to Drogheda.

The decentralisation implementation group, DIG, in its report of November 2004, set out a timetable of late 2006 for facilities in Drogheda and early 2007 for completion of facilities in Clonakilty. The Department is working towards delivering on this schedule with the Department of Finance generally and with OPW on the property front. We are also progressing the relocation to Cavan on these fronts while awaiting a timetable for this location from the DIG. In addition, the Department is advancing preparations for staff transfers both internally and with other Departments.

The latest data from the central applications facility, CAF, supplied by the Public Appointments Service shows that 204 members of the Department's staff have expressed an interest in decentralising out of Dublin, of whom 59 have expressed an interest in decentralising with the Department. A breakdown by general service grades is in the table. This breakdown also indicates the level of interest from professional and technical grades.

Staff In DCMNR Expressing an Interest in Decentralisation.  
Latest Information from CAF — 7 September 2004

Grade	DCMNR Staff	Total
Principal	3	5
Assistant Principal	8	22
Higher Executive Officer	2	31
Administrative Officer	1	6
Executive Officer	8	33
Staff Officer	10	2
Clerical Officer	1	53
Clerk 1	0	1
Service attendant	0	1
Senior IT Specialist	0	1
Clerical Officer	0	1
Professional/Technical Total	26	48
Totals	59	204

### Natural Gas Grid.

42. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources his views on the rules and procedures for full market opening of the gas market; the date by which he expects this to be achieved; and if he will make a statement on the matter. [14385/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** EU Directive 2003/55/EC of the European Parliament and of the Council concerning common rules for the internal market in natural gas provides for the opening of the gas market on a phased basis. The directive required market opening for all non-household customers from 1 July 2004 and this was achieved on target. The prescribed date for the opening of the market for household customers is 1 July 2007 but I intend

[Mr. N. Dempsey.]  
to provide for this during 2005 in conjunction with other market reforms.

43. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources when he expects to receive the results of the review he has commissioned of safety issues arising from the plans by a company (details supplied) for the Corrib gas pipeline in north Mayo; and if he will make a statement on the matter. [14406/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 195 of 9 March 2004, which clearly sets out the basis for my review of the quantified risk assessment, QRA, report and any associated reports or studies. I can confirm that a QRA report, version F, has been received in the Department.

A suitably qualified consultant has been appointed by my Department to review and assess these documents and report to me on all aspects and especially that of public safety. I intend to publish these reports immediately when available.

#### Postal Services.

44. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources if An Post has applied to the regulator for a 25% increase in the price of a postage stamp; his views on the application; and if he will make a statement on the matter. [14401/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I understand that An Post applied for a price increase to the Commission for Communications Regulation, ComReg, in May 2004. Under the European Communities postal services regulations 2002, ComReg is the designated independent body responsible for pricing policy in the postal sector with regard to the universal service segment of the postal market. I have no function in any consideration of this matter nor on the timing of any decision by ComReg.

45. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the plans he has to establish An Post on a sound financial and business footing with particular reference to the ongoing need for a modern, efficient and effective post and packaging service in keeping with modern technological advances; and if he will make a statement on the matter. [14536/05]

179. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the plans he has to establish An Post on a sound financial and business footing with particular reference to the ongoing need for a modern, efficient and effective post and packaging service in keeping with modern technological advances; and if he will make a statement on the matter. [14765/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 45 and 179 together.

The Government and An Post are committed to the maintenance of a nationwide post office service and to the universal mail delivery service, which requires that mail be delivered at a uniform tariff to every address in the State. To ensure that these commitments continue to be honoured, it is necessary for An Post to address certain structural and strategic issues in respect of the mail service and the post office network respectively.

In regard to the mail delivery and collection, exhaustive negotiations are ongoing between unions and management, with the assistance of the State's industrial relations machinery, to agree a recovery plan that all agree is necessary. A viable plan will ensure that An Post can operate a profitable, efficient and quality mail delivery service. I have urged both management and unions to work constructively to bring this process to a successful conclusion.

Turning to the nationwide post office network, the challenge for the company is to develop a comprehensive strategy that, on the one hand, satisfies the needs of existing customers and, on the other hand, attracts new customers into the post office. An Post has already had some success in winning new business for banking and bill paying services and any new strategy must build on this success with a view to increasing footfall through the post office network.

An Post continues to benefit from a considerable amount of Government business, especially in the areas of social welfare payments and the attractive range of savings products for the National Treasury Management Agency. I am, however, conscious that further investment in electronic services is required to keep our post offices attractive to customers and, therefore, competitive. An Post is already undertaking a pilot project to computerise selected manual post offices and future strategy must satisfactorily address long-term electronic technology issues in a comprehensive fashion.

#### Pension Provisions.

46. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources if an examination has been undertaken in regard to pension and salary awards or increases due to the An Post workforce having particular regard to the commitments entered into in the 1983 Act which purported to protect the then civil servants who transferred to the new company; the way in which this commitment has been set aside; and if he will make a statement on the matter. [14533/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Save in respect of discrete pension related appeals, where the final decision rests with the Minister for Finance, I have no function in pension and salary awards and increases.

*Question No. 47 answered with Question No. 15.*



*Question No. 48 answered with Question No. 9.*

### **Broadcasting Legislation.**

49. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources his proposals in regard to the early introduction of promised legislation on broadcasting; his preferred options in this regard; and if he will make a statement on the matter. [14525/05]

93. **Mr. Hayes** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with the various service providers in the broadcasting area in the context of future legislative proposals; and if he will make a statement on the matter. [14523/05]

171. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with the various service providers in the broadcasting area in the context of future legislative proposals; and if he will make a statement on the matter. [14753/05]

172. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his proposals in regard to the early introduction of promised legislation on broadcasting; his preferred options in this regard; and if he will make a statement on the matter. [14755/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 49, 93, 171 and 172 together.

Work is continuing on the development of legislative proposals that will form the basis of a new Broadcasting Bill. I expect I will be in a position to bring proposals to Government in the third quarter of this year, with publication of the Bill by end 2005.

The principal objectives of the legislative proposals are as follows: the establishment of a single content regulator for both private and public service broadcasters as recommended by the forum on broadcasting; the establishment of RTÉ as a commercial company under the Companies Acts 1963 to 2003; the provision of a statutory mechanism for future adjustments to the level of the television licence fee; the development of the right of reply mechanism, allowing persons whose reputation and good name have been damaged by an assertion of incorrect facts in a television or radio programme to gain redress.

Discussions with broadcasters and other interested parties on broadcasting policy matters occur on a regular basis. The views and concerns expressed in such discussions are considered in the context of the development of legislative proposals.

### **Alternative Energy Projects.**

50. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if, in view of rapidly escalating energy costs and uncertainty in regard to supply, he proposes to take special initiatives to encourage the production of wind generated electricity, biodiesel or

other alternative energy sources; if he has issued policy directives in regard to the optimum role for such producers in the future; and if he will make a statement on the matter. [14483/05]

100. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources the role he plans for alternative energy in the context of overall energy requirements in the future; and if he will make a statement on the matter. [14489/05]

137. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if, in view of rapidly escalating energy costs and uncertainty in regard to supply, he proposes to take special initiatives to encourage the production of wind generated electricity, biodiesel or other alternative energy sources; if he has issued policy directives in regard to the optimum role for such producers in the future; and if he will make a statement on the matter. [14714/05]

142. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the role he plans for alternative energy in the context of overall energy requirements in the future; and if he will make a statement on the matter. [14720/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 50, 100, 137 and 142 together.

My policy on electricity generated from renewable sources, of which wind is the dominant technology, in the first instance is to increase consumption from these sources to 13.2% of total consumption by 2010 as required by Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market. To ensure that this target is met, a renewable energy development group was established in May last. I have received updates on the work of the group and, on 7 April last, I was able to announce the outline of a future support mechanism.

This revised system will move away from competitive tendering to a fixed price proposal. In addition, the support which was previously tied to contracts with the ESB will now be accepted from any licensed supplier. I also indicated that wind powered technology will remain the dominant technology in delivering this target. The final report of the group, which will be published after the new support mechanism is finalised, will form the basis of my future policy decisions on the increased penetration of renewable energy technologies in the electricity market and will seek to ensure that developers can make a reasonable rate of return on renewable energy projects while ensuring that the interests of national competitiveness and the ultimate burden of cost to the final consumer are all fully taken into consideration.

In March 2004, my Department secured an amendment to the Finance Act 1999, which provides for the introduction of a pilot scheme for



[Mr. N. Dempsey.]  
excise tax relief for biofuels. The European Commission has now given state aid clearance for the scheme, which was publicised on 20 April. Interested parties have been invited to apply for excise relief through a competitive call for proposals process. Under the scheme, excise relief may be granted for pilot projects producing up to 6 million litres of pure plant oil, 1 million litres of biodiesel and 1 million litres of bioethanol.

An interdepartmental group has been set up, chaired by my Department, to consider policy options for the development of a biofuels sector. As part of the group's work, a liquid biofuels strategy study was published by Sustainable Energy Ireland, SEI, in December 2004. This report provides comprehensive details on the potential for the development of a biofuels market in Ireland and options to stimulate the market.

SEI is also funding a number of biomass projects and studies through its renewable energy research development and demonstration programme. Under the programme, capital grant aid is offered for biofuels market demonstration projects in the pure plant oil, biodiesel and bioethanol categories. Funding of €250,000 has already been awarded to one company which is demonstrating the feasibility of producing and selling vegetable oil locally as a transport fuel. It is intended that further grant aid will be available under the programme for biofuel demonstration projects. It is anticipated that these initial measures will lead to market penetration of biofuels of 0.13% within two years. Further measures to increase market penetration over a longer timeframe are currently being considered.

#### **Fishing Industry Development.**

51. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the timeframe and budget for the first phase of the new grant aid scheme to remove excess capacity from the whitefish fleet; and the extent of capacity reductions it is hoped to achieve. [14555/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Details of this scheme, which forms part of the overall strategy for the sustainable development of the fishing industry as provided for in the National Development Plan 2000-2006, will be announced shortly and applications for participation will be sought over the coming weeks. It is intended that the first phase of the scheme will involve the removal of vessels from the fleet in 2005 and the early part of 2006. It is planned that the scheme will operate on the basis of a competitive tendering process and, accordingly, it is not possible to advise on the level of overall capacity reductions that may be achieved.

The budget for the decommissioning scheme under the National Development Plan 2000-2006 is €8.8 million, of which about 50% will be spent on the first phase of the scheme and the balance will be spent on the second phase, which is

planned for delivery during 2006 and 2007. The terms of the second phase of the scheme may be adjusted to take account of the findings of the review of the whitefish sector, which also forms part of the overall strategy for the whitefish sector which I announced last week.

#### **Telecommunications Services.**

52. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources the number of bodies or agencies with whom his Department, consultants, advisers or public relation specialists have had discussions in regard to the provision of broadband services throughout the country; the nature or outcome of such discussions; and if he will make a statement on the matter. [14537/05]

69. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the number of bodies, agents or agencies with whom he or agencies under his aegis have had discussions regarding the future provision of telecommunication services, such as broadband; the outcome of such discussions; and if he will make a statement on the matter. [14517/05]

95. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has received representations from business and educational interests requesting urgent provision of broadband services; his plans to accede to these requests; and if he will make a statement on the matter. [14541/05]

166. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of bodies, agents or agencies with whom he or agencies under his aegis have had discussions regarding the future provision of telecommunication services, such as broadband; the outcome of such discussions; and if he will make a statement on the matter. [14747/05]

180. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of bodies or agencies with whom his Department, consultants, advisers or public relations specialists have had discussions in regard to the provision of broadband services throughout the country; the nature or outcome of such discussions; and if he will make a statement on the matter. [14766/05]

184. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has received representations from business and educational interests requesting urgent provision of broadband services; his plans to accede to these requests; and if he will make a statement on the matter. [14770/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 52, 69, 95, 166, 180 and 184 together.

The provision of broadband facilities is a matter in the first instance for the private sector

telecommunications companies operating in a fully liberalised market. A number of factors determine where and when broadband services are offered in any area, including the potential number of customers, the level of investment required and so forth. My Department's regional broadband programme is addressing the infrastructure deficit, in co-operation with the local and regional authorities. The programme is building high speed open access broadband networks in almost 120 cities and towns that will be used by the private sector companies to offer services at competitive prices.

My Department is in close contact with the local and regional authorities, in association with whom the regional broadband programme is rolling out metropolitan area networks in 120 towns and cities. An indicative €200 million is being made available from Government and ERDF funds under the national development plan for the development of suitable broadband infrastructure that will enable the provision of services in all areas by the private sector. Close and continuous contact is also maintained with the telecommunications sector, through the Telecommunications and Internet Federation, the Alternative Licensed Telecoms Operators, ALTO, and with individual service providers, regarding broadband developments. My Department and I also work closely with regional development agencies, relevant Government Departments, chambers of commerce and other sectoral interests.

#### Port Development.

53. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources his views on the call from the Irish Exporters Association for him to approve Dublin Port's expansion plans to avoid a capacity crisis at the port; and if he will make a statement on the matter. [14404/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Government's ports policy statement, which I launched in January 2005, addressed, among other things, the issue of future sea port capacity requirements. When launching the ports policy statement, I indicated that one of the key challenges ahead was the timely provision of adequate in-time port capacity. As an initial step, the Department has sought information from the commercial ports which handle unit load cargo, including Dublin Port, on key projects identified by them as essential to deal with anticipated capacity deficiencies to 2014 and beyond.

As indicated in the ports policy statement, it is intended to prioritise a range of projects catering for unitised traffic at our commercial ports from an overall economic national and regional perspective, as opposed to the perceived requirements of individual ports. To that end, the Department will procure expert and independent assistance from consultants to refine the criteria to be used for project evaluation, to draw up a uniform template for submission of detailed project proposals and to subsequently evaluate and

rank the projects submitted as a basis for the Department's recommendation to Government.

Dublin Port Company applied in March 2002 for ministerial consent for the reclamation of 21 hectares of foreshore in Dublin Bay. The proposed development will also require planning permission and Dublin Port Company has repeatedly been advised that it is more appropriate that the necessary consent under the planning process be obtained before the foreshore aspect is dealt with. This is in accordance with normal practice where a development wholly or partly on the foreshore requires planning permission. Dublin City Council, which is the appropriate planning authority for the area, has been advised that there is no ministerial objection to the making of a planning application for the proposed development.

#### Natural Gas Grid.

54. **Mr. English** asked the Minister for Communications, Marine and Natural Resources the position in regard to the availability of gas interconnectors; and if he will make a statement on the matter. [14519/05]

168. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to the availability of gas interconnectors; and if he will make a statement on the matter. [14749/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 54 and 168 together.

In recent times, Ireland has developed a high standard of security of gas supply, through robust interconnection with the UK, to ensure sufficient importation capacity from external sources. We now have two gas interconnectors, with the second ensuring security of gas supply to 2025 and beyond. Ireland's security of supply status is on par with countries such as France, Italy, Sweden and Denmark, all of whom have duplicated sub-sea pipelines to ensure the availability of alternative routes of natural gas supply. In addition, Northern Ireland has a separate line to Scotland and by the end of 2006 the South-North interconnector will link the two systems.

Under section 19 of the Gas (Interim) (Regulation) Act 2002, the Commission for Energy Regulation, CER, is required to prepare and publish an annual forecast of capacity, flows and customer demand on Ireland's natural gas system over a seven year period. The most recent capacity statement was published on 12 November 2004 and includes a range of possible demand scenarios that may be expected to arise over the coming years. The scenarios incorporate various levels of demand, based on forecasts for the domestic, industrial and commercial and power generation sectors, while also considering potential timeframes for new indigenous supply.

The current gas capacity statement indicates that our infrastructure is sufficiently robust to cater for the majority of scenarios modelled. Only in the case of the highest demand forecast, in tandem with delays to the coming on stream of

[Mr. N. Dempsey.] indigenous supply sources, would reinforcements to the infrastructure be envisaged within the period of this forecast.

Ireland continues to monitor developments in the UK market closely and this will inform the further development of security of supply policy. The Kinsale field continues to provide Ireland with an indigenous supply of gas and with potential supplies coming from the Corrib and Seven Heads fields, Ireland's import demands may be reduced in the coming years. My Department continues to monitor the supply situation.

### Departmental Expenditure.

55. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources if the Government intends to write off €53 million in debt run up over 20 years arising from the failed bail-out of a company (details supplied); the steps which had been taken to recover this debt; and if he will make a statement on the matter. [14403/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Bula Limited was formed in 1971 to acquire and develop certain minerals at Nevinstown, near Navan, County Meath. On foot of an agreement in July 1974 between Bula and the then Minister, former Deputy Justin Keating, the State acquired a 49% shareholding in the company but, because of the conditions of this agreement, the State's voting rights only amounted to 28%.

For a variety of reasons, by the early 1980s the deposit had not been brought into production. This has been aired in the long running High Court and Supreme Court hearings of the case brought by directors of the company against Tara Mines Limited, the State and others. During all this time Bula was incurring expenses and running up increasing interest charges on its substantial bank debts, which were secured by a first charge against the assets of the company. The State advanced loans to Bula Limited between 1983 and 1986 amounting to £0.96 million or €1.2 million to cover current interest due to three banks on the company's senior debt, so as to provide breathing space to allow for the consideration of proposals for the future of the company, none of which was successful. No repayment of these loans has been made. Neither has any interest payment been made.

On 9 October 1985, the High Court appointed a receiver on application by the banks. The Bula assets were then offered for sale but this became embroiled in a series of court actions which prevented the sale from proceeding until 2001, when the receiver announced that he had reached agreement on the sale for a total of €34.9 million or £27.5 million. This was not sufficient to repay all of the moneys outstanding to the banks. Expert advice obtained by my Department was that a sale price in excess of €55 million would have to have been achieved from the disposal of the company's assets by the receiver before any surplus would have been available to repay any part of the advances *pro rata* with other

unsecured creditors. The surplus would have had to exceed €205 million before any funds would have been available to distribute to shareholders. Bula Limited continues to exist as a corporate entity but has no known assets and is not trading.

Once the receiver had been appointed nothing further could be done. During the course of the High Court action, several attempts were made to reach a settlement which might have resulted in the State getting at least some of the money back but these were all rejected by the plaintiffs. Given the nature of the advances and the circumstances in which they were made, it would not have been possible to convert them to a ranking higher than senior debt. The creation of charges and the taking of security follow a strict ranking system which is legally binding.

Since it was clear that the sale price for the asset would greatly exceed the total secured debt, it was considered that there would be no point in incurring further nugatory expense in taking legal action to attempt to recover unsecured debts. Similarly, it would have been pointless to take any security that was subordinated to the bank debts.

To reflect the true position, the relevant amounts are being written off and disclosed to the Oireachtas by means of notes to the 2004 Appropriation Account. This has no implications for voted expenditure in 2004 or any other year.

*Question No. 56 answered with Question No. 6.*

### Telecommunications Services.

57. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if his Department or the regulator has had discussions with a company (details supplied) with reference to encouragement of competition and provision of extra services in the telecoms sector; and if he will make a statement on the matter. [14528/05]

81. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with representatives of Eircom or other telecom companies with a view to future policy in the area of mobile phone services; and if he will make a statement on the matter. [14505/05]

92. **Mr. English** asked the Minister for Communications, Marine and Natural Resources the number of bodies, agents or agencies with whom he or agencies under his aegis have had discussions with regard to the future provision of telecommunications services, such as state of the art mobile phone technology; the outcome of such discussions; and if he will make a statement on the matter. [14520/05]

158. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with representatives of Eircom or other telecom companies with a view to future policy in the area of mobile phone services; and if he will make a statement on the matter. [14736/05]



169. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of bodies, agents or agencies with whom he or agencies under his aegis have had discussions with regard to the future provision of telecommunications services, such as state of the art mobile phone technology; the outcome of such discussions; and if he will make a statement on the matter. [14750/05]

175. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his Department or the regulator has had discussions with a company (details supplied) with reference to encouragement of competition and provision of extra services in the telecoms sector; and if he will make a statement on the matter. [14758/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 57, 81, 92, 158, 169 and 175 together.

As Minister for Communications, Marine and Natural Resources, I have responsibility for overall telecoms policy, and my main goal in this policy is to create conditions for sustainable growth and competition that will benefit the economic and social development of Ireland and facilitate competitive services.

It is my belief that improving the market conditions to enhance competition is the best way to drive down mobile phone charges to the end user. The more competitive telecoms services that are on offer, the better in the long run for consumers, the sector and the economy.

My officials and I regularly meet representatives from the industry on an ongoing basis to exchange views. These meetings can cover the full range of telecoms issues, including the mobile phone sector. I can confirm that I have met representatives from Energis, Eircom, Esat and Vodafone as well as other interested parties and organisations. Meetings between the Commission for Communications Regulation, ComReg, and the telecoms sector are a matter for that organisation.

The regulation of telecommunications operators, including the mobile phone operators, is the responsibility of ComReg in accordance with the requirements of the Communications Regulation Act 2002 and regulations made under the EU Regulatory Framework for Electronic Communications.

*Question No. 58 answered with Question No. 12.*

### **Fishing Vessel Licences.**

59. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that an angling charter commitment by the British Prime Minister will press the Irish Government to buy out drift net licences; if he will activate pressure both direct from Britain and through the EU; if his attention has further been drawn to a significant decline of anglers visiting Ireland over the

past few years; and if he will make a statement on the matter. [14482/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The commitments given by the British Labour Party in its charter for angling have been brought to my attention. This Government has consistently ruled out buy-out as an effective means of achieving the restoration of salmon stocks and considers that its management of the Irish home water commercial salmon fishery, which limits the commercial salmon fishing season, confines it to within the six mile limit and restricts the number of fish being caught, are the best instruments available to achieve this objective. Since my appointment as Minister of State with responsibility for the marine, I have not received any communication from the British Government regarding the management of the Irish wild salmon fishery.

With regard to the Deputy's comments about the decline in tourism angling, I wish to refer to my previous reply to Parliamentary Question No. 68 on 8 February 2005 in this matter. In that reply, I advised the House that according to the Fáilte Ireland data, there were 83,000 visits to Ireland in 2003, where those visits were determined by angling. This compares with 56,000 in 2002 and 95,000 in 2001.

I also advised the House that the latest wild salmon statistics for catch by rod and line provided to me by the Central Fisheries Board relate to 2003 and indicated that the number of salmon and sea trout caught over the period 2001 to 2003 by anglers had increased by 18% from 27,184 in 2001 to 30,872 in 2002 and 32,017 in 2003. I must now advise the House however, that subsequent to this reply, I was informed by the chief executive officer on 9 March 2005 that errors had been discovered in the calculations used by the Central Fisheries Board to collate these statistics and that, as a result, the number of salmon and sea trout caught by anglers in 2003 was 21,885.

The central and regional fisheries boards devote considerable effort and resources, in collaboration with Tourism Ireland, to the promotion of angling abroad. I am advised however, that the overall decline in angling tourism is not unique to Ireland but reflects a trend widespread in Europe. The report of the tourism policy review group to the Minister for Arts, Sport and Tourism in September 2003 observes a decline in activity holidays that is not confined to angling but includes cycling and hill walking also.

### **Maritime Industry.**

60. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on developments in the Irish Register of Shipping during 2004 and to date in 2005, outlining the monthly additions and deletions to the register during the period; if he will report on the overall work of the Irish maritime development office; and if he will make a statement on the matter. [14445/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The following tables outline developments in the register of Irish ships under the Mercantile Marine Act 1955, in accordance with details supplied to the Mercantile Marine Office during 2004 and to date in 2005:

Year	Month	New Vessels	Cancelled Vessels
2004	January	7	0
	February	16	1
	March	6	3
	April	11	4
	May	11	2
	June	13	4
	July	8	3
	August	8	8
	September	9	12
	October	7	4
	November	13	6
	December	5	8
Total		114	55
<i>Comprising:</i>			
	Fishing	48	38
	Pleasure	46	4
	Commercial	20	13
2005	January	5	6
	February	7	5
	March	5	8
Total		17	19
<i>Comprising:</i>			
	Fishing	5	12
	Pleasure	9	2
	Commercial	3	5

The Irish maritime development office, IMDO, was established in 1999 and is a division within the Marine Institute. The office has a current complement of five core operational staff, made up of three permanent posts and two contract staff.

The shipping services sector is the largest employer of all maritime related industries in Ireland. It directly employs in excess of 8,150 people. It is estimated that the sector contributed €1.35 billion to the Irish economy in 2004.

The following are some of the key services provided by the IMDO to industry and the Department: expert policy advice to the Department on all commercial shipping and maritime economic policy issues and developments; main focal point for Irish shipping services providing daily support and advice to the industry; promoting Ireland as a maritime business centre, seeking foreign inward investment projects; organising and supporting industry workshops and seminars; promoting the development of maritime education in Ireland.

### Alternative Energy Projects.

61. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources if he has plans to make representations to the Government and Department of Finance in regard to measures to encourage the use of biomass fuelled heating systems; if he intends to publish a consultation or green paper on biomass energy; and if he will make a statement on the matter. [14391/05]

64. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the measures he intends to introduce to promote the use of wood chip and wood pellet solid fuel heating boilers and small scale wood fuel electricity generating systems; and if he will consider providing capital grants for such technology as in the UK. [14545/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 61 and 64 together.

My Department, in association with Sustainable Energy Ireland, SEI, set up a bioenergy strategy group, BSG, in December 2003. The primary objective of the group is to consider the policy options and support mechanisms available to Government to stimulate increased use of biomass for energy conversion, and to make specific recommendations for action to increase the penetration of biomass energy in Ireland. Membership of the BSG comprised representatives of various Departments as well as State agencies in the agriculture and energy sectors and industry representatives.

Ireland has an excellent growing climate and an ongoing supply of raw material for wood fuel. Wood residues are already being used to produce heat for sawmills across the country and the wood energy market is poised for growth, with a number of commercial start-ups and a supply chain emerging. Wood residues can be broken down into four categories; pulpwood residues, sawmill residues, forest residues and recycled wood. The wood for energy sector divides into direct biomass — the trees themselves; indirect biomass — processing by-products and residues, and post-consumer recovered wood. There is good potential for the development of production of energy from biomass in Ireland.

I am aware that growth in the Irish forestry sector has created a strong supply of wood and wood residues into the coming decades, for which there is finite demand in existing markets. This represents a particular opportunity for bioenergy development based on wood products.

In tandem with the BSG, the Department launched a consultation process on future development of renewable energy generally in Ireland. Following on this consultation process, and to ensure future development of our renewable resources, including biomass resources, the renewable energy development group was established on 6 May 2004. The group is chaired by my Department and comprises relevant experts from the administrative, industry and scientific sector, including the Commission for Energy Regulation,

CER, Sustainable Energy Ireland, SEI, ESB National Grid and the Economic and Social Research Institute, ESRI, amongst others.

The bioenergy strategy group is currently inputting into the renewable energy development group, which is at the end of its current work phase. The BSG findings will contain a road map for the development of biomass energy, including wood energy, with the identification of staged, achievable targets and recommendations for future action. The small scale wood energy market, whether fuelled by wood pellets or wood chips offers potential for growing bioenergy deployment in Ireland, and the BSG will be making specific recommendations in this regard. My Department is aware that the UK is providing capital grants for such technology. Such a scheme would have financial implications and would only be considered in a budgetary context.

The report of the renewable energy development group is expected shortly and will form the basis of my future policy decisions on the increased penetration of renewable energy technologies, including biomass, in the electricity market. On 7 April last I was able to announce the outline of a future support mechanism. This revised system will move away from competitive tendering to a fixed price proposal.

#### **Public Sector Broadcasting.**

62. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the views of the European Commission in regard to broadcasting here; his views on same; and if he will make a statement on the matter. [14526/05]

63. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources if his Department has replied to the Commission regarding the need for transparency on the allocation of State funding to RTE and TG4 for public service broadcasting purposes; if so, the substance of that reply; and if he will make a statement on the matter. [14551/05]

173. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the views of the European Commission in regard to broadcasting here; his views on same; and if he will make a statement on the matter. [14756/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 62, 63 and 173 together.

I assume that the Deputies are referring to the EU Commission's investigation into the funding of RTE. As the Deputies may be aware this investigation arose in the context of a formal complaint by TV3, made originally in 1999, alleging infringements of Articles 92-94 of the EC Treaty relating to, among other things, the payment of licence fee revenue and direct grants to RTE. This is one of a number of complaints made by commercial television operators across the

European Union against the funding arrangements in various member states for public service broadcasters.

Following a period of investigation, the EU Commission forwarded an Article 17 letter to the Irish authorities on 3 March 2003 setting out its preliminary views. The letter included a number of recommendations which the Commission consider must be implemented before the funding scheme for RTE can be considered as compatible with the relevant provisions of the EC Treaty, including recommendations relating to the implementation of the transparency directive.

The recommendations proposed by the Commission are of a detailed legal and regulatory nature which I am carefully considering. However, it should be noted that the views of the Commission set out in the Article 17 letter are preliminary in nature and should not be considered as the final decision of the Commission in relation to the complaint. The outcome of the Article 17 process is subject to ongoing informal and formal contacts and is a matter of negotiation between the Irish authorities and the European Commission. Accordingly, it would be inappropriate for me to make any detailed comments on the contents of the letter.

Under Article 17(2) of Council Regulation (EC) No 659/1999 laying down rules for the application of Article 93 of the EC Treaty, Ireland had one month to respond to the Commission's preliminary view. However, in accordance with that article, Ireland applied for an extension of the time limit and the EU Commission has recently confirmed that Ireland has until 26 May to respond. At this stage I am confident that Ireland will be able to achieve a satisfactory outcome.

*Question No. 64 answered with Question No. 61.*

#### **Broadcasting Fund.**

65. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources his views on the reported reaction of the management of a company (details supplied) to the new broadcasting fund; and if he will make a statement on the matter. [14394/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The draft broadcasting funding scheme was prepared by the Broadcasting Commission of Ireland in accordance with the provisions of the Broadcasting (Funding) Act 2003. In regard to television programmes, the Act provides that it is open to all broadcasters and independent producers to apply for funding provided that the programmes will be made available to at least 90% of the population of the State on a free-to-air basis or will be distributed on cable or MMDS systems under a community content contract.

The purpose of the scheme is to ensure greater access for Irish audiences to quality programmes that reflect Irish culture, heritage and experience,



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in both the English and Irish languages, at national and local level. It is intended that such programming will be additional and complementary to the programme schedules already available to those audiences on a free-to-air basis. It is not an objective of the scheme to provide additional funding for individual broadcasters. While broadcasters may benefit from the scheme, the scheme is not for broadcasters but for audiences.

The draft scheme has been formally notified to the EU Commission to ensure its compatibility with EU State aid and competition rules. The outcome of the EU Commission's deliberations is awaited.

*Question No. 66 answered with Question No. 12.*

### **Broadcasting Legislation.**

67. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources the progress which has been made in the review of the television without frontiers directive with regard to allowing national Governments to regulate the advertising content on satellite stations directed into their countries from another member state. [14553/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Question No. 111 of 3 February 2005 from Deputy Durkan in which I stated that the EU Commission's review of the television without frontiers directive is ongoing. The Commission has indicated that it might bring forward proposals in regard to a possible revision of the directive towards the end of this year.

### **Fisheries Protection.**

68. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the measures he intends to introduce to stop the overfishing of fishing quotas and the landing of illegal so-called black fish. [14544/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Common Fisheries Policy, CFP, contains provisions for member states to take the inspection and enforcement measures necessary to ensure compliance with its rules, including those relating to fishing within the quotas allocated to them. Following the review of the CFP in December 2002, a new framework regulation was adopted which provides for a strengthened control and enforcement system to ensure effective implementation of the CFP, including the extension of the use of vessel monitoring systems, VMSs, and strengthened powers for enforcement officers.

The new Common Fisheries Policy also contains a heightened emphasis on the need to conserve fish stocks and includes, in particular, provisions for the recovery of fish stocks such as cod, which are considered to be outside safe biological

limits. The regulations governing recovery plans provide for a strengthened control regime to ensure the effective implementation of such measures. Long-term stock recovery plans have been introduced for a number of stocks of importance to Ireland. These are Irish sea cod, northern hake and cod in the west of Scotland.

In so far as adherence to the various EU regulations is concerned, the CFP contains provisions for member states to take the inspection and enforcement measures necessary to ensure compliance with its rules. It also provides for member states to follow up on infringements and to impose sanctions where appropriate. The challenge of achieving effective control and enforcement of fisheries rules is ongoing and requires close collaboration and co-operation between member states. The establishment of a new control agency, which was agreed at the March Fisheries Council, will deliver increased co-ordination in control activity across the member states. This will address the perceived lack of a level playing field across the Community and associated mistrust and suspicion between the fishing industries of different member states.

Effective enforcement of conservation rules is a priority for all member states and each has a clear responsibility to monitor and control fishing activity within its jurisdiction. At national level, the fishery protection resources, including the services of the Naval Service and the Air Corps monitor fish catches both at sea and in the ports. The resources are deployed in order to deliver the maximum level of protection for fisheries around our coast.

The Department has recognised the need to augment its seafood control resources so as to strengthen the national control effort and is seeking to finalise arrangements with the Department of Finance on a case put for the necessary additional resources.

*Question No. 69 answered with Question No. 52.*

### **Semi-State Bodies.**

70. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources the Government's proposals for the future role and development of Bord na Móna; and if he will make a statement on the matter. [14408/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Bord na Móna plc recently presented its group strategy document and five-year corporate plan for 2004-05 to 2008-09. These documents outline the company's proposals to deal with increasing commercial and environmental pressures, and its diversification beyond peat-based products into new sectors including alternative energy, environmental projects and waste management. I subsequently discussed these proposals with the chairman and the board at a meeting on 5 April 2005. Arising from this meeting, Bord na Móna plc is to provide additional information. I hope to be in a position to revert to the company relatively quickly thereafter.

**EU Directives.**

71. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources if his Department has a section or unit dedicated to the implementation or enforcement of EU directives; and the details of outstanding complaints from the EU Commission regarding non-compliance with current directives under the areas of his responsibility. [14549/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Responsibility for EU directives lies with the relevant divisions of my Department with the support of a central EU unit. Details of outstanding complaints from the EU Commission regarding non-compliance with current directives are set out in the following table.

Name of directive	Details	Stage in proceedings
Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment	Alleged failure to subject a fish farm project to an environmental impact assessment within a proposed Natura 2000 site, Kenmare Bay	Reasoned opinion has been issued by the Commission
Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora	Aquaculture operation, Seastream Ltd, at Clew Bay in a SPA	Letter of formal notice opinion has been issued by the Commission
Council Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the Internal Market in natural gas and repealing Directive 98/30/EC	Alleged failure to notify measures for the transposition of directive	Reasoned opinion has been issued by the Commission
Council Directive 2000/59 of the European Parliament and of the Council on Port Reception Facilities for Ship-Generated Waste and Cargo Residues	Alleged failure to fulfil obligations under Directive 2000/59/EC	Letter of formal notice has been issued by the Commission
Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters	EU requirement to adopt programmes for all designated shellfish waters in accordance with Article 5 of Council Directive 79/923/EEC not fulfilled.	European Court Of Justice Judgement, case C-67/02
Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters	Alleged failure to designate all required shellfish waters and associated measures.	Application lodged by Commission to commence proceedings
Council Directive 93/36/EEC of 14 June 1993 co-ordinating procedures for the award of public supply contracts	Alleged failure to fulfil obligations under Directive 93/36/EEC in respect of a complaint regarding procurement of portable and personal computers	Letter of formal notice has been issued by the Commission

*Question No. 72 answered with Question No. 12.*

**Mobile Telephony.**

73. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the activities of the promoters of child pornography through the mobile telephone service; if action is anticipated directly or through the regulator; and if he will make a statement on the matter. [14508/05]

161. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the activities of the promoters of child pornography through the mobile telephone service; if action is anticipated directly or through the regulator; and if he will make a statement on the matter. [14739/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 73 and 161 together.

I refer the Deputies to my reply to Parliamentary Questions Nos. 141 and 305 on 8 February 2005.

**Fisheries Protection.**

74. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources if he will report on the appointment of the new National Salmon Commission and on the reason he did not announce a total allowable catch for salmon in 2005, which was fully aligned with the scientific advice in view of the strong pleas made during his recent consultation with the Joint Committee on Communications, Marine and Natural Resources; and if he will make a statement on the matter. [14381/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The term of office for the outgoing National Salmon Commission ended on 25 March 2005. Recognising that changes may have occurred in the representative nature of organisations in the sector, I recently invited all interested organisations and bodies to notify me of their credentials and suitability for inclusion on the prescribed list from which the membership of the Nation Salmon Commission can be drawn. I am considering the notifications received with a view to determining the need to amend the

[Mr. Gallagher.]

National Salmon Commission (Establishment) Order 2000, which specifies the prescribed bodies and organisations that can make up the membership of the commission. I will subsequently seek formal nominations for the membership of the new commission.

I signed the Wild Salmon and Sea Trout Tagging Scheme Regulations 2005, SI 204 of 2005, into law on 21 April 2005. In making my decision to set the national total allowable catch, TAC, for salmon for the 2005 season at 139,900 fish as recommended by the National Salmon Commission, I considered and weighed all the serious objections received by the Department during the statutory consultation period and the views expressed at the hearings of the Oireachtas committee. My adoption of the advice of the commission is consistent with the approach adopted by my predecessors.

Since 2002, the Government has implemented a strategy to ensure, through progressive reductions in the commercial salmon catch, that the conservation limits recommended by the National Salmon Commission are reached. This policy of promoting the application of quotas on commercial fishing and bag limits on angling has delivered significant overall catch reductions aimed at achieving the Government's prime objective of restoration of salmon stocks.

In setting the TAC at 139,900 fish, I recognise strong concerns have been expressed over the divergence in the advice available to me this year from the National Salmon Commission and that of its standing scientific committee. However, the basis of the scientific advice changed this year and the adoption of this shift would have meant an additional cut of over 30% on the actual TAC in 2005. This would have placed an unreasonable burden on the coastal fishing communities that depend on the salmon resource for their livelihoods.

I will ask the new National Salmon Commission to progress, as an immediate priority of national policy, the specific recommendation made by the outgoing commission to align the exploitation of salmon on the scientific advice by 2007. In particular, I will ask the new commission to advise me as to how best these recommendations can be implemented, bearing in mind the primary requirement to ensure the future biological viability of the salmon resource in all catchments and also the needs of all stakeholders, including those who derive their living from the wild salmon resource.

*Question No. 75 answered with Question No. 23.*

#### **Aquaculture Industry.**

76. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources if he will address the serious issues raised repeatedly with him by an association (details supplied)

regarding the protection of the Lough Swilly native oyster fishery; and if he will make a statement on the matter. [14379/05]

#### **Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):**

The association referred to by the Deputy raised concerns some years ago that parts of areas in respect of which aquaculture licences for the bottom cultivation of mussels had been granted in Lough Swilly overlapped with oyster beds in the lough. Arising from these concerns, a comprehensive survey of the wild oyster beds in the lough was carried out, in conjunction with the association concerned and other wild fisheries interests. The results of the survey indicated there was a minor degree of overlap between oyster beds and the sites licensed for mussel cultivation.

In light of these results, and following consultation with the persons to whom the aquaculture licences in question had been granted, arrangements were made to have the mussel seed removed from the areas of overlap. Any oysters retrieved during this process were re-laid. More recently, the association expressed concern about the possible effects of dredging activity on the lough's oyster beds. The advice to the Department at that juncture was that there was no evidence of any such activity that would be harmful to the oyster beds.

An application from the association for an aquaculture licence for oyster cultivation in the lough is on hand in the Department. Consideration of this application will be brought to finality as soon as possible, and, to that end, the Department will shortly arrange a meeting with representatives of the association at which issues of interest or concern to them can be addressed.

#### **Postal Services.**

77. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources when it is intended to re-enter the Postal (Miscellaneous Provisions) Bill 2001 on the Order Paper of Dáil Éireann; and if he will make a statement on the matter. [14383/05]

#### **Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):**

The Postal (Miscellaneous Provisions) Bill that was published in 2001 provided for the issue, sale and disposal of shares in An Post in the context of an employee share ownership plan, ESOP, and possible strategic alliance. The Bill also contained ancillary provisions arising out of a possible change of ownership.

The financial and industrial relations environment in An Post has changed substantially since 2001. The company has experienced significant losses that have led to the adoption of a recovery strategy by the board. The implementation of the recovery strategy is contingent on agreement with the trade unions on restructuring. Negotiations have been ongoing with the trade



unions for over a year now and critical aspects are being considered by the Labour Court. With the financial and industrial relations situation in An Post at a delicate and critical stage, it is appropriate to defer consideration of the issues provided for in the Bill until these matters are resolved. For this reason, a decision has been made, in conjunction with the Chief Whip, to withdraw the Bill from the Dáil Order Paper. The motion was passed in the Dáil in March this year.

The Government and I remain fully committed to an ESOP in An Post if it can be demonstrated that real business transformation can occur in the context of the recovery strategy. If and when this is achieved, the legislative agenda can be revisited.

### Post Office Network.

78. **Mr. G. Murphy** asked the Minister for Communications, Marine and Natural Resources if he will encourage, authorise or direct the computerisation of all post offices which are as yet not on line; and if he will make a statement on the matter. [14494/05]

147. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he will encourage, authorise or direct the computerisation of all post offices which are as yet not on line; and if he will make a statement on the matter. [14725/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 78 and 147 together.

The primary responsibility for the development of the post office network rests with An Post. The automation of the network was completed in 1997 and it had only been in very exceptional circumstances — such as an existing automated office closing and its equipment being transferred to a suitable neighbouring location which transacts significant volumes of welfare business — that further offices have been automated since then. To ensure that our post offices remain competitive and attractive to customers, I am convinced that An Post's long-term strategy must satisfactorily address electronic technology issues in a comprehensive fashion. I have asked the management to develop such a strategy and in the interim, a pilot project will see ten small post offices computerised.

### Energy Resources.

79. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources his views on the assertion by Greenpeace International contained in the Report Offshore Wind — Implementing a New Power House for Europe, that offshore wind energy could supply 10% of Europe's energy by 2020; and if he will make a statement on the matter. [11053/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The study,

referred to by the Deputy concludes that offshore wind energy could supply 10% of Europe's electricity requirement by 2010. I am not in a position to comment specifically on this assertion. A similar type study of the offshore wind potential of the island of Ireland, Assessment of Offshore Wind Energy Resources, was commissioned jointly by my Department and the Department of Enterprise, Trade and Investment in Northern Ireland and published in the year 2000. This latter report concludes that the practical offshore resource of the island of Ireland is capable of producing between 14% and 32% of current electricity demand on the island depending on the underlying assumptions applied.

However, offshore wind energy projects operate from a significantly higher cost base than the onshore equivalent. In Ireland we are fortunate to have ample proposals to develop onshore wind powered electricity generating projects to match the current technical limits the electricity network can accommodate while maintaining a stable electricity system. Notwithstanding the competitive advantage of onshore sites my Department has offered support to two offshore wind powered projects not exceeding 25 MW each to evaluate the potential of the technology.

I will continue to monitor developments in offshore wind powered technology internationally and in the proposed demonstrations projects in Ireland. If there are significant breakthroughs in the economies of offshore production or new developments to resolve limits imposed on wind powered stations in order to maintain system stability the current programme which places emphasis on the onshore option will be reviewed.

80. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources the full extent of energy production here through the use of fossil fuels, alternatives; and the direction he advises for the future; and if he will make a statement on the matter. [14498/05]

101. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources the extent to which he expects electricity to be generated in the future under each heading, through conventional or alternative means; and if he will make a statement on the matter. [14503/05]

151. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the full extent of energy production here through the use of fossil fuels, alternatives; and the direction he advises for the future; and if he will make a statement on the matter. [14729/05]

156. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he expects electricity to be generated in the future under each heading through conventional or alternative means; and if he will make a statement on the matter. [14734/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 80, 101, 151 and 156 together.

The most recent figures available to me regarding energy production, that is, electricity generation, relate to 2003 and were contained in my reply to Question No. 127 of Tuesday 8 February 2005 and is set out as follows:

	%
Coal	26.51
Peat	10.36
Oil	11.88
Gas	47.08
Hydro	1.02
Wind	0.78
Landfill Gas	0.33
Bio Gas	0.04
Imports	2.00

*Source:* Sustainable Energy Ireland

It is not possible at present to predict what the precise proportions for each fuel type will be in the future. This will be influenced by factors such as the growth in electricity demand year on year, the fuels used for new electricity generating stations, the penetration of renewable energy, investment decision by new entrants into electricity generation and the development of the electricity market as a whole in an all-island context.

However, the Government continues to be committed to the maintenance of a balanced fuels policy in the interest of security of supply and has made important steps to ensure that the balance is maintained for the future. Fuel mix is an important component in security of supply. Ireland has relatively little by way of indigenous fossil fuel resources and is dependent on imports for about 80% of fuel for electricity generation. The coming on stream of the Corrib gas field will change this dynamic but without future gas discoveries the change is not likely to be significant in the long-term.

The Irish electricity market is small in comparison to other EU member states, bigger only than Luxembourg, and does not have access to substantial hydro or nuclear power to balance against fossil fuel imports. The distance from fuel supply sources brings higher transportation costs and the lack of widespread interconnection limits access to other competitive markets. These features emphasise the importance of fuel mix in our energy policy and the choices we make in terms of the development of the energy market.

In the area of fossil fuels, the decision to invest in upgrading Moneypoint generating station with cleaner technology will ensure that coal remains in the fuel mix for the foreseeable future. The construction of two new peat-fired generating stations — Lough Ree and West Offaly Power — in addition to Edenderry Power ensures that

approximately 370 MW of peat generation remains in the fuel mix as an indigenous resource. This will result in a cleaner and more efficient use of peat.

Natural Gas has been the fuel of choice for new private generation and our growing dependence on it will need to be carefully monitored going forward. As western economies grow more dependent on imported piped gas, other gas options such as liquefied natural gas, LNG, storage will need to be considered as a means of diversifying our access to sources of gas. There does not appear to be any market appetite for building new oil-fired stations on both economic and environmental grounds.

The approach to electricity generated from renewable sources, of which wind is the dominant technology, is to increase consumption from these sources to a minimum of 13.2% by 2010 in line with EU requirements. In order to ensure that this target is met, a renewable energy development group was established in May last year. I have already announced that future support for renewable energy will be on the basis of a fixed price as opposed to the rounds of competitive tendering in the past. I expect that wind generation will remain the dominant technology in the short term in delivering this target.

The final report of the group, which will be published after the new support mechanism is finalised, will form the basis for future policy decisions on the increased penetration of renewable energy technologies in the electricity market. While further development of renewable energy is desirable it is necessary to achieve a balance with the interests of national competitiveness and the ultimate burden of cost to the final consumer.

Biofuels are an alternative renewable fuel source for the transport sector and Sustainable Energy Ireland is funding a number of biomass projects and studies through its renewable energy research, development and demonstration programme. In conjunction with a pilot scheme for excise tax relief for biofuels, it is anticipated that these measures will lead to market penetration of biofuels of 0.13% within two years. Further measures to increase market penetration over a longer timeframe are currently being considered but no firm targets have been set as yet.

The biofuels directive sets indicative targets for market penetration of 2% by end 2005 and 5.75% by end 2010. The targets in the directive are indicative and not mandatory and most member states, including Ireland, would not be in a position to meet the 2% target by end 2005. Ireland is starting from a very low current production base, and the 2% target therefore represents a considerable challenge.

The decision by Government to approve the development of an east-west electricity interconnector with Wales is also a factor which will shape our fuel mix. The Commission for Energy Regulation is pursuing this project which, in all likelihood, will result in a 500 MW interconnector

between ourselves and the UK. This will give us access to electricity from the UK and also improve our capacity to increase the level of renewable energy on our own system.

*Question No. 81 answered with Question No. 57.*

#### **Telecommunications Services.**

82. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources if broadband services have been provided for or at proposed locations for relocation of civil servants in the context of the Government's decentralisation programme; and if he will make a statement on the matter. [14488/05]

141. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if broadband services have been provided for or at proposed locations for relocation of civil servants in the context of the Government's decentralisation programme; and if he will make a statement on the matter. [14719/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 82 and 141 together.

My Department's regional broadband programme is building high-speed open access broadband networks in almost 120 cities and towns that will be used by the private sector companies to offer services at competitive prices to consumers, including decentralised Government offices. The programme was expanded to include three additional towns, Furbo, Clifden and Knock Airport, following the announcement of the Government's decentralisation programme.

#### **Energy Resources.**

83. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources the amount paid to date to the Exchequer in respect of the sale of the Whitegate oil refinery and the Bantry storage terminal; the amount of the balance which remains outstanding; when he expects that this will be paid; if he has satisfied himself at the rate of payments; and if he will make a statement on the matter. [14407/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Question No. 93 on 30 November, 2004.

#### **Postal Services.**

84. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources if he has received the annual report of An Post; his views on the report; and if he will make a statement on the matter. [14400/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The

annual report and accounts of An Post for 2004 were received in the Department and were presented to Government on 19 April 2005 prior to their being laid before each House of the Oireachtas. The financial outturn for the year resulted in operating profits of €1.8 million, which is testament to the policy of controlled financial management, in line with the recovery strategy that the company implemented throughout 2004.

The year 2004 was a challenging period for all involved in An Post, the board, management and employees, and difficult cost cutting decisions had to be made. To attempt to build a brighter future for the company, negotiations under the auspices of the Labour Relations Commission, continued throughout the year and although progress has been slow, I believe that, with the continued co-operation of all parties, an agreement can be reached that will set the company on a firm financial footing for the future. The importance of the current negotiations reaching a successful conclusion cannot be stressed sufficiently. With the many challenges facing the postal sector including globalisation, liberalisation, electronic substitution and falling mail volumes, it is vital that a clear road-map for the future of the company is adopted and proactively implemented by all stakeholders.

The financial results in 2004 have provided a foundation on which the company can build. An Post has a statutory mandate to be financially viable and this needs to be reflected in the planning and actions of the company for the future. An Post must deliver a high quality of service as well as developing new and innovative products designed to meet the needs of customers, if it is to prosper in a competitive market. The company has many assets on which it can build, including a highly skilled workforce and a nationwide delivery and post office network.

I am confident that with the dedication of all stakeholders to implement agreed changes, An Post can be turned around and primed to meet the challenges facing the postal sector.

#### **Energy Resources.**

85. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources the intended management structure in the new three person energy regulator following the appointment of two new additional commissioners; if the conditions and rank of each commissioner are the same; and the way in which decisions from the regulator have to be approved among the three commissioners. [14552/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The three Commissioners for Energy Regulation have equal rank while Commissioner, Tom Reeves, has been appointed as chairman. As required by the Electricity Regulation Act 1999, the commissioners' terms and conditions of appointment are fixed



[Mr. N. Dempsey.]  
with the consent of the Minister for Finance. The contractual arrangements entered into with each of the three commissioners received such consent. Apart from remuneration, the terms and conditions of the contracts in respect of the commissioners appointed in 2004 and 2005 are the same. They both differ in certain aspects, including remuneration, to the contract signed by the chairman in 2004, which effectively extended his existing contractual arrangements for a second term of office.

Internal management arrangements are a matter for the commission. I understand, however, that the commission has agreed that each commissioner will have lead responsibility for overseeing particular areas of the commission's work and that there will be joint decisions by the commissioners on all matters of significance.

I would also inform the Deputy that I will shortly be proposing to Government, in the interest of efficient business practice, that the chairman should have a casting vote. An identical provision exists in the Communications Regulation Act 2002 in the case of the Commission for Communications Regulation, ComReg.

#### **Post Office Network.**

86. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources if examination has been carried out of the extent to which Government Departments might use the services of An Post to facilitate electronic money transmissions or other services administered through the banks or other financial institutions with particular reference to the need to maximise the extent of such business for the post offices; and if he will make a statement on the matter. [14485/05]

139. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if examination has been carried out of the extent to which Government Departments might use the services of An Post to facilitate electronic money transmissions or other services administered through the banks or other financial institutions with particular reference to the need to maximise the extent of such business for the post offices; and if he will make a statement on the matter. [14716/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 86 and 139 together.

The Government and An Post are committed to the maintenance of a nationwide post office network. To ensure that this commitment continues to be honoured, there is a fundamental requirement for An Post to address certain strategic issues relating to the network.

A challenge for the company is to develop a comprehensive strategy that satisfies the needs of

existing customers, while attracting new customers into the post office. An Post has already had some success in winning new business from the public and private sectors. It also continues to benefit from a considerable amount of Government business, especially in the areas of social welfare payments for the Department of Social and Family Affairs and savings products on behalf of the National Treasury Management Agency.

To ensure that our post offices remain attractive to customers, including customers of Government Departments, I am convinced that An Post's long-term strategy must satisfactorily address electronic technology issues in a comprehensive fashion. I have asked the management to develop such a strategy and in the interim, a pilot project will see ten small post offices computerised.

#### **Energy Resources.**

87. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources the extent to which he expects energy conservation and efficiency measures proposed or anticipated by his Department to affect the overall energy requirements with particular reference to oil, gas, electricity and other sources of energy; and if he will make a statement on the matter. [14512/05]

163. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he expects energy conservation and efficiency measures proposed or anticipated by his Department to affect the overall energy requirements with particular reference to oil, gas, electricity and other sources of energy; and if he will make a statement on the matter. [14743/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 87 and 163 together.

Sustainable Energy Ireland, SEI, is an agency established by Government in 2002, under the aegis of the Department of Communications, Marine and Natural Resources. Its remit is to promote and assist environmentally and economically sustainable production, supply and use of energy across all sectors of the economy. SEI is responsible for the roll-out of the energy conservation measure of the sustainable energy priority of the economic and social infrastructure operational programme of the National Development Plan 2000-2006.

Energy conservation and efficiency contribute to national competitiveness, enhanced security of supply and environmental protection by enabling the economy to produce a given level of output with less energy input.

While it is clearly difficult to predict the impact of energy efficiency and conservation measures

on future energy consumption or total primary energy requirements, an historical examination shows that from 1990 to 2003 Ireland's energy intensity, an indicator commonly used for energy efficiency, fell by 3% per annum, from 0.22 kgoe per euro to 0.15 kgoe per euro at constant 1995 prices. According to the International Energy Agency's 2003 Ireland review, the country has the second lowest energy intensity in the IEA countries. For comparison, the same publication notes that Finland's energy intensity was in 2001 over 90% higher than Ireland's.

Intensity fell by 4.8% in 2002 and 5.8% in 2003, suggesting that the economy is continuing to become more energy efficient. Primary energy intensity fell by 33% between 1990 and 2003, or 3% per annum. An analysis carried out by Sustainable Energy Ireland's energy policy statistical support unit suggests that 33% of the change in energy intensity could be accounted for by structural changes in the economy. The remaining 67% was due to economies of scale, fuel mix and energy efficiency improvements.

Significant restructuring of the Irish economy has occurred in the last decade. Ireland's GDP grew by 9.8% per annum in the period 1995-2000 and averaged 7.1% from 1990-2002, and overall growth of 128% in the same period. In contrast, the total primary energy requirement increased by only 56.6% or 3.8% per annum, reflecting a significant relative decoupling of energy and GDP. Furthermore, energy-related CO<sub>2</sub> emissions rose by only 43.2% or 3.0% per annum, largely reflecting the lower carbon intensity of electricity production, due to new high efficiency electricity generation coming on-line changes in the fuel mix to low carbon fuels such as gas and increasing the amount of renewable energy generation.

#### **Post Office Network.**

88. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources if no further post offices or sub-post offices will be closed having particular regard to the need for the important economic and social services provided by the network throughout the country; and if he will make a statement on the matter. [14534/05]

178. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if no further post offices or sub-post offices will be closed having particular regard to the need for the important economic and social services provided by the network throughout the country; and if he will make a statement on the matter. [14764/05]I

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 88 and 178 together.

This Government and the board of management of An Post are committed to the objective of securing a viable and sustainable nationwide post office network as set out in the Agreed Programme for Government.

The post office network has been the subject of a number of studies and reviews in recent years. Many of the recommendations arising from these reviews have been implemented, with particular regard to winning new business including extra banking and new utility business.

Where vacancies for a postmaster or postmistress arise in the normal course of events, An Post advertises the position at least twice and actively canvasses for suitable persons to fill the vacant positions. It is only when a suitable candidate for a vacancy cannot be found or where there are no applicants, that a post office is closed. Such closures are regarded as temporary pending an application from a suitable person.

There is widespread recognition that the best strategy to sustain the network is for An Post to continue adapting to its customer needs and maximising efforts to secure existing business, while pursuing new business at every available opportunity.

*Question No. 89 answered with Question No. 12.*

#### **Telecommunications Services.**

90. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources if he has given instructions to or received reports from the regulator with a view to curtailing the activities of firms involved in unsolicited e-mail, spam or mobile phone texts; his plans to combat this menace, unilaterally or through co-operation with EU colleagues; and if he will make a statement on the matter. [14532/05]

176. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has given instructions to or received reports from the regulator with a view to curtailing the activities of firms involved in unsolicited e-mail, spam or mobile phone texts; his plans to combat this menace, unilaterally or through co-operation with EU colleagues; and if he will make a statement on the matter. [14762/05]I

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 90 and 176 together.

Due to concerns raised by member states in relation to the sending of unsolicited e-mails for direct marketing purposes via the Internet, mobile phones and other electronic communications media, the EU introduced Directive 2002/58/EC — the directive on privacy and electronic communications. This directive was transposed into national law in November 2003 via the Data Protection and Privacy Regulations 2003, SI No. 535 of 2003. The regulations place restrictions

[Mr. N. Dempsey.]

on the sending of unsolicited emails for direct marketing purposes via the internet, mobile phones and other electronic communications media.

Responsibility for the enforcement of the regulations rests with the Office of the Data Protection Commissioner. A person found guilty of a breach of the regulations is liable on summary conviction to a fine not exceeding €3,000 per message.

Spam is a global problem and the capacity of an individual member state to control it in isolation is very limited because spam can originate outside its jurisdiction. The EU and the OECD have set up working groups to explore the options for controlling spam — the EU in the context of its member states and the OECD in the wider global context. My Department and the Office of the Data Protection Commissioner are represented on the aforementioned groups. Both groups are cooperating with each other towards the development of measures, such as the following: adoption of the aforementioned directive by all EU member states; international co-operation in investigation and enforcement; education and awareness among consumers on prevention and the technical and legal solutions available to them to control spam; self-regulation among service providers, such as a code of practice; development of technical solutions by service providers such as blocking and filtering that will keep false positives, that is, the blocking of legitimate e-mails, to a minimum.

#### **Fishing Industry Development.**

91. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources his views on whether the UK Government believes that Irish salmon drift net fishery is having an unacceptable impact on UK salmon stocks in view of the UK Environment Agency's belief that 10% of salmon returning to English and Welsh rivers are caught in Irish driftnets; and the response he intends to make to the commitment given by the British Labour Party in its charter for angling to encourage the Irish Government to bring about a voluntary cessation of driftnetting for salmon off the Irish coast. [14547/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** In answer to Parliamentary Question No. 254 on 26 April 2005, I advised the House that since my appointment as Minister of State with responsibility for the Marine, I have not received any communication from the UK Government regarding the management of the Irish wild salmon fishery. I also clarified the context of the statement made by the UK Environment Agency which referred to an as yet unpublished report by a joint Irish-UK scientific working group, which has been assessing the

recent patterns and levels of exploitation on English and Welsh salmon stocks in the Irish coastal fishery. I understand the scientific working group's report is finally nearing completion and is expected to be released in 2005.

In the absence of this report, it should be noted that the Government does not accept that there is any sound or agreed scientific basis for the allegations made that the Irish salmon drift net fishery has an unacceptable impact on salmon stocks either in Ireland or in other European countries.

The commitments given by the British Labour Party in its charter for angling have also been brought to my attention. This Government has consistently ruled out buyout as an effective means of achieving the restoration of salmon stocks and considers that its management of the Irish home water commercial salmon fishery, which limits the commercial salmon fishing season, confines it to within the six mile limit and restricts the number of fish being caught, are the best instruments available to achieve this objective.

*Question No. 92 answered with Question No. 57.*

*Question No. 93 answered with Question No. 49.*

#### **Energy Resources.**

94. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to warnings that there is a serious oil supply crunch on the way, which may result in significant economic disruption and real hardship here; if he has any contingency plans in place to deal with such a situation; and if he will make a statement on the matter. [14364/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Ireland is a member of the International Energy Agency, IEA, an OECD body which, *inter alia*, monitors developments in the international oil market. The IEA keeps the oil market situation under constant review. While international oil prices are currently high, the IEA considers that the supply-demand fundamentals should not lead to a supply crisis.

As a member of the IEA, Ireland is required to maintain emergency oil stocks equivalent to at least 90 days of net imports of crude oil equivalent in the previous year. The EU imposes a similar requirement based on consumption. At the end of December 2004, the latest date for which figures are available, the combined stocks of IEA member countries, including Ireland, were equivalent to 114 days of net imports. On 1 March 2005, Ireland's stocks were estimated at 105 days of net imports.



My Department has contingency arrangements in place to deal with major oil supply disruptions. In the event of a significant global oil supply crisis, Ireland's oil reserves would be issued over an extended period to supplement commercial supplies which would continue to be available, albeit at a reduced level, in the normal course. In this context reserves provide cover for periods far in excess of their expression in terms of number of days.

There would be no question of Ireland or any other oil consuming country attempting to deal on its own with an international oil crisis. If such a crisis were to occur, the response, including the release of emergency stocks and the identification of alternative sources of supply, would take place primarily within the framework of the formal emergency regime developed and maintained by the IEA. Under the regime, member states are entitled to a share of available IEA oil stocks in the event of a reduction of at least 7% in normal global supply levels. There are also provisions for a co-ordinated international response to an emerging crisis, without the oil-sharing component, in advance of the 7% trigger.

I am satisfied that Ireland's emergency stock levels are more than sufficient to ensure that we would be in a position to participate effectively in an internationally coordinated response in the event of an oil supply crisis.

*Question No. 95 answered with Question No. 52.*

*Question No. 96 answered with Question No. 15.*

#### **Telecommunications Services.**

97. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if he will report on his Department's analysis of ComReg's recently published forward looking strategic review of the Irish telecoms sector; his views on the opinions expressed recently at a telecommunications conference in Kilkenny; and if he will make a statement on the matter. [14392/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Commission for Communications Regulation is independent in the exercise of its functions and it would not be appropriate for me to comment in detail on their recently published consultation document.

I welcome the opinions expressed by my colleague, the Minister for Transport in support of the Government's investment in the metropolitan area networks.

*Question No. 98 answered with Question No. 32.*

#### **Inland Fisheries.**

99. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources the status of a report (details supplied) on inland fisheries; and if he will make a statement on the matter. [14546/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I have recently received the report from the consultants and I am currently considering its findings. It is my intention to bring this report to Government in the near future and to have it published as soon as possible. Until such time as the report is presented to Government I am not in a position to report on its recommendations or provide a copy to the Deputy.

*Question No. 100 answered with Question No. 50.*

*Question No. 101 answered with Question No. 80.*

102. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the ongoing difficulties in the scallop fishery in Waterford and the south-east; his views on solutions to the present effort and capacity issues. [14378/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** While I acknowledge that there are some difficulties being experienced by scallop fishermen in the south east it is important to set out the background to the current issues arising for the scallop fishing sector. In November 2003 a new regime to manage fishing effort in western waters for a number of fisheries including scallops was agreed. The purpose of this regime is to manage access to waters and resources and provide for the sustainable pursuit of fishing activities. It should also be noted that there are currently no catch limits on scallops and that fishing effort is the only management tool available to limit the exploitation of these vulnerable stocks.

The new fishing effort ceiling for the scallop fishery established in June 2004 under this regime was based, as for all other fisheries, on the average of the fishing effort levels for the reference period 1998-2002. This resulted in a fishing effort ceiling for the scallop fishery of 109,395 kw days inside the biologically sensitive area, the new Irish box, and 525,012 kw days for the rest of area VII. The level of fishing effort exerted by the scallop fleet in the years 2003 and 2004 increased significantly above the ceiling set in the new regime. The level of effort available for 2005 for the Irish fleet is accordingly less than the recent level of fishing effort deployed in the fishery. Ireland has a legal obligation under the new regime for western waters to take active measures

[Mr. Gallagher.]

to ensure that the ceilings established for all the fisheries with effort ceilings in place under the regulation are fully respected.

My officials and I have held a number of meetings in the last few months with representatives of the scallop fishermen where we have explored the options available to allow for a management system which ensures the fishing effort limits are respected while at the same time a viable scallop fishery can continue into the future. In the event that management measures are not put in place and a free for all operates, it will be necessary to close the fishery when the effort ceilings are reached. I have explained this situation to representatives of the sector and strongly advised them to engage positively with me in order to avoid such a scenario. However, I have not been able so far to secure the involvement of the sector in developing a management regime.

I am continuing to work with the fishermen affected to find an appropriate mechanism for the effective management of this fishery to ensure its viability in the long run. I am hopeful that we will be able to put in place a management system which uses the available effort to the best advantage of the industry. However, time is running out and the options available are considerably reduced as the year progresses. I urge the sector to engage positively with myself and my officials in order to deliver a regime taking all circumstances into account.

#### **Post Office Network.**

103. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will avail of the opportunity presented by the EU Commission decision that it will not oppose State aid to An Post to enable the company to discharge its universal service obligation by securing the future of the company and preserving the national sub-post office network; and if he will make a statement on the matter. [14375/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I am aware that services of general economic interest, such as postal services, can benefit from certain financial measures only to the extent that such measures are necessary to fulfil public service obligations. This was the basis of the 2002 commission approval of the €12.7 million equity injection to An Post to fund a modernisation programme. There are no proposals to pay further State aid to the company.

The Government and An Post are committed to the maintenance of a nationwide post office network and to the universal mail delivery service, which requires that mail be delivered at a uniform tariff to every address in the State. To ensure that these commitments continue to be honoured, the fundamental requirement is not for

State aid but rather for An Post to address certain structural and strategic issues relating to the mail service and the post office network respectively. In regard to mail delivery and collection, exhaustive negotiations are ongoing between unions and management, with the assistance of the State's industrial relations machinery to conclude a recovery plan that all agree is necessary. I have urged both sides to work to bring the negotiations to a successful conclusion.

Turning to the nationwide post office network, the challenge for the company is to develop a comprehensive strategy that satisfies the needs of existing customers while attracting new customers into the post office. An Post has already had some success in winning new business and continues to benefit from a considerable amount of Government business, especially in the areas of social welfare payments and savings products. To ensure that our post offices remain attractive to customers, future strategy must address electronic technology issues in a comprehensive fashion. In the interim, a pilot project will see ten small post offices computerised.

Inquiries made to the European Commission suggest that there has been no recent specific decision that will affect the position in regard to State aid for An Post. The Deputy may have in mind the recent reply to a parliamentary question from Deputy Gay Mitchell MEP from Mrs. Kroes, the Commissioner for competition. The text of the question and reply provided at the end of this reply. The Commissioner confirms that, in respect of general economic services such as postal services, the possibility exists for paying state aid for public service obligations only. This is not new and was in fact the basis for securing the 2002 approval to the €12.7 million equity injection for An Post.

In 1999, at the request of the Prime Minister of the UK, the performance and innovation unit published a report on the modernisation of the post office network. The report covered both the urban and rural network. Following its recommendations, the UK post office network is now in receipt of substantial funding from historical Royal Mail surpluses which were not transferred to the government but were invested in government gilts. The issues facing rural post offices in the UK are similar to the issues in the Irish network. The rural network has been in decline due to changing demographics, car ownership and greater consumer choice. Consequently, the network is facing a serious viability problem with average revenues at rural post offices low. The range of services in the network is similar to the range here with a high reliance on government business.

In order to support the rural post office network, the UK Government decided to fund the network to the tune of £150 million per annum from 2003 to 2006 on condition that the post office would try to prevent avoidable closures of

post offices. A continuation of this funding until 2008 has recently been announced and the condition on closures has been dropped. The rural network is now considered effectively to be a social service but nevertheless, the UK Government has not agreed to an open ended funding of the network. The current funding framework is a transitional mechanism pending a fundamental decision on the future of the network.

Copy of question in the European Parliament.

The public company that provides the Irish postal service, An Post, is currently in financial crisis. Industrial action was recently taken by workers in An Post for non-payment of their pay awards under the national wage pay agreement for the past three years. Article 3 of Directive 97/67/EC 1 directs member states to ensure that users enjoy the right to a universal service involving the permanent provision of a postal service of specified quality at all points in their territory at affordable prices. Given this, will the European Commission allow the Irish government to provide a small subvention to this company currently in crisis, for a period of three to five years, so that the company can be returned to profitability? E-0632/05EN

Answer given by Mrs. Kroes on behalf of the Commission — 1 April 2005. The postal directive laid down common rules regarding the provision of a universal postal service within the Community. A set of universal service obligations, or USOs, is set out in article 3 of the postal directive to give effect to the principles of universality, equality and continuity. National postal providers have been entrusted by their national government to perform these USOs and may benefit from exclusive rights for certain services to the extent necessary to ensure the maintenance of universal service. These universal postal providers also compete in competitive markets with private operators, including both postal markets for express mail and parcels and non-postal markets for financial services.

Provided that the measure in question is dedicated only to compensate An Post for the provision of public and universal service obligations, its compatibility will be dealt by the Commission under Article 86(2) of EC Treaty. The latter provides that services of general economic interest, such as postal services, are not subject to the application of the Treaty rules to the extent that this is necessary to fulfil their general interest mission.

The analysis of the measure in question under Article 86(2) presupposes certain conditions. Amongst others, the Commission should perform an in-depth analysis about the cost of the service of general economic interest in order to verify whether the subsidy granted to An Post will not exceed what is necessary to

cover the costs incurred in discharging the public service obligations, taking into account the relevant receipts and reasonable profit. As long as State compensation are granted for competitive activities of the universal postal provider, these are subject to the application of normal competition rules, especially the rescue and restructuring aid guidelines.

*Question No. 104 answered with Question No. 6.*

#### **Telecommunications Services.**

105. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the date on which he took responsibility for the digital hub project; and if he will make a statement on the matter. [8776/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** On 22 May 2001 the Government made an order transferring responsibility for the digital hub to the Minister for Public Enterprise whose functions regarding the hub were subsequently transferred to the Minister for Communications, Marine and Natural Resources.

#### **Hospital Services.**

106. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if, in April 2003, patients were sent to Clane Hospital who could have been accommodated at another hospital (details supplied); and if she will make a statement on the matter. [14602/05]

107. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if complaints have been received at a hospital (details supplied) regarding the overwhelming number of private patients being treated to the detriment of public patients. [14603/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 106 and 107 together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Services at the Children's University Hospital, Temple Street, are provided under an arrangement with the executive. My Department has requested the chief officer for the executive's eastern regional area to examine the issues raised and to reply to the Deputy directly.

108. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if practices at a hospital (details supplied) regarding the national treatment purchase fund for children are run in a



[Mr. F. McGrath.]  
proper and professional manner; and if she will make a statement on the matter. [14604/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at the Children's University Hospital, Temple Street. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to reply directly to the Deputy on the matter.

#### **Survivors of Symphysiotomy.**

109. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children when she will meet with a group (details supplied); when commitments made to this group in October 2003 will be delivered; and if she will make a statement on the matter. [14605/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** My predecessor met the survivors of symphysiotomy group in late 2003 and agreed that a range of measures would be put in place to support the group. My Department is advised by the Health Service Executive that the current position in this regard is as follows. The former health boards and the relevant voluntary hospitals have appointed liaison officers, who have met and continue to meet patients that have undergone symphysiotomy to discuss their health care needs. An exercise was conducted, in conjunction with the SOS group, to profile patients in order to assist in formulating a needs assessment for each individual. An assessment service for patients has recently been established at Cap-pagh Hospital in Dublin. This service is provided by a multi-disciplinary team which undertakes an assessment of patients, following which recommendations for care pathways are discussed with individual patients. Independent clinical advice is available, on request, through the liaison personnel, to patients who have undergone symphysiotomy. This has already been availed of by a number of members of SOS and appropriate follow-up has been arranged. Independent counselling services are available to patients where requested. Information packs have been made available to general practitioners and relevant health care personnel. It has been agreed to grant medical cards, based on medical grounds, to SOS patients who do not have such eligibility. The HSE is presently finalising arrangements for the issuing of replacement medical cards which will contain a special patient identifier that will allow for the fast-tracking of patients requiring hospital appointments and treatments, together with the

provision of certain non-GMS items recommended for patients by their GP and consultant.

My Department is advised that, following a number of meetings with the SOS group, it was agreed to defer the setting-up of a helpline. The provision of an information line is subject to active consideration by the HSE. It is evident from the foregoing that considerable progress has been made in putting in place a comprehensive range of support services for patients who have undergone symphysiotomy. The HSE will continue to oversee the provision of necessary support services for this patient group.

#### **Child Care Services.**

110. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children her views on the views expressed by a person (details supplied) that larger hospitals such as St. Vincent's and the Mater are not the best place for child patients; and if she will make a statement on the matter. [14606/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at acute hospitals. Accordingly, my Department has requested the director of the executive's national hospitals office to investigate the matter raised and to reply directly to the Deputy.

111. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children if a 24 hour ambulance service will be provided to transfer critically ill children to larger hospitals quickly and safely for specialist interventions; and if she will make a statement on the matter. [14607/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Responsibility for the issue raised by the Deputy rests with the national hospitals office of the health service executive. Accordingly, my Department has requested the director of the national hospitals office to investigate the matter raised and to reply directly to the Deputy.

I am pleased to advise the Deputy that my Department provided €300,000 to the Health Services Executive, eastern regional area, in December 2004 for the provision of a new vehicle for the mobile intensive care ambulance service. While the service currently facilitates the transport of adult patients, the executive has advised that the new vehicle will be equipped with paediatric

atric monitoring equipment and will have the capacity to transport small children.

### **Cancer Screening Programme.**

112. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children if she will report on the delay in rolling out a national cervical cancer screening programme which was promised to commence in 2005; the cost of introducing the programme; and when it will commence. [14608/05]

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

My Department is now consulting the Irish College of General Practitioners, An Bord Altranais, the Academy of Medical Laboratory Science, the institute of obstetricians and gynaecologists of the Royal College of Physicians of Ireland, the faculty of pathology of the Royal College of Physicians of Ireland, the Women's Health Council and the Irish Cancer Society. The consultation with these key stakeholders is well advanced and will be completed in a matter of weeks. 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.

### **Hospital Accommodation.**

113. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the cost of introducing a new public long term care bed; the cost of maintaining it annually; and if she will make a statement on the matter. [14609/05]

**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, deliver, or arrange to be delivered on its behalf, health and personal social services. Accordingly, my Department has requested the national director for primary, community and continuing care at the HSE to investigate the matter raised by the Deputy and to reply direct to him.

### **Nursing Home Subventions.**

114. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if an increased nursing home subvention will be awarded to a person (details supplied) in Dublin 11; and if she will make a statement on the matter. [14629/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the Executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

### **Inter-Country Adoptions.**

115. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children when an adoption assessment (details supplied) is likely to commence. [14630/05]

116. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children the reason the waiting time for even the commencement of inter-country adoption assessment has gone from 12 months to 23 months in the past four months; and if there are plans to strengthen staff numbers to ensure shorter assessment waiting times. [14631/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 115 and 116 together.

Applications for inter-country adoption are processed by the Health Services Executive under the Adoption Acts 1952 to 1998, as amended by the Health Act 2004. The length of time it takes to complete the necessary assessment and the allocation of resources within the HSE is a matter for the management of the HSE. However, I have asked the adoption board to identify practical measures to tackle the waiting lists of inter-country assessments. The board has initiated discussions with the HSE on the matter.

My Department has requested the national director of primary, community and continuing care in the Health Service Executive to investigate these matters and to reply directly to the Deputy.

### EU Directives.

117. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Health and Children the European directives in her Department that are awaiting full implementation. [14647/05]

### Tánaiste and Minister for Health and Children

**(Ms Harney):** The current position on the transposition of European directives for which my Department is responsible is set out in the following table. The statutory instrument for transposition is at an advanced stage.

Subject/Title	Deadline for Transposition into Irish Law	Current Position
Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003, setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood components and amending Directive 2001/83/EC	08/02/2005	It should be noted that there will be a combined transposing Statutory Instrument with Directive 2004/33 below. The drafting of this combined S.I. is at an advanced stage and should be completed shortly.
Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components	08/02/2005	See 2002/98 above

### Registration of Birth.

118. **Mr. Wall** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kildare will be issued a birth certificate; and if she will make a statement on the matter. [14671/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** An tArd Chláraitheoir, Registrar General, is responsible for the registration of all life events, including births. I have made inquiries with him concerning this matter and the position is set as follows.

The procedures for the registration of the birth of the person in County Kildare are governed by the provisions referring to late registrations, that is births that are not registered within 12 months of the event.

The Registrar General's office has been in correspondence with the qualified informant in this case since August 2000 with a view to completing the registration procedures. Although several reminders were issued to the informant in the interim, the procedures were not complied with until April of this year. The birth in question was registered on 3 May 2005 and the certificate has now been issued to the applicant.

### Health Legislation Review.

119. **Mr. Cuffe** asked the Tánaiste and Minister for Health and Children the members of the working group established to review the Health Nursing Homes Act 1990 and associated regulations. [14679/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The membership list of the working group is as follows: Mr. Jimmy Duggan, principal officer, Department of Health and Children, chair; Mr. James Conway, programme manager, Health Service Executive, mid-western area; Ms Valerie Nagle, health economist, HSE, eastern regional area; Ms Anne Vaughan, principal officer, planning unit, Department of Social and

Family Affairs; Mr. Joe Mooney, principal officer, Department of Finance; Ms Marie Kennedy, acting appeals officer, appeals office, St. Joseph's Hospital; Ms Aileen O'Doherty, Irish Association of Older People, University College Dublin; Ms Ellen Dillon, Federation of Irish Nursing Homes; Mr. Maurice O'Connell, chief executive, the Alzheimer Society of Ireland; Mr. Pat Quinlan, Federation of Catholic Voluntary Nursing Homes; Mr. Bob Carroll, director, National Council on Ageing and Older People; Ms Máiread Hayes, development officer, Irish Senior Citizens Parliament; Mr. Paul Costello, chief executive, Irish Nursing Homes Organisation Limited; Mr. Enda Egan, chief executive officer, the Carers Association; Mr. Noel Brett, former regional manager SFOP, Western Health Board; Mr. Aidan Browne, national director for primary, community and continuing care, Health Service Executive, former assistant CEO, community service, North Eastern Health Board; Ms Ann Coyle, HSE, north eastern area; Dr. Bernard Walsh, consultant physician, St. James's Hospital; Mr. David Wolfe, assistant principal, Department of Health and Children; Mr. Derek Finnegan, higher executive officer, Department of Health and Children; Ms Julie Ling, nursing adviser, Department of Health and Children; and Mr. Des Tracey, executive officer, Department of Health and Children.

A working group chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs was established in early 2005. The objective of this group is to identify the policy options for a financially sustainable system of long-term care, taking account of the Mercer report, the views of the consultation that was undertaken on that report and the review of the nursing home subvention scheme by Professor Eamon O'Shea. This group has been requested to report to both the Minister for Social and Family Affairs and the Tánaiste by mid 2005. Following this process, it is the inten-



tion that there will be discussions with relevant interest groups.

### Medical Cards.

120. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if she has resolved the difficulties that have held up the introduction of doctor-only medical cover for persons on low income; if the Health Service Executive has yet issued forms to receive applications in respect of this scheme; and if she is advising persons who believe they may have eligibility to process claims. [14695/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The necessary legislation to allow for the introduction of doctor visit cards has been enacted. Funding of €50 million required to introduce this development in 2005 has been made available to the Health Service Executive, HSE.

The HSE is finalising the necessary administrative arrangements for this measure, and a public information campaign will commence next week. This will indicate the process to be followed by applicants to obtain application forms and to have their eligibility assessed by the HSE. A process of engagement with the contractor and staff representative bodies is ongoing.

It is my intention that access to free general practitioner services will be provided to these low income persons as quickly as possible.

### Vetting Procedures.

121. **Mr. Rabbitte** asked the Tánaiste and Minister for Health and Children the procedures she follows with regard to vetting persons being considered for appointments to State boards under her aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if she will make a statement on the matter. [14700/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The process by which a person is appointed to a State board reflects the conditions for appointment laid down in the relevant statutory instrument establishing the board. When making such appointments, I must have due regard to the nature of the work of the board and the consequent requirement for any appointee to hold the necessary skills and expertise required to discharge the functions of that particular board.

With regard to tax compliance by persons being considered for appointment to State boards, the Department of Finance, in conjunction with other relevant Departments, is considering whether tax clearance certificates can and should be required of such persons. Based on the outcome of that process, a decision will be made on whether any change to the existing arrangements is appropriate.

Finally, under the Ethics in Public Office Act normal disclosure requirements apply to members of boards, once they have been

appointed, where the body is prescribed in regulations made by the Minister for Finance under the Act.

### Health Services.

122. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the reason for the delay in transferring a person (details supplied) in County Wexford for a bypass operation; when this person will be called; and if she will make a statement on the matter. [14792/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. As the person referred to by the Deputy resides in County Wexford, my Department has asked the chief officer for the executive's south eastern area to respond to the Deputy directly.

123. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that some meals on wheels services have to increase their prices to the elderly due to a funding problem; and if she will work with the HSE to ensure that these services are funded adequately. [14793/05]

**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, deliver, or arrange to be delivered on its behalf, health and personal social services. Accordingly, my Department has requested the national director for primary, community and continuing care at the HSE to investigate the matter raised and to reply direct to the Deputy.

### Job Creation.

124. **Mr. Kehoe** asked the Minister for Finance if positions are available for HGV drivers through the OPW in County Wexford; and if he will make a statement on the matter. [14646/05]

**Minister of State at the Department of Finance (Mr. Parlon):** I am advised by the Commissioners of Public Works that they have no current vacancies for HGV drivers in County Wexford. However, any person interested in securing employment with the OPW should complete a standard application form available from the personnel division, The Office of Public Works, 51 St. Stephen's Green, Dublin 2. Telephone 01 6476084. Applicants are then advised in the event of a suitable vacancy arising.

### EU Directives.

125. **Mr. Eamon Ryan** asked the Minister for Finance the European directives in his Depart-

[Mr. Eamon Ryan.]  
ment that are awaiting full implementation.  
[14648/05]

**Minister for Finance (Mr. Cowen):** There are currently eight EU directives for which my Department has responsibility which are awaiting full implementation. The details of each of the Directives are as follows.

Council Directive 2003/98/EC: Re-use of Public Sector Information. This directive lays down ground rules for the re-use of public sector information for commercial purposes. The deadline for implementation is 1 July 2005. A draft statutory instrument has been received from Parliamentary Counsel's office. The deadline is expected to be met.

Council Directive 2004/106/EC of 16 November 2004 amending Directives 77/799/EEC concerning mutual assistance by the competent authorities of the member states in the field of direct taxation, certain excise duties and taxation of insurance premiums and 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products. This directive requires transposition by 1 July 2005.

Council Directive 2005/19/EC of 17 February 2005 amending Directive 90/434/EEC 1990 on the common system of taxation applicable to mergers, divisions, transfers of assets and exchange of shares concerning companies of different member states. This directive has only recently been agreed and published in the Official Journal on 4 March 2005 with a deadline for transposition of 1 January 2006.

Council Directive 2004/18/EC: Revised Public Sector Procurement Directive. This directive coordinates the procurement procedures for the award of public works contracts, public supply contracts and public service contracts. The deadline for implementation is 30 January 2006.

Council Directive 2004/17/EC: Revised Utilities Sector Procurement Directive. This directive co-ordinates the procurement procedures of entities operating in the water, energy, transport and postal services sector. The deadline for implementation is 30 January 2006.

Council Directive 2004/39/EC Markets in Financial Instruments Directive, MIFID. This directive allows investment firms to provide their services across the EU on the basis of their home country authorisation, that is, it will give them an effective single passport. The deadline for implementation is 30 April 2006.

Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity. The deadline for transposition was 31 December 2003. As was already outlined in response to Parliamentary Question No. 152 of 2 March 2005, Ireland was already in compliance with all significant requirements of the directive prior to 1 January 2004. The outstanding elements of the directive have been provided for in Finance Act

2005, subject to a Commencement Order in one instance. A letter notifying the Commission will issue shortly.

Council Directive 2004/56/EC of 21 April 2004 amending Directive 77/799/EEC concerns mutual assistance in the field of direct taxation, certain excise duties and taxation of insurance premiums. The deadline for transposition was 1 January 2005. A statutory instrument is being prepared and the directive will be transposed shortly.

### **Decentralisation Programme.**

126. **Mr. Kirk** asked the Minister for Finance the position regarding the decentralisation proposal for Drogheda, County Louth with regard to site acquisition and the timescale for development; and if he will make a statement on the matter. [14677/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Office of Public Works is currently at an advanced stage in discussion with the Drogheda Town Council regarding potential property solutions to fulfil the accommodation brief of the staff decentralising to Drogheda. Subject to securing satisfactory property solutions and barring unforeseen circumstances, the indicative timeframe for project commencement is mid 2006.

127. **Mr. G. Murphy** asked the Minister for Finance the arrangements he has made to facilitate decentralisation to Kanturk; if a site has been purchased; the number of civil servants who have indicated that they will move to Kanturk; when building will commence and when the first civil servants will commence work in Kanturk. [14678/05]

**Minister for Finance (Mr. Cowen):** The decentralisation programme to Kanturk involves the proposed relocation of part of the Office of Public Works. The Commissioners of Public Works are currently at an advanced stage in the acquisition of a site in Kanturk. The current number of civil servants who have applied for relocation to Kanturk is 82. With regard to the posts prescribed for Kanturk, the application list shows an over subscription at some grades and a shortfall at others. This number, which is based on first preferences, is framed on the CAF applications received up to 7 September 2004. The decentralisation implementation group will issue a further report which will deal with the indicative timelines of projects at a number of locations including Kanturk.

### **Vetting Procedures.**

128. **Mr. Rabbitte** asked the Minister for Finance the procedures he follows regarding vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for

appointment; and if he will make a statement on the matter. [14701/05]

**Minister for Finance (Mr. Cowen):** Appointments to statutory boards under the aegis of my Department are in the first instance subject to the relevant legislation governing the establishment of the board. In considering a person's suitability for appointment to such boards I would have regard to a range of factors including any known, or potential, conflicts of interest. Following appointment to a board, the normal disclosure requirements under the Ethics in Public Office Acts 1995 and 2001 apply where the body is prescribed in regulations made under the 1995 Act.

With regard to tax compliance by persons being considered for appointment to State boards, my Department, in conjunction with other relevant Departments, has been considering whether tax clearance certificates can and should be required of such persons. Based on the outcome of that process, I will consider further with my Cabinet colleagues whether any change to the existing arrangements is appropriate.

#### Unclaimed Moneys.

129. **Mr. Ring** asked the Minister for Finance if his attention has been drawn to the large amount of money that remains unpaid or unclaimed within the bookmaking and betting industry; the estimated sums of money as classified; if bookmakers are required to make every effort to return the money to their rightful owner and make the money available to suitable registered charities; and if he will make a statement on the matter. [14772/05]

**Minister for Finance (Mr. Cowen):** I do not have any information to hand on the matters raised in the question. Moreover, the issues raised by the Deputy would not come under the remit of my Department.

#### Disabled Drivers.

130. **Mr. McGinley** asked the Minister for Finance the position regarding an application on appeal under the Disabled Drivers-Passengers (Tax Concessions) Regulations 1994 for a person (details supplied) in County Donegal. [14777/05]

131. **Mr. McGinley** asked the Minister for Finance the position regarding an application on appeal under the Disabled Drivers-Passengers (Tax Concessions) Regulations 1994 for a person (details supplied) in County Donegal. [14778/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 130 and 131 together.

I have no direct responsibility for the day to day operation of the medical board of appeal for the disabled drivers and disabled passengers, tax concessions, scheme. As the Deputy may be aware, there have been a number of administrative difficulties with the board of appeal.

However, these have now been resolved, and in this respect I appointed a new chairperson to

the board on 14 March, and a new secretary recently commenced employment. It is expected that the board of appeal will resume its meetings very shortly. In addition, structures are being put in place to allow the board to meet frequently and to address the current backlog of appeals.

With regard to the position on appeals by the individuals concerned, the Deputy may wish to contact the secretary to the board of appeal at the National Rehabilitation Hospital, Rochestown Avenue, Dún Laoghaire, County Dublin or alternatively by telephone on 01 2355279.

#### Mobile Telephony.

132. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that mobile telephone costs to consumers here are the highest in Europe; the direction he plans to offer the regulator with a view to addressing this issue and alleviating the unnecessary burden placed on mobile phone users here; and if he will make a statement on the matter. [14774/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no function in setting of pricing for phone services. The regulation of telecommunications operators, including pricing for mobile services, is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations made under the EU Regulatory Framework for Electronic Communications.

As Minister for Communications, Marine and Natural Resources, I have responsibility for overall telecoms policy, and my main goal in this policy is to create conditions for sustainable growth and competition that will benefit the economic and social development of Ireland and facilitate competitive services.

It is my belief that improving the market conditions to enhance competition is the best way to drive down mobile phone charges to the end user. The more competitive telecoms services that are on offer, the better in the long run for consumers, the sector and the economy.

In March 2004, my predecessor issued policy directions to ComReg, including a direction on competition. The direction on competition mandates ComReg to focus on competition as a key objective, with a particular focus on competition in the fixed and mobile markets, and to implement where necessary remedies which counteract or remove barriers to entry and support entry by new players to the market and entry into new sectors by existing players; and to have particular regard to the following also: market share of new entrants; ensuring that the applicable margin attributable to a product at the wholesale level is sufficient to promote and sustain competition; price level to the end user; and the potential of alternative technology delivery platforms to support competition.



[Mr. N. Dempsey.]

ComReg has, as one of its key objectives, under the Communications Regulation Act 2002, the promotion of competition in the exercise of its functions. Competition in the fixed and mobile markets will drive down prices for consumers.

I have no information to say that Irish mobile charges are generally the highest in Europe. However, ComReg's quarterly key data for the Irish communications market for Q4 2004 indicate that the Irish mobile operators' average revenue per user is the second highest in Europe. Switzerland has the highest.

The Deputy will be aware that in February 2005 ComReg designated Vodafone and O<sub>2</sub> as having joint dominance in the wholesale mobile access and call origination market. Following on from this, in March of this year ComReg placed an obligation on Vodafone and O<sub>2</sub> requiring them to provide access to other companies on their networks.

Vodafone, O<sub>2</sub> and Meteor have notified me that they wish to appeal to an appeal panel ComReg's finding of joint dominance and the resulting obligations imposed by ComReg on Vodafone and O<sub>2</sub> to give other operators access to their networks. My officials are currently examining these notifications of appeal.

*Question No. 133 answered with Question No. 19.*

#### EU Directives.

134. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the European directives in his Department that are awaiting full implementation. [14649/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Details of directives awaiting transposition by my Department are set out in the following table.

EU Directives Awaiting Transposition

Title	Deadline for Transposition into Irish Law	Expected date of transposition
Directive 2002/91 of 16 December 2002 on the energy performance of buildings	04.01.06	December 2005
Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC.	1. 01.07.04 (part) 2. 01.07.04 (part) 3. 01.07.04 (part) 4. 01.07.04 5. 01.07.07	1. transposed 2. transposed 3. 2005 4. 2005 5. 2007
Directive 2003/103/EC of the European Parliament and of the Council of 17 November 2003. Amending Directive 2001/25/EC on the Minimum level of training of seafarers.	14.05.05	May 2005
Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of co-generation based on a useful heat demand in the internal energy market and amending Directive 92/42/EEC.	21.02.06	February 2006
Directive 2004/67/EC of the European Parliament and of the Council of 26 April 2004 concerning measures to safeguard security of natural gas supply	19.05.06	May 2006

#### Fisheries Report.

135. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if the report commissioned on the fisheries boards has been published; if not, when it will be published; if he will report on its recommendations; and if a copy of this report will be provided to this Deputy. [14670/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I have recently received the report from the consultants and I am currently considering its findings. It is my intention to bring this report to Government in the near future and to have it published as soon as possible. Until such time as the report is presented to Government, I am not in a position to report on its recommendations or provide a copy to the Deputy.

#### Vetting Procedures.

136. **Mr. Rabbitte** asked the Minister for

Communications, Marine and Natural Resources the procedures he follows with regard to vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if he will make a statement on the matter. [14702/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Appointments to the boards of State sponsored bodies are made in accordance with the provisions set out in the relevant legislation. To date, it has not been the practice to request those whom it is proposed to nominate to these positions for evidence as to their tax compliance. However, an inter-departmental team, which included my Department, has considered this matter and a proposal regarding requiring appointees to State sponsored boards to be in possession of tax clearance documentation is under consideration by my colleague, the Minister for Finance.

Question No. 137 answered with Question No. 50.

Question No. 138 answered with Question No. 32..

Question No. 139 answered with Question No. 86.

Question No. 140 answered with Question No. 32.

Question No. 141 answered with Question No. 82.

Question No. 142 answered with Question No. 50.

Questions Nos. 143 to 145, inclusive, answered with Question No. 12.

Question No. 146 answered with Question No. 15.

Question No. 147 answered with Question No. 78.

Question No. 148 answered with Question No. 32.

Question No. 149 answered with Question No. 31.

Question No. 150 answered with Question No. 22.

Question No. 151 answered with Question No. 80.

Question No. 152 answered with Question No. 23.

Question No. 153 answered with Question No. 19.

Questions Nos. 154 and 155 answered with Question No. 9.

Question No. 156 answered with Question No. 80.

Question No. 157 answered with Question No. 12.

Question No. 158 answered with Question No. 57.

Question No. 159 answered with Question No. 37.

Question No. 160 answered with Question No. 13.

Question No. 161 answered with Question No. 73.

Question No. 162 answered with Question No. 15.

Question No. 163 answered with Question No. 87.

Question No. 164 answered with Question No. 23.

Question No. 165 answered with Question No. 11.

Question No. 166 answered with Question No. 52.

Question No. 167 answered with Question No. 15.

Question No. 168 answered with Question No. 54.

Question No. 169 answered with Question No. 57.

Question No. 170 answered with Question No. 40.

Questions Nos. 171 and 172 answered with Question No. 49.

Question No. 173 answered with Question No. 62.

Question No. 174 answered with Question No. 20.

Question No. 175 answered with Question No. 57.

Question No. 176 answered with Question No. 90.

#### **An Post Staff.**

177. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if an examination has been undertaken in regard to pension and salary awards or increases due to the An Post workforce having particular regard to the commitments entered into in the 1983 Act which purported to protect the then civil servants who transferred to the new company; the way in which this commitment has been set aside; and if he will make a statement on the matter.  
[14763/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no statutory function in relation to this matter.

Question No. 178 answered with Question No. 88.

Question No. 179 answered with Question No. 45.

*Question No. 180 answered with Question No. 52.*

*Questions Nos. 181 to 183, inclusive, answered with Question No. 6.*

*Question No. 184 answered with Question No. 52.*

*Question No. 185 answered with Question No. 6.*

### **Telecommunications Services.**

186. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if the State should attempt to regain control of the Eircom network; and if he will make a statement on the matter. [14800/05]

187. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if the time has come to divest Eircom of its ownership of the network; and if he will make a statement on the matter. [14801/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 186 and 187 together.

The regulation of telecommunications operators, including Eircom, is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations made under the EU regulatory framework for electronic communications. It would not be within the power of the Government to divest Eircom of its ownership of the network.

188. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if the control of the telephone network by Eircom is impacting negatively on other telecoms operators; and if he will make a statement on the matter. [14802/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The regulation of telecommunications operators is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations made under the EU regulatory framework for electronic communications. I have no function in the matter.

189. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to open up the mobile phone market to a fourth or fifth operator; the reason he believes that despite the presence of some competition in the market, prices have not yet reached the levels enjoyed by other European countries; and if he will make a statement on the matter. [14803/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no function in the regulation of prices for phone ser-

vices or the number of likely participants in the provision of mobile phone services in the future. The regulation of telecommunications operators is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations made under the EU regulatory framework for electronic communications.

As Minister for Communications, Marine and Natural Resources, I have responsibility for overall telecoms policy. My main goal in this policy is to create conditions for sustainable growth and competition that will benefit the economic and social development of Ireland and facilitate the provision of competitive services.

I have no information to indicate that Irish mobile charges are generally the highest in Europe. However, ComReg's quarterly key data for the Irish communications market for Q4 2004 indicate that the Irish mobile operators' average revenue per user is the second highest in Europe. Switzerland has the highest.

The Deputy will be aware that in February 2005 ComReg designated Vodafone and O<sub>2</sub> as having joint dominance in the wholesale mobile access and call origination market. Following on from this, in March of this year, ComReg placed an obligation on Vodafone and O<sub>2</sub> requiring it to provide access to other companies on its networks.

Vodafone, O<sub>2</sub> and Meteor have notified me that they wish to appeal to an appeal panel ComReg's finding of joint dominance and the resulting obligations imposed by ComReg on Vodafone and O<sub>2</sub> to give other operators access to their networks. My officials are currently examining these notifications of appeal.

### **Port Development.**

190. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans for the development of ports and harbours; the likely expenditure of such ventures in 2005 and forthcoming years; and if he will make a statement on the matter. [14804/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The ports policy statement, published in January 2005, sets out Government policy in relation to plans for the development of ports and harbours. It is available to view on the Department's website.

The ports policy statement aims to better equip the port sector and its stakeholders to meet national and regional capacity and service needs through: better transport policy co-ordination; clearer and more focused commercial mandates for the ports and their boards; reform of the structure of port boards; encouragement of private sector investment and involvement; sanction for the use of non-core assets to fund new port development but not to mask inefficiencies; encouragement of healthy competitive conditions



within and between ports; better consultation and dispute resolution between port companies and users through appropriate information sharing and arbitration mechanisms; and encouragement of mergers where a business case exists.

Ireland, as an island, is dependent on sea-borne trade and the economic significance and importance of our ports to the prosperity of the country is self-evident. Given our small, open economy, Ireland's international competitiveness is central to overall economic performance.

Our ports are vital gateways for commercial freight and sea passengers. This is highlighted by the fact that nine of the ten commercial State port companies are located in areas identified as gateways in the national spatial strategy. Almost all of Ireland's overseas trade goes by sea, underlining the commercial significance of ports and their strategic importance. Most of the ports are State-owned companies with statutory commercial mandates and operational criteria. The port companies are required to take all proper measures for the management, control, operation and development of their harbours and are required to conduct their business at all times in a cost-effective and efficient manner. This has led to a strong independence of action and a focused commercial mindset.

The Government expects that the port companies, as commercial entities, should be capable of funding their operations and infrastructure requirements without relying on Exchequer support. The port companies are, therefore, encouraged to seek financial assistance from other avenues such as private sector investment within ports.

One of the key challenges ahead is the timely provision of adequate in-time port capacity. The internal resources of our commercial ports are not sufficient in general to fund large-scale infrastructure projects. This is a significant challenge in view of the need for additional capacity at our ports over the coming years, particularly to cater for the growth in unitised trade. The Department is initially consulting with the commercial ports concerned to determine their view of port capacity and how they intend to deal with the projected capacity requirement.

The Department is interested in key projects identified by the commercial ports as essential to deal with anticipated capacity deficiencies to 2014 and beyond, and whether the ports see these being funded from their own resources or in partnership with the private sector. The policy framework encourages all port sector stakeholders to address capacity provision. The State will support capacity provision, as residual financier, but only if proven essential to progress identified high quality self-sustaining projects.

As indicated in the policy statement, it is proposed that the regional harbours still operating under the Harbours Act 1946 will be transferred to local authority or port company control.

Officials from the Departments of Communications, Marine and Natural Resources and the Environment, Heritage and Local Government are at present considering the modalities for the transfer of the regional harbours to local authority ownership.

Pending the above transfers the Department spent a total of €1.25 million in 2004 on essential works at regional harbours to protect the public and the fabric of these harbours. Consideration is being given to the need for a similar programme in 2005.

#### **Coastal Erosion.**

191. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he expects to address areas showing signs of coastal erosion; and if he will make a statement on the matter. [14805/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Department's coast protection programme seeks to address the most urgent instances of erosion on the Irish coastline. Coastal erosion affects all coastal counties and is particularly prevalent on the softer coastline in the east and south east of the country.

A value for money report carried out for the Department in March 2002 highlighted the need for a more strategic focus in addressing the problem of coastal erosion in Ireland. The Department initiated a coastal protection strategy study in 2003. The study addresses the nature and extent of erosion at various locations and different types of coastline in Ireland and seeks to identify the most effective means, technically, financially and environmentally, in responding to particular instances and types of erosion. It is expected that when this study is completed a more targeted approach to programme delivery will enable a greater level of efficiency to be achieved.

Under the coast protection measure of the National Development Plan 2000-2006, €52.01 million is identified for expenditure. Expenditure under this measure up to the end of 2004 was €32.19 million. Funding of €2.88 million is allocated to the Department for coast protection in 2005. The coastal protection programme for 2005 is under consideration at present.

192. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of locations in respect of which coastal erosion has been noted; the extent to which he has specific plans in mind to address these issues in early date; and if he will make a statement on the matter. [14806/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Responsibility for coast protection rests with the property owner whether it be a local authority or a private individual. In July

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2002 my Department requested all coastal local authorities to submit proposals, in order of priority, for consideration in the context of the 2003-06 national coast protection programmes. In all, 195 proposals with an estimated total value of over €120 million were submitted.

In March of this year, the local authorities were requested to submit updated lists of priority proposals and these proposals are under consideration at present in connection with the 2005 national coast protection programme.

My Department has an Exchequer funding allocation of €2.80 million for the entire country for 2005. The question of providing funding in the post-2005 period will be considered in the context of the Exchequer funding available for coast protection works going forward and overall national priorities.

### Marine Safety.

193. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he is satisfied regarding the extent of health and safety measures obtainable on all fishing or pleasure craft; and if he will make a statement on the matter. [14807/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Occupational health and safety measures on fishing vessels are the responsibility of the Health and Safety Authority as fishing vessels are considered places of work under the Safety, Health and Welfare at Work Act 1989.

The maritime safety directorate, MSD, of the Department is, among other things, the national authority with responsibility for the promotion, regulation and enforcement of maritime safety. It has an ongoing safety programme involving an appropriate combination of statutory regulation, enforcement and safety awareness promotion with the aim of achieving the highest level of safety at sea, including on fishing vessels and pleasure craft.

The MSD is implementing a comprehensive regulatory framework for fishing vessels which should ensure a higher level of safety over time. This programme is based on an approach which separates the fleet into three categories as follows: fewer than 15 m in length; 15 to 24 m in length; and over 24 m.

With regard to fishing vessels less than 15 m in length the Department published a new code of practice for these vessels last year. This code sets minimum standards of safety for the vessel to protect all persons on board. It covers vessel design, construction, machinery, safety equipment and stability issues.

A panel of surveyors has also been established by the Department to survey fishing vessels for compliance with the code. To obtain a sea-fishing boat licence a declaration must be signed by one of the surveyors on the panel signifying that the vessel is compliant with the code. This declaration

remains valid for four years subject to the owner's biannual declaration.

All fishing vessels between 15 and 24 m in length are required to comply with the relevant safety, fire-fighting and radio installation regulations prior to receiving their licence. The Department is also considering additional safety requirements for this category of vessels covering vessel design and construction in particular.

Fishing boats over 24 m in length are required to carry a certificate of compliance, CoC, in respect of the vessel and this CoC is issued following a survey undertaken by the Department. The crew are also required to hold certificates of competency.

In addition to regulations governing the safety of fishing vessels, the maritime safety directorate also has in place regulations governing the safety of the crew.

The Fishing Vessel (Personal Floatation Devices) Regulations, SI 586 of 2001, came into effect on 1 March 2002. This introduced the mandatory wearing of suitable personal floatation devices by commercial fishermen while on the deck of fishing vessels.

Under the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988 fishing vessels with engine power greater than 750 KW are also obliged to carry specified numbers of qualified engineer officers depending on the registered power of the vessel.

The Fishing Vessels (Basic Safety Training) Regulations 2001 require all crew members, before going to sea for the first time, to obtain basic safety training. Existing serving crew members are required to undertake this training on a phased basis between 2003 and 2008. The crew member must carry a commercial fishing training record book on board to demonstrate that the training has taken place.

There is also a memorandum of understanding in place between the MSD and the HSA in relation to the enforcement of the requirements of the Safety, Health and Welfare at Work (Fishing Vessels) Regulations 1999. These regulations, introduced by the Minister for Enterprise, Trade and Employment, give effect to Council Directive 93/103/EEC on the minimum health and safety requirements applicable to work on board fishing vessels. The regulations view vessel decks as workplaces, recognising the very dangerous nature of work on a fishing vessel deck. They also set out the duties of vessel owners, including duties in relation to the provision of information, training, instruction and consultation of workers.

Pleasure craft are generally not places of work so health and safety measures are the responsibility of the individual sailing the craft. To assist owners and operators of pleasure craft in their responsibility, the maritime safety directorate has developed a code of practice for the safe operation of recreational craft. This code sets out the current legislative requirements and recommended best practice regarding the safe oper-

ation of recreational craft. I intend to launch the code shortly.

The enforcement of regulations governing the safety of vessels is carried out by the staff of the maritime safety directorate.

#### Port Development.

194. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his objectives in relation to the development of the various fishing ports throughout the country; and if he will make a statement on the matter. [14808/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The national development plan sets out the programme objectives for fishery harbour development, that is, the development and construction of fishery harbour and related facilities at key strategic fishery harbours and the construction and improvement of berthage at smaller harbours and landing places. The plan provides €84.35 million for capital investment in fishery harbours infrastructure and facilities over the period 2000-06. Up to the end of 2004 the Department has spent €102.2 million under this programme. The total allocation for 2005 is €20.55 million.

This year's allocation includes funding for various projects including funds to progress: the development of Castletownbere fishery harbour centre involving extension of Dinish Wharf, remedial works to the existing quay and the provision of a suitable harbour services building; the development of new ferry berths at Rossaveel fishery harbour centre — this development is jointly funded by the Department and the Department of Community, Rural and Gaeltacht Affairs; the development options at Dunmore East fishery harbour centre; and the upgrading and modernisation of Port Oriel, Clogherhead, which is owned by Louth County Council. The county council will contribute 25% of the cost of this development.

Funding is also provided for projects at smaller harbours and landing places right around the coast to meet the needs of local fishing and aquaculture interests and coastal communities. The completion of the programme in future years will be dependent on the availability of funding.

#### Fishing Industry.

195. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he proposes to extend compensation payments to sea fishing families displaced or likely to be displaced arising from EU or other conservation measures; and if he will make a statement on the matter. [14809/05]

198. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he proposes to make compensatory payments to families dependent on sea

fishing in view of the need to introduce conservation measures; and if he will make a statement on the matter. [14812/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I propose to take Questions Nos. 195 and 198 together.

There is no specific funding mechanism available to the Department to alleviate financial hardship in the manner suggested. EU conservation measures are designed and implemented to maintain the viability of commercial fish stocks into the future and thus to protect the livelihoods of families dependent on fishing. The Government's long-term strategy for the sustainable development of the fishing industry shares these objectives. As part of this strategy, I announced a number of new measures last week, including the introduction of a new decommissioning scheme to remove excess capacity from the whitefish fleet, and a review of fleet structure and available fishing opportunities in the whitefish sector. This approach is the best way to protect livelihoods in fishing dependent coastal communities.

196. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to compensate salmon fishermen in view of likely necessary conservation proposals; and if he will make a statement on the matter. [14810/05]

199. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he proposes to make payments to families dependent on salmon fishing; if his attention has been drawn to the similar payment systems or proposed in other jurisdictions; and if he will make a statement on the matter. [14813/05]

201. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has in mind realistic compensation proposals for driftnet fishermen with a view to replacement of income foregone due to necessary conservation measures; and if he will make a statement on the matter. [14815/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I propose to take Questions Nos. 196, 199 and 201 together.

I have no plans to provide compensation for salmon fishermen arising from necessary reductions in total allowable catch required to sustain and rebuild salmon stocks. Since 2002 the Government has promoted the application of quotas on commercial fishing and bag limits on angling to achieve catch reductions as the best instrument available to achieve the restoration of salmon stocks. The overriding objective of the Government is to preserve the salmon resource in its own right and for the coastal and rural communities that it helps to support. The economic



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goals for a sustainable commercial salmon fishery, based on quality and value rather than volume, and the development of salmon angling as an important tourism product are both fully compatible with the Government's primary objective.

A quality and value strategy consists of improving how fish are handled, post catching, to ensure that the maximum price per fish is obtained. This approach maintains or increases the overall income derived from the fishery even when the total catch is reduced. I am advised that Bord Iascaigh Mhara is working, with some success, to yield an improvement in the price of salmon through the Irish wild salmon quality and marketing programme.

In so far as the compensation payment schemes adopted in other jurisdictions, I have no plans to introduce proposals to purchase commercial drift net salmon fishing licences. The Government has consistently ruled out buy-out as an effective means of achieving the restoration of salmon stocks. Moreover, no convincing case has been advanced as to the public good that would be acquired by the State in the context of a publicly funded buy-out.

As I have previously indicated to the House, I am prepared to keep the matter under review. I would be open to any relevant proposals presented to me whereby stakeholders benefiting from any reduction in commercial catch would identify themselves and indicate a willingness to fund any compensation that might arise.

#### **Fishing Fleet Protection.**

197. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had recent discussions with the Irish Fishermen's Organisation in relation to proposed decommissioning of fishing boats; if he has accepted the proposals put forward by the IFO; and if he will make a statement on the matter. [14811/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Irish Fishermen's Organisation has submitted a proposal for a decommissioning scheme for fishing boats targeting bivalve molluscs which I have examined. However, taking all matters into account including the funding available to me, my priority is to address the current imbalance between fishing capacity and fishing opportunities in key fisheries subject to restrictive quotas such as monkfish, hake and cod. Accordingly, I announced last week a new grant aid scheme to remove excess capacity from the whitefish sector of the fleet.

*Question No. 198 answered with Question No. 195.*

*Question No. 199 answered with Question No. 196.*

#### **Fisheries Protection.**

200. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which salmon, sea trout, brown and rainbow trout stocks have fluctuated in the past ten years; the measures taken or proposed to ensure the adequacy of stock for the future; and if he will make a statement on the matter. [14814/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Under the Fisheries Acts, primary responsibility for the conservation and management of salmon, sea trout, brown trout and rainbow trout stocks rests with the central and regional fisheries boards. It has not been possible within the time available to gather the relevant information sought by the Deputy from the boards. I have however asked the chief executive officer of the central fisheries board to compile a full report on the status of these stocks over the period mentioned and to forward this directly to the Deputy as soon as possible.

*Question No. 201 answered with Question No. 196.*

202. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the nature of the discussions he has had with the various salmon fishing interests with particular reference to conservation needs; and if he will make a statement on the matter. [14816/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I have met with various fishing interests on a broad range of issues. The National Salmon Commission, however, is a statutory body established by the Fisheries (Amendment) Act 1999, which includes representatives of the commercial salmon fishing sector, the angling sector and other relevant stakeholders. The commission assists and advises me, as Minister of State with responsibility for the marine, on the conservation, management, protection and development of the national salmon resource. It also makes recommendations to me in relation to the management, development and conservation of stocks of wild salmon or sea trout, the tagging of such fish and the setting of a national total allowable catch and quotas for the taking of salmon, in consultation with the fisheries boards, the Marine Institute and other such bodies.

Since 2002, the Government has implemented a strategy to ensure, through progressive reductions in the commercial salmon catch, that the conservation limits recommended by the National Salmon Commission are being reached. This policy of promoting the application of quotas on commercial fishing and bag limits on angling has delivered significant overall catch reductions aimed at achieving the Government's prime objective of restoration of salmon stocks. I

met with and heard the views of the stakeholder members of the commission in February at the time when they finalised consideration of their recommendations on the wild salmon and sea trout tagging scheme for 2005. I also received submissions from various salmon fishing interests in response to the public consultation exercise on the tagging scheme regulations.

The term of office for the outgoing National Salmon Commission ended on 25 March 2005 and I intend to appoint a new membership in the near future. In response to my invitation, I have received submissions from numerous bodies and organisations which have declared an interest in being considered for membership of the new commission and in doing so have set out their views on the wild salmon fishery. I will be asking the new salmon commission to progress, as an immediate priority of national policy, the specific recommendation made by the outgoing commission to align the exploitation of salmon on the scientific advice by 2007. In particular, I will be asking the new commission to advise me as to how best these recommendations can be implemented, bearing in mind the primary requirement to ensure the future biological viability of the salmon resource in all catchments and also the needs of all stakeholders, including those who derive their living from the wild salmon resource.

#### **Departmental Correspondence.**

203. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources if correspondence from an organisation has been brought to his attention (details supplied) in County Tipperary; his views on the level of dissatisfaction expressed in same; the steps he will take with the organisation to enhance the levels of service; and if he will make a statement on the matter. [14818/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Deputy furnished me with a copy of the correspondence referred to in his question. I was not an addressee on this correspondence and, therefore, I had not seen it nor am I a party to it. Having read the correspondence, however, I can say that the issue referred to therein is a day to day operational matter for the addressee and not one in which I have a function.

#### **Ministerial Appointments.**

204. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources if he will meet with a group (details supplied) as a matter of urgency. [14819/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** At my specific request, the Department included the views of the group in question in a comprehensive report which I am reviewing. I will consider a

meeting the group and will notify the Deputy of my decision in due course.

#### **Common Foreign and Security Policy.**

205. **Mr. Carey** asked the Minister for Foreign Affairs the action the Government is taking, either unilaterally or with other EU Governments or through the UN to address concerns regarding Iran's drive to gain access to nuclear weapons, human rights abuses in Iran and concerns that the theocratically controlled Government be replaced by a secular democratic government that is inclusive and accountable to the people of Iran; if there is concern that developments in Iran may have a detrimental effect on global stability; and if he will make a statement on the matter. [14628/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Ireland, and the EU as a whole, have a number of long-standing concerns in relation to Iran. These include concerns about aspects of Iran's nuclear programme, human rights issues, Iran's responsibilities in the fight against terrorism, and Iran's attitude to the Middle East peace process. These concerns were reiterated most recently by the European Council in December 2004. In seeking to address these concerns, the EU is engaged with Iran in a number of areas in an effort to achieve progress by dialogue and negotiation. Following the Paris agreement with Iran in November 2004, the EU is engaged in negotiations with Iran aimed at reaching, as an integrated package, an agreement governing political relations, a trade and co-operation agreement and a lasting resolution of the nuclear issue. These negotiations are being advanced in formal sessions in Brussels and Teheran and in working groups at Geneva between the UK, Germany and France, along with the Presidency and High Representative Solana and Iran. The most recent working group meetings took place on 19 April. I refer the Deputy also to my detailed statement on this issue in reply to Question No. 34 on 28 April 2005.

The EU engages with Iran on human rights issues through a formal EU-Iran Human rights dialogue. We have been concerned that, after some initial improvement, progress in improving human rights protection in Iran has been disappointing. The General Affairs and External Relations Council in October 2004 concluded that the dialogue had not so far produced worthwhile results, but that it still offered potential for engaging with Iran on the issue. The Council decided to send a troika mission to Iran to discuss ways to improve the operation of the dialogue. The troika mission has just visited Teheran, on 27 April, and we will be considering its findings at working group level and in due course at the General Affairs and External Relations Council. The EU is engaging with Iran in these various contexts in a genuine and forthright manner and is committed to seeking agreements which will resolve existing concerns and put the relations

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between the EU and Iran on a better footing. Success will depend on the extent to which Iran is prepared genuinely to seek to reach agreement with us.

### Human Rights Issues.

206. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the status of the Nobel Laureate and democracy leader of Burma, Aung San Suu Kyi and her ongoing house arrest; and if he will make a statement on the matter. [14638/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to the reply to Questions Nos. 7, 24, 29, 67 and 74 of 28 April 2005, a copy of which is set out below:

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 re-opening 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.

207. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the status of the investigation into the disappearance of a person (details supplied) in Belarus; and if he will make a statement on the matter. [14639/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The disappearance of Mr. Victor Gonchar, formerly deputy speaker of the Belarus Parliament, is one of a group of four disappearances dating back to 1999-2000 which have never been satisfactorily investigated by the Belarus authorities despite sustained international pressure. In my reply to an oral question about the political situation in Belarus on 28 April, I mentioned that the latest resolution adopted by the Commission on Human Rights about Belarus again 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; and that these included disappearances. Ireland, along with all other EU member states, the United States of America and Canada co-sponsored the resolution.

The Pourgourides report of the Parliamentary Assembly of the Council of Europe — named after the rapporteur of the Parliamentary Assembly's committee on legal affairs and human rights who produced it in January 2004 — alerted the international community to the issue. The report concluded that a proper investigation of four disappearances in the period 1999-2000 had not been carried out and that there were reasons to believe there had been a high-level cover up. In addition to Mr. Victor Gonchar, the persons in question are his friend Mr. Anatoli Krasovski, a former Minister of the Interior, Mr. Yuri Zakharenko and a cameraman for a Russian TV channel, Mr. Dmitri Zvatski.

Throughout last year, including in the run up to the parliamentary elections and referendum of 17 October, the EU singled out these cases on all appropriate occasions. The Council conclusions of 22 November, the Council's most recent comprehensive statement of policy on Belarus, again urged the Belarus authorities to conduct an independent investigation of the disappearances of

three opposition politicians and a journalist in 1999-2000 and to bring the perpetrators of these crimes to justice.

In view of the gravity of the crimes and of the absence of any appropriate response from the Belarus authorities, the EU in December 2004 placed a visa ban on four persons responsible for, but who failed to initiate, an independent investigation and prosecution. Considered by the Pourgourides report to be key actors in the disappearances and the subsequent cover up, the four persons whose entry or transit through their territory EU member states are required to prevent are Sivakov, Yury Leonidovitch, Minister of Tourism and Sport of Belarus, Sheyman, Victor Vladimirovich, head of presidential administration of Belarus, Pavlichenko, Dmitri Valeriyevich, officer of the special forces of Belarus, Naumov, Vladimir Vladimirovich, Minister of the Interior.

The unsatisfactory situation with respect to these disappearances is an egregious example of the general lack of progress towards democracy, the rule of law and respect for human rights in Belarus which continues to impede EU and bilateral relations with that country.

208. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the status of the investigation into the deaths of Burundi Members of Parliament, Mr. Mfayokurena and Mr. Ndikumana (details supplied); and if he will make a statement on the matter. [14640/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Mr. Sylvestre Mfayokurera, a member of the then Burundian Parliament, was assassinated in August 1994 while Mr. Innocent Ndikumana, also a member of Parliament, was attacked and killed by a group of Tutsi militia on 16 December 1995. Both men had been elected to parliament as members of the Hutu FRODEBU party in 1993. To date, no persons have been charged or convicted in connection with either killing. I understand, however, that one of the suspects in the murder of Mr. Mfayokurera has since been apprehended in connection with another crime while arrest warrants have now been issued for two people suspected of murdering Mr. Ndikumana. I also understand that a working group of the transitional national assembly, which replaced the Parliament, was established in April 2003 to consider, in conjunction with the Burundian public prosecutor and the Burundian government, how the investigations into the murder of a number of parliamentarians could be reactivated.

The failure to apprehend those responsible for killing Mr. Mfayokurera and Mr. Ndikumana highlights the general problem of impunity in Burundi and the need for greater efforts on the part of the Burundian Government to strengthen the rule of law and put in place an effective

[Mr. D. Ahern.]  
 system of justice in the country, following the long period of conflict from which that country is emerging. This is an issue which the Irish Government has consistently raised in bilateral discussions with the Burundian Government, especially, in the context of the murder of Archbishop Michael Courtney in 2003. Ireland and its EU partners played a key role in ensuring adoption of a consensus resolution at the recent session of the Commission on Human Rights, calling upon the Burundian Government to ensure that those responsible for serious human rights crimes, such as the murders of Mr. Mfayokurera and Mr. Ndikumana, are brought to justice. The resolution also provides for appointment of an independent expert to continue examining the situation of human rights in Burundi.

It is encouraging that President Ndayizeye signed into law in January 2005 the legislation providing for the establishment of the national truth and reconciliation commission, as required under the terms of the Arusha peace accords of 2000. On 11 March 2005, UN Secretary General Annan recommended to the UN Security Council that the commission should be complemented by the establishment of a special chamber within the Burundian justice system for the purpose of trying those suspected of genocide, crimes against humanity and war crimes committed since Burundi attained its independence in 1962. The Security Council is still considering the Secretary General's proposals which are intended to help strengthen the judicial system within Burundi. The progress in initiating the truth and reconciliation process in Burundi will hopefully contribute to renewed investigation into the murders of Mr. Mfayokurera and Mr. Ndikumana and to ensuring that those responsible are apprehended and finally brought to justice.

209. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the status of the investigation into attempts on the life of a person (details supplied) of Burundi; and if he will make a statement on the matter. [14641/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Mr. Norbert Ndiwokubwayo, currently assistant secretary general of the Hutu FRODEBU parliamentary group in the Burundian transitional national assembly, was the subject of two unsuccessful assassination attempts in September 1994 and December 1995. He was a member of the Burundian parliament at that time. Following these events, Mr. Ndiwokubwayo fled into exile, though he returned to Burundi in December 2001 and resumed his parliamentary duties. To date, no person has been charged or convicted in connection with these attempts on Mr. Ndiwokubwayo's life. I understand that a working group of the transitional national assembly, which replaced

the parliament, was established in April 2003 in order to consider, in conjunction with the Burundian public prosecutor and the Burundian Government, how the investigation into the attempted assassination could be reactivated. The case of Mr. Ndiwokubwayo highlights the general problem of impunity in Burundi and the need for greater efforts on the part of the Burundian Government to strengthen the rule of law and put in place an effective system of justice in the country, following the long period of conflict from which that country is emerging.

This is an issue which the Irish Government have consistently raised in bilateral discussions with the Burundian Government, especially in the context of the murder of Archbishop Michael Courtney in 2003. Ireland and its EU partners played a key role in ensuring adoption of a consensus resolution at the recent session of the Commission on Human Rights calling upon the Burundian Government to ensure that those responsible for serious human rights crimes, such as the attempted murder of Mr. Ndiwokubwayo, are brought to justice. The resolution also provides for appointment of an independent expert to continue examining the situation of human rights in Burundi.

It is encouraging that President Ndayizeye signed into law in January 2005 the legislation providing for the establishment of the national truth and reconciliation commission, as required under the terms of the Arusha peace accords of 2000. On 11 March 2005, UN Secretary General Annan recommended to the UN Security Council that the commission should be complemented by the establishment of a special chamber within the Burundian justice system, for the purpose of trying those suspected of genocide, crimes against humanity and war crimes committed since Burundi attained its independence in 1962. The Security Council is still considering the Secretary General's proposals which are intended to help strengthen the judicial system within Burundi.

The progress in initiating the truth and reconciliation process in Burundi will hopefully contribute to a renewed and more successful investigation into the circumstances of the attempted murder of Mr. Ndiwokubwayo and to ensuring that those responsible are apprehended and finally brought to justice.

210. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the status of the investigation into the dismissing from the Parliament of Cambodia of persons, Mr. Chang Song, Mr. Siphon Phay and Mr. Savath Pou; and if he will make a statement on the matter. [14642/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware that the governing council of the Inter-Parliamentary Union, IPU, adopted a resolution on 8 April 2005 concerning the dismissal of Mr.

Chang Song, Mr. Siphon Phay and Mr. Savath Phou from the Cambodian Senate in 2001. I understand that their dismissal from Parliament followed on their expulsion from the Cambodian People's Party.

In this regard, Ireland and its EU partners continue to monitor the political situation in Cambodia, including the position of parliamentarians. On 10 February 2005, for example, the EU issued a statement expressing concern at the decision by the Cambodian government on 3 February 2005 to suspend the parliamentary immunity of three members of the opposition, and to arrest one of them.

Ireland, together with EU partners, co-sponsored a resolution on advisory services and technical co-operation in the field of human rights in Cambodia at the recent session of the Commission on Human Rights in Geneva. The resolution, which was adopted on 20 April, urged the Cambodian Government to continue to strengthen its efforts to establish the rule of law, including through the adoption and implementation of essential laws and codes for establishing a democratic society. It also called on the Cambodian government to continue to address, as a matter of priority, the problem of impunity and to continue to strengthen its judicial reform efforts. The resolution also called on the Cambodian authorities to continue to create an environment conducive to the conduct of legitimate political activity and to continue its efforts to improve good governance.

211. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the status of the investigation into the assassinations of persons (details supplied), all members of the Parliament of Colombia; and if he will make a statement on the matter. [14643/05]

212. **Cecilia Keaveney** asked the Minister for Foreign Affairs the status of the investigation into the death threats against a person (details supplied) in Colombia; and if he will make a statement on the matter. [14644/05]

213. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the status of the investigation into the kidnapping of a person (details supplied) in Colombia; and if he will make a statement on the matter. [14645/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 211 to 213, inclusive, together.

Ireland monitors the human rights situation in Colombia along with its partners in the European Union. The General Affairs and External Relations Council at its meeting on 13 December 2004 reiterated the EU's concern over the grave human rights and international humanitarian law situation in Colombia. In regard to the cases

referred to by the Deputy, there is strong evidence of the involvement of the right-wing paramilitary group AUC, with allegations of participation by elements of the security forces in at least one instance. In some of the cases, people associated with the AUC or the security forces were detained as suspects but subsequently released or acquitted.

This illustrates the importance of tackling impunity and the need to investigate, prosecute and punish those responsible for such crimes. However, it is important to recognise that, while all the cases mentioned in these questions appear to have involved right-wing elements, other illegal armed groups in Colombia are also involved in murder, displacements, threats and kidnappings. The Deputy will recall that the left-wing guerrilla group, FARC, has held captive former Colombian presidential candidate Ingrid Betancourt as a kidnap victim since 2002, along with many other civilians. The ELN, another left-wing guerrilla group, has also explicitly stated recently that it will not cease its widespread practice of kidnapping civilians.

In the Colombian peace process, an essential element is the need for a comprehensive legal framework for the process of disarmament, demobilisation and reintegration of the illegal armed groups, based on the principles of truth, justice and reparation. This was emphasised in the Cartagena declaration which was adopted at a meeting on international support for Colombia on 3 and 4 February 2005 in Cartagena at which Ireland was represented. The Colombian Government has since then introduced a justice and peace Bill in the Colombian Congress, which it argues will provide such a framework. Ireland was actively involved in negotiating the recent chairperson's statement on the situation of human rights in Colombia which was adopted on 22 April 2005 at the 61st session of the Commission on Human Rights in Geneva. The statement appeals to the Government of Colombia increasingly to address the issue of impunity and to take action to improve the capacity and effectiveness of the judicial system and to take action where evidence of collusion with the paramilitary forces is found.

My Department will continue to monitor the situation in Colombia, and particularly the progress of the justice and peace Bill, through our embassy in Mexico City, as well as in co-operation with our EU partners with resident embassies in Colombia.

#### **EU Directives.**

214. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs the European directives in his Department that are awaiting full implementation. [14650/05]



**Minister for Foreign Affairs (Mr. D. Ahern):** There are no directives awaiting implementation in the Department of Foreign Affairs.

#### **Vetting Procedures.**

215. **Mr. Rabbitte** asked the Minister for Foreign Affairs the procedures he follows in relation to vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if he will make a statement on the matter. [14703/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The advisory board for Development Co-operation Ireland was established in 2002 to provide general oversight and advice to the Minister for Foreign Affairs on the strategic direction of the Government's programme of assistance to developing countries. All members serve in a voluntary capacity for a term of three years. They are appointed on the basis of their individual expertise and ability to contribute to the work of the board.

The advisory board has recently been included as a prescribed public body under the Ethics in Public Office Regulations 2004, SI No. 699 of 2004. As of 1 January, if any member has a material interest in a function that falls to be performed, he or she is obliged to declare that interest in writing, to the other members of the board. Board members are required to provide an annual statement which will either be a nil-return form or a statement-of-interests form to the executive secretary to the board and to the standards commission by 31 January 2006 in respect of the calendar year 2005. The practice relating to appointments to the other three boards and committees under the aegis of the Department of Foreign Affairs, namely, the development education advisory board, Díon committee — an advisory committee to the Government established in response to concerns about the situation of Irish emigrants in Britain — and the Ireland-United States commission for educational exchange, or the Fulbright Commission, is to appoint people who have a proven track record in each board's area of competence as well as a keen awareness of the particular issues arising in these areas. All members of these bodies serve in a voluntary capacity with the exception of the chairperson and secretary of the Díon committee who are officials at the Irish Embassy in London.

As the Deputy will be aware, as Minister for Communications, Marine and Natural Resources I wrote to the Minister for Finance suggesting that tax clearance certificates should be required of persons appointed to boards. I understand that the Minister for Finance is currently considering the matter. When the Minister has completed

these considerations, I will review the situation in my Department.

#### **Human Rights Issues.**

216. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the reason Ireland voted against Cuba's draft resolution at the 61st session of the UN Commission on Human Rights on the question of allowing independent investigation into the situation of detainees at the United States naval base in Guantanamo, which was defeated on 15 April 2005. [14795/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government has on a number of occasions made known its concerns to the US Government regarding the treatment and status of the detainees held at Guantanamo Bay. It shares the view of the European Parliament that these detainees should be treated in accordance with the requirements of international human rights and humanitarian law. The Government also, of course, recognises the danger posed by terrorist networks such as al-Qaeda. Together with our EU partners, we remain committed to countering all forms of terrorism, while upholding the highest standards of international human rights and humanitarian law.

The draft resolution on the detainees in Guantanamo Bay, to which the Deputy refers, was tabled at the Commission on Human Rights by the delegation of Cuba on 14 April 2005. The draft resolution was defeated in a vote taken on 21 April 2005, with all EU partners who are members of the Commission, including Ireland, voting against, following full and detailed consideration of the issue. The draft resolution was opposed by 22 commission members and supported by eight. The reasons Ireland and its partners voted against the draft resolution were given in a statement explaining our vote, delivered by the Netherlands on behalf of the EU Presidency. The statement reiterated the EU's condemnation of all acts of terrorism, while emphasising its commitment to human rights and international humanitarian law standards for the Guantanamo detainees. The statement noted that resolutions on the protection of human rights in the context of the fight against terrorism and of arbitrary detention already addressed the fundamental issues underlying the Cuban draft resolution. The resolutions are strongly supported in the Commission on Human Rights by the EU.

There was a request in the draft resolution for the United States to co-operate with the special procedures of the commission which are, in effect, special rapporteurs and independent experts on the issues in question. The EU statement recalled the fundamental importance it attaches to full co-operation by all states with these mechanisms. It noted with satisfaction that the United States has already started discussions on the modalities for a visit by special procedures

to Guantanamo Bay and indicated that the EU would welcome an early visit. The EU statement also noted that some countries, including Cuba, refuse to allow such visits to their own territories and prisons and called on these countries to change their attitude. In this regard, the EU statement observed that introducing a resolution calling on the United States to act in manner which Cuba refused to do, risks damage to the work and credibility of the commission.

I understand that the United States has facilitated regular visits by the International Committee of the Red Cross to Guantanamo Bay. The ICRC does not have access to prisons maintained by the Cuban Government. I would welcome an early decision by the United States Government to facilitate a visit by special procedures of the CHR to Guantanamo Bay.

### Human Rights Issues.

217. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will report on his discussions with the British authorities regarding the current hate campaign against Travellers in Britain. [14796/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government is committed to supporting front-line organisations which provide advice, counselling and support services to Irish people in need in Britain, including of course members of the Traveller community. The Government funds such agencies in Britain through the Díon fund. More than €22 million has been distributed since it was established in 1984.

Officials of the Irish Embassy in London continue to monitor closely the issue of Travellers in Britain and to maintain very open lines of communication with the various representative bodies and interested parties. To this end, embassy officials have been in contact with the incoming chief executive of the Irish Travellers' Movement, while officials of the Irish abroad unit and the embassy earlier this year met with Travellers' representatives and also visited various Traveller sites.

The particular needs of the Traveller community remain a priority area for Díon funding. Four organisations focused on helping travellers in Britain, which promote culturally appropriate initiatives in this regard, benefited from Díon funding last year, receiving a total of €226,560. In addition to this, a great many of the groups supported by the Díon fund offer services which are accessed by Travellers. We will continue to monitor the situation closely.

### EU Directives.

218. **Mr. Eamon Ryan** asked the Minister for Arts, Sport and Tourism the European directives in his Department that are awaiting full implementation. [14651/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** There are no European directives for which my Department has responsibility that are awaiting full implementation.

### Vetting Procedures.

219. **Mr. Rabbitte** asked the Minister for Arts, Sport and Tourism the procedures he follows in relation to vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if he will make a statement on the matter. [14704/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** In making appointments to State boards, I take into consideration the expertise and overall knowledge and experience the appointee will bring to the board in question. I also have regard, as far as possible, to gender balance requirements. I do not undertake any detailed vetting of such appointees.

As regards tax compliance by persons being considered for appointment to State boards, the Department of Finance, in conjunction with my own and other relevant Departments, has been considering whether tax clearance certificates can and should be required of such persons. Based on the outcome of that process, the Minister for Finance will consider further with his Cabinet colleagues whether any change to the existing arrangements is appropriate or not and I will contribute to that consideration.

### Employment Support Services.

220. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the measures which were taken by his Department to prevent the loss of 290 jobs at plants (details supplied) in Dublin and Greenore, County Louth; the contacts he has had with unions involved; and the measures he will take to replace these jobs. [14621/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** On 4 October 2004, Coca Cola Bottlers Ireland, CCBI, announced that it intended to close its three manufacturing plants and concentrate all of its manufacturing in one new plant. None of the three existing sites was deemed to be large enough, nor did any of them have access to sufficient water of the necessary quality to accommodate the new project.

Since then, Enterprise Ireland worked very closely with CCBI to try and have the new plant located here. I met with Enterprise Ireland and with union and worker representatives on 9 February 2005, to discuss the matter. The key determinant of the new location was always going to be access to quality ground water. Locations were tested both north and south of the Border and a new site in west Lisburn was chosen. I am

[Mr. Martin.]  
satisfied that everything that could have been done was done to try to secure the new project.

Yesterday, Enterprise Ireland met with local interests in Greenore who have been affected by the CCBI decision. The outcome of the meeting is that the State agencies, including Enterprise Ireland, IDA Ireland, the county enterprise board and FÁS, which were all represented at the meeting, will work together to facilitate the development of new business on the Greenore site and to provide the full range of supports possible to those workers who are to lose their jobs.

#### EU Directives.

221. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment the European directives in his Department that are awaiting full implementation. [14652/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The current position on the transposition of EU directives for which my Department is responsible, indicates a total of 29 directives to be implemented, including nine for which the deadline for implementation, in full or in part, has passed. Details of the directives, including, insofar as it has been decided, the proposed transposition instruments, are available on my Department's website at [www.entemp.ie/trade/eudirectives](http://www.entemp.ie/trade/eudirectives).

#### Vetting Procedures.

222. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment the procedures he follows in relation to vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if he will make a statement on the matter. [14705/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Appointments to State boards under the aegis of my Department, are made with due regard to the provisions of the legislation under which the body was established, and are made on the basis of the relevant experience and skills of the individuals concerned. Other issues such as gender are also taken into consideration.

In general, State-sponsored bodies are covered by the code of practice for the governance of State bodies and a copy of this code is given to all directors on appointment. It is a matter for each agency to ensure that the code of practice is complied with in so far as it relates to the conduct of its directors.

As regards tax compliance by persons being considered for appointment to State boards, the Department of Finance, in conjunction with other

relevant Departments, has been considering whether tax clearance certificates can and should be required of such persons. Based on the outcome of that process, that Department will consider further whether any change to existing arrangements is appropriate.

#### EU Directives.

223. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs the European directives in his Department that are awaiting full implementation. [14653/05]

**Minister for Social and Family Affairs (Mr. Brennan):** There is one directive which falls within the responsibility of my Department which has not yet been fully implemented. This is EC Council Directive 2003/41/EC on the activities and supervision of Institutions for Occupational Retirement Provision — more generally known as the IORPs directive. This sets out a framework for the operation and supervision of occupational pension schemes in all member states and will facilitate pan-European pension plans. Member states are required to have the provisions of the directive transposed into national law by 23 September 2005.

In Ireland, the Pensions Act 1990 already provides for much of the framework set down in the directive. A number of further amendments to the Pensions Act were recently included in sections 27 to 37 of the Social Welfare and Pensions Act 2005 to ensure compliance with the directive. Regulations are also required to set out some of the more detailed requirements relating to investment rules, qualifications for trustees of schemes and cross border arrangements. The drafting of these regulations is underway and I am confident that all the necessary legislative measures will be enacted before the transposition date of 23 September 2005.

#### Social Welfare Benefits.

224. **Mr. Penrose** asked the Minister for Social and Family Affairs if the Government will leave most of the social welfare contract with An Post and desist from encouraging persons who are social welfare recipients to utilise the banks for the deposit of their entitlements; and if he will make a statement on the matter. [14665/05]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department currently issues approximately 1.1 million weekly payments of which 58% are paid through An Post. My Department's policy is to ensure that a range of payment options is available to customers and that the service is continually improved by providing access to the wide range of payment options and new services and facilities now available.

Where possible, my Department provides a payment option which best suits the needs of the



customers. There is no compulsion involved and there are no plans to force customers to move to a payment method that does not suit them. The increased use of electronic systems and card based technologies opens up possibilities for improved service and greater efficiency in payment delivery generally in the future. I recently met with my colleague, the Minister for Communications, Marine and Natural Resources, who is the Minister responsible for An Post, to discuss these possibilities and their future role in payment delivery in post offices.

225. **Mr. Wall** asked the Minister for Social and Family Affairs his plans to monitor the cost of rented accommodation in each area in which his Department awards rent subsidy to ensure that applicants are in a position to obtain decent accommodation; and if he will make a statement on the matter. [14685/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Rent supplements are provided through the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive. My Department is in regular contact with the community welfare staff of the executive regarding the various elements of the scheme. In the course of these ongoing contacts, the upper limitation on rent levels supported under the rent supplement scheme — as prescribed in SI No. 727 of 2003 — has not emerged as having any detrimental impact on the ability of eligible tenants generally to secure suitable rented accommodation to meet their needs.

My Department is reviewing the current levels of rent limits in order to determine what limits should apply from July 2005 when the current statutory limits expire. The review is taking account of prevailing rent levels in the private rental sector generally, based on indices from the Central Statistics Office, together with detailed input and guidance from the Health Service Executive on the market situation according to patterns of rent supplement applications within each of its operational areas. This will ensure that the new rent limits reflect realistic market conditions throughout the country, to continue to enable eligible tenants to secure and retain suitable rented accommodation to meet their needs.

#### **Decentralisation Programme.**

226. **Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if a decision has been made regarding the sections of his Department which will relocate to Carrickmacross, County Monaghan under the decentralisation programme; if so, the sections to be relocated; the timescale involved; and if he will make a statement on the matter. [14688/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The DIG or decentralisation imple-

mentation group's report to the Minister for Finance on 19 November 2004, recommended the locations and organisations to be included in the first phase of moves under the decentralisation programme and those to be regarded as potential early movers. While Carrickmacross was not included in the first phase of moves or as a potential early mover, the DIG is due to report again regarding the phasing of those locations not covered in the November report.

My Department is currently revising its implementation plan for the first phase of moves and will examine subsequent phases in light of this and of the next DIG report. My Department's commitment is to the relocation of 85 posts to Carrickmacross under the programme.

#### **Vetting Procedures.**

227. **Mr. Rabbitte** asked the Minister for Social and Family Affairs the procedures he follows in relation to vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if he will make a statement on the matter. [14706/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The five statutory agencies operating under the aegis of my Department are the Pensions Board, the Combat Poverty Agency, Comhairle, the Family Support Agency and the Social Welfare Tribunal. In addition, the Pensions Ombudsman comes under the remit of my Department.

The Pensions Board was established in December 1990 under the Pensions Act 1990 and comprises 17 members, including the chairperson. The role of the board is to monitor and supervise the provisions of the Pensions Acts as amended, relating to occupational pensions, and to advise the Minister on all matters relating to its functions and on matters relating to pensions generally. The method of selection to the board is mainly by nomination by representative bodies as laid down in the Pensions Act.

The Combat Poverty Agency, CPA, was established in September 1986 under the Combat Poverty Agency Act 1986. The main functions of the agency are to advise the Minister for Social and Family Affairs on all aspects of economic and social planning relating to poverty, to initiate and evaluate measures aimed at overcoming poverty, and to promote greater public understanding of the nature, causes and extent of poverty and the measures necessary to overcome poverty. Persons are selected for appointment to the board on the basis of their interest and commitment in the whole area of poverty and social inclusion. Regard is also had to the Government's policy on minimum representation, that is, 40% of men and women on State boards.

[Mr. Brennan.]

Comhairle was established on 12 June 2000 under the Comhairle Act 2000 and comprises 20 members, including a chairperson. It is responsible for supporting the provision of independent information, advice and advocacy services for citizens throughout the country, including people with disabilities. The legislation provides that the board shall include five members representative of people with disabilities nominated by the Minister for Justice, Equality and Law Reform, an elected member of staff and a representative from my own Department. The remaining 13 members are representative of the following interests: health board, local authorities, local development, citizens' information centres, independent information providers and general interests. The legislation also provides that the Minister, when making appointments to the board, shall have regard to the objective of having a minimum of eight men and eight women on the board.

The Family Support Agency was established on 6 May 2003 under the Family Support Agency Act 2001 and comprises 12 members, including the chairperson. The remit of the Family Support Agency is to provide a family mediation service, support, promote and develop the provision of marriage and relationship counselling and other family supports, support, promote and develop the family and community, and to undertake research, provide and disseminate information about parenting and family issues and provide advice to the Minister on matters relating to its functions. Persons are selected for appointment to the board on the basis that they have a special interest or expertise in matters relating to the functions of the agency or matters related thereto.

The Social Welfare Tribunal is a statutory body set up in 1982 to deal with cases where entitlement to unemployment benefit or assistance is refused due to an involvement in a trade dispute. The tribunal is an independent agency. It is made up of a chairman and four ordinary members, two of whom are representative of workers and two of employers. The members are appointed by the Minister on foot of nominations by the Irish Congress of Trade Unions, ICTU, and the Irish Business Employers Confederation, IBEC. All persons nominated for membership of and appointment to the Social Welfare Tribunal are required to be in possession of a tax clearance certificate.

As regards tax compliance by persons being considered for appointment to State boards, the Department of Finance, in conjunction with other relevant Departments, has been considering whether tax clearance certificates can and should be required of such persons. Based on the outcome of that process, the Minister for Finance will consider further whether any change to the existing arrangements is appropriate. In the

interim, I intend to follow the practice, which I adopted in previous Departments, whereby all nominees, whether ministerial or others that require my approval, should provide a personal declaration confirming that their tax affairs are in order.

### EU Directives.

228. **Mr. Eamon Ryan** asked the Minister for Transport the European directives in his Department that are awaiting full implementation. [14654/05]

**Minister for Transport (Mr. Cullen):** European directives awaiting full implementation in my Department are outlined as follows.

Directive 2002/51/EC of the European Parliament and of the Council of 19 July 2002 on the reduction of the level of pollutant emissions from two- and three-wheel motor vehicles and amending Directive 97/24/EC

Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC

Directive 2000/79/EC of 27 November 2000 concerning 'the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carriers Association (IACA)

Commission Directive 2004/86/EC of 5 July 2004 amending for the purposes of adapting to technical progress, Council Directive 93/93/EEC on the masses and dimensions of two or three-wheel motor vehicles.

Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002 amending Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community

Directive 2004/3/EC of the European Parliament and of the Council of February 11, 2004 amending Council Directive 70/156/EEC and 80/1268/EEC as regards the measurement of carbon dioxide emissions and fuel consumption of N1 vehicles.

Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organization of the working time of persons performing mobile road transport activities.

Directives 2004/89/EC and 2004/110 of the Commission adapting for the fifth and sixth time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail.

Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation.

Directive 2004/52/EC of the European Parliament and of the Council on the interoperability of electronic road toll systems in the community.

Directive 2004/51/EC of the European Parliament and of the Council of 29 April 2004 amending Council Directive 91/440/EC on the development of the Community's railways

Directive 2004/54/EC of the European Parliament and of the Council on Minimum Safety Requirements for Tunnels in the Trans-European Road Network.

Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification

Directive 2004/50/EC of the European Parliament and of the Council of 29 April 2004 amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system.

### Rail Network.

229. **Mr. Wall** asked the Minister for Transport the position regarding the proposed rail links at Carlow to provide facilities for beet growers to transport beet crops to Mallow; the number of wagons necessary for same; and if he will make a statement on the matter. [14689/05]

**Minister for Transport (Mr. Cullen):** I wish to advise the Deputy that this is a day to day operational matter for the company concerned.

### Driving Tests.

230. **Mr. Wall** asked the Minister for Transport if he will investigate the guidelines in regard to driving tests in order that minimal deficiencies in the vehicles do not impede the vehicles' safety or road worthiness and do not cause the test applicant to be refused the test; and if he will make a statement on the matter. [14690/05]

231. **Mr. Wall** asked the Minister for Transport the legality of tinted windows on vehicles; if his attention has been drawn to the fact that such tinted windows are not acceptable to driving test inspectors when an applicant presents such a vehicle at their driving test; and if he will make a statement on the matter. [14691/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 230 and 231 together.

Under the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963, a vehicle must be constructed so that the driver can, at all times, have such a view of the road and of other traffic on the road as is necessary to enable him to drive safely. The regulations also provide that where a windscreen is fitted to a vehicle, it shall be of a stable substance and fully transparent so that it does not distort the driver's view of objects.

As an employer, my Department has a responsibility to take reasonable measures to ensure the safety of staff. A driver tester must have particular regard to the need for his or her own safety, the safety of the test candidate and of other road users when taking a novice driver for a driving test.

Test candidates are informed in the leaflet entitled, Final Checks for your Driving Test, which issues with the letter of appointment for the driving test, that the vehicle presented for the driving test must comply with certain standards to meet health and safety requirements. Among the requirements specified is that the windscreen must not be unduly tinted. Where a driver tester determines, subject to guidelines issued to testers, that a vehicle is not roadworthy the tester is advised not to conduct the driving test.

### Public Transport.

232. **Mr. Bruton** asked the Minister for Transport the number of buses and the total seating capacity of buses in the Dublin Bus fleet in each year since 2001 and at the most recent date for which data is available; and the average percentage of non-availability of the bus fleet due to repairs, breakdowns or unavailability of crew. [14692/05]

**Minister for Transport (Mr. Cullen):** I have been informed by Dublin Bus that since 2001, the company has operated a fleet of 1,062 buses. Allied to this, up to 60 contracted services are in operation.

The year-on-year fleet and seated capacity for Dublin Bus vehicles is as follows:

Year	Fleet	Seated Capacity
2001	1,062	70,270
2002	1,062	71,715
2003	1,062	73,392
2004	1,062	75,453

Dublin Bus has reconfigured its fleet virtually eliminating mini-buses and significantly reducing single-deck buses. As a consequence the capacity of the fleet has increased by 7% between 2001 and 2004. The company states that the average percentage of non-availability of the bus fleet due to repairs, breakdowns or unavailability of crew is 11%.

### Quality Bus Corridors.

233. **Mr. Bruton** asked the Minister for Transport the number of quality bus corridors in operation in each of the years since 2001 and at the most recent date for which data is available; the total kilometre length of quality bus corridors in respect of these dates; and the number of buses and the bus seating capacity allocated to serving quality bus corridors. [14693/05]

**Minister for Transport (Mr. Cullen):** Nine quality bus corridors, QBCs, covering a total length of some 101 km have been in operation in the Dublin area since 2001 at Malahide, Lucan, Stillorgan, Finglas, north Clondalkin, Rathfarnham, Tallaght, Swords and Blanchardstown. Extensions totalling 16 km have been added to three of these in recent years at Lucan, Stillorgan and Rathfarnham. A number of further QBC projects are due to be delivered in the course of 2005, including the orbital QBC and the South Clondalkin QBC.

Dublin Bus operates an extensive network of services involving QBC and non-QBC routes. On some services, buses may use a QBC for part of a journey. In this context, Dublin Bus has informed me that the number of buses serving QBCs currently stands at 426 with a capacity of 38,340.



### Vetting Procedures.

234. **Mr. Rabbitte** asked the Minister for Transport the procedures he follows in relation to vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if he will make a statement on the matter. [14707/05]

**Minister for Transport (Mr. Cullen):** Appointments to the boards of State-sponsored bodies are made in accordance with the provisions set out in the relevant legislation. To date, it has not been the practice to request those whom it is proposed to nominate to these positions for evidence as to their tax compliance.

The Department of Finance, in conjunction with other relevant Departments, has been considering whether tax clearance certificates can and should be required of such persons. Based on the outcome of that process, the Minister for Finance will consider further with his Cabinet colleagues whether or not any change to the existing arrangements is appropriate.

### EU Directives.

235. **Mr. Eamon Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs the European directives in his Department that are awaiting full implementation. [14655/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** There are no European directives awaiting full implementation in my Department.

### Vetting Procedures.

236. **Mr. Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs the procedures he follows in relation to vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if he will make a statement on the matter. [14708/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Appointments to State boards under the aegis of my Department are governed, where relevant, by the legislation establishing each particular board. In any case, where the body is prescribed in regulations made

by the Minister under the Ethics in Public Office Act, normal disclosure requirements apply to members of boards, once they have been appointed.

As regards tax compliance by persons being considered for appointment to State boards, the Department of Finance, in conjunction with other relevant Departments, has been considering whether tax clearance certificates can and should be required of such persons.

### Farm Retirement Scheme.

237. **Mr. Timmins** asked the Minister for Agriculture and Food the position regarding the case of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [14620/05]

**Minister for Agriculture and Food (Mary Coughlan):** I received the report of the joint Oireachtas committee formally on 7 April. I have asked my officials to consider the recommendations contained in the report, having due regard to the terms and conditions both of the early retirement scheme and the European Commission regulations under which both the current and previous schemes were introduced.

238. **Mr. Ferris** asked the Minister for Agriculture and Food when she proposes to implement the findings of the report on the early retirement scheme to provide some relief to those farmers who participated in good faith in the scheme. [14622/05]

**Minister for Agriculture and Food (Mary Coughlan):** I received the report of the joint Oireachtas committee formally on 7 April. I have asked my officials to consider the recommendations contained in the report, having due regard to the terms and conditions both of the early retirement scheme and of the European Commission regulations under which the current and previous schemes were introduced.

### EU Directives.

239. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the European directives in her Department that are awaiting full implementation. [14656/05]

**Minister for Agriculture and Food (Mary Coughlan):** The European directives to be implemented by my Department are set out in the following schedule.

Directives to be implemented by Department of Agriculture and Food: 16

Title of Directive	Date by which directive is to be implemented
Commission Directive 2005/16/EC of 2 March 2005 amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJL 057, 03/03/05, p. 19)	15 May 2005
Commission Directive 2005/17/EC of 2 March 2005 amending certain provisions of Directive 92/105/EEC concerning plant passports (OJL 057, 03/03/05, p. 23)	15 May 2005

Title of Directive	Date by which directive is to be implemented
Commission Directive 2005/18/EC of 2 March 2005 amending Directive 2001/32/EC as regards certain protected zones exposed to particular plant health risks in the Community (OJL 057, 03/03/05, p. 25)	15 May 2005
Commission Directive 2004/115/EC of 15 December 2004 amending Council Directive 90/642/EEC as regards the maximum levels for certain pesticide residues fixed therein. (OJL 374, 22/12/04, p. 64)	23 June 2005
Commission Directive 2004/116/EC of 23 December 2004 amending the Annex to Council Directive 82/471/EEC as regards the inclusion of <i>Candida guilliermondii</i> . (OJL 379, 24/12/04, p. 81)	30 June 2005
Council Directive 2004/117/EC of 22 December 2004 amending Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards examinations carried out under official supervision and equivalence of seed produced in third countries (OJL 14/01/05, p. 18)	1 October 2005
Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products. (OJL 136, 30/04/04, p. 58)	30 October 2005
Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC (OJL L139, 30/04/04, p. 321)	20 November 2005
Commission Directive 2005/13/EC of 21 February 2005 amending Directive 2000/25/EC of the European Parliament and of the Council concerning the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors, and amending Annex I to Directive 2003/37/EC of the European Parliament and of the Council concerning the type-approval of agricultural or forestry tractors (OJL L55, 01/03/05, p. 35)	31 December 2005
Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC (OJL 195, 02/06/04, p. 12)	1 January 2006
Commission Directive 2005/6/EC of 26 January 2005 amending Directive 71/250/EEC as regards reporting and interpretation of analytical results required under Directive 2002/32/EC (OJL 24, 27/01/05, p. 33)	16 February 2006
Commission Directive 2005/8/EC of 27 January 2005 amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed (OJL27, 29/01/05, p. 44)	16 February 2006
Commission Directive 2005/7/EC of 27 January 2005 amending Directive 2002/70/EC establishing requirements for the determination of levels of dioxins and dioxin-like PCBs in feedingstuffs (OJ L27, 29/01/05, p. 41)	18 February 2006
Commission Directive 2004/97/EC of 27 September 2004 amending Commission Directive 2004/60/EC as regards time limits. (OJL 301, 28/09/04, p. 53)	28 February 2006
Council Directive 2005/24/EC of 14 March 2005 with regard to the use of ova and embryos and storage centres for semen from pure-bred breeding animals of the bovine species. (OJL 78, 24/03/05, p. 43)	24 March 2007
Council Directive 2005/25/EC of 14 March 2005 amending Annex VI to Directive 81/414/EEC as regards plant protection products containing micro-organisms. (OJL 90, 08/04/05, p. 1)	28 May 2006

### Vetting Procedures.

240. **Mr. Rabbitte** asked the Minister for Agriculture and Food the procedures she follows with regard to vetting persons being considered for appointments to State boards under her aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if she will make a statement on the matter. [14709/05]

**Minister for Agriculture and Food (Mary Coughlan):** Appointments to statutory boards under the aegis of my Department are in the first instance subject to the relevant legislation governing the establishment of the board. In considering a person's suitability for appointment to such boards, I would have regard to a range of factors including any known or potential conflicts of interest. Following appointment to a board, the normal disclosure requirements under the Ethics in Public Office Acts 1995 and 2001 apply where

the body is prescribed in regulations made under the 1995 Act.

As regards tax compliance by persons being considered for appointment to State boards, my Department, in conjunction with other relevant Departments, has been considering whether tax clearance certificates can and should be required of such persons. Based on the outcome of that process, I will consider further with my Cabinet colleagues whether any change to the existing arrangements is appropriate.

### Farm Retirement Scheme.

241. **Dr. Upton** asked the Minister for Agriculture and Food if she will review the age restrictions on eligibility of farmers as transferees of agricultural land; her views on whether the current age limit is ageist; and if she will make a statement on the matter. [14776/05]

**Minister for Agriculture and Food (Mary Coughlan):** The objective of the European Council regulation which governs the current early retirement scheme is structural reform through the provision of a financial incentive to older farmers to retire early to facilitate their replacement by younger farmers who are considered more likely to improve the economic viability of the holding. The regulation sets down minimum requirements which must be met but enables individual member states to set additional conditions considered necessary to meet the objectives of the scheme.

In designing the scheme my Department considered that the focus should be on younger farmers and provided for a sliding upper age limit for prospective transferees starting at 45 years and reducing annually to 40 years for applications received in 2006. This age structure continues to be supported by the representatives of young farmers. I have no plans to change the age limits.

#### **Rural Environment Protection Scheme.**

242. **Mr. Connaughton** asked the Minister for Agriculture and Food if a derogation will be granted to persons (details supplied) in County Clare not to have to keep their own cattle on The Burren in County Clare as part of a REP scheme; her views on whether these persons are farming to a very high REP scheme standard and that a neighbouring farmer could provide the necessary livestock to meet REP scheme II requirements; the conditions which must apply to enable the outstanding unpaid REP scheme grants over the past two years to be awarded; and if she will make a statement on the matter. [14779/05]

**Minister for Agriculture and Food (Mary Coughlan):** The persons named have already been given such a derogation twice and are coming towards the end of the third year of their REPS contract. It is a fundamental requirement of REPS that the livestock on a holding be owned by the participant. The matter has already been examined by the independent Agriculture Appeals Office and my Department's position was upheld.

Senior officials of my Department, at their request, met one of the named persons recently and explained the requirements of the scheme. They have been asked to consider with their planner the options proposed by my officials and to respond as soon as possible. Compliance with the conditions of the scheme will enable them to keep the payments they have already received and claim further payments.

#### **Farm Retirement Scheme.**

243. **Mr. Connaughton** asked the Minister for Agriculture and Food if farmers who have their land committed to the retirement pension scheme will be allowed to plant their land on cessation of the scheme in view of the fact that the owners

are now retired farmers; and if she will make a statement on the matter. [14780/05]

**Minister for Agriculture and Food (Mary Coughlan):** There is no prohibition on retired farmers planting their land once their period in the early retirement scheme has ended. However, as retired farmers, they do not qualify for the higher rate of forestry premium payable to active farmers.

#### **Grant Payments.**

244. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason the single payment entitlements to a person (details supplied) in County Galway are so low; and if she will make a statement on the matter. [14781/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application for consideration under both the inheritance and new entrant measures of the single payment scheme. Following processing of his application, the person named was advised that the application under the inheritance measure was successful and the inherited entitlements will be transferred to the person named. His new entrant application was unsuccessful, as he did not establish entitlements during the reference period. A statement of provisional entitlements reflecting this position will issue shortly.

245. **Mr. Connaughton** asked the Minister for Agriculture and Food the exact amount of entitlements under the single payment scheme held by a person (details supplied) in County Galway; and if she will make a statement on the matter. [14782/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application for consideration in respect of the inheritance measure of the single payment scheme. Following processing of this application, the person named has been notified that her application was successful. This will result in the person named receiving 17.50 entitlements with a total net value of €5,230.40 after reductions for modulation and the national reserve. A statement of provisional entitlements outlining this position will issue shortly to the person named. In the meantime, I have arranged for details of the named person's entitlements to be forwarded to her immediately.

246. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding the single payment scheme entitlements for a person (details supplied) in County Galway; and if she will make a statement on the matter. [14783/05]

**Minister for Agriculture and Food (Mary Coughlan):** Records in my Department show that a statement of provisional entitlements issued to the person named on 6 August 2004. I have had



arrangements made to have a further copy issued to the named person immediately.

247. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has not been granted higher single payment entitlements; if her attention has been drawn to the fact that the herd owner was very sick during the reference period and is now trying to increase their stock numbers; and if she will make a statement on the matter. [14784/05]

**Minister for Agriculture and Food (Mary Coughlan):** There are no provisions under the *force majeure* measure of the single farm payment scheme to grant higher or additional entitlements. Where production was affected during the reference years by an accepted case of *force majeure*-exceptional circumstances, a year or years may be excluded and the single farm payment calculated on a one or two year average. The person named, having been notified that the circumstances outlined by her did not satisfy the criteria for *force majeure*-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 1 October 2004. The findings of the appeals committee were that the original decision taken by my Department should be upheld. The medical circumstances put forward occurred in 1993 and consequently the appeals committee did not consider that *force majeure* could be applied in this case.

248. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has not been credited with payment of a ten month special beef premium applied for in December 2004; and if she will make a statement on the matter. [14785/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named applied for 20 animals under the special beef premium scheme on 7 December 2004. The 60% advance payment in respect of 19 animals issued on 9 March 2005. The remaining animal was the subject of an outstanding query which has since been satisfactorily resolved. The 60% advance payment in respect of this animal, together with the interim balancing payments in respect of the 20 animals, will issue shortly to the person named.

249. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason entitlements under the single payment scheme in the name of a person (details supplied) in County Galway have not been awarded; and if she will make a statement on the matter. [14817/05]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application for the transfer of entitlements to him on the grounds of inheritance under the single payment scheme. Following processing of this application, the person named has been notified that the application is successful and 44.44% of the entitlements, representing the land inherited by him, will be transferred to his name. A statement of provisional entitlements indicating the position in respect of the inherited entitlements will issue shortly to the person named. In the meantime, I have arranged for details of the named person's entitlements to be forwarded to him immediately.

#### Farm Retirement Scheme.

250. **Mr. Lowry** asked the Minister for Agriculture and Food her views on a scheme (details supplied); her views on a report relating to the scheme; and when she will implement the recommendations of the report. [14820/05]

**Minister for Agriculture and Food (Mary Coughlan):** I received the report of the joint Oireachtas committee formally on 7 April. I have asked my officials to consider the recommendations contained in the report, having due regard to the terms and conditions both of the early retirement scheme and of the European Commission regulations under which the current and previous schemes were introduced.

#### Sexual Offences.

251. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform his proposals to combat child pornography on the Internet; and if he will make a statement on the matter. [14742/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Internet is an international phenomenon. It has no borders and no single organisation controls it. Measures to combat child pornography on the Internet are therefore hampered by a multiplicity of jurisdictions and differing legal systems and societal norms. Furthermore, developments in new communications technologies allow for Internet access from many means other than the traditional personal computer. For these reasons, combating the production and availability of child pornography on the Internet requires a combination of responses and the co-operation of all the stakeholders at both national and international level — legislators, law enforcement, schools, child protection practitioners and, most important, parents and guardians.

In terms of legislation, in the Child Trafficking and Pornography Act 1998, Ireland has one of the most robust pieces of legislation anywhere. Under the Act, the possession, distribution, importation and exportation or sale of all forms of child pornography, films, videos or material in written or auditory form, including material produced or transmitted via the Internet, are

[Mr. McDowell.] offences with penalties of up to 14 years imprisonment. Mere possession of child pornography can be punishable by imprisonment for up to five years. Using a child or allowing a child to be used for the production of child pornography is also punishable by up to 14 years imprisonment.

The Garda Síochána is committed to the investigation of all cases of child pornography and the importance of investigating the child protection issues involved in such cases. The paedophile investigation unit has been in existence since November 2002 and operates under the umbrella of the domestic violence and sexual assault unit, which consists of one detective sergeant and three detective gardaí. Personnel from the mainstream units at the national bureau of investigation augment these units as the volume of work requires. Computer forensics are carried out by the members attached to the domestic and sexual assault unit and members attached to the Garda bureau of fraud investigation utilising up-to-date forensic software.

Substantial Garda resources are utilised in the investigation of child pornography on the Internet. The recent Operation Amethyst was a successful operation utilising Garda personnel on a countrywide basis under the control and direction of personnel from the national bureau of criminal investigation. The Garda Síochána investigates all alleged breaches of the Child Trafficking and Pornography Act 1998 brought to its attention by external police forces, the Internet Advisory Board, the hotline and concerned citizens.

On the structural side, the Government established a working group in 1997 to examine and report on the question of the illegal and harmful use of the Internet with particular reference to child pornography. The report of the working group on the illegal and harmful use of the Internet was published in July 1998. The main recommendation of the report was for a system of self-regulation by the Internet service provider industry and the components of such a system were to include: an Internet advisory board, IAB, — established in February 2000 — to promote awareness of Internet downside issues, coordinate efforts to combat child pornography on the Internet and monitor the progress of self-regulation by the Internet service provider industry; a public hotline for reporting child pornography, which was established 1999 and funded by the industry; and an industry code of practice and ethics setting out the duties and responsibilities of each Internet service provider, which was agreed in February 2002 and reviewed in 2004.

The Internet advisory board oversees and monitors progress on anti-child pornography measures, and supervises a self-regulatory regime for the Irish Internet service provider industry. The self-regulatory approach to Internet regulation has been adopted worldwide and the Internet advisory board helps and supports the Irish Internet service provider industry to deliver an

effective self-regulation environment in accordance with an agreed code of practice and ethics for the industry. The Irish code of practice and ethics is recognised throughout Europe as a model of its type.

The Internet advisory board's brief also extends to general downside issues on the Internet, including general safety for children while on-line, the conduct of research and information campaigns. The hotline, [www.hotline.ie](http://www.hotline.ie), funded by the Internet Service Providers' Association of Ireland with support from the EU safer Internet action plan, was launched in November 1999 and has been operating since that time. Special protocols operate between the Garda and the hotline which maximise co-operation on law enforcement issues so that offences in the area of child pornography can be detected and prosecuted.

The hotline works closely with and is a founding member of the international INHOPE Association, [www.inhope.org](http://www.inhope.org), a network of European hotlines which is expanding to all parts of the world. The INHOPE Association develops procedures and shares information on the best practices for the tracing and tracking of illegal child pornography.

International co-operation is a vital part of the fight against child pornography on the Internet and Ireland is fully committed to playing its part. In September 2001, the Council of Europe Ministers' deputies approved the first international convention on cybercrime. Ireland signed up to the convention in June 2002. The main objective of the convention is to foster international co-operation in protecting society against cybercrime. The convention deals specifically with the distribution of child pornography on the Internet, infringements of copyright, computer related fraud and violations of network security.

The European Union has taken a strong line on combating child pornography on the Internet. Since 1999, under the safer Internet action plan, the EU has provided financial and other supports for measures in the member states to combat illegal and harmful uses of the Internet with particular emphasis on protecting children. A new EU action plan — Safer Internet Plus — covering the period 2005 to 2008 and with a budget of €45 million was agreed under the Irish Presidency in June 2004 and is now in operation.

The EU Council adopted a framework decision on combatting the sexual exploitation of children and child pornography on 22 December 2003. While I have indicated that the Child Trafficking and Pornography Act 1998 is a particularly robust legislative measure, my Department is considering the question of whether additional legislative provisions are required to give effect to this framework decision.

#### **Legislative Programme.**

252. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if, arising from the recent report of the Data Protection Com-

missioner, he has legislative proposals to address the various issues including privacy; and if he will make a statement on the matter. [14754/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The position is that the law on the protection of personal data is contained in the Data Protection Acts 1988 and 2003. These Acts give effect both to the Council of Europe convention for the protection of individuals with regard to automatic processing of personal data and Directive 95/46/EC of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

The European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003, SI No. 535 of 2003, made by the Minister for Communications, Marine and Natural Resources, give effect to Directive 2002/58/EC of the European Parliament and the Council concerning the processing of personal data and protection of privacy in the electronic communications sector.

While the Government legislation programme does not provide for legislative proposals on the Data Protection Acts 1988 and 2003, operation of the law in this area is kept under review in my Department.

#### Grant Payments.

253. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the community based and not for profit child care services in County Westmeath which have received capital grants to date under the EOCP 2000-2006 programme; and the amount awarded to each such project. [14597/05]

254. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the community based and not for profit child care services in County Westmeath which have received staffing grants; and the amount awarded in each case. [14598/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In 2004 my Department published a comprehensive review of progress under the Equal Opportunities Child Care Programme, EOCP, 2000-2006, entitled, Developing Child Care in Ireland, which was circulated to all Members of the Oireachtas and posted on the Department's website. Much of the detailed information sought by the Deputy to the end of 2003 is included in this report.

It is intended in future to update these statistics regularly. The first such update, which will cover the period up to end of 2004, is expected to become available over the coming months and will be posted on the Department's website and circulated to interested parties, including Members of the Oireachtas.

The overall position regarding County Westmeath is that by end April 2005, I have approved 81 grants totalling more than €9.2 million in

respect of capital, staffing and quality Improvement projects across the county under the EOCP. It is anticipated that this funding will lead to the creation of 1,108 new child care places and support a further 1,179 existing places. The funding includes: almost € 4.5 million in capital grant assistance to 13 community based-not for profit groups; almost €2.6 million in staffing grant assistance to 18 community based-not for profit projects; more than €1.1 million in capital grant assistance to 30 private sector child care projects; and €748,948 to Westmeath county child care committee to enable it to carry out its day to day activities and implement its annual action plans; and funding for a number of other initiatives, including the support of childminders.

#### Visa Applications.

255. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if visa applications for Kyrgyz officials (details supplied) will be urgently processed; and if he will make a statement on the matter. [14599/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Given the circumstances of this case, it was deemed appropriate to prioritise the processing of these applications. Application Nos. 1684591 to 1684598, inclusive, were approved by my Department on 29 April 2005.

#### Prison Staff.

256. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform his plans for alternative placement for the staff of the open prison at Loughan House, Blacklion, County Cavan, which it is proposed to close; and if he will make a statement on the matter. [14600/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my response to Questions Nos. 191 and 207 on 21 April last, in which I outlined the measures I intend to pursue in an effort to ensure the efficient and effective use of the valuable resources at my disposal. The position regarding alternative placement for the staff currently located at Loughan House is that they will be transferred on a permanent basis to other prisons. I cannot be more specific at this point on exactly what prisons will be involved but such plans will be the subject of consultation with staff representatives in due course.

#### Garda Equipment.

257. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the number of gardaí trained in the use of the intoxiliser breathalyser machines in each Garda division; and if he will make a statement on the matter. [14601/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities which are responsible for the detailed



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allocation of resources, including personnel, that the number of gardaí trained in the use of the intoxiliser breathalyser machines in each division is as set out in the following table:

Division	Number
D.M.R North	26
D.M.R South	13
D.M.R North Central	37
D.M.R South Central	37
D.M.R East	31
D.M.R West	18
D.M.R Regional Traffic	23
Waterford/Kilkenny	57
Wexford/Wicklow	45
Tipperary	40
Cork City	51
Cork West	62
Cork North	35
Kerry	71
Limerick	47
Cavan/Monaghan	51
Donegal	50
Sligo/Leitrim	43
Clare	46
Galway West	52
Roscommon/Galway East	56
Mayo	51
Carlow/Kildare	44
Laois/Offaly	97
Longford/Westmeath	47
Louth/Meath	67

#### Crime Statistics.

258. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the crime statistics under all relevant headings, for each Garda sub-district in County Mayo for the years 2000 to 2004 inclusive; the offences recorded and detected in that period; if he will report on his analysis of these statistics; and if he will make a statement on the matter. [14632/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to advise the Deputy that it has not been possible to compile the information requested in the timeframe allowed. I will arrange for the information to be forwarded directly to the Deputy at the earliest possible opportunity.

#### Residency Permits.

259. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application by persons (details supplied) in Dublin 11 to remain here on the basis of parentage of an Irish born child; and if he will make a statement on the matter. [14633/05]

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**(Mr. McDowell):** Separate applications were received in my Department on 19 January 2005 from the persons concerned seeking permission to remain in the State on the basis of their parentage of an Irish born citizen child under the revised arrangements announced by me on 15 January 2005. The closing date for receipt of applications for the scheme was 31 March 2005. Some 18,000 applications were received. In excess of 4,400 applicants have been granted temporary permission to remain to-date.

Applications are being dealt with as expeditiously as possible and, as far as is possible, in order of receipt. It should be noted that a number of incomplete applications are currently under examination or are being held pending the submission of documents. Given the number of applications being processed, it is expected that the processing of the applications from the persons concerned will be completed within the next few weeks.

#### Child Care Provision.

260. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform when the application for capital funding in respect of an organisation (details supplied) in County Westmeath will be expedited; if he is satisfied that the information furnished to date is adequate to enable him to make a decision; and if he will make a statement on the matter. [14634/05]

#### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** The group in question has already been awarded staffing grant assistance of €195,000 under the EOCP to date for its existing service. An application for capital grant assistance under the Equal Opportunities Childcare Programme 2000-2006 was submitted by this group to my Department some time ago.

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 to 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 the budget of 2005, I have announced a record allocation totalling some €66 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 enables 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 under the current guidelines on building costs. In the light of this, the group in question was advised in December

2004 that while its project had not been prioritised for immediate funding at that stage, it will be reconsidered for possible support in the future.

When the assessment on the project in question is completed, the application will then be considered by the EOCP appraisal committee, chaired by my Department, before I make a final decision and the group will be informed of the outcome in due course. In the interim, it would be premature of me to comment further on this application.

#### Property Sales.

261. **Mr. J. Breen** asked the Minister for Justice, Equality and Law Reform when his report will be available on auctioneers; if it is his intention to make private treaty sales more transparent; and if he will make a statement on the matter. [14635/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I expect to receive the auctioneering-estate agency review group's report by mid-year. The review group is tasked to carry out a review of all aspects of the auctioneering-estate agency profession in Ireland and to make recommendations for any changes necessary in terms of structure or legislation to ensure a proper and appropriate auctioneering and property letting service to the public in terms of house purchase, house sale, property purchase, property sale and property letting.

#### EU Directives.

262. **Mr. Eamon Ryan** asked the Minister for Justice, Equality and Law Reform the European directives in his Department that are awaiting full implementation. [14657/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** There are seven directives that come under the remit of my Department that have been adopted by Council but have yet to be transposed into domestic legislation. These are: Commission Directive 2004/57/EC on the identification of pyrotechnic articles and certain ammunition for the purposes of Council Directive 93/15/EEC on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses; Council Directive 2004/83/EC on the minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted; Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services; Council Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) no 1612/68 and repealing Directives

64/221/EEC, 68/360/EEC, 72/194/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC; Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence; Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals; and Council Directive 2004/82/EC on the obligations of carriers to communicate passenger data.

The second, third, fourth, fifth, sixth and seventh directives listed are not due to be transposed for some time and work is underway to allow for their transposition into domestic legislation. The first directive was adopted on 23 April 2004 and a transposition date of 31 December 2004 was set. This directive has not yet been transposed but its transposition into national legislation is currently being examined as a matter of urgency, in the context of a review of the Explosives Act 1875.

#### Asylum Applications.

263. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if he will personally review from a humanitarian point of view the case of a person (details supplied); and if he will make a statement on the matter. [14664/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned, an Armenian national, arrived in the State on 9 September 2003 and claimed asylum. Her application was refused by the Office of the Refugee Applications Commissioner and she was notified of this recommendation by letter on 8 September 2004. Her subsequent appeal was refused by the Office of the Refugee Appeals Tribunal and she was notified of this recommendation by letter on 26 October, 2004.

She was notified of the decision to refuse her refugee status by letter on 10 November 2004 in which she was informed of the three options open to her at that point: to leave the State before her case was considered for deportation; consent to the making of a deportation order in respect of her; make written representations, within 15 working days, to the Minister for Justice, Equality and Law Reform setting out the reasons she should not be deported and why she should be allowed to remain temporarily in the State.

Her case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 — prohibition of Refoulement, including consideration of representations received on her behalf from the Refugee Legal Service for temporary leave to remain in the State. On 31 January 2005, a deportation order was made in respect of her. The medical circumstances in the case were taken into account in reaching this decision. Notice of the order was served by registered post requiring her to present herself to the Garda National Immigration Bureau on Thursday, 24 March 2005. She presented as requested and is due to present again on 7 June 2005 when it is expected that

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travel arrangements will have been put in place. The enforcement of the deportation order is now a matter for the Garda National Immigration Bureau.

#### Visa Applications.

264. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position in relation to an application by a person (details supplied) for a visa; and if he will make a statement on the matter. [14673/05]

265. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position in relation to an application by a person (details supplied) for a visa; and if he will make a statement on the matter. [14674/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 264 and 265 together.

I can inform the Deputy that visa application No. 0606030 was approved by my Department on 29 of April 2005.

The second reference number supplied by the Deputy, No. 060603930, is not a visa application number. However, if the Deputy is referring to application No. 0606029, as seems likely based on the name of the applicant, this too was approved by my Department on 29 of April 2005. Both applicants will be notified of these decisions as soon as possible.

#### State Pathologist's Office.

266. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if he will provide details of the organisation, structure and resourcing of the State Pathologist's office; and if he will make a statement on the matter. [14680/05]

267. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of staff in the State Pathologist's office; the rank of same; and if he will make a statement on the matter. [14681/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 266 and 267 together.

There are currently six officials employed in the State Pathologist's office — the State Pathologist, the Deputy State Pathologist, a senior scientist and three clerical officers. The State Pathologist's office has been allocated a budget of €550,000 for 2005, an increase of 5% on the 2004 figure.

268. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the circumstances under which State Pathologists have been able to avail of Garda transport in travelling to the scene of a homicide in previous years; his views on the practise; and if he will make a statement on the matter. [14682/05]

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**(Mr. McDowell):** I refer the Deputy to the Adjournment debate in the Dáil on Thursday, 28 April 2005 where this matter was dealt with.

#### Garda Training.

269. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the procedure for a trainee garda applicant to have a medical refusal reviewed; and if he will make a statement on the matter. [14683/05]

#### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** I am advised by the Garda authorities that the circumstances of each case wherein the chief medical officer of the Garda Síochána is unable to issue a certificate of fitness differ. However, on receipt of a written application for review accompanied by a report from a treating specialist, the CMO reviews decisions on candidates who have been deemed unfit. Likewise, where an applicant has not yet been treated by a specialist, he may consult an independent specialist and obtain a report for onward transmission to the CMO, who will then review the case.

#### Drugs in Prisons.

270. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the status of each of the recommendations contained in the 1999 report, Hepatitis B, Hepatitis C and HIV in Irish Prisoners: Prevalence and Risk, commissioned by his Department; if each recommendation has been implemented; if so, the prisons concerned; if not, the reason therefor; and the projected date of implementation of each of the outstanding recommendations. [14684/05]

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**(Mr. McDowell):** Research undertaken by the Department of Community Health and General Practice, Trinity College, Dublin was published by my Department in 1999 and 2000 under the title Hepatitis B, Hepatitis C and HIV in Irish Prisoners: Prevalence and Risk. In view of the recognised link between drug misuse, particularly intravenous use, and the prevalence of both HIV and hepatitis in the general community, as well as in the prison population, the Irish Prison Service has been engaged for a considerable period in a process aimed at ensuring access to appropriate health care, including drug treatment, for the considerable number of prisoners at risk due to their substance misuse. In this regard the Irish Prison Service has actively sought to directly involve community health agencies, both statutory and voluntary in these developments.

Since the publication of these research findings there have been significant healthcare developments within the prison system and, particularly, in the facilities available to those prisoners seeking to address their substance misuse in a constructive fashion. There is an ongoing process of providing prisoners with information regarding the risks and education on appropriate preven-



tion strategies. It would be my policy to apply best practice to the prison situation. Best practice, as far as I am concerned, is to prevent drugs from being introduced into or used in prisons.

Any prisoner with a suspected communicable disease would be encouraged to have this definitively diagnosed so that appropriate treatment and follow up can be arranged. For many years past, prisoners with a diagnosis of HIV, hepatitis or other infectious disease have continued to receive medical treatment while in custody in line with clinical recommendations. Indeed this medical treatment is generally in line with that available in the community. It has been long-standing practice to refer prisoners suffering from infectious diseases to specialist hospital services and to act on the basis of the clinical advice received. All such diagnosis and treatment is provided confidentially on the basis of informed consent and prisoners are free to refuse treatment, though instances of refusal are, thankfully, rare.

There has been a considerable expansion in the availability of methadone maintenance to prisoners who have been in receipt of this treatment from community agencies at the time of committal. This is particularly the case in those prisons in the Dublin area where the majority of prisoners with drug treatment needs are located. Development of treatment strategies in this area has been greatly facilitated by the assistance and active co-operation of community agencies involved in the area. Subject to resources being made available it would be intended to further expand the availability of appropriate drug treatment services throughout the prison system.

It is Irish Prison Service policy, in common with most prison systems worldwide, not to issue needles or injecting equipment to prisoners. Emphasis within prisons is on health education and appropriate substitution treatment where required. Prisoner health education discourages injecting behaviour but also points out the health benefits of not sharing needles and injecting equipment. I have previously made my position very clear in this matter. I do not support the introduction of needle exchange in prisons. Any person seeking syringes, needles and fluids under such a scheme would be indicating to the prison authorities that he or she is in possession of, or shortly will be in possession of, controlled drugs of the hard variety and proposes consuming them. To supply a prisoner with the requested items in these circumstances would, in effect, be to tell him or her that prison management will facilitate the commission of serious criminal offences in the prison.

While the free availability of condoms within a prison situation has certain health implications there are a wider range of considerations which would have to be taken into account before contemplating the issue of condoms to prisoners. To date I am not aware that there has been any demand by prisoners to have access to condoms.

The matter is, however, being kept under ongoing review.

#### **Vetting Procedures.**

271. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform the procedures he follows in relation to vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if he will make a statement on the matter. [14710/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can inform the Deputy that the procedures followed in relation to vetting persons being considered for appointment to State boards under my aegis comply with the various relevant Acts and public service guidelines in place and take into consideration the work of the boards in question.

#### **Emergency Travel Arrangements.**

272. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of applicant passports at present in the possession of the Irish born child unit; when all such applicants can expect to have their passports returned to them; the action such passport holders are expected to take in the event of a family emergency that requires them to travel outside the State; if his attention has been drawn to the instances in which such a passport holder was unable to leave the State for a family emergency, for example, in the wake of the tsunami disaster; when he expects decisions will be rendered on all such applications; and if there is any way in the meantime for applicants to inquire into the status of their applications. [14789/05]

**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. The closing date for receipt of applications under these arrangements was 31 March 2005. Some 18,000 applications were received. To date, in excess of 4,400 applicants have been granted permission to remain in the State for two years.

My Department does not compile statistics specifically in respect of the number of passports received in the IBC unit. Plainly, given that they are a specific requirement of the scheme, passports and identity documents have been received in respect of the applications which have been processed to a decision and these have been returned to the applicants. However, it should be noted that passports not yet submitted in respect of applications made before the closing date continue to be received on an ongoing basis. In addition, requests have been received for the

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return of passports in respect of some 600 applications which are awaiting processing. In such cases the passports concerned are located, checked, copied and returned to the applicant in advance of processing.

All original identity documents which accompanied each application will be returned by registered post once they have been checked and copied. The specific case to which the Deputy refers, where a person was unable to travel outside the State for a family emergency connected with last December's tsunami disaster, has not been brought to the attention of the Irish born child unit dealing with the scheme.

I am aware that some applicants may require their passports at short notice, for example, in the case of a family emergency. In such cases, applicants should write to the Irish born child unit, Department of Justice, Equality and Law Reform, PO. Box 10003, Dublin 2, quoting their reference number and stating the nature of the emergency. Arrangements are in place within IBC unit to accommodate such requests. Retrieval and return of passports in such cases is dealt with on a priority basis. However, the processing of the leave to remain applications will not be prioritised arising from such emergency requests for the return of passports: they will be processed in the normal course.

Applications are being dealt with as expeditiously as possible and, as far as is possible, in order of receipt. It is anticipated that the bulk of applications will be processed by the end of June and all applicants should by now have received an acknowledgment of their application. If they have not received an acknowledgment they should write to the IBC unit at the address above. Where the application has been acknowledged, the applicants can be assured that their application will be processed as and when it is reached in the normal course. Given the time and resource constraints it is not possible for applicants to inquire by telephone as to the status of their applications. However, written inquiries can be made to the above address.

#### **Refugee Status.**

273. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the safeguards which are in place to ensure that genuine refugees arriving here are not refused leave to land on the basis of insufficient documentation to prove their identity; and if none of the 1,117 persons refused leave to land in the first quarter of 2004 as reported by the Refugee Application Commissioner were genuine refugees. [14790/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Immigration officers operating at ports and airports throughout the State are members of the Garda Síochána. They are obliged under the provisions of the Refugee Act 1996, as amended, to grant permission to land to a non national "who arrives at the frontiers of the

State seeking asylum in the State or seeking the protection of the State against persecution or requesting not to be returned or removed to a particular country or otherwise indicating an unwillingness to leave the State for fear of persecution". It is as simple as that. This is the only criterion applied by immigration officers in determining whether or not to grant permission to land to an asylum seeker. Furthermore, an immigration officer has no role to play in determining the validity of an asylum claim — that task is assigned by law to the Refugee Applications Commissioner and the Refugee Appeals Tribunal.

The question of considering whether a non national should be given permission to land necessarily involves consideration of the adequacy of documentation presented but this only arises in cases where an immigration officer has a discretion in the matter. The extent of that discretion is set out in section 4 of the Immigration Act 2004. However, the effect of an asylum claim is to abrogate any discretion vested in the immigration officer.

It should be noted that the figure of 1,117 persons refused permission to land in the first quarter of 2005 is quoted by the Irish Refugee Council on its website and is not reported by the Office of the Refugee Applications Commissioner.

#### **Work Permits.**

274. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if, as a result of a change in policy, a non-EU spouse of an Irish or EU citizen now may not work without a work permit during the approximately 16 months it takes for their residency application to be processed; when this change in policy took effect and the reason for it; if such a family is eligible for social welfare in the event that the non-EU spouse is unable to obtain a work permit and the Irish or EU spouse's income alone is not enough to support the family; if availing of social welfare in such cases will negatively impact on the non-EU spouse's future application for naturalisation; and if he will consider granting non-EU spouses permission to work during the processing of their application, as is the case in many other countries including the USA and Britain. [14791/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** There has been no change in policy regarding access to employment of a non-EEA national awaiting a decision on a residency application based on marriage to an Irish citizen. Marriage to an Irish national does not grant any automatic right to enter or reside in the State solely on that basis. It has always been the case that the non-national concerned could not work without a valid work permit pending the outcome of an application for residency. This information was recently included in the acknowledgements of receipt for such applications in view of enquiries on the matter. I do not envisage any change in this practice in the immediate future.

The Deputy refers in his question that the procedure takes approximately 16 months to process. This time scale relates to applications for residency based on marriage to an Irish national. Marriage to a national from another EU state come under EU legislation and must be finalised within a six month timeframe.

I have adopted a general policy that applicants for naturalisation, other than refugees, programme refugees or stateless persons, should have been supporting themselves and their families without recourse to State support for a three year period prior to applying for naturalisation, and that, furthermore, they can show, as far as is practicable, that they have the capacity of supporting themselves into the future. I apply this general policy to all applications for naturalisation unless the exceptional circumstances of a particular case suggest otherwise. Matters relating to eligibility for social welfare should be directed to the Minister for Social and Family Affairs.

### Special Educational Needs.

275. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to the difficulties experienced by students with special needs; and the new measures she proposes to introduce to create a system whereby a pupil's special needs supports will be seamless throughout their school life. [14594/05]

**Minister for Education and Science (Ms Hanafin):** The proposed new general allocation system of resource teaching provision. In view of the fact that pupils in the high incidence disability categories of mild and borderline mild general learning disability and dyslexia are distributed throughout the education system, my Department, in consultation with educational interests, developed a general model of resource teacher allocation to schools to support students in these disability categories.

This model, which was announced by my predecessor in 2004 to come into effect from September 2005, was designed to put in place a permanent resource in primary schools to cater for pupils in these categories. I have made it clear that while I am in favour of using a general allocation model for the reasons I have just given, I am conscious of the particular difficulties that the model announced last year could cause for small and rural schools if implemented as originally announced.

For this reason, I asked my Department to conduct a review of the model announced last year. In carrying out the review, my Department consulted representative interests including the National Council for Special Education. The revised procedure for providing a general allocation of resource hours to schools will be announced shortly, in time to be implemented for the next school year. In relation to resources for children in the lower incidence disability categories, resources will continue to be allocated on the basis of individual applications.

My Department has given priority to implementing the core legislative and structural measures required to underpin service development and delivery for pupils with special needs. The Education for Persons with Special Educational Needs Act 2004 has been enacted, while on the structural front, the National Council for Special Education has been established as an independent statutory body with responsibilities as set out in the National Council for Special Education (Establishment) Order 2003. The establishment of the NCSE is a further major step in ensuring that the requirements of children with special educational needs are identified and the necessary resources put in place in a timely and effective manner.

There are 71 special education needs organisers employed by the council since September 2004 who have been deployed on a nationwide basis, with at least one SENO being deployed in each county. Each SENO is responsible for the primary and second level schools in their area and they have made contact with each of their schools and informed them of their role.

In addition to processing requests for resources, the council will co-ordinate the provision of education and related support services with health boards, schools and other relevant bodies. Placing organisers in the locality will enable them to work with the parents and the schools, particularly to co-ordinate the services on a local level. That will ensure that when a child has been identified as having a special need, the services can be put in place immediately. These developments represent significant progress and I am confident they will have a positive impact on services for children with special educational needs.

I can assure the Deputy that the issue of providing adequate resources to meet the needs of children with special educational needs will continue to be a priority for me. In this regard, my Department is continuing to take steps to develop the network of special educational provision for children with special needs and I believe that the steps taken in recent years and those currently in hand represent significant progress in the development of those services.

276. **Mr. McGinley** asked the Minister for Education and Science if an application has been received for the appointment of three special needs assistants for a school (details supplied) in County Donegal; if so, if these positions will be approved; and if she will make a statement on the matter. [14595/05]

**Minister for Education and Science (Ms Hanafin):** My Department has no record of receiving an application for three special needs assistants at the school referred to by the Deputy. The National Council for Special Education, NCSE, which was established recently, and which has been operational since 1 January 2005, is responsible for processing applications for special



[Ms Hanafin.] educational needs supports. So far, 71 special educational needs organisers have been recruited throughout the country and will be a focal point of contact for schools and parents. It is open to the school to submit any application to the local SENO.

The school currently has two full-time SNA posts together with 12.5 part time hours SNA support. My Department recently reviewed the extent of SNA provision in the school as part of its ongoing review of SNA provision in primary schools nationally. The review concluded that two full time SNA posts are sufficient to meet the care needs of the pupils requiring this service. This decision was conveyed to the school in April 2005. The school was advised that it may retain the surplus capacity until the end of the current school year.

#### **Physical Education Facilities.**

277. **Mr. P. McGrath** asked the Minister for Education and Science if funding is available to primary schools to enable them to hire facilities in local community sports halls and thereby have a comprehensive physical education programme for students. [14596/05]

**Minister for Education and Science (Ms Hanafin):** My Department does not have a dedicated fund for the hire of community facilities for physical education purposes. However, many primary schools have a general purpose room for play and physical education activities. In addition, nearly all schools have play areas which are utilised for teaching different aspects of the physical education programme. A similar situation with sports halls and outdoor facilities applies at second level. In addition, many schools have the use of adjacent local facilities, including public parks, playing fields and swimming pools.

The provision of a multi-purpose space for primary schools will continue to be considered within the design brief for new schools and/or renovation and extension school building projects. This will also be the case for physical education facilities at second level. This will be done with available resources and the published criteria for prioritising school building projects.

The school planning section of my Department is also working with some local authorities to explore the possibility of the development of school provision in tandem with the development of community facilities. This enhanced co-operation has the effect of minimising my Department's land requirements, reducing site costs, and providing local communities with new schools with enhanced facilities.

My Department has never underestimated the scale of the task and the level of capital funding and other resources required to rectify decades of under-investment in school infrastructure. In 2005, €270 million will be allocated to primary schools and €223 million to post-primary schools for building and modernisation works, rep-

resenting an increase of 14% on last year and six times greater than the amount allocated in 1997.

#### **Pupil-Teacher Ratio.**

278. **Mr. Kenny** asked the Minister for Education and Science the number and location of primary schools in County Mayo that have classes in excess of 30 pupils; and if she will make a statement on the matter. [14623/05]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is not readily available in my Department. If the Deputy has a query about a particular school I will be happy to answer it.

#### **Schools Amalgamation.**

279. **Mr. Ferris** asked the Minister for Education and Science if she will make a statement on the proposed amalgamation of schools (details supplied) in County Kerry. [14624/05]

**Minister for Education and Science (Ms Hanafin):** A proposal regarding amalgamation has been received from the authorities of the two schools in question. The proposal is under consideration in my Department. Among the factors to be considered is a report from the local inspector, expected shortly. My officials will be in correspondence with the school authorities regarding the proposed amalgamation in due course.

#### **EU Directives.**

280. **Mr. Eamon Ryan** asked the Minister for Education and Science the European directives in her Department that are awaiting full implementation. [14658/05]

**Minister for Education and Science (Ms Hanafin):** There are no EU directives awaiting transposition into Irish law through my Department.

#### **Disadvantaged Status.**

281. **Mr. Allen** asked the Minister for Education and Science if she will reclassify a school (details supplied) in County Cork as fully disadvantaged comparable to schools which adjoin its catchment area and cater for populations with identical needs. [14662/05]

282. **Mr. Allen** asked the Minister for Education and Science if she will reclassify a school (details supplied) in County Cork as fully disadvantaged comparable to schools which adjoin its catchments area and cater for populations with identical needs. [14663/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 281 and 282 together.

Both schools in question are included in the disadvantaged areas scheme and the Giving Children an Even Break programme. Under the disadvantaged areas scheme both schools benefit from additional capitation grants of €38.09 *per*

*capita*, a refund of the television licence fee and eligibility for 95% building grants for building projects. Designated disadvantaged schools are included in the home-school community liaison scheme and each school has the services of a home-school community liaison co-ordinator on a shared basis.

Giving Children an Even Break 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.

Both schools in question are included in the urban dimension of Giving Children an Even Break. The schools are benefiting from supplementary funding to provide additional educational supports for the children concerned. The schools were not considered eligible for additional teaching staff, based on the level of concentration of at risk pupils within the schools.

#### Youth Services.

283. **Mr. Bruton** asked the Minister for Education and Science if her attention has been drawn to the fact that eleven youth hostels have closed in 2005 and that many others are struggling in the face of insurance costs, the reduction in FÁS support schemes and lack of a minor capital budget; if she has satisfied herself with the demise of this important outlet for youth development. [14698/05]

**Minister for Education and Science (Ms Hanafin):** An Óige receives grant-in-aid funding from my Department towards its expenditure on core staff salaries and administration costs under the youth service grant scheme. The funding of voluntary youth organisations through the scheme is intended to support the growth and development of such organisations with distinctive philosophies and programmes aimed at the social education of young people. An Óige received grant-in aid funding of €203,317 from my Department for that purpose in 2004. My Department has no function in the operation and funding of youth hostels.

#### Vetting Procedures.

284. **Mr. Rabbitte** asked the Minister for Education and Science the procedures she follows for vetting persons being considered for appointments to State boards under her aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if she will make a statement on the matter. [14711/05]

**Minister for Education and Science (Ms Hanafin):** State boards are subject to the relevant

legislation. In considering a person's suitability for appointment to a board, consideration is given to a range of factors, including any known or potential conflict of interest. My Department, in conjunction with other relevant Departments, has been considering whether tax clearance certificates can and should be required of persons being considered for appointment to State boards. Based on the outcome of that process, I will consider further with my Cabinet colleagues whether any change to the existing arrangements is appropriate.

#### EU Directives.

285. **Mr. Eamon Ryan** asked the Minister for Defence the European directives in his Department that are awaiting full implementation. [14659/05]

**Minister for Defence (Mr. O'Dea):** The question does not arise in so far as my Department is concerned.

#### Departmental Appointments.

286. **Mr. Rabbitte** asked the Minister for Defence the procedures he follows for vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if revealed, would make a person unsuitable for appointment; and if he will make a statement on the matter. [14712/05]

**Minister for Defence (Mr. O'Dea):** The Department of Finance, in conjunction with other relevant Departments, has been considering whether tax clearance certificates can and should be required of persons being considered for appointment to State boards. Based on the outcome of that process, further consideration will be given as to whether any change to the existing arrangements is appropriate.

#### Defence Forces Equipment.

287. **Aengus Ó Snodaigh** asked the Minister for Defence the military equipment required for Ireland's participation in the new EU battle groups. [14797/05]

288. **Aengus Ó Snodaigh** asked the Minister for Defence the military equipment required for Ireland's participation in the EU rapid reaction force. [14798/05]

**Minister for Defence (Mr. O'Dea):** I propose to take Questions Nos. 287 and 288 together.

Defence and defence policy is a fundamental expression of national sovereignty. In that context, defence spending is a matter for the Government and has to be undertaken in a prudent and balanced fashion having due regard to the prevailing national socio-economic environment.

The Government's White Paper on Defence, published in February 2000, set out a medium-term strategy for defence up to 2010. A major objective of the strategy is to ensure that Ireland

[Mr. O'Dea.]

has a world class military organisation capable of carrying out the roles assigned to it by the Government, both at home and abroad. This objective requires an ongoing modernisation process, including an investment programme to ensure that the Defence Forces are properly equipped for these roles. This investment programme is necessary regardless of Ireland's participation in the European Security and Defence Policy.

A particular focus of the investment programme has been on upgrading equipment for our overseas peace support operations. The Defence Forces undertake excellent work on overseas missions. In this regard, it has been noted that the Defence Forces' contingents in major missions in Liberia and Kosovo are the best equipped and best prepared contingents ever sent overseas.

I have established an interdepartmental working group to examine all issues relating to the Defence Forces possible participation in EU rapid response elements or EU battle groups. Among the issues to be examined by the group will be the question of costs, including any further investment required in equipment or other facilities. However, having regard to the substantial programme of investment over the past several years, I do not expect a requirement for additional equipment investment arising directly from Ireland's participation in the EU rapid reaction force or from any potential participation in EU rapid response elements.

#### **Building Regulations.**

289. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he will provide any information he has from local authorities or other sources regarding the degree of compliance with building regulations; the types of non-compliance that are occurring; and if he will make a statement on the matter. [14615/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Responsibility for enforcement of the building regulations is a matter for the 37 local building control authorities. Half-yearly statistics on enforcement of the regulations, furnished by local building control authorities to my Department, do not give a breakdown of the specific levels of compliance with each of the 12 parts A to M of the regulations. However, the statistical returns for the period January to December 2004 show that 56 enforcement notices were served by building control authorities under the Building Control Act 1990 for non-compliance with the building regulations. In addition, 41 summary prosecutions were taken by the authorities.

The reply to Parliamentary Question No. 1080 of 12 April 2005 sets out information on a special survey undertaken on compliance with part M of the regulations concerning access for people with disabilities.

#### **EU Directives.**

290. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the current rate of daily fines levied by the European Court of Justice that are accruing to the Government arising from Ireland's failure to properly implement European Union directives; if he will identify the relevant cases and directives; and if he will make a statement on the matter. [14616/05]

291. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the costs imposed on Ireland arising from losing actions at the European Court of Justice in each of the past five years; the costs in 2005 to date; if he will identify the relevant cases and directives; and if he will make a statement on the matter. [14617/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 290 and 291 together.

Daily fines have not been ordered by the European Court of Justice regarding any case taken against Ireland. Between 2001 and 2005, there were seven judgments against Ireland in areas for which my Department has responsibility, and all of these included orders that the State should pay costs. However, it is not possible to indicate these costs, as they remain to be computed by the European Commission. The Community legislation involved in these seven cases has been the habitats directive, two instances, the nitrates directive, directives on waste, drinking water quality and end of life vehicles and a regulation on ozone depleting substances.

#### **Archaeological Sites.**

292. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he will provide him with a copy of the detailed request made to the Minister by the National Roads Authority and Meath County Council to adjudicate on archaeological matters regarding the proposed M3 motorway in County Meath. [14618/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No.57 of 13 April 2005.

All the papers relating to this case will be available in accordance with the provisions of the Freedom of Information Act when I have completed my statutory determination of the matters involved.

#### **Grant Payments.**

293. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the supports which are available to communities both in rural and urban settings which wish to clean up their areas; the projects being promoted by his Department to enable this to



happen; and if he will make a statement on the matter. [14625/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department supports a range of anti-litter initiatives under the litter action plan. In 2004, €720,000 was provided to local authorities for anti-litter education and awareness projects. Some €280,000 was provided to An Taisce for the national spring clean initiative and €75,000 was provided to the Irish Business Against Litter National Litter League. In addition, the substantial prize fund for the national Tidy Towns competition, which this year will exceed €180,000, supports communities in the enhancement of their local environment.

#### EU Directives.

294. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government if new European Union noise directives require the proposed new roadway schemes be accompanied with detailed noise level measurements and forecasts as part of the public decision making process; and if such directives have yet been transposed into legislation here. [14627/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The aim of Directive 2002/49/EC on the assessment and management of environmental noise is to define a common approach to noise pollution across the EU to avoid, prevent or reduce the harmful effects of exposure to environmental noise. This will be achieved through a process of noise-mapping which will apply to agglomerations and to new and existing major roads, railways and airports, as set out in the directive, in two phases. The first phase will be in place by June 2007 and the second phase by June 2012.

The directive aims to ensure the public has access to information on environmental noise obtained from the noise-mapping process. It provides for the formulation and adoption of action plans based on the noise-mapping results, with a view to preventing and reducing environmental noise where necessary. Action planning shall also proceed on a phased basis. The first phase will be by July 2008 and the second phase by July 2012. Regulations to transpose the directive are at an advanced stage of drafting and I intend to make them shortly.

The National Roads Authority, NRA, published guidelines for the treatment of noise and vibration in national road schemes in January 2005. These guidelines establish a more demanding design goal for road traffic noise and provide detailed guidance on the treatment of noise and vibration at all stages in the planning, design and construction of road projects. The NRA took due cognisance of the requirements of Directive 2002/49/EC when drawing up the guidelines. For proposed new roadway schemes, the NRA undertakes an environmental impact assessment involving, as appropriate, detailed

noise level measurements and forecasts to identify any significant impacts on the noise climate. Where the design goals are exceeded, to identify possible mitigating measures to reduce the impact of these exceedances.

295. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the European directives in his Department that are awaiting full implementation. [14660/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** There are six directives or other EU legislative measures under my Department's area of responsibility outstanding for transposition. These are the Directive 2000/53/EC, end-of-life vehicles, which contains two stages of transposition, the first by 21 April 2002 for new vehicles sold after 1 July 2002 and the second by January 2007 for all other vehicles. It is anticipated that this directive will be transposed in 2005.

Drafting of regulations to transpose the Directive 2002/49/EC, assessment and management of environmental noise is well advanced and transposition is intended by mid 2005.

Draft regulations are nearing completion with a view to transposition by mid-2005 of the Directive 2002/88/EC, measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery.

These regulations will also transpose Directive 2004/26/EC, on non-road mobile machinery, which has a transposition target date of 20 May 2005. The two related directives, Directive 2002/95/EC and Directive 2002/96/EC with its amending Directive 2003/108/EC, deal, respectively, with restrictions on the use of certain hazardous substances in electrical and electronic equipment and arrangements for dealing with waste electrical and electronic equipment. Legislative proposals for the transposition of both directives are now in drafting stage. It is intended that the directive will be transposed by mid 2005.

Legislative proposals for the transposition of the Directive 2003/4/EC, public access to environmental information, repealing Directive 90/313/EEC are in drafting. It is intended that this directive will be transposed shortly.

I am aware of the importance of timely transposition of EU environmental legislation, 200 items of which, including more than 140 directives, have by now been transposed. More recently external legal and drafting expertise have been utilised in order to expedite this process.

#### Vetting Procedures.

296. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government the procedures he follows for vetting persons being considered for appointments to State boards under his aegis, especially in regard to tax compliance and any other issue which, if

[Mr. Rabbitte.]  
revealed, would make a person unsuitable for appointment; and if he will make a statement on the matter. [14713/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Several different processes are involved in appointments to boards and agencies under the aegis of my Department. In some cases statutory selection procedures must be followed or nominations must be sought from independent nominating panels before appointments are made by the Minister for the Environment, Heritage and Local Government or by the Government.

In other cases, it is incumbent on specified nominating bodies to recommend suitable appointees. Where appointment of members of

boards and agencies falls directly to the Minister, the importance of selecting persons of good character and repute is a primary consideration.

All of my Department's boards and agencies are required to comply with the code of practice for the governance of State bodies. Most of my Department's boards and agencies are prescribed under the Ethics in Public Office Acts and members in such cases are obliged to make statements of interest in accordance with those Acts.

The Department of Finance, in conjunction with relevant Departments, has been considering whether tax clearance certificates can and should be required of persons being considered for appointment to State boards. Based on the outcome of that process, the Minister for Finance will consider further, in consultation with the Government, whether any changes to the existing arrangements are appropriate.