



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 10 May 2005.

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Dé Máirt, 10 Bealtaine 2005.
Tuesday, 10 May 2005.

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Ceisteanna — Questions.

Programmes for Government.

1. **Caoimhghín Ó Caoláin** asked the Taoiseach when he will next meet the social partners; the agenda for the meeting; and if he will make a statement on the matter. [11676/05]

2. **Mr. Boyle** asked the Taoiseach his views on whether the critique of Sustaining Progress in a mid-term review report issued by the community platform network is justified. [11452/05]

3. **Mr. Boyle** asked the Taoiseach his views on whether the community and voluntary pillar within the social partnership process properly reflects the wider community and voluntary sector. [11449/05]

4. **Mr. Kenny** asked the Taoiseach when he will next meet the social partners; and if he will make a statement on the matter. [12842/05]

5. **Mr. Rabbitte** asked the Taoiseach when the next meeting of the social partners under Sustaining Progress is due; the likely agenda for the

meeting; and if he will make a statement on the matter. [13043/05]

6. **Mr. Sargent** asked the Taoiseach when the next meeting of the social partners is planned; the agenda for the meeting; and if he will make a statement on the matter. [14828/05]

7. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the social partners; and if he will make a statement on the matter. [15226/05]

8. **Mr. J. Higgins** asked the Taoiseach when he next expects to meet the social partners; and if he will make a statement on the matter. [15227/05]

The Taoiseach: I propose to take Questions Nos. 1 to 8, inclusive, together.

The membership of the community and voluntary pillar of social partnership was expanded following on from ratification of Sustaining Progress. The pillar now has 15 member organisations, which have endorsed Sustaining Progress, six on an individual basis and nine organisations in the strands of older people, disability, housing, children, rural, local-voluntary and care.

The membership of the pillar changed both as a result of the review of participation in social

[The Taoiseach.]
partnership, which included an examination of ways in which to maximise the potential contribution of the community and voluntary pillar, and the decision of two organisations not to accept Sustaining Progress.

In regard to those community and voluntary organisations which have not ratified Sustaining Progress, Departments were advised that they should continue to be consulted in areas where the expertise of these organisations or their constituent members would be relevant to the policy-making and implementation process. These organisations have on occasion been invited to participate on committees or working groups in the light of their expertise. This is determined by the nature of the task or issue in question and is primarily a matter for each Department.

There is no facility for groups joining partnership during the course of an agreement. We are now in the final year of Sustaining Progress, and we will begin negotiations on a successor agreement later in the year. In the context of those talks, we may review the composition of the community and voluntary pillar and consider applications from groups not currently involved in social partnership.

The community platform, a social partner under the PPF, chose not to endorse Sustaining Progress and is therefore not currently part of the partnership process. I have not received a copy of its mid-term review of Sustaining Progress. However, as Deputies will recall, there was a formal mid-term review of Sustaining Progress in summer of last year. This review incorporated the views of all the pillars of partnership, including the community and voluntary pillar. It included among other elements a detailed report on the ten special initiatives of the agreement, which was presented to the plenary meeting last July. That review recorded that considerable progress had been made in each of the special initiatives. Detailed and comprehensive reports were laid before the Houses of the Oireachtas.

The most recent quarterly plenary meeting of the social partners took place on 5 May. I was represented at that meeting by officials of my Department. The agenda for the meeting included the rural transport initiative and a presentation by the CSO on its report, *Measuring Ireland's Progress 2004*, which shows the progress made in Ireland in important economic, social and environmental matters. As well as showing developments over time, the report benchmarks the situation in Ireland against other EU member states. The eighth progress report on the implementation of Sustaining Progress was also presented to the meeting. A copy of the reports and relevant PowerPoint presentations have been laid in the Oireachtas Library.

The date of the next quarterly plenary meeting of the social partners is 14 July 2005. I will attend that meeting with the Tánaiste and the Minister for Finance. While the agenda is not set, I envisage the meeting will address progress to date

under Sustaining Progress and key issues and priorities for the future.

Formal meetings such as these complement the meetings which I hold with representatives of the social partners on a regular basis. I will continue to meet the social partners regularly and as required over the remainder of the lifetime of Sustaining Progress.

Caoimhghín Ó Caoláin: When the Taoiseach meets the social partners at the next scheduled meeting on 14 July, will the very important issue under Sustaining Progress, housing, be on the agenda? Does the Taoiseach agree that but for the commitment by Government in the course of the negotiations for Sustaining Progress to provide an additional 10,000 affordable houses, that agreement would likely not have been signed up to by several of the trade unions?

When last I raised this question with the Taoiseach in February, he indicated in his reply there had been 500 completions under this additional commitment and that a further 1,500 completions would be recorded in 2005. Has the Taoiseach noted that last weekend in Killarney the Construction Industry Federation's house builders' conference was advised that not one — I repeat, not one — of the 10,000 affordable homes under Sustaining Progress had yet reached the planning stages? Which is the truth of the matter, the report given at the CIF conference last weekend in Killarney or the information provided by the Taoiseach to me last February? Should the record of the House be corrected in that regard? Where are the promised homes? If the Taoiseach is standing by the information—

An Ceann Comhairle: Detailed questions are a matter for the Minister responsible. Only general questions are in order.

Caoimhghín Ó Caoláin: If the Taoiseach has it within his gift to elaborate on the statistics he indicated to me last February, will he indicate the breakdown of those statistics and where the houses are, understanding the difference between additionality, as committed in Sustaining Progress, and those that come under Part V of the Planning Acts? I am particularly concerned with the Taoiseach's answer in that regard. I also ask him to ensure, in his engagement on 14 July, the inclusion of the fact that 37,000 workers are now back in the tax net. What steps will he take to ensure that those on and below the minimum wage are removed from it? For those workers who find themselves back in the tax net as a result of the increase of the minimum wage, what steps will he take to ensure—

An Ceann Comhairle: That is not a question for the Taoiseach.

Caoimhghín Ó Caoláin: It is a question about Sustaining Progress and the re-engagement with the social partners, which is very important. I

hope the Taoiseach will give us substantive information on both issues.

The Taoiseach: I disagree with the Deputy that the unions would have taken a separate view because the initiative was that the Government would provide up to 10,000 sites for affordable housing. Nobody involved in social partnership believed they would provide and build the houses and get it all finished. As we know it takes a developer, who owns the land, almost six years from start to finish. So nobody would have taken that view. It is expected that on specific affordable housing initiative sites and those provided through Part V — they were always taken together — 1,300 affordable housing units would be completed this year. The target set in the Sustaining Progress affordable housing initiative was to further enhance the supply of affordable housing with the objective of increasing the supply, such as the 10,000 units. That has happened, as I reported in February. Over 70 projects on State or local authority lands are planned, which together with the projected 2,500 houses under Part V of the Planning and Development Act gives over 10,000 housing units.

Caoimhghín Ó Caoláin: I beg the Taoiseach's pardon.

An Ceann Comhairle: I ask the Deputy to allow the Taoiseach to speak.

Caoimhghín Ó Caoláin: I ask the Taoiseach to give consideration to——

An Ceann Comhairle: The Deputy should allow the Taoiseach to answer the question.

Caoimhghín Ó Caoláin: We are not interested in Part V.

An Ceann Comhairle: It is not appropriate to interrupt the Taoiseach when he is speaking.

Caoimhghín Ó Caoláin: It is not my intention. However, I would like him to address my question.

An Ceann Comhairle: That is what the Taoiseach is doing and I ask him to be quiet.

The Taoiseach: On the affordable housing initiative, Part V has always been taken with the lands and social partnership. On the broad area of social partnership, this year 3,000 affordable units are projected under various affordable schemes, but in the social partnership context, Part V was taken with the housing initiative.

On the Deputy's question regarding the other schemes not being taken in, I agree with the Deputy in that other schemes should not be taken in. This year we will spend more than €2 billion on housing measures, which is double the expenditure of five years ago. We have long believed there is a broad spectrum of need in the housing

sector and that this need must be addressed in a multifaceted way. We have focused on expanding the provision of social and affordable housing and this year approximately €2 billion will be spent on the needs of people. The needs of approximately 13,000 households will be met through the combination of these measures, which is a different matter from Part V and social and affordable housing.

Thankfully we have the highest minimum wage in Europe. As happens during any year when people get either incremental salary increases or increases as a result of pay rounds, people will move up the structure and into the tax net. In his next budget I am sure the Minister for Finance will consider the provision of changes for minimum wage earners regarding taxes. That is an issue for the budget next December.

An Ceann Comhairle: I call Deputy Boyle.

Caoimhghín Ó Caoláin: May I ask a supplementary question?

An Ceann Comhairle: Deputy Ó Caoláin will be called again later.

Mr. Boyle: I am surprised the Taoiseach has not received a copy of the mid-term review by the Community Platform Network. I understand this report was sent to the secretariat of the partnership group and I presume it is readily available there. In any case as the mid-term review was extensively reported in the media, the Taoiseach should ask his much-vaunted media-monitoring group why it did not bring the contents of the report to his attention. On the wider issue, given his road to Inchydoney conversion last year, does the Taoiseach not think that even the publication of the social progress report by CORI in recent days indicates the direction and effect of many of the Government's policies are still negative in terms of those who are without in our society? The social partnership process cannot be all-embracing and representative if many of our citizens are still being seen to be treated in this way by the Government, especially when those who are very much wedded to that process still persist in saying these things. Perhaps the Taoiseach might outline the value of becoming part of the partnership process from a community and voluntary sector viewpoint. One new actor involved in the process since Sustaining Progress has been the disability sector. If the hope behind involvement in the process has been that Government policy might be influenced and legislative change achieved, how can the Taoiseach reconcile that with the fact that the disability sector, while now within the partnership process, is faced with a Disability Bill that all disability rights organisations——

An Ceann Comhairle: Once again, I draw the Deputy's attention to the fact that we allow gen-

[An Ceann Comhairle.]
 eral questions but not detailed ones on legislation, which are for the responsible Minister.

Mr. Boyle: I would have thought that the whole purpose of the social partnership process was prior consultation and acceptance of the Government's legislative——

An Ceann Comhairle: I am sure that any Deputy would accept that, at Question Time to the Taoiseach, it is not appropriate to ask very detailed questions about different Departments.

Mr. Boyle: Mine is a very general question about the Taoiseach in his role as Chair of the Cabinet, which is processing legislation that a newly arrived social partner has daily said is inadequate.

An Ceann Comhairle: The Deputy will have an opportunity to discuss that when it comes before the House. It is not appropriate.

Mr. Boyle: Given the ongoing opposition to this legislation, is the Taoiseach minded to bring before the Cabinet a proposal to remove this Bill from the legislative programme once and for all?

An Ceann Comhairle: That does not arise.

The Taoiseach: The value of social partnership is that those within the process can bring forward their own ideas and initiate change in areas where they desire it. All the other social partners, based on the necessary consensus that has operated for almost 19 years, try to have a major input into policy. Across a host of areas, including the national anti-poverty strategy, social housing, legislation and labour market initiatives, that happens year in and year out. That is why such qualitative progress has been made in this country over those 19 years, whether in welfare, child care or any other area. I accept that, by and large, those organisations lobby continually and work to see change. When they have a series of benchmarks or recommendations in one period which are fulfilled, they seek to stretch them further. That is the nature of such organisations, and I would be surprised if they did anything else. They try to achieve a certain standard before moving on to another and getting more resources for their areas of interest. The majority of organisations would subscribe to this and then point out the areas in which they seek further progress. That is the nature of how the system operates.

I do not disagree with the Deputy on the Disability Bill 2004. I have been involved in that debate for many years, and this legislation provides an enormous number of areas and ways in which people in this country will make progress. The Bill far surpasses what is available in other countries. I know of the ongoing argument about rights-based and resource-based laws, but no such legislation exists anywhere in the world. The Disability Bill 2004 is far in advance of that. More

importantly, resources have been made available up to 2009 to back it up, and one hopes that will continue thereafter.

I know that the lobby is seeking to secure a ring-fenced legislative resource base. Since 1921, we have never done that in this country, and I do not see it happening now, since we will not take that route. We shall continue to try to improve the Bill, and the great number of amendments proves that. Not that long ago we had approximately 34 issues, but I believe that we are now down to five. However, I will answer in detail the questions raised by the legislative disability group to assure it of our position. Last week there was a statement by the Minister for Finance, Deputy Cowen, regarding resources. People rightly want to know from the statement of practices that resources will be made available so that such things become a reality, and the Government intends to do that. We want to work with groups in the area to build on the high base we now have regarding disability resources. We will continue to build on that for the future. In regard to those aspects which are legislation-based, we will build on the legislation to the extent that we can.

Mr. Kenny: Has the Taoiseach received any communication from the trade unions about the concern they have expressed that hard-won taxes gained through Sustaining Progress are being eroded by a series of stealth taxes? Second, Sustaining Progress contains a number of commitments in the education field. How does the Taoiseach intend to use the measures contained in the agreement to deal with the incidence of almost 5,000 primary school children attending classes of more than 35 pupils? Sustaining Progress makes specific reference to this issue. How does the Government propose to reduce the pupil-teacher ratio to the level set out in its targets? Third, what has been the extent of social housing provision throughout local authorities? The Taoiseach might refer this question to the Minister for the Environment, Heritage and Local Government.

The Taoiseach: I will refer the Deputy's last question to the Minister, Deputy Roche, as I do not have a breakdown of the figures. Some €2 billion is being allocated this year to fund the housing needs of approximately 13,000.

On education, while some 5,000 additional posts have been provided, the main issue in Sustaining Progress has been the attempt to improve education in the areas of disadvantage and special needs. Not all demands have been met in this regard but the Government has endeavoured to put more resources into those areas. At a recent meeting of the social partners under Sustaining Progress, which took place before the announcement of the creation of the 5,000 additional posts, it was emphasised that the pupil-teacher ratio must be improved.

I answered a question from Deputy Rabbitte on this issue recently. The Minister for Education

and Science has rightly targeted resources at those areas in which there is social disadvantage. This is not to say we should not try to get the numbers down in every case, because we should. However, those areas where class sizes are large and where there are difficulties of disadvantage, whether rural or urban, must be the primary target. The Department of Education and Science has completed a full review of the measures that have been put in place over the last 20 years to support pupils from these areas.

The new framework will be introduced on a phased basis from the beginning of the new school year in September. Its implementation will involve an additional annual investment of €40 million and will incorporate the provision of some 300 additional posts across the education system. The social partnership recently discussed the survey on reading literacy in disadvantaged primary schools which was launched some months ago by the Minister, Deputy Hanafin. This survey involved national assessments of the reading abilities of pupils in first and fifth classes and the mathematics skills of fourth class students. A report of this evaluation was published last week and the OECD assessment is also available.

Our objective has been to target resources at these particular areas and to deal with the disadvantaged situation of Traveller children in the education system. The measures in Sustaining Progress have not perhaps had as great an effect across all aspects of education but they have certainly helped in the area of disadvantage, which was selected as a priority area under the agreement.

Mr. Rabbitte: In terms of the performance of Sustaining Progress and the negotiation of any new agreement, is the Government looking at the question of enforcement of standards in the workplace? I refer in particular to the labour inspectorate in light of the Gama Construction affair. I am advised there are 54 dog wardens but only 21 labour inspectors. Does the Taoiseach agree we have good reason to believe the Gama affair may be a one off in the nature of the particular scam but that the abuse of non-national workers, for example, and the lack of enforcement of their rights and entitlements under labour law is not, by any means, confined to Gama?

What is the Taoiseach's response to the advocacy, on a number of occasions, of the leader of SIPTU that it is time to go back to a separate Department of Labour? Is it the case that the Gama experience reinforces the claim he made that there is a need to concentrate on that area?

Is the Government rethinking the decision to cut off the core funding for the Community Workers Co-operative? According to independent experts, this organisation has contributed significantly by focusing on disadvantage and exclusion and as an advocate—

An Ceann Comhairle: A question to the Minister responsible would be more appropriate.

Mr. Rabbitte: Yes. This body has been to the fore in criticising Government policy when necessary. There is widespread belief that it has been denied funding because of a vindictive response by Government.

An Ceann Comhairle: The Deputy should table a question to the Minister responsible.

Mr. Rabbitte: Will the Taoiseach give an undertaking that in any new social contract, core funding will be restored to an organisation which has done such worthy work although it has been critical of the Government from occasionally?

The Taoiseach: I do not have details on that question. I will pass on the Deputy's remarks to the Minister, Deputy Ó Cuív, who is dealing with that, but I think I replied to correspondence the organisation sent me some time ago. Most such organisations which receive funding would, in some way or another, be critical of and would make submissions critical of the Government, so I do not think that is the issue. However, I will pass on the Deputy's remarks.

On the Gama issue, if I recall correctly, the Minister, Deputy Martin, appointed an additional 21 or 22 inspectors recently drawn from staff in his area or other areas in the inspectorate. I do not know the total number.

Mr. Rabbitte: I do.

The Taoiseach: What is it?

Mr. Rabbitte: The total is 21 and the Minister promised to appoint 11 inspectors.

The Taoiseach: I knew he appointed additional inspectors. I thought the figure was 20. I accept those numbers.

I accept the labour inspectorate must be vigilant in this area. The inspectorate deals with complaints from the public, the trade union movement and from employees. It is always looking for additional staff and resources but it is still a good unit. In the case of Gama, as soon as it was brought to its attention, it did a very good job, which the Opposition has admitted in this House. If Deputy Rabbitte's numbers are right, the number of inspectors has increased by one third. Given the constraints in regard to numbers in the section, that is not a bad increase in one go.

In regard to Gama, the Labour Relations Commission has completed talks with SIPTU and it is to be hoped that issue will resolve itself, although

I think it might take some time to work itself through. However, there is a need to be vigilant. I got a briefing note when the Gama issue arose which said there were other areas where there were abuses, but the number was not enormous. We saw this issue arise in the meat processing and other sec-

3 o'clock

[The Taoiseach.]
tors in recent years. It seems to be a sectoral issue. Fortunately, it does not seem to arise in all areas. However, with such high numbers of people working in many sectors, be they EU nationals, non-EU nationals or from the Chinese community, there is a need to be vigilant. Some work legally and others illegally but whatever the case, we have an obligation to attempt to monitor their treatment, which is the inspectorate's function.

As far as the Department with responsibility for labour is concerned, there are two ways of looking at the question. When I was over that Department, many, including the trade union movement, argued that many relevant sectors were not the responsibility of the Department of Labour but of the old Department of employment, or trade and employment.

Mr. Rabbitte: The Department of Industry and Commerce.

The Taoiseach: Yes. They argued it would be useful if agencies such as CERT, the Labour Relations Commission and the Labour Court were all brought together and that it would resolve issues of competitiveness or that fed from competitiveness. I believe I was the last Minister for Labour and many years have passed since that change was made. At the time, it was strongly argued that the change was both desirable and modernising.

I do not have a fixed view on the issue. I believe I was the longest-serving Minister for Labour in the State and in that job, one found oneself working alongside other Departments, which was no bad thing. The Department of Finance was responsible for public sector pay and I used to cover the issue. It used to be called the Department of Finance and the Public Service and even though I was Minister for Labour, I dealt with that sector. I also dealt with some of the health and safety areas that were the responsibility of other Departments.

More importantly, as the Public Service Management Act 1997 recognised, if a cross-departmental range exists for a particular issue, the workings of the cross-departmental committees are probably more important because one never encounters a Department which embraces all the aspects of an issue. I do not state that a Department of Labour would not be a good idea again in the future. However, it would be obliged to take over many areas of responsibility from other Departments. For example, health and safety is now a major issue everywhere and FÁS and CERT continue to operate. Industrial relations fall under the aegis of that Department but function independently through the Labour Relations Commission, the Labour Court and the rights commissioner service. The question is whether bringing them all back together again would be better. Unlike a decade ago, I have not been

working closely enough with the area to know whether the idea is worthy of consideration.

Mr. Sargent: This follows on from the previous question I raised in February concerning the Sustaining Progress programme when I asked the Taoiseach about the implications for social partnership of the Kyoto Protocol and whether it had been discussed with the social partners, particularly regarding any tax burden to be placed on Irish citizens following the Government's failure to meet its targets in any meaningful way. At the time, the Taoiseach replied that the Kyoto Protocol is not on the agenda for social partnership. What is the updated position?

The Taoiseach: Which tax did the Deputy have in mind?

Mr. Sargent: Any tax that the Taoiseach might be considering. At the time, the proposed carbon tax was on the agenda. However, given that part of the Sustaining Progress programme undertakes that the national climate change strategy will be fully implemented, when will it be on the agenda? Two years ago, the Department of the Environment, Heritage and Local Government estimated that the sum of €260 million would be the cost of purchasing carbon credits. How is this to be levied? Will it be levied on the taxpayers?

An Ceann Comhairle: The Deputy should address such specific detailed questions to the Minister for the Environment, Heritage and Local Government.

Mr. Sargent: My question is whether the item will be on the agenda now, given that it has a real impact, and must be addressed, particularly by those who are most responsible for landing the carbon burden on the country in the first place, who in the main are not the ordinary taxpayers. Will the Taoiseach put this issue on the agenda and will environmental groups be represented on social partnership in light of its importance? Where does the review of the national climate change strategy stand? I understand the strategy is currently being reviewed.

The Taoiseach: Deputy Sargent is correct in saying the national climate change strategy is being reviewed. I raised this issue before in the context of the plan for some environmental groups to form part of one of the pillars of social partnership. I have no difficulty with that. The response of the environmental groups in question was that the sustainable development group, to which many of these groups belonged, was influencing policy, that they had their own mechanism of dealing with that and that environmental issues tended to be discussed to a greater extent in it rather than in the quarterly meetings of social partnership. The Government made a decision with regard to carbon tax, of which Deputy Sargent is aware. I understand the sustainable development group discusses issues like the car-

bon tax and engages with the relevant environmentalist NGOs on them.

Mr. Sargent: It is peripheral.

The Taoiseach: I will not argue with the Deputy because I am not involved, however, that was the reply I was given at the time. I will raise that issue again but I think there was a desire on the part of the environmental groups in question to hold on to that mechanism rather than be swamped in a bigger group where they might receive a limited amount of time. I will ask for an update on the issue but that was the answer I received at the time, which must have been a few months ago.

Mr. Sargent: I asked a question concerning €260 million which does not appear to have made any impact.

An Ceann Comhairle: As I pointed out earlier to Deputy Sargent, that question is a matter for the Minister for the Environment, Heritage and Local Government.

Mr. Sargent: The Taoiseach does not care about the issue.

The Taoiseach: I care about the issue.

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

Caoimhghín Ó Caoláin: Does the Taoiseach accept that two years after 10,000 additional affordable houses were promised under Sustaining Progress, not one of these houses has reached the planning permission stage? Does he agree that only a few hundred units have yet been provided under the earlier Part V planning rules, which were introduced four years ago?

An Ceann Comhairle: The Deputy should keep detailed questions for the Minister.

Caoimhghín Ó Caoláin: These are not detailed questions. This issue is not linked to the commitment in Sustaining Progress, although the Taoiseach continues to try to link the two issues. Does the Taoiseach also accept that the pledge of 10,000 additional houses was a key pledge of the social partnership agreement in March 2003? I am concerned by the Taoiseach's initial response that he did not regard it the same way.

An Ceann Comhairle: It is not necessary for the Deputy to make a comment. The Deputy should confine himself to questions.

Caoimhghín Ó Caoláin: I am merely referring to what the Taoiseach has already said. I am seeking clarification of his views.

An Ceann Comhairle: The Deputy should confine himself to asking questions. There are a

number of Deputies who wish to ask questions and we are reaching the conclusion of Leaders' Questions.

Caoimhghín Ó Caoláin: Does the Taoiseach recall that he agreed in Sustaining Progress to make the achievement of measurable progress by the mid-term review an objective? If the information provided at the CIF conference last weekend is true, any measurement is very poor.

An Ceann Comhairle: The Deputy should not be repetitive in making his statement and should allow the Taoiseach to answer.

The Taoiseach: I think Deputy Ó Caoláin misunderstands the purpose of the social housing initiative.

(Interruptions).

An Ceann Comhairle: Deputy Ó Caoláin must allow the Taoiseach to speak.

The Taoiseach: I will explain the purpose of the social housing initiative. At that time, the normal process of local authority house construction was in existence and the Government spent approximately €2 billion in social housing initiatives. There was great concern because the rate of inflation was more than 20% on first-time buyers; the rate is 1% or 2% today. It was believed that the Government should introduce a specific affordable housing initiative and that people on local authority rents should be able to avail of it. As part of this, two initiatives were brought forward. One initiative is that most of the developments built in the past few years did not take place under Part V since they had already received planning permission. Only now are planning permissions under Part V taking effect, as the Deputy probably knows. It takes a few years for those with planning permission to build the houses. The Deputy either has his tongue in his cheek or he does not understand. Is he saying that one can buy land today, get planning permission tomorrow, build next week and put a family in there a week later? In some parts of Asia this may work but on this side of the world—

Caoimhghín Ó Caoláin: With respect, two weeks later—

The Taoiseach: —that is not the process. The initiative was—

Caoimhghín Ó Caoláin: Not even a planning application—

An Ceann Comhairle: The Deputy must leave the House if he continues. He will not prevent other Deputies from asking a question.

The Taoiseach: —to search State-owned lands to determine whether we could get 10,000 houses. People were sceptical that we would be

[The Taoiseach.]
able to provide affordable housing in this way within the programme. We examined all Departments and agencies and attained a number of over 10,000. Some of these houses are under construction, some are operating as swaps and others must go through the formal planning process with local authorities but will hopefully be built as quickly as possible. It will add 10,000 houses to the affordable housing initiative. This endeavour will follow its own process. Due to past experiences in this House, I have no intention of becoming involved in the planning process to help this stage be reached. I never would do that.

Caoimhghín Ó Caoláin: So there is none now. Is this the case?

Mr. Kenny: Is the Taoiseach concerned that social partnership began by dealing with wages, income tax, price increases and so on but has now broadened to the point where many groups and organisations have access beyond all parties and Members of this House to the central government decision-making process and discussions? Is the Taoiseach concerned that the elected representatives of the people have no say whatsoever under the current social partnership operation and that Members listen to various individuals commenting on the radio about discussions at social partnership level which are never discussed here? This is supposed to be a House of Parliament representative of the views of the people.

Mr. G. Murphy: In view of the central role played by the Labour Relations Commission in Sustaining Progress, how does the Taoiseach intend to deal with the CEO of An Post who said that even if the LRC recommended a cost of living increase for An Post workers and pensioners, An Post—

An Ceann Comhairle: The Deputy's question is more appropriate for the line Minister.

Mr. G. Murphy: —would refuse to pay? Is this not contrary to public policy?

The Taoiseach: I will answer Deputy Gerard Murphy's question first. I have always held that the decisions of the Labour Court and the Labour Relations Commission should be abided by despite great difficulties and problems. Issues concerning productivity exist which must be achieved through negotiation to make An Post viable. In the public and private sectors, it is good practice to pay on the basis of the courts' decisions, as the Government does as a State employer. This is my long held view and I have practised it through most of my political career.

On Deputy Kenny's question, this matter was raised by his colleague, Deputy Bruton, when I addressed the Select Committee on Finance and the Public Service recently. I know this has been Deputy Bruton's view for many years. There are three issues involved. The discussions under that

process which are detailed, comprehensive and analysed are not much different from those at Question Time or at committees. The committees of the Houses are exhaustive in the issues they examine and all Members contribute to that process. Members, perhaps not on the floor of this House but in committees, examine issues in great detail. If there is anything wrong with that system, it is that the committees of the Houses do not get enough air time and publicity for the work Members put into that process, but that is a different day's work. The committee system is good. I have long held the view that there is a solution to that difficulty but it is not practical. In every other parliament that has a proper committee system, sittings in the chamber do not take place at the same time as committee sittings because of the difficulty in terms of coverage. It may be difficult to resolve that problem.

Teasing out policy decisions with farmers, big and small, employers in the private sector, big and small and Government Departments and agencies, with all their different perspectives and priorities, by its nature, will involve discussing legislation or administrative change. The system is not bad. The system we set up in 1987 examined pay, conditions, tax and a few other areas, but I agree with Deputy Kenny that as the years went by the approach has broadened to include all kinds of issues. I accept that point. It would be better in everyone's interests to specify that over the next period we will take A, B, C, D and E — we tried that approach this time in that we took seven of ten special initiatives — and try to make quantitative and qualitative progress in those areas, confining discussions to those issues. When we discuss everything, it is difficult to see the wood for the trees.

I will make that point again in hope rather than certainty as to the outcome. As Deputy Kenny is aware, everyone involved in the process raises their special needs. Farmers are well organised in terms of raising their issues but there is a large number of sections in that industry. Likewise, IBEC has many sectors. From a national point of view, it would be better for the process if we took five or six good initiatives and stuck with those.

Priority Questions.

National Concert Hall.

60. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism his plans for the future development of the National Concert Hall; and if he will make a statement on the matter. [15330/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I refer the Deputy to my reply to Question. No. 8 of 17 February 2005. The Office of Public Works, having investigated over several years various locations for a state-of-the-art National Concert Hall in Dublin, advised me last

year that reconfiguration of the site at Earlsfort Terrace where the concert hall is located would provide space for implementation of an imaginative design concept involving the provision of three separate performance spaces and access to Iveagh Gardens.

As Deputies will appreciate, however, if this concept is to be progressed further it can only be in the context of University College Dublin completing the relocation of all remaining college staff located at Earlsfort Terrace to Belfield. UCD's plans for completing this process are well advanced but the financial issues around the provision of additional accommodation at Belfield have yet to be resolved.

My Department is engaged in a series of complex discussions with the Department of Education and Science, the Office of Public Works and University College Dublin to clarify the financial and other implications of completing the move of UCD from Earlsfort Terrace to Belfield, a consequence of which would be to free up the site at Earlsfort Terrace for redevelopment as a modern concert hall complex. On completion of these discussions I hope to be in a position to discuss with my colleague, the Minister for Education and Science, the provision of a joint submission to Government on those interlocking issues.

Mr. Deenihan: Does the Minister agree with the proposal, outlined by the chairman of the board of the National Concert Hall last week, that a new auditorium be provided with a capacity for 2,000 seats, that the existing hall be upgraded to 900 seats and that there be flexibility in terms of a third hall with approximately 400 seats? Does he agree with the chairman that this presents a once in a lifetime opportunity to create a landmark cultural facility here and to provide a concert hall comparable to those in other cities in Europe?

Each major European city, except Dublin, has a concert hall with a capacity for up to 2,000 people. Has the Minister entered into negotiations with UCD on the purchase of the buildings to ensure the reconfiguration of the site? Does he think this is such a unique opportunity that negotiations should be entered into immediately, otherwise the opportunity may be lost to the Government? Will he confirm that it is the intention of the Government to honour the commitment made in An Agreed Programme for Government and in the report commissioned on the strategy on tourism because the whole revamp of the National Concert Hall is essential at this stage?

Mr. O'Donoghue: I have been doing everything I can to try to advance the cause of the National Concert Hall. The position is as I outlined. We have entered discussions with the Department of Education and Science, the Office of Public Works and UCD in regard to the Earlsfort Terrace site. Obviously this is contin-

gent on UCD moving from the Earlsfort Terrace building to accommodation in Belfield.

On the configuration for the hall itself, the proposal put forward would involve the construction of a new auditorium with a capacity for up to 2,000 patrons, together with a smaller flexible configuration recital auditorium with a capacity for up to 400 patrons. Events could take place in both simultaneously. The existing auditorium would be refurbished and used by the RTE Symphony Orchestra for rehearsals and performances. Its current capacity of 1,200 seats would be reduced to 900 seats.

It is not possible to confirm if such a configuration would be adopted. It would be a matter of examining closely the financial cost and yield associated with such a proposal. The proposed project is still at the feasibility stage and no architect's drawings have yet been made. I appreciate the efforts of the chairperson of the National Concert Hall, Dr. Egan, and others to try to ensure the project is progressed. An effort was made originally to site the new national concert hall in the Dublin docklands area. Unfortunately, when push came to shove, the authority was unable to produce the necessary site. This brought us back to the site of the present National Concert Hall and the question of redeveloping the site with a view to providing a new national concert hall.

I said on many occasions in the past that despite the fact that this is one of the most creative and imaginative generations of Irish people ever, there is no public architecture in existence to give expression to this imagination and creativity. I sincerely hope we can change that.

Mr. Deenihan: There is not sufficient urgency at this stage in regard to the matter. It is obvious that UCD is prepared to move both its medical and engineering faculties from Earlsfort Terrace.

An Ceann Comhairle: A question, please, Deputy.

Mr. Deenihan: I ask the Minister to grasp the opportunity because it may not be there indefinitely. Given that next year is the 25th anniversary of the concert hall, it is appropriate that a decision should be made as soon as possible so we will have a concert hall that will represent the musical tastes of the people of Ireland, provide a venue for the best of both Irish and international talent and which is befitting of the progress made in this country. At this stage, we have neither a national theatre nor a national concert hall comparable to other cities in Europe. As we have fallen totally behind in this regard, an initiative should be taken to ensure the concert hall will be provided as soon as possible.

Mr. O'Donoghue: There is no lack of urgency. We have been having complex negotiations with the relevant parties. There are a number of issues

[Mr. O'Donoghue.] involved, and when we have dealt with these, there is the whole question of the cost of the site and the cost of the reconstruction, both of which must be funded by the Exchequer. I hope we can reach a resolution in the talks, which are ongoing, and produce a memorandum for Government in the not too distant future. The talks are necessarily complex, which is not my fault. We recognise the need for a new national concert hall and we are trying to advance the project as quickly as possible.

Sport and Recreational Development.

61. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the Government proposals for the further development of sporting and ancillary facilities at the Abbotstown site; and if he will make a statement on the matter. [15174/05]

63. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism when he intends to present proposals for Campus Ireland at Abbotstown to Government; and if he will make a statement on the matter. [15331/05]

Mr. O'Donoghue: I propose to take Questions Nos. 61 and 63 together.

In January 2004, the Government decided to proceed with the development of a sports campus on the State-owned lands at Abbotstown. Campus and Stadium Ireland Development Limited was requested to put forward proposals for the development of a sports campus. In the preparation of its proposals for the development of a sports campus, Campus and Stadium Ireland Development Limited consulted widely with the major governing bodies of sport, stakeholders and interest groups to devise a development control plan.

I have received the development control plan for a sports campus at Abbotstown from CSID. The plan, which represents phase one of a wider programme for sports facilities, proposes the development of pitches and ancillary accommodation catering mainly for the three major field sports — rugby, soccer and Gaelic games, as well as an indoor sports centre to cater for a range of indoor sports with spectator accommodation. This phase also includes publicly accessible all-weather floodlit synthetic pitches. These facilities would complement the existing water based facilities provided through the National Aquatic Centre.

It is my intention to present proposals to the Government shortly on the development of a sports campus at Abbotstown.

Mr. Wall: This centre is of major significance to the development of sport. At the time my colleague, Deputy O'Shea, was anxious to ensure that a centre of excellence would be created at Abbotstown. I am perplexed that we do not appear to have made the progress I thought we would make in this regard. While the Minister is in a position to present the proposals to Govern-

ment, the issue has been on the legislative list since 2003. A later question refers to our Olympic performances and so on, but if we do not have this centre of excellence, we will not develop into a nation that can make an impact at Olympic level. The Minister referred to rugby, soccer and Gaelic games, which are not Olympic sports. Is it proposed that the centre of excellence will cover a wide range of sport which will be reflected in better performances in future at Olympic level?

Mr. O'Donoghue: I have outlined the proposals in respect of phase one. The memorandum for Government will envisage the delivery of that phase of the sports campus over a period of four to five years. The cost involved will be approximately €120 million. Any such proposal must obtain the approval of Government, which I hope we are successful in obtaining.

I envisage Governments continuing with the necklace of centres at Abbotstown so that in years to come there will be the type of facility Deputy Wall envisages catering for all kinds of disciplines. This would be of tremendous benefit to the country generally. It would be very attractive in terms of inward investment.

Mr. Deenihan: Will the Minister's memorandum to Government include ongoing running costs for the campus? Will it be part of the regional strategy to provide centres of excellence throughout the country? What will be the future role of the national coaching and training centre? What role will it have in Limerick and in Sports Campus Ireland? Surely there would be duplication.

The Athens review proposed an institute of sport. Will the new campus be recognised as such and will it be the kind of institute proposed in the review?

Mr. O'Donoghue: We have made enormous strides in the provision of facilities in recent years, not just in Dublin but throughout the country. For example, since 1998 we have spent in the order of €610 million on sport and the provision of sports facilities. Through the national lottery-funded sports capital programme, we have been involved in approximately 4,500 projects in every city, town, village and parish in the country since 1998. We hope to continue with this.

I do not envisage any change of location for the National Coaching and Training Centre in Limerick. It is true that the Athens review proposed an institute of sport. Perhaps it could be considered in that context. However, one should note that phase 1, which is being considered by Government, does not incorporate plans for the National Coaching and Training Centre. Its present location is safe for the foreseeable future. It makes a very important contribution to sport.

Mr. Deenihan: What about the running costs?

Mr. O'Donoghue: The issue of running costs under phase 1 of the new campus at Abbotstown can only be addressed when the facility is open. It is not possible for me to envisage what they might be.

Mr. Wall: I readily acknowledge the funding and facilities that have been provided in every parish, as the Minister stated. However, there is now a need to provide the expertise to match the facilities, as Deputy Deenihan said. There is a lack of volunteers.

Will there be negotiations with the various interested bodies to determine what mechanism can be put in place to provide the training necessary to make the first phase of the centre of excellence a success? There should be officials with the necessary ability and expertise to train youngsters in rugby, soccer, Gaelic and other sports the Minister mentioned. We must move on to the next phase and provide this expertise by way of the sports capital programme. We have lost many volunteers in sport and therefore the centre of excellence can provide the base for future development nationwide. If this is done right, it is only fair to assume we will see a follow-on.

Will a mechanism be put in place to provide the necessary expertise rather than waiting for associations to provide it? I would love the Minister to tell us there will be a link between Sports Campus Ireland and the various bodies to ensure that personnel will be on hand to impart their knowledge to the youngsters using the facility, thus making it a success in every phase. In the longer term, Sports Campus Ireland can facilitate all our sports and become the centre of excellence everyone wants it to be.

Mr. O'Donoghue: I assure Deputy Wall that, with the assistance of the project managers and sports consultants, Campus and Stadium Ireland Development Limited consulted very widely with the major governing bodies of sport, including the international managers for rugby and soccer, stakeholders and interested groups to devise a development control plan for the campus. It is the plan to ensure that expertise is available.

On the Deputy's comments on volunteers, I am greatly concerned about this issue. It is true that during the early years of the Celtic tiger, volunteerism continued in Ireland. As the tiger became more mature, so to speak, it seemed to lapse somewhat. It regenerated during the Special Olympics in Croke Park in 2003. Some 30,000 people offered their assistance and the games were a resounding success. However, it is unfortunate that, once the games were over, there was not as much interest in volunteerism. There is plenty of evidence to that effect across the country.

We do not have the number of volunteers in sport that we had in previous years. This is a particular problem in larger urban centres, especially in the areas where disadvantage is greatest. There is a need for the Government and the Depart-

ment of Arts, Sport and Tourism to examine the question of volunteerism to ascertain the stimulus we can provide to ensure there will be men and women willing to put up the nets on a Saturday or Sunday morning, line the field, carry the flags and transport children to the various sporting facilities.

People should not forget that volunteerism does not happen by itself. One cannot just rely on the fellow who has been chairman of the local GAA club for the past 25 years, for example, to keep carrying on. He is only mortal. It is important that people start giving of themselves again. Without being too philosophical, I note it is true that individualism can often triumph over a community. This is always a tragedy.

Mr. Deenihan: Will the Minister clarify that there will be accommodation for a 10,000-seater soccer stadium on the campus? I do not know if he mentioned this. Will use be made of existing buildings on-site, for example, for office accommodation? Does the Minister not believe there is over-emphasis on team sports in the proposal he has outlined? There seems to be no balance between team sports and individual sports.

Mr. O'Donoghue: The straight answer is that it was necessary to cut our cloth according to our measure. We had to start somewhere and it was decided to start with what I outlined. The training area that will be provided for both professional rugby and soccer, and amateur games such as Gaelic games and hockey, is presented in the plan as a shamrock concept providing dedicated nodes for rugby, soccer and Gaelic games, located around a central core building designed to be shared by all the training sports teams and athletes.

The central core building will have living accommodation, a restaurant, fitness training and gym facilities and sports, medical and recovery areas. There will be dedicated changing and training facilities and pitches clustered around this block. A range of pitches will be provided in each of the three dedicated areas to ensure that teams can train in a secure and private location in any weather conditions. Thus, they will be adequately prepared for various levels of competition. There will be natural turf and synthetic pitches, a number of which will be flood-lit.

Mr. Deenihan: What about the 10,000-seater stadium?

Mr. O'Donoghue: There is no proposal at present to have a 10,000-seater stadium under phase 1. However, there is a proposal to have an indoor sports centre where it would be hoped to accommodate up to 30 sports.

Mr. Deenihan: The stadium was referred to in the Minister's announcement of last year.

Tourism Industry.

62. **Mr. Gogarty** asked the Minister for Arts, Sport and Tourism when he will make a decision on a report (details supplied) commissioned by Fáilte Ireland as it relates to the activities of regional tourism bodies; and if he will make a statement on the matter. [15176/05]

Mr. O'Donoghue: As I advised the House on 14 April 2005, there has been a major reform of tourism structures in recent years with the setting up of Tourism Ireland and Fáilte Ireland. Reform of the function, role and operational structure of regional tourism is the third and final leg of that reform process. I have no direct responsibility for the most appropriate regional structures for the discharge of Fáilte Ireland's functions and the relationships and arrangements that should apply at regional level — this is effectively a day-to-day matter for Fáilte Ireland.

In response to a recommendation in the tourism action plan set out in the report of the tourism policy review group, Fáilte Ireland commissioned PricewaterhouseCoopers to conduct a major consultancy study of regional tourism structures as the authority sought to determine how best to carry out its new development mandate countrywide.

On 13 April last, I received a letter from the chairman of Fáilte Ireland, enclosing a copy of the PricewaterhouseCoopers consultancy report and indicating that the authority endorsed the recommendations in the report at its meeting on Thursday 7 April. This report has been published and widely circulated by Fáilte Ireland and is available on its website.

In regard to the Dublin region, the authority has initiated a further short engagement with the relevant parties to satisfy interests in the Dublin region that the mechanisms of consultation are complete. A small independent group, chaired by Mr. John Travers, will facilitate this process, and it is expected that the Fáilte Ireland authority will consider the outcome of this work at its next meeting, which is scheduled for mid-June.

The PricewaterhouseCoopers report highlights the need for a much wider brief for regional tourism, playing a strategic rather than administrative role and making a more direct input into national policy. It recommends a stronger emphasis on targeted marketing, product development and enterprise support. It suggests establishing an integrated link between regional tourism strategy and national policy and exploiting avenues to leverage increased resources.

Over the coming weeks I will continue to consider the policy implications of the authority's recommendations on foot of the report, the outcome of the further consultation process on the concerns expressed about the future role of Dublin Tourism, and the views of the industry. I want to satisfy myself that we have the most efficient and effective regional structures to service the needs of the visitor and the needs of the industry. The structures are somewhat frag-

mented and it is not always clear that they represent the most effective use of energy and resources.

Mr. Gogarty: Dublin Tourism has lobbied hard to make the Minister and Fáilte Ireland see common sense. From a regional perspective some areas perform better than others and it is necessary to take a more strategic long-term approach to them, particularly as some aspects of the tourism industry, such as walking, are in decline. We cannot afford to lose any segment of the industry to international competition.

Would implementing this report be akin to killing the goose that laid the golden egg? As Dublin Tourism points out, on a city by city basis, which is probably the most appropriate way to measure the success of tourism in Dublin, Dublin is third in Europe. Given that Dublin Tourism has indicated a willingness to integrate the executive functions more closely on a regional basis, it might be more appropriate to retain the existing format while considering ways to promote tourism in other regions. While Dublin and several areas on the western corridor are doing well, the tourism industry elsewhere is performing relatively poorly. There is plenty of scope for the Midlands to be further developed.

Is the Minister saying that because he has no direct responsibility for day-to-day matters, he is not willing to intervene if the future of tourism in Dublin is threatened as it may well be? This is more than a day-to-day matter. If the short engagement, under the chairmanship of Mr. John Travers, reaches an unsatisfactory conclusion, will the Minister make a final decision and direct Fáilte Ireland? In five or ten years' time if the figures show that tourism in Dublin has been affected by the bureaucratisation of tourism management the Minister will be associated with that damage. The Minister deserves a better legacy.

Mr. O'Donoghue: Some Opposition Members — not Deputy Gogarty — were reported in the media as saying that this report heralds the end of Dublin Tourism. That is not the case. We are trying to ensure that we give the best service to the industry and that the industry gives the best service to the customer. There has been much fragmentation and duplication in the industry. I am not denigrating Dublin Tourism's role in, or contribution to, the development of tourism in the Dublin region. I want to enhance that role by ensuring that services available nationally are available on the ground through the regional tourism authorities.

Fáilte Ireland has been engaged in further consultations with Dublin Tourism and meetings are taking place with many people who are concerned about the progress of this initiative in so far as it affects Dublin. My role is to enhance tourism in Dublin. The only aspect of Dublin I wish to see defeated is its football team.

We want to enhance the tourism industry here and try to help as much as we can. I hope we

can resolve whatever problems have arisen and satisfy everybody we are proceeding in the correct way. That is why we have established a further engagement. Just because a report arrives, however, does not mean it must be implemented. The Government has the major role in policy formulation and is directly involved in how the regional tourism authorities impact on policy. In those circumstances Deputy Gogarty has no cause to worry.

Mr. Gogarty: Does the Minister envisage that a decision will be made by December?

Mr. O'Donoghue: A small independent group chaired by Mr. Travers and including the economist Mr. Paul Tansey, and Mr. John Power of the Irish Hotels Federation is facilitating the engagement with Dublin Tourism, representatives of the industry, local authorities in the Dublin region, and my Department. It has already met PricewaterhouseCoopers, the chairman, chief executive officer and senior staff of Fáilte Ireland, the chairman and chief executive officer of Dublin Tourism and the city manager.

A meeting will be held soon with the council of Dublin Tourism, the Lord Mayor of Dublin and the cathaoirleach of the Dublin county councils. I expect the Fáilte Ireland authority will consider the outcome of the process at its next meeting which is scheduled for 15 June. We will see where we go from there. There will be changes on foot of the report but we must see which are best.

Question No. 63 answered with Question No. 61.

Sport and Recreational Development.

64. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the timetable for the proposed redevelopment of Lansdowne Road, following the appointment of the design team and project management team; if he has satisfied himself that he has the support of Government for this project; and if he will make a statement on the matter. [15016/05]

Mr. O'Donoghue: On 25 April I announced that the Lansdowne Road Stadium Development Company awarded the design and project management contracts for the stadium, moving the development plan for the new Lansdowne Road stadium to a new phase. The contracts were awarded following tender competitions, advertised internationally through the *European Journal* as well as in Ireland.

The design contract has been awarded to a consortium led by HOK Sports, one of the world's largest sport architectural practices. The winning consortium also includes Irish architects Scott Tallon Walker. The contract for project management services has been awarded to a consortium led by Project Management Ltd., one of Ireland's

largest specialist technical consultancy and project management firms.

The Lansdowne Road Stadium Development Company has begun the preparatory work leading to a submission for planning application with the intention to lodge a planning application in December of this year, in accordance with the timetable previously announced. The newly appointed design team has begun to develop a final detailed design for the new stadium. It is expected that 'enabling works' will happen during 2006 and the main construction work will commence in 2007 with an estimated building time of 29 months.

I reaffirm the Government's commitment to the project and its decision to provide €191 million towards the cost of the project, which is estimated to cost €292 million.

Mr. Wall: The Minister received widespread political support when he announced that the project was to go ahead. The drawback was that the Taoiseach responded by expressing doubts as to whether the project would proceed. That put an obvious slant on the ministerial announcement and created concern about the project. Has the Minister had a meeting with the Taoiseach since that statement? Was it a personal statement by the Taoiseach which did not reflect the position of the Minister? It seemed to put a stint upon what was a major announcement which was discussed on many occasions during Question Time and was raised by some political parties. The Taoiseach's statement was a drawback, cast doubt over the project and has initiated something for objectors who see something in the view expressed by him.

Have there been discussions with the Taoiseach? Is everyone in the same boat regarding this project and ensuring its success? The sports organisations have been given some leeway with the use of Croke Park during development of Lansdowne Road. Are we all of one mind to ensure this project will be completed?

Mr. O'Donoghue: Deputy Wall asks if we are in the same boat. We are all aboard, and sailing. There is no doubt the project has the support of the Taoiseach and the Government. If it did not we could not proceed with it. It is sometimes forgotten that nobody mentioned a stadium until the Taoiseach said we required a stadium. I would like to acknowledge the pivotal role he has played. He expressed a view that there would be planning objections and he wondered how these would be resolved. Nobody knows what will happen in that regard. Subsequently the Taoiseach made it clear that he supported the project. It was not necessary for me to meet him in that regard. If he did not I would not be talking about it in the House. I appreciate the support of Deputies Wall and Deenihan and everybody else.

Other Questions.

Tourism Promotion.

65. **Mr. Cuffe** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to a report (details supplied) on regional tourism commissioned by Fáilte Ireland; if the report will be made public for wider debate before any decision is made; and if he will make a statement on the matter. [14959/05]

79. **Mr. Costello** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the serious concern expressed by public representatives across all parties at the proposal to abolish Dublin Tourism; if he intends to approve the proposal, especially in view of the finding in the report produced by a company (details supplied) that Dublin Tourism was a success; and if he will make a statement on the matter. [15006/05]

90. **Ms Enright** asked the Minister for Arts, Sport and Tourism if he intends to implement a report (details supplied) on RTAs; and if he will make a statement on the matter. [15028/05]

93. **Mr. Costello** asked the Minister for Arts, Sport and Tourism if he has received a report (details supplied) commissioned by Fáilte Ireland; the main recommendations of the report; if he intends to implement them; and if he will make a statement on the matter. [15007/05]

Mr. O'Donoghue: I propose to take Questions Nos. 65, 79, 90 and 93 together.

I refer Deputies to my reply to Priority Question No. 62 earlier today.

Mr. Gogarty: I propose to let my statement during priority questions stand.

Mr. Deenihan: When will the review of the PricewaterhouseCoopers report be completed? When will the Minister make a decision on it? Will he change the existing RTAs? Does the Minister agree that the main challenge for RTAs is the lack of funding for marketing? A hotelier who accompanied the western RTA told us in a committee that his budget for promoting his hotels is greater than the RTA marketing budget. The marketing budgets must be increased. In any new arrangement will the RTAs be under the umbrella of Fáilte Ireland rather than operating independently as they do currently?

Mr. O'Donoghue: The tourism review group noted two key issues in the promotion and development of tourism at a sub-national level. The first relates to the role carried out by the RTAs on behalf of Fáilte Ireland and the appropriateness of the existing structures. The second relates to harnessing and making more coherent the role played by the plethora of bodies involved in the promotion and development of tourism at regional and local level.

Fáilte Ireland has advised me that the PricewaterhouseCoopers report highlighted the need

for a much wider brief for regional tourism, playing a strategic rather than an administrative role. The report recommends a greatly increased emphasis on what the Deputy has identified as a weakness, namely targeted marketing by the RTAs. It also recommends a product development role for the RTAs and it envisages enterprise support by the RTAs. If this concept is to progress there must be greater integration between regional tourism strategy and national policy. We should seek to exploit synergies to leverage increased resources. That is the general concept. Resourcing for the RTAs would increase immeasurably and the system whereby the RTAs are expected to collect their own salaries would end. If we can resolve the issues that centre around Dublin tourism we can make move forward with a new, more integrated structure that will yield benefits for the industry and the consumer. Our role is to ensure the consumer gets the best service and that the industry is in a position to provide that service.

Mr. Deenihan: The solution the Minister finds will be critical for the spread of tourism across the country. Despite the increase in numbers of people coming to the country, many parts are experiencing a drop in numbers entering their region. Intensive marketing is the only way to attract tourists back to those regions. I appeal to the Minister to ensure the regional structures are well resourced and strong enough to attract tourists. Tourists must be attracted away from the capital city or must be induced to spend some time in the regions if they visit Dublin. At the moment this is not happening. Tourists are staying for shorter periods and are spending less time in the regions. It is critical that there be a more vibrant regional approach to tourism. Otherwise the regions will suffer, businesses will close and the tradition of visitors going to rural Ireland will be a thing of the past.

Mr. O'Donoghue: This year the spend on tourism is the highest in the history of the State. It is approximately €125 million. There is a recognition of the difficulties faced by some regions. In their plans for 2005 Tourism Ireland and Fáilte Ireland will roll out a number of very important initiatives which will heighten the regional impact of Ireland's marketing activities nationally and overseas. All regions will feature prominently in a range of marketing activities. A dedicated marketing fund for tactical co-operative initiatives with the RTAs and their members will be established this year. A region to region approach will be adopted in Britain which will capitalise and direct access links to the regions. Specific campaigns promoting the western seaboard will be mounted in north America, a sponsor-a-region approach will be adopted in Europe whereby each market office will focus attention alternately on a particular region to enhance the awareness of the local trade of what that region has to offer, an enhanced consumer website with increased functionality will be provided, a strong regional

input will provide for more dynamic and up-to-the-minute packages to entice the domestic traveller and a strong focus on event-based holidays will be complemented by a more streamlined and targeted festivals and cultural events fund which will continue to favour the less developed regions.

Fáilte Ireland is investing in the order of €27 million on developing regional tourism from supporting local festivals, building capability and strengthening the tourism product. In regard to the promotion and development of tourism by the regions, Fáilte Ireland is channelling €7.4 million directly into the regional tourism companies to strengthen and enhance their operational and marketing capabilities. This investment is designed to ensure a high quality visitor service experience at key tourist information offices and a strong overseas promotional effort. Several of the programmes and initiatives operated by the tourism agencies favour the regional distribution of tourists and tourism revenue. If we can continue to increase the number of visitors and improve access, as we have done this year — air access from Europe is up 40% and from the US it is up 17%, both of which are extremely good indicators — then there will be a consequent increase in the number of visitors thereby ensuring a greater spread through regional initiatives. We are heading for a record year but, as Deputy Deenihan has said, it is important that the regionalisation of tourism continues apace.

Mr. Wall: I welcome what the Minister said about the new strategy because it appears to address the concerns expressed in the House on numerous occasions about the rural aspect of tourism promotion. There is now a two-tier system: the short term stays in Dublin, Galway and other cities and the two to three week stays by families in rural areas, on which we are losing out. From what the Minister has said, it appears Fáilte Ireland will address some of those issues. Can the family stay aspect be examined because that is the major concern? There are short-term stays in the cities and three and four-day festivals but there is no creativity to encourage families to stay in rural Ireland for longer. That is the problem area and bed and breakfast operators tell us they have had bad years. There is a loss of revenue given the reduced number of families visiting rural areas. That is the major problem I can decipher from the information I have received. There are festivals, short-term stays, stag nights and so on in the larger cities but we are unable to attract families who instead go for sun holidays more cheaply than we can provide holidays in this country.

Mr. O'Donoghue: As I have indicated on a number of occasions, the industry has become much more competitive. It is a difficult old world and one must ensure that one puts one's best foot forward at all times. On the question of family holidays, traditionally many of the families came

from Britain. That is why, following on from a slight decrease of 1% in the numbers coming from Britain last year, we engaged in one of the most comprehensive tourism marketing surveys ever undertaken in Britain and much important information was obtained by tourism agencies from that. Many of the plans I outlined have emanated from that survey. I am confident that the work of Fáilte Ireland and Tourism Ireland will yield benefits. I am conscious that it is cheaper to travel by air than at any time in the past. Our objective must be to ensure that the traffic we can attract through the same process is maximised to the greatest possible extent. That is precisely what we seek to do. The end-of-year figures will indicate whether we have been successful. If we are not, we will have to re-examine the strategy.

National Conference Centre.

66. **Mr. Howlin** asked the Minister for Arts, Sport and Tourism the position regarding the construction of a national conference centre; when consideration of the two tenders submitted will be completed and a contract awarded; the estimate of a likely starting date for construction and completion; and if he will make a statement on the matter. [15001/05]

81. **Mr. Allen** asked the Minister for Arts, Sport and Tourism if a decision will be made on the location of a national conference centre before the end of 2005; and if he will make a statement on the matter. [15060/05]

87. **Ms O. Mitchell** asked the Minister for Arts, Sport and Tourism the position regarding the provision of a national conference centre; and if he will make a statement on the matter. [15018/05]

Mr. O'Donoghue: I propose to take Questions Nos. 66, 81 and 87 together.

On 22 March last, I informed the House that the national conference centre project team, headed by the Office of Public Works, was engaging in a process of consultation with the tenderers, intended, *inter alia*, to enable the OPW to provide clarification to the tenderers and, where appropriate, to take account of issues raised by them. This process is designed to ensure the quality and robustness of the tenders that will be submitted.

The consultation process with the tenderers has resulted in a number of changes to the tender documentation. In the light of those changes the national conference centre steering group, which is responsible for overseeing the procurement process, considered it appropriate and reasonable to allow the tenderers additional time to consider and, if necessary, amend their proposals. Accordingly, the deadline for the receipt of the tenders has been extended to 20 May next. As a result, the selection of a provisional preferred tenderer is scheduled for later in the summer, with the award of the contract, subject to Government approval, expected before the end of the year.

[Mr. O'Donoghue.]

When construction will begin and finish will be a matter for the successful tenderer.

As I have said in this House on many occasions, my priority and that of the Government, is to have this project brought to a conclusion at the earliest possible date while ensuring that the relevant procedures and guidelines relating to the process are closely observed and that nothing is done that might jeopardise its successful conclusion.

Mr. Wall: Any delay in the provision of a national conference centre is disappointing. When will a decision be made given that the deadline for the receipt of the tenders has been extended? Will a decision be made this summer? It is clear from the media that tourism interests and hotels are concerned at the lack of this facility. Will the contract be awarded this summer with a view to the commencement of the construction of a national conference centre? In recent years we have been deprived of large conferences and a major injection of funds due the lack of such a facility while other countries have built a base to attract conferences. Given that we will build on a greenfield site, we are far behind in comparison with the facilities available in other countries. How can we overcome those problems?

Mr. O'Donoghue: Originally the last date for the receipt of tenders was 18 March 2005. What happened subsequently was that the national conference centre project team, headed by the Office of Public Works, became engaged in detailed consultations with the relevant tenderers and had to reply to various questions. In any event, through various requests received from some of the tenderers, it was decided to facilitate them and to extend the final date for receipt of tenders to 20 May 2005.

There are two processes involved subsequent to that. One relates to the selection of the provisional preferred tender. The second relates to the awarding of the contract and this is clearly a matter for the Government. I expect the Department will be in a position in the summer to select the provisional preferred tenderer. The issue will then be referred back to the Government in accordance with the procurement requirements and with the Government's requirements. At that point the Government will make a decision whether to award the contract. The awarding of the contract is the objective I have set myself and I hope it will be awarded by the end of the year, if it is to be awarded.

Mr. Deenihan: The issue of the provision of a national conference centre has been dragging on since 1994. It is important that a firm commitment is given to make a decision at the very least in 2005. It is estimated that Dublin is losing at least €50 million revenue every year because of the lack of a national conference centre and

approximately 30,000 visitors, not including repeat visitors, are being lost to the country. Only 1% of the 4,000 international conferences held in Europe come to Ireland owing to the lack of a national conference centre in Dublin.

Will there be an onus on the contractor to commence the project immediately and is there an opt-out clause in the contract? What is the estimated cost to the Exchequer of the project or will the costs be borne in total by the successful tenderer? What will be the ongoing running costs of the centre to the Exchequer?

Mr. O'Donoghue: Deputy Deenihan will be aware that this is a public private partnership project and it would not be possible for me to give him figures. Any figures which I could supply would be commercially sensitive. The tendering process will not be completed until 20 May. The Department must then select the provisional preferred tenderer. The question of the awarding of the contract must be put before the Government. It would be premature and pre-emptive of me to discuss figures.

With regard to the length of time and with the greatest of respect, the issue of a national conference centre has been discussed in this country for more than 20 years. More progress has been made in recent years than in the previous 20.

Mr. Deenihan: A sum of €33 million has been allocated.

Mr. O'Donoghue: I hope the process will be completed so that progress can be made. Everything that could have been done has been done.

Mr. Gogarty: Does the Minister agree that, from the point of view of a Government decision on tenders, a bad conference centre is worse than no conference centre and if proper public transport facilities are not in place, it is better to shelve the project than build a bad conference centre? Given the recent revelations about the millions of taxpayers' money squandered by this Government on infrastructural projects such as roads, will the Government give a commitment that any tenders will be tightly fixed in terms of price and cost with penalties incurred for cost overrun?

Mr. O'Donoghue: All these issues will arise at the drafting stage of the contract. Great care must be taken to ensure public funds are spent in the most productive manner possible and taxpayers' risk is minimised to the greatest possible extent. I do not agree with Deputy Gogarty's point regarding the squandering of money. The Government has moved as expeditiously as possible on this project and has moved on to the next stage as quickly as was possible.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy 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 Cowley — the need for the Minister to address the critical situation whereby the Mulranny Achill and Ballycroy areas are left without an ambulance base; (3) Deputy Wall — the Minister's proposals for a reassessment of means for athletes in receipt of Irish Sports Council grants; (4) Deputy Boyle — the need for the Minister to indicate when the Dublin Airport Authority will cease to be the effective holding company for Cork and Shannon airports; (5) Deputy Breeda Moynihan-Cronin — the need for funding to allow the extension of the accident and emergency unit and the provision of a 24-hour medical assessment unit at Kerry General Hospital; and (6) Deputy Crawford — the need for the Minister for Health and Children to intervene with the Health Service Executive to ensure that surgery is retained at Monaghan General Hospital.

The matters raised by Deputies Breeda Moynihan-Cronin, Crawford, Wall and Boyle have been selected for discussion.

Request to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a notice under Standing Order 31 from Deputy Sherlock. I call on Deputy Sherlock to state the matter.

Mr. Sherlock: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the decision of Galtee Meats, Mitchelstown, to ask workers to cut their pay to €9 per hour, with the elimination of all overtime, the effects of which would result in a reduction of 25% to 33% in workers' earnings. Given the importance of the issue, I hope the Ceann Comhairle will agree to this request.

An Ceann Comhairle: Having given the matter full consideration I do not consider it to be in order under Standing Order 31.

Leaders' Questions.

Mr. Kenny: The hallmark of this Government appears to be paralysis, incompetence and lack of responsibility. Every day that passes, it becomes more apparent that the Cabinet has an inability to make decisions and to accept responsibility for decisions. Nobody has accepted responsibility for the nursing homes debacle with a price tag of €2 billion. Nobody accepted responsibility for spending €60 million of public money on electronic vot-

ing. Nobody accepted responsibility for road cost overruns that now reach €4 billion.

On the issue of the future of the national airline, Aer Lingus, and the question of a second terminal, the Government appears to be in a state of total paralysis. One former Minister with responsibility for this area, Senator O'Rourke, recognised the need for more capacity as far back as 1999. An Agreed Programme for Government promised a second terminal. Another former Minister, Deputy Brennan, promised a decision would be taken in early 2003. We have listened *ad nauseam* to the current Minister, Deputy Cullen, saying a decision will be taken shortly. No decision has been taken about access to capital for Aer Lingus. This is the situation day after day. The Taoiseach commented on his very good working relationship with the Tánaiste. While this may well be so, the Minister for Transport and the Tánaiste obviously disagree in public about issues coming before the Cabinet.

The Taoiseach uses another section of Dublin Airport when he is travelling on official business. He will be aware that up to 18 million passengers will shuffle their way through the airport this year. The House is now informed the solution will be terminal three. Will the Taoiseach for once state that the Cabinet will make the decision, stand by it and get on with it?

Mr. McHugh: The Taoiseach is watching the north Dublin vote.

Mr. Kenny: The public, business, travellers and the future of the country are in many ways dependent on the outcome. What is the position regarding access to capital for Aer Lingus and the Cabinet decision in respect of a second terminal?

The Taoiseach: The Deputy mentioned a number of areas. I will deal with the issue of roads before coming to the other two. At least the Government is building roads. Before we came to office, others talked about them and did nothing about them.

Mr. Sargent: Whose money is the Government using?

The Taoiseach: Whether it is the bypasses of Portlaoise, Balbriggan, Cavan, Arklow, Donegal, Callan, Nenagh, Blackpool or wherever, we are building roads. We will spend €1.5 billion on main national roads this year. We had a time when we had no overruns because we did not spend anything at all on them, which was a good way of doing it.

Mr. Kenny: What about the terminal at Dublin Airport and Aer Lingus?

An Ceann Comhairle: Allow the Taoiseach to speak.

Mr. Allen: The Taoiseach is not answering the question.

The Taoiseach: That was the first part of the Deputy's question. On the second part of his question, Deputy Kenny would like to make sure and would like me to stand up and make sure that when we reach 20 million passengers going through Dublin Airport, not alone will we have pier D but we will also have a second terminal to cater for them. The answer is yes, we will.

His third question is about making a strategic decision on the capital injection for Aer Lingus. We made that decision last Christmas. The members of the Cabinet sub-committee stated that it was our belief that we should make an injection of capital in the circumstances of the new chief executive and the present chairman of the board. We have discussed that issue with them and when they need to make a move on that we will move. However, it is the Government's position that an equity injection of capital is necessary. The percentage is still a matter of some debate. On the timing, the chairman of the board believes it is not needed now, but the Government's position is that we are in favour of that.

Mr. Kenny: The Taoiseach has been very glib in his response in saying yes, we will have a second terminal at Dublin Airport. As leader of the Government, can the Taoiseach outline the position regarding the second terminal? Is it to be owned and operated by the Dublin Airport Authority? Is it to be put out for public tender on a free-for-all basis? Will the Taoiseach accommodate the wishes of the Progressive Democrats and the Tánaiste in particular in respect of competition and capacity? For the past two years his Ministers have repeated this will happen. However, Irish business and the public have the right to know when the Government will make a decision on the matter. In respect of the Taoiseach's comment on Aer Lingus, is he talking about State equity to be invested in the national airline? I ask the Taoiseach to answer those questions clearly so that people will have no further confusion as to where the Government stands.

The Taoiseach: At present Dublin Airport has capacity for 20 million passengers and is at 17 million now. It needs pier D by 2007.

Mr. S. Ryan: The former Minister for Public Enterprise, Senator O'Rourke, stopped that three years ago.

The Taoiseach: I opened the terminal, to which the Deputy refers, about three years ago

Mr. S. Ryan: That was not pier D.

An Ceann Comhairle: Allow the Taoiseach to speak without interruption.

Mr. S. Ryan: The Taoiseach does not have his facts right.

An Ceann Comhairle: This is Deputy Kenny's question. Deputy Seán Ryan is not even a member of the Fine Gael Party.

The Taoiseach: As I said pier D is required in 2007. An additional terminal is required in 2009. The Government will give all the details of how we feel that should be properly and efficiently accomplished. The main point is that we have a second terminal that will be an efficient terminal and allow the growth of Dublin Airport to develop, which has happened successfully under the Government. We will do that in plenty of time.

Mr. Allen: It happened despite the present Government.

The Taoiseach: On the question of equity for Aer Lingus, we made it clear at Christmas that we believe private equity should be allowed into Aer Lingus. The percentage of that will obviously depend on discussions involving the board. However, the Government is in favour of private equity going into Aer Lingus.

Mr. McCormack: Who won?

Visit of Tasmanian Delegation.

An Ceann Comhairle: Before proceeding with business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte, a most sincere welcome to Mr. Michael Polley, Speaker of the Tasmanian House of Assembly. I express the hope that he will find his visit enjoyable, successful and to our mutual benefit.

Mr. McCormack: It will be an education.

Leaders' Questions (Resumed).

Mr. Rabbitte: The Taoiseach was asked what is the position on the terminal at Dublin Airport. Having listened to him I have no idea what is the answer. He seems to suggest that the present terminal has a capacity of 20 million passengers and since only 17 million passengers use it, there is plenty of space. If that is what he is saying, it is easily known that neither he nor the Tánaiste need to go through the airport. What is the answer to the question? Does the Taoiseach support the Ryanair wing of the Government or will the terminal be built with State funds? If the latter is the case, will the Government do a better job on it than on the many projects listed in last night's "Prime Time" programme, which showed that the waste and incompetence of the Government is like nothing ever seen in the western world. It compared the projects concerned with the experience elsewhere in OECD countries.

It was not possible to find a Minister, not even the Minister of State at the Department of Finance, Deputy Parlon, or the Minister for Justice, Equality and Law Reform, Deputy McDowell,

who is never shy of going before a camera. Where were they last night? At least in the days when the Minister for Defence, Deputy O'Dea, was available he would have gone out. However, since he became the Rommel of South Hill he does not have the time for that kind of thing.

What is the position on the terminal? Is the Taoiseach seriously telling the House that where the first terminal manifestly does not work and the second terminal cannot be agreed, the Government is to build a third terminal? The Government will end up building a terminal for every Progressive Democrats Deputy. What is the position? Has the Government decided who will operate the terminal, who will build it and who will own it? Is it true that a third terminal is in prospect? When will a decision be made? Does Michael O'Leary not at least have a fair point in saying that the Government has now been dithering for three years? While the issue has gone on for approximately six years, for three years the Government has been incapable of making a decision. The Taoiseach has now told the House that the airport has capacity for 20 million and as we have only reached 17 million, there is plenty of space for everyone who can queue into the night. The Taoiseach and the Tánaiste are happy that people should need to queue interminably to egress from the country.

The Taoiseach: Today I looked at the figures for the queues over the past week. For non-peak times it took 15 minutes to get through and for the peak times over the weekend it took 25 minutes. There are security issues. There will be 120 additional staff—

Ms O. Mitchell: Does the Taoiseach really believe there is no problem at Dublin Airport?

An Ceann Comhairle: Allow the Taoiseach to speak without interruption.

The Taoiseach: By mid-summer there will be 120 additional staff on the existing booths and five additional booths to deal with the throughput. We need pier D by 2007 and a second terminal by 2009. That is the position as stated by the Dublin Airport Authority and everybody else out there. When the Government has finalised the best and most efficient mechanism for doing this, we will announce all the details and will do so shortly. We are committed to doing that.

Deputy Rabbitte asked about a third terminal. As the Deputy knows all the people at Dublin Airport say that if the growth continues at the current rate, we will ultimately need and should think about possibly extending to cater for up to 60 million passengers in the longer term. That is not what we are thinking about for—

Mr. McCormack: Will we have the second terminal before the third one?

The Taoiseach: We will have the second one in plenty of time.

Mr. Allen: There will be plenty of time for both.

The Taoiseach: Deputy Rabbitte also mentioned roads and the overspend. The report of the Committee of Public Accounts, which the Deputy normally quotes, identified the increased costs when reviewing all the projects last year and not just 30 projects that were cherry picked for the "Prime Time" programme. It stated that 40% was due to inflation, 16% due to failure to cost certain elements at the planning stage, 20% due to changes in scope for projects and 24% due to project-specific increases such as the Dublin Port Tunnel, the south-eastern motorway and the N11 through the Glen of the Downs.

On Deputy Rabbitte's last question, unfortunately the Minister for Defence, Deputy O'Dea does not have the ability of bi-location. He was in another studio in RTE last night appearing on the "Questions and Answers" programme and he could not appear on the "Prime Time" programme.

An Ceann Comhairle: I call Deputy Rabbitte.

Mr. O'Dea: I am a man who can only do so much.

(Interruptions).

An Ceann Comhairle: Allow Deputy Rabbitte to speak without interruption.

Mr. Rabbitte: It is very difficult to draw any conclusion from what the Taoiseach has said. On the one hand there is no problem — the queues last 15 minutes. On the other hand the airport will soon have 60 million passengers so we need a third terminal before we get a second one. I have heard of leap-frogging a generation but never a terminal. We will have the third before we can agree on the second. We still have no clarity about the positions taken by the Taoiseach and his partners in Government. As I understand it, the Tánaiste is firmly behind Ryanair and Mr. O'Leary. The Taoiseach, on the other hand, is nodding and winking to the trade unions and his local organisation that he might do this and may well do that and that he could build a third terminal before a second.

An Ceann Comhairle: The Deputy's minute is concluded.

Mr. Rabbitte: There are impossible queues at peak time and there is the prospect of a summer of aggravation for people trying to get through Dublin Airport. It is a simple, straightforward infrastructural decision that the Government ought to have made years ago. When does the Taoiseach propose that we have a decision? Does he have any idea, especially if the Cabinet met on the matter this morning, what the obstacles are to arriving at and announcing a decision? The

[Mr. Rabbitte.]
Taoiseach tried to dismiss 30 projects selected last night—

An Ceann Comhairle: The Deputy's time is long since concluded.

Mr. Rabbitte: —but that is the great part of the road building that has gone on here. Given the global figure of projects estimated to cost €6 billion and ending up costing €18 billion, there is no more defence for it than for the superloo in Longford town, each flush of which costs €8.

An Ceann Comhairle: I ask the Deputy to give way to the Taoiseach.

The Taoiseach: I will not return to road works since I have only a minute to answer. The position is that the present terminal caters for 20 million passengers.

Ms O. Mitchell: Who says? It does not.

An Ceann Comhairle: The Deputy will have to leave the House if she does not desist.

(Interruptions).

An Ceann Comhairle: The Taoiseach is entitled to exactly the same courtesy in answering a question that Deputy Rabbitte received, and Deputy Rabbitte is entitled to hear the answer in silence. I appeal to Members to allow the Taoiseach to speak without interruption.

The Taoiseach: The present terminal can deal with 20 million passengers, and we know that Dublin Airport is growing rapidly. It requires a second terminal by 2009 to be a modern, efficient, properly run and flexible terminal that can cater for its fast-growing needs.

Mr. S. Ryan: The Tánaiste is losing out.

The Taoiseach: That is what we want to provide in Dublin Airport. Pier D is required by 2009.

Mr. Allen: What for?

The Taoiseach: It is to cater for 20 million passengers.

An Ceann Comhairle: Deputy Allen is not a member of the Labour Party, and this is Deputy Rabbitte's question. In fairness to the Labour Party, there should be silence for the answer.

The Taoiseach: When we announce the decision, I hope that the House's support will be as full as its interest has been.

Mr. Sargent: The Taoiseach has to answer after last night's "Prime Time" programme about the overruns. I will not ask him again as I have

attempted to ask him before. Are we not witnessing the biggest abuse of taxpayers' money in the history of the State? Will he explain, given the international research carried out, how the Government can stand by after receiving a national roads needs study, effectively sidelining it and cooking up an *ad hoc* notion not to upgrade the roads, as the study from the NRA specified, but to replace them with motorways? Last night's example was Clare to Mitchelstown, with 10,000 vehicles a day, which is to get a motorway with a capacity of 55,000. Where is the financial or traffic management logic in such a plan?

How has this trick been allowed to become systematic? A bid is made at a price low enough to gain political support and when it is accepted, claims are maximised to ensure that the cost overrun is not 20%, the international average, but 86%. Will the Taoiseach explain on that basis? We are talking about cost and finance. It makes no sense from a traffic management point of view. We all know that we need roads, and the national roads needs study pointed out how they were to be provided. Will the Taoiseach explain how that was ditched and the motorway plan put in its place?

An Ceann Comhairle: The time is concluded.

Mr. Sargent: It was not a plan as it arose only at Government level and not from the National Roads Authority. How has that cost overrun been allowed to continue? Will the Taoiseach halt that and review the national roads plan so that we can return to some financial common sense?

The Taoiseach: Deputy Sargent knows that a few years ago the NRA totally changed the systems and structure it was operating for roads, designing them in a very loose way rather than producing detailed plans. Then, when high specifications were put in, costs were far higher. I explained that to the House several years ago based on what had been happening.

Since then, there has been far more accurate costing. The cost estimation control and procurement procedures in the NRA were changed and the designs have been far more accurate. It is now producing more detailed designs from an early stage, which is the right way to do it. It has made greater and more efficient use of the cost-effective "design and build" lump-sum, fixed-price contracts. That is why we have seen projects such as the Monasterevin bypass and now the Kinnefad road coming in under contract and on time. Those systems were not operated before. A specialist has also been appointed who reviews all the cost estimates. That was not the position previously. Tender and system outturn costs have been benchmarked. Design and construction standards have been established through publication of NRA specifications on road works. All those initiatives have been developed over the past few years.

Mr. Boyle: Who will take responsibility?

An Ceann Comhairle: I ask Deputy Boyle to allow the Taoiseach to speak without interruption.

The Taoiseach: We are now spending €2 billion a year on roads, and a few years ago we did not have the structures to deal with that. We brought expertise into the NRA—

Mr. Gormley: Incompetence.

The Taoiseach: —from Ireland, around Europe and South Africa. All those systems are now in place, leading to far more cost-effective contracts. We had other delays as a result of planning issues and other problems. During the initial years, as highlighted in the contracts, there was 40% inflation on them. That was the major part of contracts in the past. The system is now far better, with much more resources, and it is leading to a much better position. I do not know if Deputy Sargent is asking us to change the roads plan.

Mr. Sargent: To return to it.

The Taoiseach: The roads plan is built into a ten-year programme and we are delivering on that. The Deputy has seen how many schemes there are. There are 19 this year, and 15 or 16 were finished last year. It is developing a far better roads structure in the country than we have ever had.

Mr. Sargent: The Taoiseach referred to inflation, but I referred to the cost overrun after inflation. If one wished to include inflation, it would be even worse. The overrun after inflation was found to be 86%.

The Taoiseach has still not answered my question about whether he accepts that it is right and proper that a plan presented as costing €5.6 billion is now estimated to cost up to €18 billion or, as some people say, €20 billion. Is that acceptable? As head of the Government, does the Taoiseach have any sense that a mistake was made when the national roads needs study was effectively binned? What we have instead is a motorway plan that is not rooted in sound traffic or financial management. That has been proven, and it is not we who are saying it; it has been said internationally. Might the Taoiseach at least have some pause for thought and halt the signing of contracts for the toll roads, which will make enormous profits for private builders over the heads and at the cost of taxpayers for years? Will he at least halt those contracts and investigate where the financial management commonsense has gone? Will the Government put this commonsense back into the plan and reincorporate the national roads needs study?

Mr. Cullen: Deputy Sargent should get off his bicycle and try driving on the roads.

(Interruptions).

An Ceann Comhairle: The Taoiseach should be allowed to respond without interruption.

Mr. D. Ahern: Deputy Sargent did not object to roads development in Balbriggan.

Mr. O'Dowd: The Ceann Comhairle should remove the Ministers for Transport and Foreign Affairs from the Chamber.

Ceann Comhairle: I ask the Minister for Foreign Affairs to allow the Taoiseach to respond.

The Taoiseach: There has been a number of independent evaluations. Both Fitzpatrick's and Associates and Indecon have acknowledged the NRA is generally well managed as regards those factors within its control. There are factors outside the control of the NRA.

Mr. Boyle: One of these factors is the absurd economic policies of the Government.

An Ceann Comhairle: The Taoiseach is responding to a question from the leader of Deputy Boyle's party and should be allowed to continue without interruption.

The Taoiseach: We will not get into the issues outside the authority's control.

Deputy Sargent has quoted figures in regard to the roads programme. The Deputy is well aware this was a particular programme for a limited number of roads. It was expanded significantly over several years and there are now 68 projects involving the construction of 120 km of roadway and almost 120 km of dual carriageway around the country.

Mr. Gogarty: This construction was overpriced.

The Taoiseach: The early schemes for control of these projects were obviously not adequate. This is why the NRA has strengthened its cost estimation and control procedures in the past five years. A figure of 86% was mentioned in last night's television programme, as quoted by Deputy Sargent. However, 40% of this was inflation. The report of the Committee of Public Accounts offers a full breakdown of the figures. Some 40% was accounted for by inflation and 16% was due to the failure to cost certain elements at the planning stage.

Mr. Eamon Ryan: There was 100% bungling.

An Ceann Comhairle: The Taoiseach should be allowed to continue without interruption.

The Taoiseach: Some 20% was due to modifications in scope where architectural changes were made to projects and 24% was a consequence of project-specific increases such as those relating to

[The Taoiseach.]
the tunnel, the south-eastern motorway and the Glen of the Downs.

Mr. Boyle: Will the Government remove the tolls?

The Taoiseach: These were changes the local authorities and the NRA made in the design of projects.

Mr. J. O’Keeffe: What about the Minister who wasted €30 million on an electronic voting system?

An Ceann Comhairle: The Taoiseach should be allowed to respond with interruption.

The Taoiseach: The NRA has introduced new cost-effective methods and procurement practices which ensure the new design-build projects are coming in on time and under cost. This was not the case before.

Mr. Gogarty: What about the M50?

Mr. Gormley: What about the tolls? Will the Taoiseach answer the question?

Request to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a notice under Standing Order 31 from Deputy Morgan.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of major public concern, namely, the urgent necessity for the Minister for the Environment, Heritage and Local Government to make a statement to the House outlining what representations he has made to the British Government regarding the radioactive leak which occurred at the Thorp plant at Sellafield on 18 April; if he has made an official complaint to the British Government regarding the three-day delay in notifying Irish authorities that such a leak had occurred; and if he will make clear whether he considers a three-day delay in notifying the Radiological Protection Institute of Ireland is acceptable.

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

Order of Business.

The Taoiseach: It is proposed to take No. 18, Dormant Accounts (Amendment) Bill 2004 [*Seanad*] — Order for Report, Report and Final Stages; and No. 19, Electoral Amendment Bill 2005 — Second Stage (resumed). Private Members’ business shall be No. 45, motion re the report of the Health and Safety Authority on its

inspection programme in accident and emergency units.

Mr. Kenny: When can we expect to see legislation in respect of the codification and updating of the liquor licensing laws? The Minister for Justice, Equality and Law Reform has been debating this issue on radio in recent days without providing information to anybody else. Second, will there be legislation for the privatisation of escorts for prisoners in view of the recent comments of the Minister for Justice, Equality and Law Reform? Third, in view of the concern expressed by business in regard to energy efficiency and capacity, is there any intention to change existing legislation in respect of the provision of energy, particularly from wind power?

The Taoiseach: On the first issue, the Minister for Justice, Equality and Law Reform has announced there will be a consultation period on the heads of this Bill. That consultation is now under way. I do not have a date for the publication of the legislation. We must listen to the views of all concerned parties. I do not know if the issue of prison escorts requires legislation or whether the Minister can do it by order. There is no change in the energy situation and an energy Bill will be before the House this session.

Mr. Rabbitte: Last week, for the first time to my knowledge in the history of this House, the Taoiseach resorted to quoting from a partisan *in camera* document in respect of the matter I raised about the O’Hara family. The allegation in the document was found to be untrue in court but the Taoiseach repeated it in this House to the acute distress of the family concerned.

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

Mr. Rabbitte: Will the Taoiseach now take the opportunity to correct the record of the House? It is the least he owes to the family concerned.

An Ceann Comhairle: It is not appropriate for the Deputy to raise this matter without giving prior notice.

Mr. Rabbitte: It is not enough to send the family a sneaky e-mail blaming me for the issue.

An Ceann Comhairle: The Deputy has made his point.

Mr. Rabbitte: The Taoiseach is the one who quoted from the *in camera* document. It was a partisan charge that the judge overruled. He said if he had the power, he would impose a supervision order——

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

Mr. Rabbitte: If the record of the House is inaccurate——

An Ceann Comhairle: There is a way of raising this matter and it is not on the Order of Business in this fashion.

Mr. Rabbitte: ——then I am entitled to ask the Taoiseach to take this opportunity to put it right. I ask the Taoiseach to do so having regard to the unnecessary acute distress he caused the family concerned.

An Ceann Comhairle: The Chair should have notice of this matter.

The Taoiseach: May I answer this question? I am at a disadvantage. If Deputy Rabbitte had raised this as his Leaders' question I would have been able to answer.

An Ceann Comhairle: The Taoiseach may respond.

The Taoiseach: When I answer in the House, I am not *in camera* but on camera and my obligation is to give an answer to the House. Replying to a distressed family, the O'Hara family, by e-mail is not sneaky. I did not raise the issue. However, the point I made, based on the information I had — for which I make no apology — was that when the staff member acted, they did so on the basis of certain circumstances which I explained to the House. What Deputy Rabbitte did not say last week, which he could have done because he knew and I now know he knew, was that the Tánaiste had a detailed meeting with the family——

Mr. Rabbitte: I said that.

The Taoiseach: ——and was moving issues on.

Ms McManus: That is on the record.

The Taoiseach: The second issue is that the e-mail which the family sent to me, to which I replied, indicated a desire not to have this issue raised in public.

Mr. Rabbitte: That is completely untrue. I have the e-mail here.

An Ceann Comhairle: Deputy Rabbitte should allow the Taoiseach to continue.

Mr. Rabbitte: It is completely untrue.

The Taoiseach: What the family is interested in is that these matters are dealt with. Incidentally, the Deputy suggests this is a matter of urgent importance but it took place eight or nine weeks ago. However, that is neither here nor there.

Mr. Rabbitte: Will the Taoiseach retract?

The Taoiseach: I retract nothing.

Mr. Rabbitte: The Taoiseach is compounding the situation——

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

The Taoiseach: My obligation to this House is to answer a question when it is put to me. I will not withdraw that.

Mr. Rabbitte: It is absolutely shameful.

An Ceann Comhairle: I ask Deputy Rabbitte to resume his seat as he is out of order. Deputy Sargent has been called.

Mr. Rabbitte: Does the Taoiseach accept he was wrong——

The Taoiseach: I do not accept that——

An Ceann Comhairle: I remind the Taoiseach that Deputy Rabbitte is being disorderly. The Chair is dealing with a point of disorder. I ask Deputy Rabbitte to resume his seat.

Mr. Rabbitte: I have a right to ask the Taoiseach to retract.

The Taoiseach: I will not retract——

An Ceann Comhairle: I ask the Taoiseach to allow the Chair to deal with disorder in the House. I call Deputy Sargent.

Mr. O'Shea: The Taoiseach has given the wrong answer. He should apologise.

Mr. Sargent: My question on promised legislation is pertinent to an earlier question to which I did not receive a reply. In regard to the National Roads Infrastructure Bill, will the Taoiseach indicate whether he will review and halt the signing of further road contracts involving tolls because of the revelations about cost overruns?

An Ceann Comhairle: The Taoiseach should respond on the National Roads Infrastructure Bill. The second part of the Deputy's question is for the Minister for the Environment, Heritage and Local Government.

Mr. Sargent: Will the Taoiseach take the opportunity to say whether he is concerned about those overruns?

The Taoiseach: The National Roads Infrastructure Bill is being prepared. It will take time to draft but should be ready some time this year.

Mr. Bruton: I thought I read in the newspaper that the Bill was being abandoned by the Minister. We are getting different information in the newspaper from that in the House. I wish to ask about the nursing home charges refunds. I read

[Mr. Bruton.]
in the newspaper that the Tánaiste brought a memorandum to Government today, although I note the Minister, Deputy Cullen, was rapped over the knuckles for talking about a memorandum in advance—

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

Mr. Bruton: Was this memorandum brought to Government? Did the Government make a decision on the matter? Will we see orders, legislation or otherwise to enact the decision?

The Taoiseach: Two issues arise. The details of the decision made today will be published tomorrow. Legislation will be required to bring in the scheme to process all the applications. That will take some time to prepare. I do not think it will be before the House this session but it will be ready by the summer.

Mr. Sherlock: Will the National Roads Infrastructure Bill include reform of the National Roads Authority?

An Ceann Comhairle: We cannot discuss what might be in the Bill. The Taoiseach answered Deputy Sargent on the legislation.

Mr. Sargent: The Taoiseach did not answer.

Caoimhghín Ó Caoláin: Last Wednesday the Taoiseach stated that legislation was not deemed necessary to implement the repayment scheme for people in long-term residential care. However, I recall that the Tánaiste certainly stated on the record that legislation would be required. Will the Taoiseach clarify the situation and advise whether legislation or a ministerial order will come before this House for debate as part of the implementation process of that repayment scheme?

The Taoiseach: I have just answered that but I will do so again. Many of the sections could be implemented without legislation but given all the aspects and the many complex areas, we believe it is better to bring forward legislation. The Bill covering all aspects will be brought forward, although it will not be in this session. I hope it will be published in the summer or, if not, early in the autumn.

Mr. Naughten: Last week the Minister for Agriculture and Food told the House that she had taken up with the Commission the special beef premium overshoot. However, Commissioner Fischer Boel, who was interviewed during the week, said she knew nothing about it.

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

Mr. Naughten: When will the referendum on the EU constitution be held because many members of the farming community are disappointed by what the Minister is doing and will make their views known in the context of this referendum?

The Taoiseach: A Bill is being prepared.

Ms Lynch: Is the Taoiseach aware that the Minister of State, Deputy Fahey, keeps insisting that the Disability Bill is being pushed through at his behest?

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

Ms Lynch: It is appropriate. It is a question on the programme for Government. There is outcry among disability groups which are calling for the Bill to be withdrawn immediately.

An Ceann Comhairle: Does the Deputy have a question appropriate to the Order of Business? If not, we will move on to the next business?

Ms Lynch: They are outraged at the notion that the Bill is being pushed through in this fashion at the Taoiseach's behest.

Mr. Cuffe: The Taoiseach is fond of blaming planning for delays in delivering major projects. I wish to ask him in turn about the delays in delivering the Strategic National Infrastructure Bill. Why is he delaying that Bill or are we to believe press reports that it is to be completely dropped?

The Taoiseach: The draft heads are being considered before they are resubmitted but the Bill will be brought forward.

Mr. Crawford: I hope the Ceann Comhairle will allow me to say a few words.

An Ceann Comhairle: As long as they are in order, we will be delighted to hear the Deputy.

Mr. Crawford: One Sunday some weeks ago, the Minister for the Environment, Heritage and Local Government chose to advise farm organisations that four counties would have to provide 22 weeks' slurry accommodation.

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

Mr. Crawford: We now learn that only Cavan and Monaghan are to be included.

An Ceann Comhairle: I call Deputy Gilmore.

Mr. Crawford: Can we have an opportunity to discuss agriculture?

An Ceann Comhairle: Has a debate been promised?

Mr. Crawford: Whenever agriculture——

An Ceann Comhairle: It is a matter for the Whips. Allow Deputy Gilmore to speak without interruption.

Mr. Crawford: Is the Ceann Comhairle going to refuse a debate?

An Ceann Comhairle: Allow Deputy Gilmore to speak.

Mr. Gilmore: I am seeking clarification from the Taoiseach in respect of two Bills listed on the schedule.

A Deputy: The Deputy has come to the wrong place.

Mr. Gilmore: One is the Strategic National Infrastructure Bill the original intention of which was to establish a national infrastructure board while the other is the National Roads Infrastructure Bill. Will there be separate legislation for the planning of roads infrastructure and for the planning of other infrastructure? Are the comments of the Minister for the Environment, Heritage and Local Government at the weekend right on the establishment of a separate section of An Bord Pleanála? Will we see a planning and development Bill to deal with infrastructure?

The Taoiseach: The draft heads of the Strategic National Infrastructure Bill are being considered before resubmission to Government. The Minister must decide what he resubmits. He is reconsidering the heads. The National Roads Infrastructure Bill, which will modernise the legislation on roads, including reform of the National Roads Authority, is now called the Roads (Miscellaneous) Bill and it is being prepared.

Mr. Gilmore: Do I take it from that response that the Strategic National Infrastructure Bill does not relate to roads?

An Ceann Comhairle: The Deputy cannot discuss the contents of the legislation.

Mr. Gilmore: I am not discussing the contents of the legislation. I just want to know what it is about.

The Taoiseach: The Minister is reviewing the heads put forward previously and he will bring the Bill forward in a different form. We will have to wait to see what form it will take.

Mr. Deenihan: In view of the response by the Minister for Arts, Sport and Tourism at Question Time today that he will bring proposals to Cabinet shortly on the development of Campus

Stadium Ireland, which incidentally will not include the 10,000 seat soccer stadium the Taoiseach promised the Football Association of Ireland, when will the Abbotstown Sports Campus Development Authority Bill be introduced?

The Taoiseach: It will be introduced in this session.

Mr. Quinn: Is additional legislation needed for the national conference centre?

The Taoiseach: I understand it is not needed.

Mr. Stanton: SI 280 of 2001 on vaccine trials is to be revoked by the Tánaiste. The former Minister, Deputy Martin, brought forward the statutory instrument with great urgency but, according to the courts, he did not have the power to do so. When will it be revoked?

The Minister for Social and Family Affairs, Deputy Brennan, was thinking out loud again over the weekend about encouraging people to work until they are 70 years of age? Will legislation be brought forward to enable that to happen? In light of the total opposition to the Disability Bill, will it be withdrawn?

The Taoiseach: I understand those clinical trials cannot go ahead due to judicial decisions. The Disability Bill is before the select committee. What was the other question?

Mr. Stanton: It was about the Minister, Deputy Brennan, thinking out loud again. He wants people to work until they are 70 years of age.

The Taoiseach: No legislation is promised.

Mr. Rabbitte: In light of the matter Deputy Bruton raised and since we know legislation to tackle the nursing home charges issue ran into the ground during the Government of 1987-89, will the Taoiseach urge the former Ministers who were involved at that time — the Taoiseach, the Minister for Finance and the Minister for Health — to appear before the committee and co-operate with it in its examination of the Travers report?

An Ceann Comhairle: Strictly speaking, the business of a committee is a matter for itself until such time as it reports. However, lest the Deputy misconstrues this ruling of the Chair, which is of long-standing dating from 1971, I can say that the committee, in considering this matter, sought and accepted the independent advice of the Clerk. The advice was that it would be inappropriate to invite a sitting Ceann Comhairle to attend before it. Thus, an invitation was never extended to me to attend the committee. Should such an invitation have been received, I would have been obliged to consider the matter in light of advice and precedents.

5 o'clock

Mr. Hogan: Perhaps the Ceann Comhairle should resign and allow himself to appear.

An Ceann Comhairle: As I understand the committee has accepted the advice of the Clerk, that ends the matter.

Mr. Rabbitte: I am grateful to the Chair, but I did not ask him anything. I asked the Taoiseach whether he would urge co-operation with the committee by the three people who buried the legislation in 1987.

An Ceann Comhairle: We have dealt with the matter.

Mr. Rabbitte: The sum of €2 billion of taxpayer's money is involved. The three Ministers are in good health.

An Ceann Comhairle: The committee has dealt with the matter. Deputy Broughan wishes to contribute.

Mr. Rabbitte: Ought they not appear before the committee? I ask the Taoiseach, in terms of the waste of €2 billion of taxpayer's money, will he urge that they appear before the committee?

An Ceann Comhairle: This is a matter for the committee and it has dealt with the matter. I call Deputy Broughan. I ask Deputy Rabbitte to resume his seat. It appears to the Chair that—

Mr. Rabbitte: The Chair is using his position entirely inappropriately. I did not ask the Chair any question, I asked the Taoiseach—

An Ceann Comhairle: I ask the Deputy to withdraw the remark that the Chair is abusing its position.

Mr. Rabbitte: I withdraw the remark. I want an answer from the Taoiseach.

An Ceann Comhairle: The Deputy should now resume his seat.

Mr. Rabbitte: I asked the Taoiseach a question, I did not ask the Chair anything. I asked the Taoiseach whether the Chair, Mr. Haughey and Mr. MacSharry would be invited to appear before the committee and I urged that they would comply.

An Ceann Comhairle: The committee has already dealt with the matter. Does the Taoiseach wish to comment?

Mr. Rabbitte: Why is this is of no significance? A sum of €2 billion is involved.

An Ceann Comhairle: I ask the Deputy to resume his seat. The committee has dealt with the matter. I call Deputy Broughan.

Mr. Rabbitte: I am entitled to an answer.

An Ceann Comhairle: I am calling Deputy Broughan.

Mr. Rabbitte: Deputy Broughan does not know the answer.

Mr. Broughan: No.

An Ceann Comhairle: Deputy Broughan wishes to ask a question and Deputy Rabbitte is preventing him from doing so.

Mr. Rabbitte: I have asked the Taoiseach a question and I respectfully submit that I am entitled to an answer from him.

An Ceann Comhairle: Does the Taoiseach wish to comment?

The Taoiseach: If Deputy Rabbitte is asking me whether Deputies Howlin and Noonan, Mr. Haughey, Mr. MacSharry and others want to be invited before the committee, that is a matter for the committee and I am sure the people will answer.

Mr. Rabbitte: That is fine.

The Taoiseach: I know that as far as previous committees in this House are concerned, former Taoisigh have taken a position. There is a recent precedent where one stated that he was out of the House and would not deal with it. However, I will not get into that issue.

Mr. Rabbitte: We will not get into that.

Mr. Broughan: As the Taoiseach is aware, we are getting two new television stations, Channel 6 and a much needed Dublin station. Will the Minister for Communications, Marine and Natural Resources bring forward legislation regarding those stations? Last Thursday, we put legislation speedily through all Stages in this House. I note that over the weekend we received reports of new legislation regarding the continuing ill-treatment of migrant workers. Is it possible to publish the relevant legislation and put it through this House before the summer recess? The Taoiseach receives reports on the matter, as do I.

The Taoiseach: The employment permits Bill is due to be taken in this session. As to the other matter, I am not aware if it requires legislation.

Ms McManus: It was stated that the report of the Commission on Assisted Human Reproduction would be dealt with by the Cabinet today. Is that the case? A fair amount of legislation will flow from that report, if it is acted on. Since it has been leaked comprehensively already—

An Ceann Comhairle: The Deputy should ask a question appropriate to the Order of Business.

Ms McManus: Was it dealt with by the Cabinet today? Will the report be published properly and may we have a debate in this House on its contents?

The Taoiseach: It was discussed by the Cabinet. The commission will publish the report.

Dormant Accounts (Amendment) Bill 2004
[Seanad]: **Order for Report Stage.**

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

Question put and agreed to.

Dormant Accounts (Amendment) Bill 2004
[Seanad]: **Report Stage.**

Mr. O'Shea: I move amendment No. 1:

In page 3, line 27, after "Act" to insert the following:

"and the Freedom of Information Act 1997 shall apply to the Board as and from the establishment day".

If so amended, section 2 would read "The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act and the Freedom of Information Act 1997 shall apply to the Board as and from the establishment day". We discussed the reasons for this amendment on Committee Stage and the Minister indicated that it was always his intention that the Freedom of Information Act should apply to the board. He agreed to examine, between Committee and Report Stages, the most effective way to do this. He indicated that the usual practice is to add the particular board to a list of bodies to which the Freedom of Information Act 1997 applies, which is periodically updated. As I am uncertain of what the Minister's reply will be at this stage, I will outline my position further.

As the Minister is aware, I am opposed to the change being introduced by this Bill. The moneys accruing to the Dormant Accounts Fund Disbursements Board are in the order of €200 million. Effectively, the power to disburse the money is being taken from the independent board and will now be a function of the Government. I have alleged — nothing I have heard has changed my view — that the Government became aware that a huge crock of gold had come on the scene which would be ideal as a slush fund to buy votes in elections. Indeed some of the terminology used such as "the extent of the fund", supports this. Quite brazenly, the Government introduced this legislation.

As this is the case, freedom of information is all the more important. Unless this amendment is accepted or, alternatively, the Minister assures

the House that the Freedom of Information Act will apply from the day of establishment of the dormant accounts board, I have great difficulty with the legislation. Where there is such doubt as to the intentions of the Government in terms of the purpose of the legislation, the maximum amount of information should be made available from the earliest possible stage so that people are aware of what is happening and can make their concerns known through Opposition Deputies, to the media or to the Government. My concern is that whatever the Minister's good intentions may be, the Freedom of Information Act may never apply to the Bill.

Mr. McGinley: Aontaím leis an leasú atá molta ag an Teachta O'Shea. We discussed this amendment at length on Committee Stage and I do not think any of us is satisfied by the undertakings given to date by the Government. I do not think we ever received a proper or acceptable explanation as to why this Bill is necessary. It was only two or three years since the original Act setting up the Dormant Accounts Fund Disbursements Board was passed. Why must priority be given to this legislation after only two or three years when there are so many promised Bills that could be processed?

We are not sure of the philosophy behind the Bill. I agree with Deputy O'Shea's point that there will considerable funds available to the Government when disbursements are being made. Various estimates put the figure at €100 million, €200 million or more than that. This is an enormous amount of money for a Minister to have at his or her disposal. Certainly, we will have more to say about that later. Freedom of information must apply to all aspects of the Bill. There will be an avalanche of applications to the board which will not all be successful. Very worthy applications will be submitted from every part of the country, deprived communities and Gaeltacht and non-Gaeltacht areas. I do not think any undertaking has been given in the Bill to provide a certain percentage of money for certain projects and groups, whereas it was promised that a certain percentage of national lottery money would be reserved for health, an Gaeilge etc. Níl a fhios agam an bhfuil siad ag cloí leis sin ach níl aon gheallúint tugtha anseo. It is therefore very important that the Freedom of Information Act applies to this Bill. We should all be able to find out who applies for funding, who is successful and, perhaps more importantly, who is unsuccessful. I support the amendment.

Mr. Boyle: Deputy O'Shea's amendment is laudable in that it seeks to have the principles of the Freedom of Information Act applied to the Bill from the date it is passed, even though the Act has been gutted by a Government which does not value the principle of making information available to all citizens in the same way as many of us.

[Mr. Boyle.]

A more essential point is whether this Bill is amendable in any way, with all due respect to the amendments that have been tabled on Report Stage and the work that has already been done on Committee Stage. Much like the Disability Bill, this Bill has no support outside the Chamber because its purpose does not further the public good. The only reason for passing the Bill in its current form, even with amendments of this type, is to initiate a political slush fund. We have witnessed the creation of this type of slush fund with the original use of national lottery funds. None of us on this side of the House and, I believe many outside the House, wish to see a return of those days.

It is also unfortunate that in terms of the legislative cycle and the life of the 29th Dáil, the Bill will come into practice as the electoral cycle reaches its zenith with the general election for the 30th Dáil. It must be placed on record that this Bill exists for no other purpose than to bolster the Government's badly needed case for credibility with the electorate during this election. I also fear that the lack of controls we have witnessed in the past with discretionary funds, which could be politically used by a member of the Cabinet, have tended or sought to benefit the Government in the long term. There is also the danger that because the fund is so concentrated with one Minister, irrespective of the current incumbent as it will apply to all future holders of the office, there will be an imbalance in terms of how the funds are distributed between constituencies.

A Deputy: Hear, hear.

Mr. Boyle: Many of us feel Galway West or whatever constituency a future Minister with control over the fund represents will be the main beneficiary of money from the fund. This is not the way to allocate public money or to bring about the best standards in terms of benefitting the groups and individuals who are meant to benefit from the existence of such a fund.

While I support Deputy O'Shea's amendment, it is slightly reminiscent of the approach of King Canute in terms of the overall intent of the Bill, which is to bring about a change in the allocation of the fund for political purposes and not for the benefit of the wider society. For this reason the Bill must be opposed.

Mr. F. McGrath: I strongly support amendment No. 1 and commend Deputy O'Shea on moving it. The rest of the Deputies in the House have no alternative but to support this amendment even though we have major concerns about the Bill. The amendment is important and adds teeth to the legislation.

It is important to remind ourselves of the Freedom of Information Act 1997, the previous authority that Act had and how it was gutted. Many people, not just politicians but citizens, voluntary

groups and community groups, have serious concerns about the effects of this Bill. People believe it will be a slush fund. Some claim it will be a war chest for the next general election in 2007. It is unprofessional and unethical and there are serious questions to be answered. It is estimated that the fund could be in the region of €200 million, which is a serious amount of money which could be distributed in a professional and impartial way to a considerable number of groups.

It is important to recognise the role of many voluntary and community groups that are applying for the funding under this Bill. There should be transparency about who is directly involved. A recent example involved the Irish Learning Support Association, which is based in Drumcondra Education Centre. The association applied for funding but was turned down. This is an organisation which provides services and backup services for teachers with regard to children with disabilities. The refusal of the association's application is unacceptable.

Éamon Ó Cuív: The Deputy made a good point.

Mr. F. McGrath: I do not think this practice is acceptable. It is important to ensure——

Éamon Ó Cuív: Who made the decision?

An Ceann Comhairle: Deputy McGrath to continue without interruption.

Mr. F. McGrath: The amendment seeks to apply the Freedom of Information Act 1997 to the board as and from the establishment date. We need openness, transparency and a commitment that the Minister will do something about it.

Éamon Ó Cuív: It is amazing how if one gives a person enough rope, he or she will hang himself or herself. The reality is that it was an independent board that made the decision that is now being criticised by Deputy McGrath as being very bad. There is no way of redress if the board stands by its decision. It is possible to appeal it but the same people who made the decision will hear the appeal. We are all familiar with the syndrome of contradicting ourselves in what we want, although it still amazes me. The minute an independent board makes a decision, people ask the politicians how this could happen. We tell them that we cannot do anything because the board is independent but they ask why they elected us. They continue to contradict one another.

Mr. F. McGrath: The Minister can disagree with the decision.

Éamon Ó Cuív: The decision was made by so-called——

Mr. F. McGrath: There is nothing wrong with that.

An Ceann Comhairle: Please allow the Minister to continue without interruption.

Éamon Ó Cuív: The Deputy can make a point but the decision was made by an independent board. I assure him that neither I nor anyone else brought influence to bear on it. I will make a general statement about the Bill. I believe we are elected to care for the affairs of the nation as an assembly, and the Government, which is elected by the Dáil and accountable to the Oireachtas, manages the day-to-day affairs. I am amazed that we as democrats—

Mr. Morgan: Part of the nation.

Éamon Ó Cuív: We are elected on behalf of all the nation.

Mr. Morgan: Not everyone voted.

Éamon Ó Cuív: We are elected on behalf of the nation.

Mr. Morgan: Go on.

Éamon Ó Cuív: That we have jurisdiction over only part of the nation at present is an interesting constitutional point. As Deputy Morgan might check with the Constitution, we are the Government of Ireland.

Mr. Morgan: Many had no vote. The Government was not elected.

Éamon Ó Cuív: We are the Government of Ireland.

Mr. F. McGrath: Except for the Six Counties.

Éamon Ó Cuív: No, we are the Government of Ireland.

Mr. Morgan: Only in name. The people of counties Tyrone, Armagh and Antrim did not vote. We were not elected by the nation.

Mr. F. McGrath: They cannot even vote for the President.

Mr. Morgan: Go on. We will tackle the Minister on this issue later.

Éamon Ó Cuív: I am amazed at how partitionist some parties in this House have become.

Mr. Morgan: I know it.

Éamon Ó Cuív: Some of them are sitting at the back of the Opposition side of the House now.

Mr. Boyle: How many politicians did the Minister's party get elected in Northern Ireland recently?

Éamon Ó Cuív: In my view, we have a fair balance. The day-to-day running of the fund will

be subject to a plan prepared by an independent board. The Government will use the machinery of State to operate the dispersal on a day-to-day basis and will be accountable to the board, which will give its opinion on how the money was spent at the end of each year. That is the best of both worlds. There is democratic accountability because the Government is accountable to the House in everything it does and there is an independent board that proposes the plan, decides on which broad sections money is spent and will effectively audit performance.

I travel the country extensively and disagree with the Deputy that people do not wish to see change in how the fund is operated. I say this notwithstanding that no fault lies with the board and the mechanism it uses, rather with its lack of access to all the structures we have established. Nonetheless, I guarantee the Deputy that if he asks the implementation team in each RAPID area, its members would say they want the dispersals in their locality referenced to the plans they have drawn up rather than applications being accepted from every group that applies.

Mr. Boyle: This is a failure of the Government, not the fund. The Government established the RAPID programme and created expectations.

An Ceann Comhairle: Please allow the Minister speak without interruption.

Éamon Ó Cuív: Deputy Boyle is not listening very carefully. The teams feel that, since some of the fund's targets mirror those in their plans, they should be part of the consultation process and involved in the dispersal of the funds the Government directs towards RAPID areas. I reject the allegation that money would be unfairly targeted towards any constituency, in particular Galway West. If one examines my ministerial record, one would find I normally undertake dispersals on an objective system, either by demand or by making allocations in proportion to population or the number of RAPID areas.

The last 24 hours have provided a good example. My Department, in conjunction with the Department of Health and Children, dispersed money to support community health facilities in RAPID areas. Our actions were simple in this case. We gave an allocation to each RAPID area and insisted the Health Service Executive, HSE, consult the area implementation teams and devise a list in which I had no say. As long as the lists presented to the Government conformed in terms of money and typography, such as the requirement for health or community health facilities eligible for funding in the normal way, and as long as a matching fund was provided by the Department of Health and Children, we allocated the money. Any allegation that the systems I use are in some way personal decisions is incorrect. What is my decision is the methodology used and it is a fair and open one. We are elected as a

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Government to do this. The Deputy is correct—

Mr. Boyle: I am sorry to interrupt but this is not legislation.

An Ceann Comhairle: Deputy Boyle will allow the Minister to speak.

Mr. Boyle: Can I not intervene?

An Ceann Comhairle: If he wishes, the Deputy can use his two minutes now, as he appears to be doing. If he does, he will not be allowed to speak again.

Mr. Boyle: I am asking whether the Minister should take a question.

An Ceann Comhairle: Not on Report Stage. There are two minutes remaining.

Éamon Ó Cuív: I accept one fair allegation. If we do our job well and we take care of the finances and affairs of the State well as a Government, it will help us get re-elected. Such is the way of matters. I have not heard of a Government or any system of politics that did not expect the electorate to vote on performance and the proposed performance of the Opposition. I have no doubt that if we spend this money wisely, well, fairly and equitably and the Dormant Accounts Board gives the Government a super report, it will reflect well on the Government. I have no shame in saying so. I also hope the money I have spent in the Gaeltacht, the RAPID areas, the islands, Leader companies and elsewhere reflects well on the Government and helps to re-elect us. As far as I am concerned, it is on this activity that we should be re-elected.

I disagree that the Government needs to be rescued. The most recent election in my area was for *Údarás na Gaeltachta*. Taking the Galway constituency as an example, not one of the Sinn Féin, Green Party and three Fine Gael candidates was elected. Another candidate was independent but he was really running for the Labour Party and I congratulate him on his election. Fianna Fáil had four candidates elected and the Progressive Democrats had one candidate elected. Five seats out of six is an incredible achievement in an election. When one analyses the figures, the Government is not suffering from voter rejection.

People should be given any information they seek. My objection regarding the decision to change the freedom of information legislation was about time being wasted by so-called “fishing expeditions”, whereby someone asks for every letter sent from one Minister to another in the past five years, hoping they will find a letter of interest to them. Many hours have been spent at the taxpayer’s expense doing this. People who requested such letters received a room full of material, examined it all and threw it aside when they found nothing interesting. Such a waste of

time in Departments and many agencies needed to be done away with because it was not serving the public good. However, as anyone who contacts it knows, my Department’s approach to freedom of information is to follow the formal route if necessary but to give the information more quickly if we are told what to look for. I believe in openness in what I do. It is Government policy that all appropriate statutory bodies operate within the provisions of the Freedom of Information Acts. These Acts provide the framework for including State bodies within their scope. The Minister for Finance can, by regulation, as I explained previously on Committee Stage, prescribe organisations to be included within the provisions of the Freedom of Information Acts. This is the appropriate device to bring bodies within the provisions of that legislation. Both the Attorney General’s office and the Department of Finance agree with that approach.

If the board — to which Deputy O’Shea refers in his amendment — is to be brought within the ambit of these Acts, the way to do that is as I outlined. However, I further add — this is key because the Deputy’s remarks and submissions in this regard all related to possible actions not by the board but by Departments and Ministers — that following the enactment of this legislation, the provisions of the Freedom of the Information Acts will apply in regard to the operation of Departments involved in the process of receiving and assessing applications. Access to freedom of information will automatically apply because of the change we are making in regard to actions by Departments in terms of application for assistance from the Dormant Accounts Board. In addition, all correspondence, analysis and advice provided by the board to me, my Department or the Government will come within the scope of the Freedom of Information Acts. From the date of enactment of this legislation anything done in respect of it by the Government or Departments will come within the scope of the Freedom of Information Acts. Anything we get from the board will come within the scope of those Acts. That aspect is already covered and therefore there is no need to introduce legislation to cover it. That leaves the actions, not of a Department or Minister but, of the board not covered by the Act. If the board wanted to make a public criticism it could. I agree with the Deputies that it is not different from us in that independent groups are not any more sacrosanct than elected representatives. I have great respect for the elected status. Therefore, following the establishment of the new board, I intend to put arrangements in train with the Department of Finance for the board to be included within the scope of the Freedom of Information Acts for this reason.

I wish to clarify that with effect from the date of enactment of this legislation any actions by Departments or Ministers in this regard will be automatically covered by the provisions of the Freedom of Information Acts. That was a con-

cern of the Deputies but there is no concern regarding that aspect. However, there is an issue concerning the actions of the board, which will not be covered by the Freedom of Information Acts. The board will prepare a plan and publish a critique of what we do in this regard at the end of each year. It is my intention because it is good and equitable practice to bring the actions of the board within the remit of the provisions of the Freedom of Information Acts. I will approach the Department of Finance to make that happen.

I have no problem with the principle of this amendment but I have a difficulty with the way the Deputy proposes to do this. I am advised it is not the correct way. I will oppose the amendment but I accept the spirit of it. The independent board should be accountable by way of the provisions of the Freedom of Information Acts and I will make it accountable in that respect.

An Leas-Cheann Comhairle: I call Deputy Morgan.

Mr. O'Shea: A Leas-Cheann Comhairle—

Mr. Morgan: Tá brón orm, Deputy O'Shea.

I wish to reply to a number of issues raised by the Minister. I did not raise any issue as this is the first time to speak on this amendment. I accept the Minister's assurances that Galway West will not accept any beneficial treatment from this fund while he is the incumbent in his ministerial office. From what I am aware of his dealings in regard to CLÁR and a host of other programmes, including the RAPID programme, under his remit, I find no fault on his part in terms of integrity.

Éamon Ó Cuív: I thank the Deputy.

Mr. Morgan: That was the love-in, so to speak. In terms of this legislation, the Minister referred to their being full accountability to this House. We cannot get a straightforward answer to a question on the Order of Business or to a parliamentary question, whether a priority or oral question, from a Minister at Question Time. Accountability is extremely limited. I do not see evidence of it. That is the reason I support Deputy O'Shea's amendment.

This board will act supposedly in the interests of the public good. What would be wrong with its actions being subject to the provisions of the freedom of information legislation?

Éamon Ó Cuív: I agree with the Deputy and will ensure that.

Mr. Morgan: That is the subject of the amendment.

Éamon Ó Cuív: The Deputies are going about doing this the wrong way. I will go about doing this the way that is approved by the Attorney General and the Department of Finance. That is

the correct way to do it. The Deputies have the right idea but have proposed the wrong method.

Mr. Morgan: I find Deputy O'Shea's way is a straightforward way to proceed and I support that approach. I hope the Minister will accept that view. I will deal with other substantive issues when we come to deal with a later amendment in name of my party colleague.

Mr. O'Shea: Deputy Boyle put his finger on the main issue when he said we would all like this Bill to be withdrawn. God marches on the side of the big battalions and the Government has the numbers in terms of voting power on this occasion. We are reduced to seeking to influence the Government to make the best job of what is bad legislation.

On the last occasion we debated this Bill the Minister made great play of the report that the agency will make at the end of each year to the Minister for Finance. I have read the areas on which it will report and note it will report on such other areas as the Minister might require. The types of issues about which we are concerned are why would, say, A be selected over B. What happens in Government is what we are most concerned about. In essence, the report the Minister advised us would hold the Government up to full scrutiny is a nonsense in this case.

I do not doubt that the Minister is sincere in what he said about approaching the Department of Finance and having this board included in the relevant schedules. However, that is his intention. There is no guarantee that will happen. That is what is at issue. The Minister has not satisfied me that the provisions of the freedom of information legislation will apply to this Bill when enacted and on establishment day. The Minister referred to what he does currently. However, we are passing legislation not only to cover this period but until the Government of the day chooses to revisit it. What the Minister does or does not do in terms of giving information sought from his office is irrelevant to what we are discussing here. There is no reference to the Government in this amendment. We seek to ensure that the provisions of the Freedom of Information Act apply to the board.

Regarding the specific issue covered in the amendment, the Minister has not satisfied me that the House will be guaranteed that by the establishment day — the critical day — the Dormant Accounts Board will be added to the relevant schedules.

Éamon Ó Cuív: I mentioned my attitude towards freedom of information to reassure the Deputies on the one issue that is of relevance here, namely, whether I will put the wheels in motion to bring this board under the scope of the provisions of the Freedom of Information Acts. As a person who has an open mind on freedom of information, I will certainly do that, but I will do it in the way that is recommended, which

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ensures consistency in the law. For those who refer to the law, it will mean that they will check the Freedom of Information Act to find the bodies covered by its provisions rather than it being covered in different Acts which would make it tedious and difficult for those trying to track such information. I give the Deputies my word of honour that I will pursue this issue in the way I proposed. That is the correct way to do this. There is a mechanism in place for doing this. I cannot give Deputies a better guarantee than that today. That is how I intend to proceed. That Freedom of Information Act provides for including bodies under the scope of its provisions. It is a routine operation, by which I am saying the board will be covered.

Section 31 refers to reviewing and assessing from time to time the extent to which the objectives specified in the plan have been achieved, the effectiveness of the strategy specified in the plan and the pattern and effect of disbursement under Part 6, including whether they have resulted in activities which but for those disbursements might not have been undertaken. If we were to do all what the Deputy wishes, the board would have the power to write a report that would damn us forever.

There are different amounts available in the fund because there is a reserve. We made a decision to spend the money at very modest rates of approximately €30 million per annum. The reason the previous board was given €60 million was it was effectively spent over a period of two years because it was slow in getting started. There will not be a huge bonanza. When one divides the sum of €30 million under three headings, there is approximately €10 million under the heading "disability", €10 million under "social and economic" and €10 million under "education". When these sums are divided between 26 counties, taking Dublin as four and Cork as two, there is approximately €300,000 per county. I wish we could win elections with that sum of money.

In this instance, the Opposition has overplayed its hand. Perhaps it is worried I can account for what I have done. I stand on my record. I thank the Deputy from County Louth for what he said and his integrity in saying it. I have been fastidious in the way I have handled public money.

Mr. Boyle: The Minister missed the point. I am pleased he has a personal rule of thumb and that his record is such that public money is being distributed throughout the country under his remit in an equitable way but what he is legislating for will open the door for those who follow him and for others who do not have that rule of thumb. The Bill allows for the ability of individual Ministers to act in a discretionary way. If the Minister was interested in applying his principles when public money is used, he would have them enshrined in legislation. That is what the Opposition is arguing about.

Éamon Ó Cuív: It is provided for in the Bill.

Mr. Boyle: The reality is that we have experience of how other discretionary funds have been used. We see it happening on a regular basis with Cabinet colleagues in the way their spending programmes are miraculously, without the rule of thumb, weighted towards their constituencies as if the national interest was served by such programmes. The Minister should know that the ethos of the Irish political system is such that there is an expectation that Ministers will act in that way. I am not levelling it as a charge; I am saying the nature of political practice and the weight of public expectation mean this is how the issue of public expenditure is dealt with. If the Minister wanted to make things better, he would have brought forward a better Bill.

Mr. McGinley: I agree with most of my colleagues. However, I would not cast aspersions on the Minister's integrity. I know him long enough to know how he deals with these matters.

As someone said, we are legislating for the future. When I became a Member of this House more than 20 years ago, hundreds of thousands of pounds of national lottery funds were given to a constituency not far from Dublin. We found out that the moneys had been given to organisations which had not even submitted applications. The rule of thumb comes into play in that instance. The matter was widely publicised in the newspapers at the time. I am not saying the Minister would even consider doing such a thing. We are legislating for the future and the door is being left open. This is why legislation should be open, transparent and above board, not just for the present but for the future.

Mr. O'Shea: The Minister has gone part of the way in delivering on what the amendment is seeking. The inclusion of the name of the board in the appropriate Schedules is not his decision but that of another Minister. I take without reservation his commitment that he will make the appropriate approach to the Minister for Finance or the Minister of State who deals with these matters. Will he give a commitment that he will seek a decision prior to establishment date of the Dormant Accounts Fund Disbursements Board in order that when it is being established, we will know the addition to the Schedule will happen within a reasonable timeframe, otherwise we will be left in a situation where the board, in the context of an issue that has become highly controversial in the political arena, may never come within the remit of the Freedom of Information Act 1997, despite the undoubted sincere and good intentions of the Minister? Cabinet reshuffles happen and there may be changes. One never knows what may happen. Those of us who are legislating could be left in a position where the Minister who gave undertakings in good faith could be removed from office. I am not suggesting that the Minister will be but there could be a situation

where the Taoiseach might wish to transfer the Minister to another Ministry. He is asking us to leave matters up in the air and not tie them down.

I still reject the argument the Minister made on Committee Stage in regard to the report of the Dormant Accounts Fund Disbursements Board to the Minister for Finance. The information that is most vital is not information directly available to the disbursement board in assessing the performance of the Government in the disbursement of funds, particularly in terms of fairness and impartiality. The report will be meaningless and ineffective unless the board has access to all relevant information.

Why projects A and B which are very similar to project C should be selected is the sort of question to which we need an answer. In other words, we are in a situation nach mbíonn aon cara sa chúirt ag Dáil Cheantar éigin. We could end up in a situation where Ministers, coming close to a general election and becoming highly windy about their seats, could act unscrupulously. They could act unscrupulously by choosing one project above another within their own Department or seeking to influence a colleague in the same way. To tell us the report will address this is not good enough because there is insufficient provision in the legislation. It could very well be the case that members of the Government, not necessarily acting in their capacity as Ministers, would communicate with the board, for whatever reason, on issues that should be made known to the public immediately as they arise. I am concerned about this. Everybody would be a great deal happier with the legislation if this issue was addressed. We owe it to the body politic. I will not outline the shadows cast on the body politic over a period. "Accountability and transparency" may be a cliché but nevertheless it is important and relevant to the matter under discussion.

The Minister has certainly not satisfied me that, when the board is established, the Freedom of Information Act 1997 will apply thereto. Lest there be any misunderstanding, I reiterate that I do not doubt the Minister's good intentions in any way. However, I ask him to consider the problem from the point of view of Members on this side of the House. We still have no cast iron guarantee, or a guarantee of any description, that the Freedom of Information Act will ever apply to the board or, more importantly, that it will apply to it from establishment day.

I am prepared to withdraw the amendment if the Minister indicates that he will before establishment day of the board make application to the relevant Minister and seek a decision indicating when the board will be added to the list of organisations which come within the remit of the Freedom of Information Act. I believe the relevant Minister of State is the Minister of State at the Department of Finance who has responsibility for the OPW. This was the case under the last Government but I am not altogether certain who is responsible under the current Government.

We have come a long way in this discussion and there is little enough between both sides. However, there is a huge chasm between us in the sense that everything the Opposition is being asked to accept relates to the Minister's good will, which we do not doubt, and also to how long he will be in office, the life of the Government, etc.

Éamon Ó Cuív: Three years.

Mr. O'Shea: That is a matter of opinion and the Minister cannot guarantee it, confident as he may be. I hope he realises we need more than good will. We need a guarantee to convince us that the Freedom of Information Act will apply to the board from the date of its establishment. If he cannot guarantee this, he should accept the amendment.

We all agree that what the Bill proposes is desirable but we must question how it is to be achieved. Having tabled this amendment and sought to have it accepted on Committee Stage and Report Stage, there is no guarantee, in spite of all the good will, that what I set out to achieve will happen. This is no reflection on the Minister but it would reflect badly on us all, as legislators, if we did not ensure we made watertight an aspect of the legislation that we all agree is highly desirable.

An Leas-Cheann Comhairle: Is Deputy O'Shea pressing his amendment?

Mr. O'Shea: Can the Minister give me a guarantee at this stage?

An Leas-Cheann Comhairle: He has replied.

Éamon Ó Cuív: I would if I could but I cannot.

An Leas-Cheann Comhairle: There can be no further discussion.

Éamon Ó Cuív: To explain——

An Leas-Cheann Comhairle: There is no provision in Standing Orders for further discussion.

Éamon Ó Cuív: Could I be allowed one minute?

An Leas-Cheann Comhairle: The Chair has no way to change the rules.

Mr. O'Shea: Can the House agree to allowing the Minister one minute?

An Leas-Cheann Comhairle: It would have been possible to recommit at the start of the debate but that was not done. Is the Deputy pressing the amendment?

Mr. O'Shea: Yes.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendment No. 2 is out of order.

Amendment No. 2 not moved.

Mr. O'Shea: I move amendment No. 3:

In page 5, between lines 14 and 15, to insert the following:

“(a) to establish transparent criteria for the disbursement of funds under the *Dormant Accounts Acts 2001 to 2005*,”.

The intent of this amendment is simple. It would require the board — not the Minister — to establish the criteria for the disbursement of funds. As the legislation stands, the functions of the board include the preparation and submission to the Minister, in accordance with section 42, of a plan for the disbursement of moneys under Part 6. When this is done, the Minister will then be in a position to proceed with it. It can be either accepted or rejected, with or without amendment. This is the kernel of many of the problems we face. If the function of establishing the criteria was left solely to the independent board, it would result in a much more transparent and, arguably, equally effective method of disbursing funds. If we allow a Government which does not like the plan of the board to change it, as allowed under the legislation, we will be permitting dangerous circumstances to obtain.

I will not personalise the issue. We are passing legislation and dealing with the current Minister but this legislation will apply until such time that the issue is revisited by the Dáil. I do not understand what concerns the Government could have over criteria arrived at by an independent board. An independent board has already established criteria, made further progress and disbursed the funds in accordance with those criteria. Therefore, why is there a lack of confidence in its ability? I will not mention names because it would be improper but I must state the board comprises experienced, competent individuals who are people of integrity who would do an honest and conscientious job on behalf of the State, drawing on considerable expertise and experience that would enable them to analyse the sector and prioritise the areas requiring prioritisation. Why should the Government and the Minister finalise the criteria? This provision reinforces my argument that this is developing the war chest for the election the Minister assures us will happen in two years' time. The time frame will maximise the value of the slush fund to buy votes.

If an independent group of highly qualified people appointed by the Government but outside the political arena, devises criteria, why is it necessary to remove this function from them? Did these people ask for the function to be removed? Did they ask not to have the final say, on the grounds that they did not feel competent and that Big Brother, in the shape of the Minister, must finalise the criteria? It appears the

Minister could throw out their criteria and replace them with his own.

This amendment is reasonable. In terms of democracy and the transparency of the board's functions it is necessary to adopt this course. If the Minister can persuade me this amendment is unnecessary or inappropriate I will listen to his arguments, assess them and consider them objectively. He has said nothing since the commencement of Committee Stage of this Bill to convince me this is anything more than a highjack of a crock of gold to ensure Fianna Fáil leads its third Government in a row.

Éamon Ó Cuív: We will need a majority of 60.

Mr. O'Shea: We will leave that to the people. I will not speculate on that question at this stage.

A Fianna Fáil led Government will lay hands on this sort of loot in the run-up to a general election and use it to buy votes. The Minister minimised this line in our argument on Committee Stage. If a Minister can provide funding for a community project in his area, prior to the election, he or she will ask that community to reciprocate with votes.

Éamon Ó Cuív: That is a Labour Party tactic.

Mr. O'Shea: Fianna Fáil invented the tactic. The Labour Party would know very little about it.

(Interruptions).

Mr. O'Shea: The Minister seeks to portray Fianna Fáil as a virtuous party that does not try to swing every deal it can in the State sector in the run-up to general elections to ensure it is elected. If that image is true I have been living in the wrong country for many years because the Fianna Fáil I know is quite different from that virtuous, almost monastic party the Minister wishes to present to us.

This debate should be realistic. The Minister refers to his own virtue. No one is challenging him. If he wants to say he is virtuous I have no objection.

Éamon Ó Cuív: That is not what I am saying. The Deputy can examine my record. He gets a chance every month to question my decisions. Everybody knows how we spend money on the RAPID and CLÁR programmes and how we decide the allocation for each area. It is based on—

Mr. O'Shea: That is another argument I will not take up. There is more than one side to it. None of us can dispute the success of the CLÁR programme but the RAPID programme is another kettle of fish.

Éamon Ó Cuív: Is it fair?

Mr. O'Shea: I do not wish to engage in this debate now. This is a changing situation. The Minister has offered spurious arguments about the virtuous Fianna Fáil Party and how Fianna Fáil Ministers will react to having €200 million to disburse in the run-up to a general election. He probably believes what he says but he would be in a small minority in holding the sincere view that Fianna Fáil will not do everything it can within the machinery of State to ensure a victory.

Éamon Ó Cuív: Of course, it will.

Mr. O'Shea: A slush fund is one of the most effective weapons in the armoury of a Fianna Fáil led Government in the run-up to the next election. The Minister may say the Labour Party is expert in this but history will show who are the real experts. Nothing happening today convinces me that anything is changing in that regard.

The only changes effected were introduced by the Labour Party which proposed Freedom of Information legislation, which Fianna Fáil then emasculated. The Labour Party was also responsible for the ethics in public office legislation. The Minister should not tell me the Labour Party is expert in practices it has sought to eliminate.

Fianna Fáil is returning to the old ways, dismissing open Government and responsibility, and patronising those who talk about such principles. Meanwhile, it is getting on with what it is good at, namely, planning for a third term in a row in Government. I hope the Minister's reply will explain why it is preferable that the criteria for the disbursement of the money are at the whim of the Minister, despite whatever criteria the independent board proposes. We need to discuss the ethics of this Bill and assess it in that light.

Last week we discussed the British-Irish Agreement (Amendment) Bill which was short and technical but the Minister treated us to an account of his republicanism. That may be of interest to him but we were dealing with a technical Bill, designed to cover up a possible loophole this House had not discussed in the original debate on the Bill. We do not want to hear the Minister's *Tom Brown's Schooldays* speech boasting that he is a great republican and man of integrity.

We are interested in how standards apply in public life. Will the Minister say that, rather than yield to pressure from his Cabinet colleagues to change the criteria proposed by the board, he would hand back his seal of office, declare himself a man of the utmost integrity and refuse to have anything to do with such practices? I suspect he would find it extraordinarily difficult. I am unconvinced it is the road he would follow. I cast no aspersions on his integrity. I am talking about the realities of Cabinet and Government.

Mr. Morgan: My party colleague who deals with this portfolio, Deputy Seán Crowe, is unavailable. I am standing in for him. There have

not been so many republicans since Easter Week 1916 or perhaps 1918. It is great to see so many declaring themselves republicans now.

I support the amendment. I find it strange that many important Bills cannot be brought forward because there is such pressure on the legislative schedule, yet this Bill can be dealt with. I find that amazing, particularly when the current structures in place for dealing with funds are satisfactory. There is always room for improvement in the bodies concerned but nobody in the House has demanded change. In that context, I find it bizarre that the way was cleared to rush this legislation through.

Clearly, the Minister is taking more power into his hands. The final decision in the disbursement of funding will be at his discretion. According to the Bill, he will to have regard for the plan for disbursement presented annually by the board. One has regard for all sorts of matters on a daily basis but that does not mean one must take heed of them. In this case, the Minister will not have to pay any attention to the plan presented by the board. That is not a personal criticism of him but a fact of life in respect of any Minister. At this stage some 90% of the Cabinet are Progressive Democrat Thatcherites. This is the type of person against which we need to protect the public. We need to make sure there is transparency. The current body has more of that quality than what is proposed.

I have a major problem with the composition of the proposed board. There is no provision for the community and voluntary sector. Each member will be a ministerial appointee. Some Ministers may choose to appoint people—

An Leas-Cheann Comhairle: The Deputy is departing from the discussion of amendment No. 3.

Mr. Morgan: It is unfortunate Ministers will not be held accountable in that regard.

I commend Deputy O'Shea on the precise wording of the amendment. The Minister is defending the position by saying better administration of funds is needed, to which nobody objects. There is the prospect of the Government treating this fund as a bag of goodies, with Ministers prancing around the State doling out money, particularly at election time. That is what we are facing and it is most unfortunate. The fact that the Bill is before us at this time makes me sit up and take note of what is happening. This is the money of the people. It should be used in a planned, fair, accountable and effective way but we all know Ministers are not accountable to this House. I have dealt with that issue and will not labour the point.

This new approach is open to favouritism. The legislation should be withdrawn as there is no need for it. Reference was made to a bad decision but that can happen. The likelihood of

[Mr. Morgan.] political favouritism is less remote. If a Minister has the final say, as this legislation provides, there will be a field day. The only reason for introducing this legislation is to facilitate Ministers in exercising favouritism without regard for those in greatest need, or for projects most deserving of funding.

Mr. McGinley: I support this sensible amendment to establish transparent criteria for the disbursement of funds in dormant accounts. When the Bill is enacted, power will be transferred from an independent board to Departments. The independent board has operated successfully so far. The amendment seeks to establish a framework within which decisions will be made. The legislation is too elastic. Almost any decision could be justified. When one is applying for a grant of any kind, there are definite conditions of application. In this case, the same should apply. This is not how it should be done and the amendment would tighten the position.

Éamon Ó Cuív: I remember one night when Deputy Durkan was sitting where Deputy McGinley is now. He raised a question and spoke from his heart. When I replied that the issue related to an independent board and that the Minister could do nothing, he made a long speech. He spoke on how this House had derogated power to others and how this removed accountability from public representatives. I remember noting his contribution and thinking I would hold him to that point one day.

On another day Deputy O'Shea asked if the Dormant Accounts Funds Disbursements Board would make reference to the plans of the area implementation teams. I had to answer that there was no mechanism in the arrangements to deal with this. There is a fundamental difference in this case. We stand before the electorate and see things we would like to improve. Most Members are motivated by the highest ideals when they enter the House.

When we became Members, we were shocked to find we had so little power to bring about change, make decisions and ensure accountability because at every turn we were told there was an independent group which had been given the relevant power. We have all asked at various times what madness gripped us because our electors want us to take responsibility for decisions.

I assure Deputy O'Shea that the Labour Party is not behind the door. I remember at one stage I received a letter which I have kept and might frame some day. I thought it was funny. When I was an elected public representative but not in government, I applied to a certain Department for a grant. The Labour Party was in government at the time and I did not go to anybody about the matter. I was perfectly entitled to the money but was amused to receive a letter from the Labour

Party Minister informing me he had awarded me the grant. I have the letter filed away. It is a grand souvenir to have of the game. He did not and will get my vote.

Mr. McGinley: Deontas tí.

Éamon Ó Cuív: I did not hold it against the Minister concerned. I am probably wrong and should have learned to take a leaf out of the book of the Labour Party.

Let us be honest, when announcements are made by the Dormant Accounts Fund Disbursements Board, Members telephone me but I have no say in the matter. They all want to tell their constituents the news. There is not a politician in the House who does not interact with his or her constituents and various groups and go through the motions on their behalf. I am very tolerant of this and get great personal satisfaction when I see statements from Opposition Deputies in the newspapers welcoming all the announcements I have made on various schemes. That is a compliment and I am delighted with it. There is a colleague of the Deputy in County Mayo who always welcomes my decisions. He tells his constituents how good he is to announce what I do.

While that happens, it will not take away from the fundamental issue which is whether we act fairly. Do we act in the public interest? Do we act honestly? Are their proper criteria? I would be the first to accept there was a tightening in the past ten or 20 years which was badly needed. I do not want us to reach a stage where we tie ourselves in so many knots that we cannot do what is sensible. That is where the equation becomes tricky.

When I introduced Scéim mBóithre Áise, allegations were made about it. When I reinstated the scheme in 1997 I decided to introduce more clear-cut criteria, similar to the local improvement scheme criteria. I was complimenting myself on being clear that there had to be a house and another landowner on a road, other than public utilities, piers, burial grounds and so. I was reasonably happy that the criteria were fair, open and transparent until one day at my constituency clinic a person inquired about having a road provided. I said to the person concerned that he was not eligible as the road would run between two family houses. He then said his brother was in a wheelchair and the reason for having the 300 yards of road tarred was to enable him to travel over and back on his own. They could not afford to have work done as both families were on the dole. I went away and thought about the matter long and hard and said I could not make an exception in an individual case.

Rules that prevent us from doing what is sensible such as providing a disabled person with access are wrong. We wrote and changed the rules as Deputy McGinley will be well aware. I do not know about Deputy O'Shea or if any case

has arisen in Waterford but I brought forward a rule that if a social worker, doctor or whoever made a case, what we call *costarocht*, we could give the grant outside the normal rules. There have been cases that have been assessed by the local *scrúdaitheoir* and passed. That was a case of good ministerial interference. If it had come from the Members opposite, I would have dealt with it in the same way because it is right that cases should be treated in a humane way. Therefore, I believe in the political process and political decisions and a political input into decisions as some practices have changed for the better. However, I do not believe in doing something for friends and neighbours on a nod and a wink basis. Any politician who thinks that will work is making a big mistake.

I amended section 31 included in section 7 and sections 43 and 44 included in section 8 of the Bill in the Seanad because there were concerns. Members will agree the Bill is tight. In addition, there is an ombudsman who, in the event of maladministration, can bring someone to book. Under section 31, the functions of the board are to review and assess from time to time the effectiveness of the strategies. When all those checks and balances are taken into account, one will find that what one is worried about will not and could not happen, whether we or the Members opposite are in government.

Section 43(b) reads, "the criteria to be applied in assessing applications made in response to the invitation . . .". Therefore, the criteria will have to be set out. Section 44(2) reads:

The results of the assessments under subsection (1) must include—

(a) a list of

(i) the assessed measures forming part of a programme, and

(ii) where appropriate, the assessed projects,

(b) a recommendation as to whether or not each of those measures and projects should be recommended under subsection (3) for a disbursement from the account,

(c) the reasons for the recommendation, and

(d) if a disbursement is recommended, the amount recommended.

There is recourse to the ombudsman where there is maladministration. Therefore, if we start to jiggle, the rules will have to be followed. I have independent persons who assess cases. People come to me who are convinced of the merits of their case but I have had to say to them that if they did not believe me, they should go to the ombudsman who will get to the bottom of the case. I have recommended that people do this where I cannot persuade them something is not unfair. Most people trust the ombudsman to

ensure fairness in decision-making. When all the rules are taken together, one will find the Bill is much tighter and much less discretionary in its individual decisions than one might have thought. It gives reasonable scope to Ministers to lay out good schemes and amend them within the plan to ensure effective, fair and good distribution of funds.

I have a legitimate concern about the open application process. What I mean by the open application process is where somebody places an advertisement in the newspaper seeking applications under broad headings. Two problems arise from such methodology, the first of which is that many more applications are made than one has money for and people who expend time and effort are inevitably disappointed. The second which is more serious is that it becomes a presentation exercise, not a real needs exercise. That is not good.

It is not the way one fills in the form but the merit of one's case that should count. Otherwise those with the most resources, experience and advice and probably the least disadvantaged will have an inherent advantage in making applications. All politicians have seen a small group with an incredible plan and a track record but unable to write the fancy essays that score highly in the assessment processes. I would like to change the methodologies and use, for example, in the RAPID programme areas the area implementation teams. The area implementation teams in the RAPID programme areas are working on the ground and have drawn up plans for their areas. They know the issues not covered by existing Government programmes and are able to identify in a non-bureaucratic way the programmes which will genuinely deliver.

Some of the islands have communities of five, ten or 20 people. I cannot expect them to compete with the big organisations dealing with the issue disadvantage on a professional level. The AGM of *Comhdháil Oileáin na hÉireann* was held at the weekend. It has been given access without overweening bureaucracy to take action. I would like to develop the systems by which this money will be disbursed to ensure it will get into the nooks and crevices of greatest disadvantage, not that I would personally pick them. RAPID programme communities are the most obvious when considering educational and social and economic disadvantage. I would like to focus the effort through the RAPID programmes plans as the Deputy suggested.

I do not think I can say anything to allay the Deputy's suspicions. I predict in two years time he will be surprised on two counts: that we will not have spent all of the funds because it is not our intention to do so in that period of time and that we will have operated the fund because there is no other legal option. We will be required to operate to the highest standards because the mechanisms in law will require us to do so, even

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if we are not of a mind to do so. The Deputy queried what would happen. Anybody who tried to act in the way the Deputy suggested would find they would be stopped quickly by the provisions of the Bill. They would be required to answer to various watchdog organs of the State not in existence 20 years ago.

I have another reason I cannot accept the amendment. The board proposed a plan, the Department operates it and the board reviews it. If the board was to lay down the criteria, it would be reviewing itself. If it was involved in establishing the criteria for the disbursement fund and then adjudicating, it would be a jury in its own trial which would not be desirable from a procedural point of view and should be avoided.

It is very important to keep the procedures clear. My problem with freedom of information provisions was discussed. I undertake to work with my colleague, the Minister for Finance, to ensure once the entity is in place, the Act will be implemented. For legal reasons, it cannot be done the other way round. I concur with the Deputy. It would be my intention long before I leave office — allowing for the fact that nothing unforeseen happens — that the Freedom of Information Act would be extended to cover the board. I do not understand why it did not cover the previous board but I was not the Minister who brought it through the House.

Mr. O'Shea: The Minister covered a lot of ground in his reply. He might be surprised to learn that I agree with him on much of what he said.

One issue on which I always need to be convinced is whether the national pay agreements have added to the democratic process. They were introduced at a particular time when financial rectitude and discipline were very necessary. What is agreed between the Government and parties outside this House in areas such as taxation, social welfare and other areas of social policy is brought back for rubber-stamping. Effectively, the House does not make the final decisions. As a democrat, I am never truly comfortable with that situation.

I refer to the issue of amending schemes and will disguise the story somewhat. During my time in the Department of Agriculture and Food, because of EU regulations it was no longer possible to issue a permit to a certain person to continue commercial operations. The local representatives of the Department affirmed the quality of the product. People came from miles around to avail of it. The person concerned went out of business, to the best of my knowledge. It made a lasting impression on me. If we are too prescriptive in what we do, we limit our ability to do what is desirable.

A group under the auspices of the Department of Finance is examining the conditions for dis-

abled drivers and passengers. Every Deputy will know from their contacts with disabled constituents of the great need for improvement.

An Leas-Cheann Comhairle: Is the Deputy using his two minutes to reply? If he is replying, no other speaker may enter the discussion.

Mr. O'Shea: I am not replying. I will allow other Deputies to speak.

Mr. McGinley: Transparency and criteria are the order of the day. The Bill is changing the philosophy of the dormant accounts. Power is being taken from the existing board and given to the Minister and the Government. This is at the heart of the Bill. I do not understand the philosophy underlying it. Slush funds and the buying of elections have been referred to by other speakers. It is very difficult not to be suspicious.

The Minister more or less said that he intended to extend the Freedom of Information Act to the incoming board. If that is his intention, it is a step in the right direction and a sign of progress.

Mr. Neville: I have listened carefully to the debate and I am upset by the changes made in the Bill. It is obvious the initial approach was to provide for significant intervention in areas of need and deprivation. In January 2003 I was asked for advice by members of the board who were anxious to involve it and use the moneys in reducing the incidence of suicide. They had decided that this was an area that needed to be tackled. The Irish Association of Suicidology, of which I am a director, suggested that there should be a national suicide prevention programme. The board—

An Leas-Cheann Comhairle: The Deputy is making a Second Stage speech. He should address his remarks to the amendment.

Mr. Neville: I am making the point that change, which the amendment seeks to reverse, prevents us doing what we want to do.

Éamon Ó Cuív: It does not.

Mr. Neville: It does. I have been told it does.

Éamon Ó Cuív: Can the current board do it?

Mr. Neville: No, it cannot.

An Leas-Cheann Comhairle: We are not on Committee Stage but Report Stage.

Mr. Neville: It cannot do it because of the changes.

An Leas-Cheann Comhairle: We are on Report Stage.

Mr. Neville: I just wanted to make a contribution on this matter because it is important to me

An Leas-Cheann Comhairle: The Deputy may make a contribution on the amendment.

Éamon Ó Cuív: What reasons was the Deputy given for not being able to do this?

Mr. Neville: I was advised that the Government had changed its approach, that while the Bill was not in force, the approach of the Government had changed and that the board would have to re-examine the situation in the light of developments that had taken place.

Éamon Ó Cuív: Was the application lodged in time last year?

Mr. Neville: The application was lodged in February 2003 and has been refused by letter. This was a national programme which was costed for a two year period. There is considerable criticism over the lack of helplines today and which were included in the proposed programme. I have the full proposal with me. The amendment tabled by Deputy McGinley would address this.

Éamon Ó Cuív: It would have no effect on it.

An Leas-Cheann Comhairle: We are discussing Deputy O'Shea's amendment.

Éamon Ó Cuív: The Bill has not been rushed. It was published last June and, if memory serves me right, was taken in the Seanad in July on the last day of term. Senator Ryan asked me to recommit the Bill in the autumn and I agreed. We went back and gave it as much time in the Seanad as the Senators wanted. Nobody could accuse me of hurrying it through the Dáil. It has taken 11 months to go through the two Houses of the Oireachtas. This is not rushed legislation.

I would like to clarify the issue raised by Deputy Neville. Everything done by the Dormant Accounts Board has been done under the current legislation which the Deputy is trying to maintain. The board has been absolutely independent in its decision-making. However, I have powers to give general directions. For any expenditure of more than €350,000, the board must get the consent of the Minister, which I have given. However, at one stage I raised a legitimate concern which should be addressed by the new arrangements. If much of the money is spent on projects that need current funding, it is pointless starting something lasting two years without having a reasonable expectation that when the dormant accounts money runs out, someone else will pick up the tab and continue the programme. The board had €60 million. If it decided to expend €40 million on programmes that would continue, it was important to draw attention to the need to ensure

sustainability in such projects. I am sure the Deputy will agree with me on the problem of pilot projects starting for two years. When a programme needs to be sustained over the long term, we must avoid establishing it with short-term funding and leaving it to chance as to how it will be funded in the long term. We should only start to fund such projects if they have a reasonable expectation of receiving long-term funding. While I am guessing, I imagine this might have been the basis for the decision in the case of the project mentioned by the Deputy.

Mr. Neville: In the submission this issue was recognised. It specified a fundraising programme, including the appointment of a professional fundraiser to continue——

An Leas-Cheann Comhairle: This has nothing to do with the amendment.

Éamon Ó Cuív: The answer is——

An Leas-Cheann Comhairle: The Minister cannot intervene again. This is Report Stage.

Éamon Ó Cuív: I am only trying to be helpful. I will speak to Deputy Neville later on.

Mr. O'Shea: I do not want to go back over the same ground repeatedly. As my family got bigger and older, I converted what was a three bedroom house into a five bedroom house to cater for events as they unfolded. As it was designed as a three bedroom house, I ended up with four doors into my kitchen and two rooms with only one door into them. When something is designed to fulfil a specific purpose, it is virtually impossible to adapt it in a way that gives rise to substantial change. The Bill suffers from this syndrome. While it is difficult, I agree with the Minister that we should not become hidebound in what we do and leave no room for manoeuvre. A sensible balance needs to be struck.

Even in the time when I was a Minister of State at the Department of Health and Children, I can remember how committed Deputy Neville was to addressing the problem of suicide which, if anything, appears to be worsening. The need to do something substantial as the Deputy has striven to do has never been greater. On Committee Stage I mentioned the rural social fund, the innovation introduced in the budget before last. I strongly support that scheme which should be adopted further. However, I was upset that at the time of the Budget Statement of the then Minister for Finance, Mr. McCreevy, the Minister, Deputy Ó Cuív, had not made contact with the Dormant Accounts Disbursement Board to discuss obtaining the €10 million required for the scheme. The Minister made my argument for me in saying the money that would accrue from the fund should not be regarded as being available on an ongoing basis. If there was a worthwhile

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project dealing with suicide, as Deputy Neville said, and the Minister of the day was convinced of the case — even given the Minister's actions regarding the rural social fund — he or she could write to the board and ask it to consider a substantial, one-off contribution to get services up and running. That obviously would be welcome. An experienced councillor, Senator or Deputy — any public representative — knows all too well that there are limitations on schemes that are not desirable and prevent important cases from being addressed.

The area the Minister emphasised was disability. Some aspects must be reviewed and have new conditions applied. I agree with all those arguments in a certain context. However, this is a simple amendment to make drafting of the criteria for the disbursement of substantial funds the sole responsibility of the new board that the Minister is to establish in order that he may not be able to throw them out in theory — although I am not suggesting that any Minister would — and take a different direction. What is the point of having a dog and barking oneself? What is the point of having a board appointed by the Government — I am sure the next will also be appointed by it if the two year scenario to which the Minister keeps returning is correct — to make recommendations and work on a plan if that plan is to be changed substantially?

I am open to the argument that some general tweaking might be considered to cater for a segment of society as distinct from any group or constituency. However, the Minister has not convinced me that there is merit in what is proposed in the Bill or that the proposal in my amendment is not superior. We are obviously not going to agree and I am left to having to pursue my amendment. While I agree that the legislation has not been rushed, I will return to my analogy of extending the house. Ultimately, when one seeks to alter substantially something designed for a different function, there will be faults. I cannot enunciate all of them but have no doubt that in the fullness of time other problems will emerge. However, that speculation is the work of another day.

There will be no meeting of minds on this amendment; that much is clear.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 4 to 7, inclusive, are out of order.

Amendments Nos. 4 to 7, inclusive, not moved.

Mr. McGinley: I move amendment No. 8:

In page 5, to delete lines 40 to 45 and substitute the following:

“32.—(1) The Board shall consist of a chairperson and 10 ordinary members

appointed by the Minister and shall include—

(a) an officer of the Minister not below the rank of principal officer,

(b) a person who, in the Minister's opinion, represents the interests of the financial services industry,

(c) 4 persons who—

(i) in the Minister's opinion, have knowledge of, or experience in relation to, the purposes for which disbursements may be made, and

(ii) are appointed by the Minister after consultation with the organisations that the Minister considers to be representative of the purposes so specified,

and

(d) 4 persons who, in the Minister's opinion, have knowledge of, or experience relating to any other matters that appear to the Minister to be relevant to the Board's functions.”.

This amendment concerns the membership of the board. As a result of this Bill, we are to replace an existing and effective board which has been operating successfully and to most people's satisfaction for years with one of the Minister's choosing. In other words, it will be completely and utterly subservient to the wishes of the Minister and the Government. We are addressing the core of the Bill, since we are to remove from the current board its role in sanctioning and directing the disbursement of funds and politicise it, giving it to the Minister, his and other Departments and the Government.

I listened to the Minister's response to previous amendments. Deputy Durkan said he was surprised that the House should give powers to others outside it. Of course, that is nothing new. We have done this on numerous occasions. I remember a

matter with which the Minister and every public representative will be very familiar, namely, the granting of planning permission. One would apply to the relevant county council, be it Donegal, Waterford, Limerick or Galway, for planning permission. If one did not get it, one had recourse, not to a board but to the Minister for the Environment, Heritage and Local Government. The Minister of the day had full power to grant or refuse planning permission. Very often Ministers overruled the county councils; it was a political decision. There are monuments in every county, in respect of which people wonder how permission was granted. In every case, some Minister or other gave permission.

Several years ago some sensible Members of this House — I do not know which Government did it or what side of the House — did not think it right or proper that a Minister, a politician,

should have such powers. They established An Bord Pleanála which is, as far as we know, independent. We all have recourse to it on behalf of our constituents and eventually it makes its decisions which, in most cases, are accepted. Occasionally, however, they are not, and one must go to the High Court. That was an advance and everyone agrees it was the right thing to do. I do not think the Minister or any of his colleagues would wish to take that power, emasculate An Bord Pleanála and say he should have the last word and that it should give him back the powers his predecessor granted it 20 years ago.

Debate adjourned.

Private Members' Business.

Accident and Emergency Units: Motion.

Dr. Twomey: I move:

That Dáil Éireann recognises the:

- work of nurses, doctors and staff of accident and emergency units who work under severe pressure each day;
- recent report published by the Health and Safety Authority, Health and Safety Authority Inspection Programme in Accident and Emergency Units March-April 2005, which stated that “the health sector, and more particularly accident and emergency units, is at major risk” of workplace violence and that “the current arrangements for protecting workers from this risk were inadequate”;
- increasing problem of intoxicated persons turning up in our accident and emergency units; and

calls on the Government to:

- implement health and safety procedures for staff and patients within the hospital environment;
- deal with the escalating alcohol fuelled aggression and abuse that is becoming endemic in our accident and emergency units with the following measures:
- introduce separate “wet rooms” where those found simply to be drunk, following a medical assessment, but not ill or injured are isolated from the other patients and medical personnel and left to sleep off the effects of their drinking;
- have extra gardaí present in accident and emergency units on Friday and Saturday nights when the throughput is highest;
- introduce a new offence of “threatening, abusive or insulting behaviour in or

around an accident and emergency unit” which would be subject to an on-the-spot fine of €200, to be imposed by the gardaí on duty in the accident and emergency units;

- remove hangers-on who are under the influence of alcohol from the accident and emergency unit, as these add significantly to the tension and stress; and
- double the charge for visiting an accident and emergency unit for those who are found simply to be under the influence of alcohol and are not actually ill or injured.

I propose to share time with Deputies Pat Breen, McCormack, Crawford, Olivia Mitchell, Deenihan and Hayes.

I thank the Ceann Comhairle for the opportunity to debate this important motion. Tonight's debate continues Fine Gael's determination to jolt Fianna Fáil into action on the ongoing crisis in our accident and emergency departments both in Dublin and countrywide. On this occasion I will not focus on the overcrowding issue whereby thousands of patients annually receive their full course of medical treatment on trolleys in accident and emergency units. Nor will I dwell on how this overcrowding contributes to the lack of hygiene and the difficulties in cleaning up vomit, faeces, urine and blood in accident and emergency departments. I will not deal with the medical assessment units, minor injury units or MRI facilities, which have become so important to the Tánaiste and the Government as they put a spin on their efforts to deal with the crisis in the hospital sector.

In focusing on the role alcohol plays in contributing to the accident and emergency crisis, I begin by observing there is no problem with those persons who enjoy a sociable few drinks on a weekend night. Problems emerge where alcohol leads to violence, aggression and abuse. Patients semi-comatose or aggressive as a consequence of excessive drinking terrify staff and other patients in accident and emergency facilities, especially children and the elderly. The taxpayer, meanwhile, is left with a bill of €600 million at the end of every year.

The recent Health and Safety Authority report shows the health sector, and accident and emergency departments in particular, face a high risk of workplace violence and that current arrangements are inadequate. The HSA is only responsible for the health and safety of workers. The Minister and the Government are responsible for the terrified elderly patients and the sick children scared out of their wits when they have the misfortune to require the services of an accident and emergency facility, especially on weekend nights. The Government has done nothing to prevent the escalation of this crisis.

Families and elderly persons can avoid going into city or town centres late at night but they cannot avoid going to accident and emergency

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units if they are ill or injured. The treatment they receive there is an absolute disgrace and a poor reflection of the Government's inaction on this matter for the last several years. This Government has refused to face up to its responsibilities on many issues. We have seen the debacle taking place in Dublin Airport with passengers queuing for long periods to pass through security checks.

Minister of State at the Department of Finance (Mr. Parlon): Has Deputy Twomey checked the waiting times today?

Dr. Twomey: This is another example of the Government's failure to act.

Mr. Parlon: The Deputy is straying from the issue at hand. The waiting times are similar to those in any international airport.

An Ceann Comhairle: Deputy Twomey should be allowed to continue without interruption.

Mr. McCormack: The Minister of State could not say the same about hospital waiting lists.

Dr. Twomey: They will not be published until next year.

Mr. Parlon: It is Deputy Twomey who began speaking about the airport.

An Ceann Comhairle: Deputy Twomey should be allowed to speak without interruption. The Minister of State will have an opportunity to respond.

Dr. Twomey: Since this issue has arisen, does the Minister of State suggest the Government now believes there is no need to build a second terminal in Dublin Airport?

Mr. Parlon: I was at the airport today and was informed by the new general secretary that the waiting times are normal.

Dr. Twomey: A second terminal is required. I merely ask if the Minister of State agrees.

Ceann Comhairle: I ask the Minister of State not to interrupt when Deputy Twomey addresses the House. The Deputy should ensure what he says is relevant to the terms of this debate. That way, he may avoid provoking the Minister of State.

Dr. Twomey: I thank the Ceann Comhairle and assure him I will extend the same courtesy to the Minister of State when his time comes to speak.

I am sure he and other Government speakers will have much to say on our proposals. I hope no Minister ends up in one of the proposed wet rooms. The measures we propose are necessary to tackle the effect of alcohol abuse on accident and emergency facilities. Nothing is being done

in this regard and I hope the Minister of State will address this failing when he gets his opportunity to speak. Alcohol consumption has increased by 40% in the last ten years and the small minority who abuse alcohol has also increased in that period. The problematic effect of such persons' behaviour is evident every night in accident and emergency departments.

Some Government Members may claim wet rooms such as we propose are medically unsound but this would only be the case if they were poorly planned, executed and manned, failings evident in many health facilities as a consequence of Government policy. Fine Gael in Government would ensure such services are properly designed, operated and medically supervised. As it stands, many patients in accident and emergency departments must ask a relative to mind their trolley while they go to the bathroom. What is the Minister of State's view on this?

Mr. Parlon: The Deputy ostensibly exaggerates.

Dr. Twomey: I remind the Minister of State of the case of a patient with lung problems whose condition was aggravated by the presence of a man who was smoking in the accident and emergency department.

Mr. Parlon: There are 1.3 million accident and emergency patients every year. The Deputy points to only one case.

Dr. Twomey: When this patient's relatives asked the man to extinguish his cigarette, he responded with a threat to do so on the patient's neck. Two laws were broken in this instance in that the aggressor was smoking in a confined public place and threatening and abusing other persons. Why are patients exposed to intimidation, violence and aggression in accident and emergency departments? Such has become almost standard behaviour but the Minister of State responds only with glib remarks about the number of patients.

Mr. Parlon: The experience of one patient out of 1.3 million is hardly representative.

Dr. Twomey: I am well aware of the number of patients who avail of accident and emergency services. Unfortunately, far too many complain about those facilities.

Mr. Parlon: Thankfully, the vast majority are satisfied with the treatment they receive.

An Ceann Comhairle: Deputy Twomey should be allowed to continue without interruption.

Dr. Twomey: The Tánaiste has promised to implement her ten-point plan and to consider the recommendations of the HSA. The Government has pledged to support the Minister for Justice, Equality and Law Reform in his efforts to tackle

public order offences. He has come up with quite novel ideas about how he will tackle alcohol abuse in society by encouraging people to sit around wooden tables and partake in a café society. There is something of Marie Antoinette in the notion of us all eating ravioli and crostini while society breaks down around us.

Mr. Parlon: Is the Deputy not aware of the introduction of anti-social behaviour orders?

Dr. Twomey: The Minister for Justice, Equality and Law Reform has also proposed increasing the fine to €300 for anybody who sells chocolate liquors to a child under 16 years of age. These are hardly ground-breaking and effective measures to tackle alcohol abuse. Perhaps the Minister of State will be able to offer some that make more sense when he responds.

The only report the Government has commissioned which has any reasonable recommendations to deal with the violence and aggression of patients who have abused alcohol is that of the national task force on alcohol. None of those recommendations has been implemented. They are far more important to citizens than the many other nonsensical reports, 148 of which have already been published. It is time to bring forward some simple proposals and make them work.

The HSA's report states:

While all departments in a health care setting may potentially be exposed to workplace violence, some are at higher risk than others. Such risk should be assessed having regard to the specific situation and conditions in which each department operates with special attention paid to those departments that are located in highly populated and high-crime areas; small and isolated; understaffed; under the strain of reform and downsizing; working with insufficient resources, including inappropriate equipment; and functioning in a culture of tolerance or acceptance of violence. Of the 39 hospitals in the country, will the Minister of State, Deputy Parlon, name those on the list which do not fulfil those criteria? Will he name hospitals which are large, well resourced, do not have problems with violence and are not understaffed? Almost every accident and emergency department, many of which I have visited, face these difficulties. All we hear day in, day out is about a ten point plan drawn up last November, yet nothing has been done on behalf of patients.

Patients are my primary concern, but if one looks at the Health and Safety Authority's report and asks who are the potential victims, it states that although all professionals in the health sector are potentially at risk of workplace violence, some appear to be at special risk. Nurses and ambulance staff are at extremely high risk, doctors and support and technical staff are at high risk while all other allied professionals are at risk. If all

these people are at risk, patients are in a very dangerous position.

Tomorrow night I hope to have some figures for the Tánaiste on which she can reflect over the weekend. In the past month, 80% of staff in accident and emergency departments said they were exposed to some form of verbal abuse, 56% said it was threatening verbal abuse and 18% of nurses said they were exposed to what they would consider significant sexual harassment while carrying out their job. As I said, I might have other figures tomorrow night, but in the meantime the Tánaiste can dwell on those figures and outline what the Government is doing about this issue.

Mr. Parlon: The wet room will sort all that out.

Dr. Twomey: We would be more than happy if the Minister of State would discuss the proposals with us. We would like him to consider the people about whom we are talking, the 1.3 million people who pass through our accident and emergency departments each year and the 3,500 people who the Government keeps saying uses accident and emergency departments each day, in whatever proposal with which he comes up. I am sure people will be delighted to hear the Minister of State does not believe there is a need for another airport terminal.

Mr. P. Breen: I am disappointed the Tánaiste is not here for this debate.

Mr. Parlon: She will be here.

Mr. P. Breen: Good. I welcome the motion which recognises the extraordinary work accident and emergency staff do in difficult circumstances at the best of times, not to mention when they have the added stress of having to deal with drunkenness and abusive behaviour. While the problems of major hospitals are often highlighted, accident and emergency departments in smaller hospitals are also filled to capacity. The same issues apply to smaller hospitals, except they are compounded by a severe shortage of funding. Those hospitals must deal with drunkenness, particularly at weekends, and their security resources are stretched. Indeed, it is only a few years since Ennis General Hospital had to add security people to its staff, which shows a great change in society.

These extra stresses extend to patients. Those who are deserving and in need of the best treatment often face long ambulance journeys to the nearest regional hospital due to the unavailability of a sufficient number of staff and of basic equipment. While patients on trolleys in the Mater or Tallaght hospitals face extreme discomfort, it is small comfort to know that at least they are in the hospital where they will be treated and which has facilities. However, the discomfort of patients on trolleys in smaller hospitals, such as that in the constituency I represent, Ennis General Hospital,

[Mr. P. Breen.]

is compounded by the fact they may have to remain on a trolley for a few days and then be referred to Limerick, enduring an ambulance journey and a further queue to get the appropriate CT scan. In some instances, there is an emergency case and they must go home and face the same journey the next day.

In the context of the extraordinary and damning wastage of taxpayers' money highlighted in last night's "Prime Time", I am confident the Tánaiste will give a positive response in the next week or so on the capital funding programme for Ennis General Hospital. The hospital has 88 beds. Six of these are in day wards and most of them are filled with in-house patients because of overcrowding in the hospital. Surgery is often cancelled. I spoke to a doctor this evening who told me two patients had their day surgery cancelled on Monday last. I assure the Tánaiste that moneys spent on services for the accident and emergency department in the hospital will be well spent.

Apart from the severe pressure staff must endure in the hospital, they must put up with increasing demands and ongoing threats from the Department of Health and Children to downgrade the hospital, as recommended in the Hanly report, and even to close it. It is no wonder staff and consultants are frustrated by promises in recent years.

According to the most recent figures for 2003, staff dealt with a 5% increase in accident and emergency cases despite the great work done by Shannon Doc and the out of hours GP services in the mid-west region. A CT scan is essential in this hospital so that patients do not have to travel to the Mid-Western Regional Hospital in Limerick, which is over an hour away. As the Tánaiste is aware, the outline development plan for the hospital has been prepared. I hope she will have positive news when she announces the capital programme next week.

Three weeks ago the Tánaiste met a deputation from the hospital committee which included consultants, staff members and Oireachtas Members. They presented a very compelling case in regard to patient safety, which forms part of this motion. The consultants at the hospital were very concerned about patients given the conditions and equipment in the hospital with which they must deal. As we know, patient safety is paramount for a consultant and a doctor.

The deputation also highlighted the population growth in the region and the fact that much of the population is dependent, ageing and needs a considerable amount of care. I do not know if the Minister of State's Department was included in last night's "Prime Time" on the waste of money but I hope funding for the hospital amounting to approximately €20 million will be included in the Tánaiste's announcement of the capital programme next week. I remind her that the hospital manages its budget efficiently. It is a well run hospital and meets the criteria for funding laid

down by her Department. She recognised that at the meeting three weeks ago. I remind her of remarks she made that any hospital run efficiently would be rewarded, and Ennis General Hospital has a strong case. I urge the Tánaiste when she announces the capital programme in the next few weeks to think of Ennis General Hospital and the words of Dr. Hennessy at the meeting that patient safety is vital.

Mr. McCormack: Like Deputy Pat Breen, I am disappointed but not surprised that the Tánaiste is not here, as is her duty, to respond or listen to this debate on a very serious topic.

Mr. Parlon: She will be here in approximately ten minutes.

Mr. McCormack: She could have got one of her €1 million per year advisers to stand in for her in whatever she is doing.

Mr. Parlon: I assure the Deputy I will inform her of whatever he raises.

Mr. McCormack: She should be here to listen to the debate and to give this serious matter the attention it deserves.

Everyone recognises that since the Tánaiste became Minister, the situation in accident and emergency departments has got considerably worse. Many people are on trolleys overnight and sometimes for up to 30 to 40 hours. At University College Hospital, Galway, the situation has got progressively worse since the Tánaiste took office. There has been much public relations, spin and ten point plans but no improvements in the health services. The illusion is being created by the Government and, indeed, the Tánaiste that there is no problem or that something is being done to solve it. However, nothing is being done about this intolerable situation and the service for patients has got considerably worse.

People are scared if they have to go into hospital. They are scared of being left on a trolley. Even if they are lucky enough to get a bed, they are scared of contracting the hospital bug which is being contracted by a large number of patients in many hospitals. Two Members of this House contracted the hospital bug in recent months after a short stay in hospital.

This is the situation we face. The Tánaiste and Minister for Health and Children, who took on the job, has done nothing to alleviate people's fears. Lately, she has advocated putting more beds into wards to relieve people on trolleys. Nurses and doctors are already at their wits' end trying to cater for hospital patients. Recently, the businessman Ben Dunne made an offer on Joe Duffy's radio show to provide portacabins to relieve overcrowding in Dublin's hospitals. The solution is much easier than that. The last time I checked, 68 beds were left unused at University College Hospital Galway. More than 30 beds in St. Mary's ward and 20 beds in St. Finbar's ward

were empty, as were eight beds in coronary care and St. Pius's ward as well as seven beds in St. Dominic's ward. I have checked on a regular basis and over the past year, an average of 60 beds have remained idle at University College Hospital Galway, while the intolerable situation continues with people on trolleys in the accident and emergency unit. I have called on the Tánaiste and Minister for Health and Children, Deputy Harney, to provide the necessary funds to have those beds commissioned. It would take the equivalent of 50 full-time staff to operate the University College Hospital Galway at its full capacity, which would relieve the situation.

Recently, I put down a question to the Tánaiste and Minister for Health and Children about this matter. This is a tragedy and I am sorry the Minister is not present to hear this. She fobbed off my question. I asked her if she would commission approximately 50 full-time equivalent staff to open the beds at the University College Hospital. She replied that she established the Health Service Executive on 1 January, which has the responsibility to manage, deliver and arrange the beds and that she would pass the question on to it. She simply passed the buck to the Health Service Executive. As there are no health boards anymore, we do not have the opportunity to raise those matters at that level. The Tánaiste and Minister for Health and Children is not taking her job seriously even as far as dealing with a legitimate parliamentary question is concerned. She pretends she wants to put people into wards and that she wants to open St. Bricin's military hospital. I have the solution for her at University College Hospital Galway. All she must do is commission the 50 necessary staff to open 60 beds that are closed every year on average.

Mr. Parlon: The Tánaiste and Minister for Health and Children must also get the money for it.

Mr. McCormack: Yes. So she has stated. However, she also states the country is awash with money. She spends €1 million a year on public relations advisers and other public relations people. She spends €135,000 on one public relations person alone. I do not know what those people are doing. It would be far better if that €1 million was allocated to relieve the situation at University College Hospital Galway and at other situations. The Tánaiste and Minister for Health and Children cannot hide behind a public relations team anymore. I call on her to open those beds.

Last week, I noted that the Minister for Defence was making St. Bricin's Hospital with up to 100 beds available to the Tánaiste and Minister for Health and Children to relieve conditions in accident and emergency departments. In Galway, we have the beds and all we need is the goodwill or a ministerial decision to commission the beds and provide the necessary funds to open them. I note the scandal whereby the Taoiseach and the

Tánaiste spend more than €5 million every year on advisers and public relations. That money would do much to open beds at University College Hospital and other hospitals.

Mr. Parlon: They run the country and need the best of advice.

Mr. McCormack: There is no point in interrupting me. I do not know if the Minister of State is the Minister for decommissioning, decentralisation or something else. He is certainly not the Minister for Health and Children.

Mr. P. Breen: He is getting there.

Mr. McCormack: The Tánaiste and Minister for Health and Children continues to preside over the scandal. I want her to check the figures I have provided. One ward, St. Enda's ward, remained closed for a full year, supposedly for painting. The paint should be dry after a year and it is now time to open it.

Mr. Crawford: I welcome the opportunity to say a few words on this very important issue. Last week the Taoiseach assured us there were no people on trolleys in Monaghan General Hospital's accident and emergency section. He is correct. This is because for two and a half years, the Government allowed the hospital to be closed down completely for on-call purposes. It is now on-call for medical procedures but it is still unclear as to who should or should not go there. Certainly, patients who should be treated there are being brought past Monaghan hospital. I make no apologies for stating that. However, it has a so-called treatment room, which I understand will now be called a casualty room that was due to be opened in February. The last action of the previous Minister for Health and Children, Deputy Martin, was to hold a press conference telling us of all the good work the Government did in Monaghan. That treatment room is still not open. In spite of the fact that the Tánaiste and Minister for Health and Children has €11 billion, the funds have not been made available to staff that treatment or casualty room.

Only this week in an inquest, the coroner stated clearly that it was possible the failure to open the treatment room for a patient from just outside Monaghan town could have been the cause of his death. Moreover, a good friend of mine lived at the bottom of the hill beside Monaghan hospital. As entry to the hospital by ambulance was not allowed, he was taken to Cavan and he died on the way there. The Tánaiste and Minister for Health and Children spoke here about real life crises. I want to ensure that whatever Government is in power, the services to which local people are entitled are available to them within the hour. I would be equally as critical if the Minister was from my own party. Yesterday, it was stated clearly in the coroner's inquest that whatever chance Mr. Courtney might

[Mr. Crawford.]

have had if he been seen to immediately, he had no chance when he went to Dundalk.

When people get into Monaghan General Hospital, they receive a tremendous service. We wish to ensure that the resources are provided and the commitments given are fulfilled. There is no point in having fancy press conferences and making statements if, when one asks a question, one is informed that the politician is not responsible but that the Health Service Executive is responsible. I am delighted the Tánaiste and Minister for Health and Children had joined us in the House, because it is vital that we no longer pass the buck. We should take a hands-on approach. I know that the Minister cannot be everywhere at the same time. There is no point in stating that responsibility rests with the staff or management of Monaghan General, Cavan General or the Health Service Executive. If the staff are wrong at any level, they must be held accountable just as if they worked in Dunnes Stores or anywhere else. We should not retain people who are incompetent and are unable to fully utilise the available services.

Thanks to the Ceann Comhairle, I will speak about Monaghan General Hospital on the Adjournment. On the motion before us, the staff in accident and emergency units do an extraordinarily good job. They deal with a very difficult situation. If one takes Cavan General Hospital, which has suffered because of the——

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

Mr. Crawford: I have a couple of seconds left.

An Ceann Comhairle: It would be better if the party itself divided the time because according to my——

Mr. Crawford: I have only spoken for three minutes.

An Ceann Comhairle: The Deputy used four minutes. However, it would be better for the party to divide the time for itself.

Mr. Crawford: I am shocked at this intervention. However, I am not surprised. In any event, the fact is that drunks go to accident and emergency units. As I stated earlier, in Cavan, 14 patients were on trolleys and beds this week. In Cavan, the room used to deal with drunks late at night is the children's play area to which the children must come the following day. This is not right and no matter how one tries to clean it, this is impossible. We must change the situation and deal with the problem of drunkenness but we must also provide the facilities in wards where drunk patients can be dealt with. There are only two toilets in Cavan General Hospital so one can guess what the situation for staff and patients is like. I support this motion and I will address other issues later.

Ms O. Mitchell: It is a measure of what accident and emergency departments have come to that we must put forward a Private Members' motion to deal with this problem and protect staff and patients in them. The Tánaiste and Minister for Health and Children volunteered for the post and said her tenure in the Department of Health and Children would be judged on her success in resolving the crisis facing accident and emergency departments. In many ways, accident and emergency is the only part of the hospital service where we know what is going on because it is the only area where we can see the queues and the problems. Everything else has disappeared from view and gone below the radar since the abolition of the health boards and the removal of democratic accountability.

Given that the Tánaiste and Minister for Health and Children set herself this target, it is very surprising that she has not focused on a major part of the crisis in accident and emergency departments, namely, aggressive, recidivist drunks who add to the cocktail of problems facing staff at weekends. It is an unnecessary and unacceptable addition problems staff face. People who join the Garda, Prison Service or Defence Forces expect to have to deal with aggression but people who join the caring professions do not expect to deal with aggression and should not have to tolerate it. This motion will not take people off trolleys in accident and emergency departments but it will protect them from the indignity of being vomited on by drunken patients and this is why Deputy Twomey's motion is so necessary. Society is in a sorry state when doctors, nurses and patients require a Garda presence to protect them from drunken individuals and when the issue of the chaos caused by drunken patients has to be addressed in the Dáil. However, it has come to this because the days of the harmless, garrulous drunk are over and in its place is the 21st century drunk who represents the sons and daughters of my generation and for whom we must bear some responsibility. This new drunk is hyped up on energy drinks and a mix of alcohol and illicit drugs and is driven way beyond reason and his or her normal disposition.

If drunken individuals are sick, they should be treated. However, if their presence in accident and emergency departments endangers staff or patients or affects staff's ability to treat other patients, they must be consigned to wet rooms away from their friends and placed under secure supervision, if necessary. All reports indicate that the same drunks return to accident and emergency departments month after month and they will continue to return if we tolerate it. We have been excessively tolerant of drunkenness. Drunken patients have been led to believe that their activities have no consequences and we must have a new policy that communicates to them that their behaviour does have consequences. Although they might not see the brain and liver damage they are inflicting on themselves or the damage, distress and inconvenience

they are causing in accident and emergency departments, the spartan and lonely conditions in wet rooms and double hospital charges might have some effect on them. Parents of underage drinkers should be informed of and brought to hospitals to see the condition of their children. If we are to change this culture of drunkenness and tolerance of drunkenness, somebody, be it the child or the parents, must take responsibility.

I urge the Tánaiste and Minister for Health and Children not to ignore this motion because it is dealing with a serious problem.

Mr. Deenihan: The staff at Tralee General Hospital must be complimented on their dedication and commitment to patients over the years. The staff possibly do not face the same problems as staff at hospitals in urban areas. The main issue in Tralee Hospital is the safety of patients. The report by the Health and Safety Authority refers to the safety of patients in a number of sections and it clearly states that senior medical coverage is essential for a 24-hour, seven-day week. This finding was also confirmed by the Cavan report some years ago on the death of Frances Sheridan. In Kerry General Hospital, senior medical coverage is only provided for eight hours a day, five days a week. There is neither a consultant nor a registrar present. Many people, including I think the Tánaiste and Minister for Health and Children, believe the problem can be solved with the current ceiling of staffing. It might be the case in the bigger teaching hospitals but it is not the case in Kerry General Hospital. There must be a basic staffing requirement to ensure patient safety. A junior doctor, for example, who requires a second opinion must receive it from a senior medical officer immediately; there is no point in telephoning someone.

I understand that Kerry General Hospital has written directly to the Tánaiste and Minister for Health and Children highlighting its basic needs but has received no response. I ask the Tánaiste and Minister for Health and Children to increase accident and emergency medical staff numbers to a safe level. Seven HSOs and three registrars is not an unreasonable figure upon reflection as this is the medical staffing level in similarly sized units around the country. There needs to be an increase in nursing numbers in Tralee General Hospital to reflect the continued demand on accident and emergency departments. While the Tánaiste and Minister for Health and Children was given a warm welcome in Kerry last week and I was delighted to be present when she opened the new nursing units, it was unfortunate that she did not visit the accident and emergency department to see for herself the circumstances that both nurses and patients have to endure.

Mr. Hayes: Everyone must acknowledge that there is a real problem in the health service in dealing with the difficulties people are encountering. The public's real concern is that it is being told over a long period of time by the Govern-

ment that change is due following the publication of a variety of reports. This change has not occurred despite the plethora of reports. I acknowledge that bringing about change is difficult.

I wish to highlight the crisis which has developed in South Tipperary General Hospital over the last ten years. A split service has been run on a Cashel-Clonmel site. If the Tánaiste and Minister for Health and Children does one thing in the next capital programme, it should be give the constituency I represent a service that has been promised by successive Governments over the last number of years. I know she understands the desperate situation and that many have made pleas to her.

Tánaiste and Minister for Health and Children (Ms Harney): I move amendment No. 1:

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

- recognises the pressures on some of our accident and emergency departments and acknowledges that the abuse of alcohol is a significant contributory factor;
- supports the Tánaiste and Minister for Health and Children in her determination to bring about improvements in the accident and emergency services available to patients;
- welcomes the steps being taken by the Health Service Executive to implement the 10 point plan announced by the Tánaiste and Minister for Health and Children to improve the delivery of accident and emergency services;
- notes the recommendations made by the Health and Safety Authority following its recent inspection of certain accident and emergency departments and calls on hospital staff at all levels to work together on their implementation; and
- supports the Minister for Justice, Equality and Law Reform in his efforts to tackle public order, particularly as it impacts on staff who deliver emergency care.

I welcome the opportunity in responding to this motion to underline once again the Government's commitment and actions to improve patients' experience of accident and emergency services in our hospitals. I will address later some detailed points about alcohol abuse and accident and emergency services, and the actions we are taking in this area. I will first take a wider view of the challenge of improving accident and emergency services, a perspective that is somewhat lacking in the Opposition motion.

A recent analysis of our accident and emergency issues by a non-political body stated:

[Ms Harney.]

Across the world the pressure on accident and emergency services has been increasing. In Australia 80% of patients waited for more than four hours at accident and emergency in 2004, while in Canada 6% of patients waited 24 hours or more for admission in 2002. The Canadian Association of Emergency Physicians has described their overcrowding problem as a 'national epidemic'.

The writer continues:

Ireland's problems are not insoluble. There are viable solutions to the accident and emergency crisis. Two recent reports on accident and emergency services in February 2002 and acute medical units in October 2004, both published by Comhairle na hOspidéal, offer clear recommendations which, when implemented, will have a significantly beneficial effect and should prompt appropriate and efficient management of emergency hospital referrals.

This is the Irish Medical Organisation's view and I concur. We have taken all the reports and the analysis and we are now implementing solutions. The IMO goes on to say about the actions we are taking: "The 'whole system' approach and the underlying strategy . . . is correct; to reduce demand and increase the efficient use of current facilities."

To improve all patients' experiences of accident and emergency units, we must deal with the medical and care needs of the people comprising 1.2 million attendances per year, 3,300 patients per day on average, at our accident and emergency departments. This is not a simple matter for Ireland or elsewhere. The ten-point plan for accident and emergency services is a beginning, not an end.

Mr. McCormack: The plan has not begun yet.

Ms Harney: It has begun and many patients have been moved out. The plan captures many of the actions that must be taken to address the problems. We have allocated priority funding of €80 million this year, clearly not as a total investment in accident and emergency solutions but on top of substantial funding for hospitals, long-term care, home help, primary care, GP co-operatives and so on. Our actions are also being implemented in conjunction with our capital investment plan of nearly €3 billion up to 2009. Additional actions are needed that are not about funding but more about management, work practises and processes in hospitals, which the Health Service Executive will address.

No plan can work without people implementing it. Health is all about people, about the patients, their needs and the people who have the expertise, training and commitment to deliver services. We cannot achieve improvements in accident and emergency services without change. More of the same, even a lot more of the same, will not work. More beds, hospitals, nurses, con-

sultants, resources and pay on their own are not the solution. When the IMO and others rightly say we need a whole system approach, this means whole system change, not just a wholly bigger system. Would any of us tell patients that the existing system is fine, it just needs to get bigger?

I am urging all of us involved to embrace change to make things better for patients. Doctors, nurses, politicians, administrators, hospital managers, cleaners and caterers are all involved. We can each play our part in delivering that change. The health system is not an anonymous machine to which we are all subservient. It amounts to the way we work together, the rules, processes and procedures that have grown up and are perpetuated. The system is ultimately under our control, not just mine as Minister, not just this consultant or that nurse, this manager or that chief executive, but all of us working together.

Mr. McCormack: The buck stops with the Minister.

Ms Harney: That is true. We must recognise that the way we work together, our practices, our rules and our procedures—

Ms McManus: Unless the issue is nursing home charges.

Ms Harney: I did not hear Deputy McManus's comment.

Ms McManus: I said unless the issue is nursing home charges.

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

Ms Harney: We need to recognise that the way we work together, our practices, rules and procedures can change and can be improved for patients' sake. We must also recognise that change does not threaten us or require us to be compensated. If we all agree we want to improve care for patients, should we not reward and incentivise innovation, ideas and new ways of working that do so? Rather than reward the squeakiest wheels, we should reward the most effective work for patients by the most effective hospitals.

This is the context in which I believe we should follow the recommendations of the Health and Safety Authority to move patients from accident and emergency trolleys to additional beds in hospital wards at certain times. That is why hospital consultants and other groups can better work for patients with better round the clock rostering and why speedy access to diagnostics and GP services round the clock must be the norm. These are just some examples of how we can change our system to improve accident and emergency services for patients. This is not about quick fixes or command and control from the

centre, it can only work if we all focus on achieving better outcomes for patients.

Looking at it this way, our accident and emergency services and health generally have many parallels with the economic challenges we faced in the 1980s and early 1990s. The partnership process helped all players to lift their heads above the trenches to see that we all had a stake in the whole economy working much better. We took ownership and responsibility for how the whole economy worked, and we can do this for health. Just as we proved that the economy was under our influence and control, so too we can show that our health system is under our control and can be improved by change and reform together.

Mr. McCormack: Fine words.

Ms Harney: I have already welcomed the Health and Safety Authority's report arising from its assessment of 11 accident and emergency departments. The National Hospitals Office has separately analysed assessments of risks carried out in all hospitals and the actions taken to deal with such risks. I stress that this is the first nationally co-ordinated analysis of all accident and emergency departments. Therefore, it is critical that action is taken to follow through on the recommendations emerging from both the HSA and the NHO assessments.

All hospitals inspected by the HSA have been issued with a report of the inspection. The HSA has directed the hospitals in question to submit a comprehensive plan to address these issues, including time scales for corrective action. The HSA acknowledges that the hospitals are fully engaged in the process of addressing health and safety in their accident and emergency units.

The HSA recommended that the HSE should determine on a hospital by hospital basis, after undertaking the necessary risk assessment and staff consultation, whether extra capacity can be achieved within the existing system. The NHO has advised hospital managers to examine the potential for using the total hospital capacity, including inpatient wards, for patients who require admission. Each individual hospital must exercise its own judgment on how to reduce risk. In doing so, hospital managers have been asked to have regard to international best practice in areas such as improving work-flow issues and increasing the use of more appropriate community-based interventions to reduce pressure on accident and emergency services.

The NHO is seeking tenders from companies which are expert in the area of work-flow management to carry out a review of ten hospitals to identify the efficiencies that can be achieved to improve patient services and reduce overcrowding. This is an approach that has contributed significantly to improving accident and emergency services hospital by hospital in the UK. I look forward to the practical steps taken by many hospitals here as a result of this audit work.

One of the issues raised by the HSA was a fragmented approach to health and safety that was exacerbated by the fact that there is no senior clinician in charge of accident and emergency units on a 24-hour, seven day a week basis. While the number of accident and emergency consultants has increased from 14 in 1997 to 52 at present, the HSA has indicated the need to address the extent of senior clinician cover for accident and emergency units. I understand the NHO will invite the IMO and the Irish Hospital Consultants Association to discuss this issue for hospitals with two or more accident and emergency consultants.

Both the HSA and the HSE reports have found violence and aggression to be one of the main risks in accident and emergency departments. Much of this relates to the prevalence of cases of alcohol and drug misuse presenting at accident and emergency departments. An Alcohol and Injuries Study, commissioned by the health promotion unit of the Department of Health and Children, has been expanded nationwide to include six major hospitals and a full report is being prepared. Preliminary results from the wider study of accident and emergency departments appear consistent with the Mater Hospital study that showed 30% of male admissions, 10% of female admissions and almost 25% of all accident and emergency attendances met diagnostic criteria for alcohol misuse or dependency. The full results of the expanded study are being processed and should be available by mid-2005.

The HSE has recently carried out an examination of patients attending accident and emergency departments with psychosocial conditions with a view to developing appropriate care pathways and referral processes for such patients. An action plan is being finalised to include initiatives such as the identification of appropriate care settings at community level and the development of triage arrangements at hospitals with accident and emergency departments to enable more appropriate assessment and treatment of persons with psychosocial issues.

The National Hospitals Office has requested the immediate implementation of guidelines issued by the Health and Safety Authority on dealing with violence and aggression in the workplace. It has also written to each trade union or staff association requesting that the accident and emergency issue, including the issue of health and safety, should be dealt with by way of a working partnership group between management and the trade unions rather than through the normal industrial relations process.

We would all agree that it is totally unacceptable that front-line health care workers might be subjected to threats or abuse. The Minister for Justice, Equality and Law Reform is determined that everything possible should be done to tackle disorderly behaviour and, in particular, assaults on emergency workers such as the staff of hospital accident and emergency units.

[Ms Harney.]

The Minister is providing in the Criminal Justice Bill for a fixed charge procedure in regard to certain public order offences. Section 29 of that Bill, which is at Second Stage in the Dáil, provides for such a procedure in regard to disorderly conduct in a public place and in regard to intoxication in a public place. In addition, the Minister is examining the current position in regard to assaults against emergency workers with a view to providing for a specific offence in this respect by way of an amendment to the Criminal Justice Bill. I hope the House will join me in fully supporting the Minister's work in this regard.

Everyone who has taken time to understand the accident and emergency issue in any country will recognise that many factors cause the bottleneck in accident and emergency departments and that each has to be addressed if we are to solve the problem. The Government is confident that accident and emergency services can be substantially and radically improved if people come on board for change.

The issues include alcohol abuse as one factor causing difficulties and discomfort for patients and staff in accident and emergency departments. It is one of many issues, but it would be a mistake to expect short-term actions on alcohol abuse to solve wider problems. Clearly, tackling alcohol abuse will not improve rostering to ensure patients are seen, diagnosed, treated and discharged quickly. It will not supply better out-of-hours GP services so that people do not have to resort to having to go to a hospital in the middle of the night for medical worries or minor injuries. It will not make diagnostic tests available round the clock without long delays for patients.

The Government is determined to make visible improvements for patients in accident and emergency departments and elsewhere throughout our health services. Our economic strategy is working to provide massive resources for public services. The Government has invested unprecedented new resources in health care. However, what is required is not simply a matter of providing more resources. The time has come for all of us, including the Deputies opposite, to acknowledge that the priority now is for all those involved in the delivery of our health services to work together to ensure that these resources are used to deliver much better services for patients.

Regarding the implementation of the ten-point plan, the HSE has identified many of the high dependency beds that we put out to tender and patients will be moved to those beds over the coming weeks. We have also put in place a home care package. Many elderly people in particular and some younger people who are disabled are availing of the home care package to return to their own homes. We have acquired facilities for 500 patients in the intermediate care area, particularly, but not exclusively, in the greater Dublin area. These, together with independent access to diagnostics, the AMU units that will be put in place at three of the main hospitals in Dublin and

provision in regard to some of the issues around care of the elderly, will have a dramatic impact on accident and emergency services.

However, above all else we need changes in hospital practice. As I said on other occasions, Dr. Conor Burke from Blanchardstown hospital stated in a paper he produced recently that if every patient at that hospital could be discharged when he or she was medically fit to be discharged, there would be no problem in the accident and emergency department of that hospital. What is required is the daily discharge of patients, consultants working together, people not being admitted to hospital for diagnostics when that can be done on an outpatient basis and the provision of more services for elderly people, particularly in urban areas.

The controversy around the charges issue has added to the problem this year. Many people who may have moved to a nursing home environment have not been prepared to do that because of the controversy. The confusion around that issue is not the cause of the problem but it has delayed the discharge of many elderly patients from some units in our acute hospital system. There are close to 400 elderly patients in main hospitals in Dublin, which is an unusually high figure for this time of the year.

The difficulties and pressures in accident and emergency departments are a priority for the Government. We are determined to put in place all the necessary policies to ensure that we deliver a solution. I believe that by next winter we will see a remarkable improvement in the vast majority of patients' experience of accident and emergency departments.

We need additional bed capacity. It is not secret that the new Mater Hospital will have additional bed capacity. I have plans to provide additional bed capacity at public hospital facilities throughout the country because at present 2,500 public beds are used for private patients. For private patients, there are alternatives to using the facilities in our public hospitals. Those measures, together with many aspects of the ten-point plan, will have a major effect on ensuring that the public hospitals are used efficiently.

We need to ensure there is appropriate work practices and rostering in place, particularly 24-hour consultant cover at accident and emergency departments. Many patients are not discharged if the consultant is not on duty to discharge them and they end up staying in the ward from 6 p.m. until 8 a.m. the next morning when they could have been discharged within an hour or two of having seen the consultant if he or she had been on duty. These work practices have to be changed in the interests of patients and they are a number one priority.

I should have stated at the outset that I wish to share my time with the Minister of State, Deputy Tim O'Malley.

Mr. McCormack: There are 60 beds in a facility in Galway which the Minister should commission.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): It should be clear by now that the Tánaiste has put accident and emergency services at the top of the Government's agenda. The Government is totally committed to improving the public's experience of accident and emergency departments.

Accident and emergency services present a particular challenge to individual hospital managements. In many instances, accident and emergency departments are the only areas in which the wider public receive hospital services and, as such, hospital managements must regard the accident and emergency departments as the shop window for hospitals. While the accident and emergency service is but one aspect of acute hospital services, people judge our health services by their experience of accident and emergency services. While it is not a complete measure of health services, it is understandable that people view accident and emergency services in this way. A much more customer oriented approach must be adopted by hospital managements, consultants and nursing and other professional and support staff.

The actions to improve the delivery of accident and emergency services take a wide-ranging approach and are aimed at improving access to accident and emergency services, improving patient flow through accident and emergency departments, freeing up acute beds and providing appropriate longer-term care for patients outside the acute hospital setting.

Delivery of hospital emergency services is interdependent on the inpatient elective service, day and outpatient care and community services. The effective delivery of emergency services, therefore, cannot be dealt with in isolation from the delivery of all hospital based services. The key in addressing the current problems is a whole systems approach which addresses the needs of people on a timely basis in the most appropriate setting.

The safety and security of staff in accident and emergency departments has been and is a continuing priority for health service management. An independent review of security arrangements in accident and emergency departments of all hospitals in the State providing accident and emergency services was undertaken in 2002. The review recommended the introduction of a range of measures aimed at enhancing security arrangements in accident and emergency departments. The Department of Health and Children provided €2.35 million in 2002 to the then Eastern Regional Health Authority and the health boards towards the cost associated with the enhancement of security arrangements. Earlier this year all hospitals with accident and emergency departments were contacted regarding the review of security that took place in 2002. The review showed that the recommendations made in 2002 were largely in place. One of the key recommendations of this review was that all acute hospitals

should actively participate in the Garda hospital watch programme.

The recommendations on security included closer liaison with local gardaí in regard to advice on security measures. Modern hospitals have good accessibility and provide services on a 24-hour basis. Because of their sheer size and openness there is potential for crime to take place. Crime committed in a healing and caring environment can be doubly traumatic for patients, visitors and staff, and hospitals are making every effort to prevent and reduce the opportunity to commit crime.

The hospital safety and security programme known as hospital watch is similar to neighbourhood watch. It acts as a crime prevention programme, using the knowledge and alertness of staff, the development and introduction of good security practice and regular communication between the staff and the local gardaí to minimise the opportunity for crime within hospitals. This programme helps make these vital and vulnerable hospital environments a safer and less stressful place for everyone. I am happy to report that the majority of acute hospitals now have a hospital watch programme in place where there is ongoing liaison with local gardaí.

The Government set out to improve the physical infrastructure of acute hospitals, particularly accident and emergency departments. A number of new units in acute hospitals throughout the country are in the process of coming on stream. New accident and emergency departments have also been provided under the capital investment programme. Last Monday the Tánaiste officially opened a new purpose-built accident and emergency department at Cork University Hospital. New accident and emergency departments and new hospital buildings were also provided at Connolly Hospital, Blanchardstown, and Naas General Hospital at a total capital cost of €100 million and €75 million, respectively. A new accident and emergency department was provided at Roscommon General Hospital at a capital cost of €6 million. New accident and emergency departments are expected to open this year at St. James' Hospital, Dublin, and at South Tipperary General Hospital, Clonmel. Major capital projects at Tullamore General Hospital and St. Vincent's Hospital, Dublin, will also result in new accident and emergency departments being provided. These developments, together with new day facilities, theatre and diagnostic capacity, will result in improved patient flows through the hospital system and make better use of existing in-patient beds.

The need for additional acute beds in the hospital system has been well documented. The Government is now well on the way towards building up the acute bed capacity in the acute hospital system. Since the publication of the health strategy in December 2001, funding has been provided to hospitals to open an additional 900 beds.

[Mr. T. O'Malley.]

For the benefit of the House, I will set out the current status of the initiatives under the Tánaiste's ten point plan for accident and emergency services. First, on the development and expansion of minor injury units, chest pain clinics and respiratory clinics in hospitals to relieve pressure on accident and emergency departments, the HSE eastern region has had very positive discussion with both public and private sector providers for the development of additional minor injury facilities in Dublin. The HSE eastern region has initiated an exercise due for completion this month to assess minor injury attendances at accident and emergency departments and the potential of having these patients treated elsewhere. The results of this exercise will inform decisions regarding the scope of minor injury and diagnostic initiatives and also the evaluation criteria.

Second, it is expected that the second MRI for Beaumont Hospital will be available by the autumn. Third, there will be provision of acute medical units for non-surgical patients at Tallaght, St. Vincent's and Beaumont hospitals. The relevant hospitals are finalising their proposals for the HSE. The national hospitals office is in the process of seeking tenders from companies expert in the area of workflow management to identify how processes for patient services can be improved and made more efficient. Final decisions on the design of the acute medical units will be taken in light of this work so that resources are used most effectively, hospital by hospital.

Fourth, 100 high dependency patients will be transferred to suitable private nursing home care. The tender process for the provision of high dependency beds for 100 patients in private nursing homes is in the final stage. The essential site inspection visits have been completed. Decisions on which nursing homes to be awarded contracts will be taken shortly.

Fifth, there will be negotiation with the private sector to meet the needs of 500 people annually for intermediate care of up to six weeks. The tendering process is completed and successful applicants have been notified. A total of 90 beds have been procured nationally to allow an annual throughput of 500 patients. Some 64 patients from hospitals in the eastern region and 23 patients in the Cork region have already been discharged as a result of the intermediate beds being available.

Sixth, there will be expanded home care packages to support 500 additional older people at home. Additional home care packages for patients in each of the six major acute hospitals in the Dublin area have been made available. An additional 100 home care packages have been allocated to hospitals outside of the eastern region. To date, some 51 patients have already been discharged from acute hospitals in the eastern region and discharge arrangements are being finalised for a further 45 patients.

Seventh, there will be provision of more out of hours GP services to keep people's need to attend accident and emergency to a minimum. Some 150 GPs on Dublin's northside have agreed in principle to the establishment of out-of-hours services. Discussions in this regard are progressing positively.

Eighth, there will be dedicated cleaning services and security measures for accident and emergency departments. The director of the national hospitals office is finalising arrangements for the establishment of a national audit and an inspection process to measure cleanliness in all acute hospitals. Funding is available to hospitals to improve security measures and to take whatever measures are necessary to ensure patient and staff safety. The director of the national hospitals office has written to all hospitals in regard to the report of the health and safety authority in this regard.

Ninth, there will be further expansion of palliative care facilities. An additional six palliative care beds will be made available in Blackrock Hospice, Dublin, as soon as the necessary staff are recruited.

Tenth, there will be measures to enhance direct access for GPs to diagnostic services. It has been agreed to explore entering into local arrangements with the private sector to match capacity with needs. Negotiations are ongoing. In regard to in-patient diagnostic services, discussions are advanced with two private hospitals in the eastern region on MRI and CT.

I am confident the actions taken by the Government, including the provision of new beds and capital investment under the Capital Investment Framework 2005-09 will, over time, generate an appropriate, multi-faceted and multi-dimensional response to the accident and emergency problem.

The problems of alcohol abuse are very real and go much wider than their impact on accident and emergency services for patients. Unfortunately, the Opposition's motion is not real in regard to this aspect. It displays no evidence of practical thinking about the practical realities of dealing with people with alcohol-related problems at accident and emergency. To ask Dáil Éireann to approve a motion calling for "hangers on" to be "rounded up" shows no real appreciation of the legal, medical or civil rights requirements.

Dr. Twomey: What are the requirements?

Mr. Howlin: The PDs will be agreeable to rounding up—

Mr. T. O'Malley: I am confident the Tánaiste's action plan to improve the delivery of accident and emergency services will bring about significant improvements in patients' experiences of accident and emergency services.

Mr. J. Breen: What about Galway and Clare?

Mr. T. O'Malley: Improving the delivery of accident and emergency services continues to be a priority. We will continue to work in the best interests of all patients and staff. I am confident that we can and will improve the delivery of accident and emergency services so that patients receive the appropriate treatment as quickly as possible.

Ms McManus: I wish to share my time with Deputy Howlin. I have a sense of *déjà vu* about this debate. The accident and emergency crisis was debated in this House on a number of occasions. What is different now is that we have just come through the worst crisis and the worst winter in terms of the situation in our accident and emergency departments. There are also other differences. When the Minister for Health and Children initially referred to her plan, she suggested that by March-April this year we would see a significant improvement. She later changed it to autumn. She stated tonight that it would be winter before we would see improvements. This does not auger terribly well.

One aspect of this motion deals with an extreme facet of the accident and emergency crisis, namely, the drunkenness that is apparent therein, particularly at weekends. This is the cause of intimidation, violence and fear and must be recognised as a real problem. It is a pity the various measures being proposed are not considered a little more thoughtfully by the Minister. It may be that some are workable and some less workable but it is important that they be treated seriously. It is not easy to address the problem of drunkenness because there are people who are ill who appear to be drunk, drunk people who are also ill, and people who are only drunk. It is very difficult to diagnose such people unless they go through the normal procedures that obtain in accident and emergency units. When they can be identified, separation makes sense. It is important that efforts be made in this regard.

One proposal on charges does not stand up to scrutiny. At present, €3.7 million is owed per annum because people are not paying charges, mainly for accident and emergency services but also for other services. Doubling the charge will not make a considerable difference. However, the principles are important and, if acted upon, may alleviate a desperate situation.

It is interesting that the Minister acts as if she has just stumbled upon the accident and emergency crisis and as if she has not been Tánaiste for the past seven or eight years. During this time, chronic circumstances have got worse rather than better. There has been a steady deterioration. While the Government put more money into the health service, the accident and emergency crisis got worse. Over the years during which our population grew by 25%, we lost 25% of our overall bed capacity. This has not been fully addressed but needs to be. I felt the shade of the former Minister, Deputy Martin, reappearing while the Minister, Deputy Harney, was speaking. She

talked about reviews, reports and action plans. This does not fill one with confidence.

I took the opportunity before this debate to look back over my records and noted a study was carried out on accident and emergency services in 2000 by Geraldine Regan, a senior nurse manager. She made many sensible proposals which, unfortunately, were not taken on board in the way they should have been. The proposals concerned bed management and staffing. In 2000 the problem was still manageable and waiting times were not nearly as severe as they are now. However, the Government did not heed Ms Regan's recommendations enough to make a difference.

The problem became more serious and in 2002 the Labour Party tabled a Private Members' motion thereon. The Government amendment to that motion was remarkably similar to the amendment it has tabled tonight. It is characterised by the same kind of self-congratulation. However, the only changes in accident and emergency services in the past two years have been for the worse.

In 2002 the former Minister for Health and Children announced 709 new beds, which were to be delivered within 12 months. They were not delivered within 12 months and were part of the 3,000 beds to be delivered by 2011. I would be very interested to hear if the Government is still honouring that commitment. Subsequent to the former Minister's announcement, we discovered that not all of the beds referred to were actual beds — some were trolleys and chairs.

The former Minister set up the accident and emergency forum, about which we have all forgotten. A nurse to whom I spoke when my colleagues and I were out supporting the nurses on the picket line in recent weeks described the forum as "worse than useless". This indicates where such fancy notions lead.

In early January 2003, elective procedures were being cancelled. A shock-horror story in a newspaper referred to a patient who had been waiting on a trolley for 17 hours. Nowadays there are patients who would probably be grateful if they had to wait for only 17 hours. In 2003, at which time the current Minister for Health and Children was Tánaiste, the Government commissioned the Capita report to inquire into bed management, bed capacity, community facilities, community nursing beds etc. The review was produced with great fanfare and of course we were told everything would improve and that we did not have to worry.

In early January 2004, 200 people were waiting for beds on accident and emergency trolleys. This figure is now lower than the norm considering the high numbers of people who had to wait on trolleys this winter. In February 2004, a headline stated there were 42 patients on trolleys in Tallaght Hospital. In February 2005, at which time Deputy Harney had become Minister for Health and Children, there were 63 patients on trolleys in the hospital. One unfortunate man

[Ms McManus.]

stated in an interview on the radio that he had been in his bed in a hospital ward, gone out to the toilet and discovered on his return that his bed had been taken by somebody else. He ended up back in the accident and emergency unit. There has been a steady deterioration in conditions in accident and emergency units under the Government. Let us not pretend otherwise.

It is fairer to call the ten-point plan a nine-point plan because the MRI scanner is only to replace the one which should never have been taken away in the first place. I do not know why the replacement is taking so long. Why has it not been replaced?

We were promised that the various initiatives being taken by the Minister under the plan would deliver 1,000 step-down beds for home care and nursing home care. The figures speak for themselves. At most, we have 90 beds as a result of the nursing home initiative and 51 home care packages. Two weeks ago, 65% of all the beds in Beaumont Hospital were being used by people who were located inappropriately therein.

It is important that we get real about this issue instead of pretending there have been improvements. There have been none. It seems there may be none in the future on the basis of a statement by the very experienced accident and emergency consultant Dr. Aidan Gleeson:

I personally see very little light at the end of the tunnel. We are in for a very rough ride and ultimately, patients will suffer. I can work a 10-hour day in casualty, and it is stressful, but I can go home to my family at the end of the day. An 85-year old lady waiting on a trolley in A&E cannot do that. These patients are given no dignity or privacy, emergency departments are congested and can be violent and aggressive places at times.

I believe things will get worse as I am not convinced that the real problems relating to A&E are being tackled.

That is from the horse's mouth and nobody can disregard what a very experienced person working at a very senior level at the coalface has to say.

One of Dr. Gleeson's concerns is that there is insufficient funding to implement the ten-point plan. He is correct. I do not know how one could deliver the kinds of changes required on such a low budget. I did not know the HSE itself is being underfunded. This disturbs me greatly. There is a shortfall of almost €200 million and Kevin Kelly has admitted this to an Oireachtas committee. This is very serious.

Ms Harney: As I told the Deputy last week, an extra €950 million is not a shortfall. It is an increase.

Ms McManus: I am telling the Minister what Kevin Kelly stated on the record at an Oireachtas committee.

Ms Harney: Where is the shortfall?

Ms McManus: We need to take it seriously. Fantasies have been delivered. We have had three or four years of fantasies, stories being spun——

Ms Harney: And billions of euro as well.

Ms McManus: ——and reports being prepared. It would be helpful if the Minister listened to Kevin Kelly. I do not expect the Minister to listen to me but this issue is important.

Ms Harney: This House voted the Estimates through. The sum was €950 million more.

Ms McManus: Midsummer is approaching but we have not yet seen the Capital Programme. There is a stalemate in the process. It does not appear to me, or to most members of the public, that there is a serious drive to deal with the problems in the accident and emergency departments and the capacity issues inherent in our hospital system. The problems in accident and emergency departments cannot be dealt with in isolation.

I wish we could all work together to improve the situation but that will not happen. I resent the suggestion that nurses and doctors do not work together. They do. I see them in the accident and emergency departments, as I see the other health professionals, and ambulance officers bringing in the patients. They all work together. The problems they face and the blockages in the system overwhelm them when it comes to making a difference and ensuring people can pass speedily through the system.

Mr. Howlin: I welcome the opportunity to address what is an important issue for the whole country. I welcomed the Tánaiste's move to the Department of Health and Children thinking maybe she would use her position as Tánaiste to bring about significant change in a measurable time frame. I welcome the opportunity afforded by this motion to review the progress of the Department under her stewardship.

The contents of the Fine Gael motion detail several measures set out to address some of the difficulties facing accident and emergency units. Alcohol abuse and bringing drunks into hospitals is a real and difficult issue. It is a feature of some weekends in accident and emergency units and some of the measures proposed by my constituency colleague in the Fine Gael Party are worthy of careful consideration.

No set of measures, however, can address a situation in which the basic infrastructure is inadequate. I have repeatedly raised the situation at Wexford General Hospital with the Tánaiste, since she became Minister for Health and Children, as I did with her predecessor in that office.

The situation in the accident and emergency unit there is critical. This morning as I left Wexford there were 20 people on trolleys and routine procedures for 15 people were cancelled

today. That is a normal day in the hospital. In recent weeks there have been 20, 25 and up to a maximum of 38 people on trolleys. I invite the Tánaiste to visit the hospital and see those people. There is not enough room for them in the corridors. They are dispersed around the ground floor, in nooks and crannies. It would be bizarre in a Third World country.

The new state-of-the-art medical admissions unit, intended as a model of its kind, is defunct because it is occupied by people lying on trolleys. That is a disgraceful situation. Last Monday I saw a new sign on the corridor leading to the accident and emergency unit, bearing the words "Quiet — patients sleeping". I spoke to a woman who the previous night had tried to avert her eyes when the man on the adjacent trolley was relieving himself. There are no screens to protect people's decency or meet the standards we expect. I know some elderly people who chose not to go to hospital because they feared the indignity of being on a trolley. That is a disgraceful, scandalous situation.

There have been times when the accident and emergency unit was so overcrowded that it was formally closed and ambulances were re-routed to Waterford. On one occasion the hospital in Waterford was under such pressure that they were re-routed further afield.

This situation has not arisen because of the issues the Tánaiste addressed in her ten point plan. That plan will not solve the problem caused by a population increase that exceeds the bed capacity in the hospital. Adding extra beds to wards and removing the so-called bed blockers, will not address that core issue. Additional beds are required. Years ago, 40 additional beds were identified as necessary. It was agreed that 19 of those would be fast-tracked three years ago to deal with the urgent need.

Those 19 beds have become a source of annoyance, frustration and ridicule in Wexford. The previous Minister for Health and Children formally sanctioned them in April of last year, prior to the local elections. That announcement is now seen in Wexford as a cruel deception, a clear and blatant lie. Beds were promised, more than a year has passed and they have not been delivered. It was a cruel deception and a lie.

An Leas-Cheann Comhairle: The Deputy should not use the word "lie".

Mr. Howlin: In that case it was a cruel deception and a blatant untruth.

The Tánaiste calls on us all to work together. The opening sentence of the Minister of State, Deputy Tim O'Malley that "It should be clear by now that the Tánaiste has put accident and emergency services at the top of her and the Government's agenda" will be ridiculed in Wexford. If the Minister of State had any notion of how strongly the people of Wexford feel about their betrayal 13 months ago, he would know why his statement will provoke unmitigated anger.

The hospital needs the immediate release of the 19 beds, and hopefully the 40 beds originally planned, because the fast track has been so slow it is nonsense. The out-patients department has plans to move to a purpose built unit and the accident and emergency unit is to expand into the space formerly occupied by the out-patients department. The money for the out-patients department should be released so that the accident and emergency department can expand, and a proper out-patients facility be provided. That is needed now. I have invited the Tánaiste to visit the hospital.

The Taoiseach will be in Wexford this Friday. On behalf of the hospital's medical board, Mr. Ken Mealy invited the Taoiseach to visit the hospital. I hope the Taoiseach accepts the invitation. It is interesting that the only speakers from the Government benches tonight were Progressive Democrats. No member of Fianna Fáil wants to share the odium of this issue.

Mr. T. O'Malley: They will be here tomorrow night.

Mr. Howlin: The Fianna Fáil members are happy to lay all the blame at the Tánaiste's door. When the Tánaiste was appointed to the Department of Health and Children I said she was a decent, hardworking, capable Minister. That will be tested yet again but the patience of the people of Wexford has been strained to breaking point. When Deputy Tim O'Malley read out his litany of hospitals he did not mention Wexford General Hospital. I ask that the needs of the people of Wexford be addressed and that the facilities the elderly, the infirm and the ill of Wexford require be delivered forthwith.

Debate adjourned.

Adjournment Debate.

Hospital Services.

Ms B. Moynihan-Cronin: I had hoped the Minister for Health and Children would listen to this debate as it concerns a health issue. I am very disappointed she has left. I am pleased the Ceann Comhairle has afforded me the opportunity to raise this issue. Sadly, it is not the first time I have had to highlight the difficulties at Kerry General Hospital, Tralee. I reiterate my disappointment that the Minister has left the House in the past few seconds and would not wait five minutes to hear my point.

The management and staff at Kerry General Hospital are a team of dedicated and committed professionals who provide a wonderful service to the people of Kerry and to our visitors during the summer months. Their commitment and dedication is not matched by the Department of Health and Children and the Government in terms of resources, funding and personnel for the

[Ms B. Moynihan-Cronin.]
hospital, particularly in accident and emergency which is the focus of this debate.

I had the opportunity to visit Kerry General Hospital with my colleague, the Labour Party spokesperson on health, Deputy McManus. We met management and staff who raised a number of concerns, particularly the delay in progressing the much-needed extension to the accident and emergency unit. The need for such an extension is indisputable. The staff see 20,000 patients per annum and waiting times are short. However, there is a need to extend the unit to enhance the services provided. There are just four cubicles with three beds in the resuscitation ward. These are used as an overflow for emergency cases. The facilities for families and relatives are insufficient and staff often operate in cramped conditions.

There is a pressing need to have the medical assessment unit open on a 24-hour basis. Since 1993 the unit has given priority access to general practitioner patients who may not need admission to the hospital but need urgent medical assessment. This takes pressure off the accident and emergency department. The medical assessment unit is open between 9 a.m. and 5 p.m. from Monday to Friday, but as we are all aware, people get sick not only during these times, they also get sick during the night and at weekends. The medical assessment unit needs to be open 24 hours per day, seven days per week if it is, as the HSE states, "to fulfil its true potential and to alleviate waiting periods in the accident and emergency department".

This needs to be addressed with the necessary funding and personnel to make the unit operational around the clock. The cap on public sector recruitment is having severe consequences in Kerry General Hospital. The accident and emergency consultant told me that the extension of the accident and emergency unit would resolve the space and capacity difficulties in the unit. However, staffing levels would need to be increased, to include three new registrars, to use the new facilities. The cap on recruitment imposed by the Government will make that impossible. Building the new accident and emergency unit will be worthless if the staff are not available to make the extended unit operational.

I ask the Minister, through the Minister of State, to address three specific issues. A clear timeframe needs to be provided for the extension of the accident and emergency unit at Kerry General Hospital. Funding must be provided to allow for the recruitment of staff to open the medical assessment unit on a 24-hour basis. The cap on public sector recruitment needs to be addressed as this will prohibit the functioning of the new accident and emergency unit when it is extended.

We have a very efficient accident and emergency unit at Kerry General Hospital, but significant problems need to be addressed. This is prevented by the failure of the Government to sanction the extension of the accident and emergency unit and to provide the necessary funding

and personnel to allow it to operate at full capacity. I ask the Minister of State, in the absence of the Minister, how much longer the people of Kerry will have to wait for the Government to respond to these issues.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy will be aware that 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 Kerry General Hospital.

The Department of Health and Children has been advised by the Health Service Executive southern area that a project group has been established and is preparing a statement of need for the upgrading and extension of the existing accident and emergency department at Kerry General Hospital. The proposed development includes a resuscitation room, X-ray facilities, extra treatment and observation places, improved waiting areas and special facilities for children.

The detailed capital funding programme for hospitals for 2005 is being finalised in the context of the Capital Investment Framework 2005-2009. This process will be concluded in the near future and the Health Service Executive will then be in a position to make progress on its capital programme, in line with overall funding resources available in 2005 and beyond. A decision on the extension and upgrading of the accident and emergency department at Kerry General Hospital will be made in the context of the agreed capital framework for the executive.

A medical assessment unit was established at Kerry General Hospital in 1993. The main objective identified for the unit was to give priority access to GP patients who may not necessarily need admission to hospital but who need urgent medical assessment. Another objective was to assist the hospital bed management services in managing bed demand.

As the Deputy is aware, the unit is open from Monday to Friday, 9 a.m. to 5 p.m. The HSE recognises that for the unit to fulfil its full potential and to alleviate waiting periods in the accident and emergency department, it would be necessary to extend the opening hours to a full 24 hours per day, seven days per week service.

The additional resources required to operate the unit on a 24-hour basis is a matter for the Health Service Executive to consider in the context of available resources. I am confident that Kerry General Hospital will continue to provide high quality services to the people of Kerry.

Mr. Crawford: I thank the Ceann Comhairle for the opportunity to raise this issue. There is a need for the Taoiseach and the Tánaiste to take a similar interest in the position regarding Monaghan General Hospital as they are prepared

to take in regard to Ennis General Hospital. The Taoiseach has pledged to personally intervene in the upgrading of services in that hospital. The provision of an improved casualty unit, a high-care unit with a reasonable level of surgery, is the minimum we want in Monaghan General Hospital. That is what was promised but at this point everything is uncertain and that is extremely worrying. The casualty unit was to open in February but as yet the funding — out of a national fund of more than €11 billion — has not been provided to staff this unit.

There are five consultant surgeons in Cavan General Hospital and one in Monaghan General Hospital. The plan of the Health Service Executive is to place the three new surgeons in the Cavan-Monaghan hospital group. It is clear every effort is being made, even by devious means, to persuade or encourage the one surgeon in Monaghan General Hospital to either move from Monaghan General Hospital or base himself in Cavan General Hospital.

I welcome the information I received today that the junior surgeons will be allowed stay in Monaghan General Hospital for another six months. However, that is no way to run a business not to mention a hospital structure, lurching from month to month with no long-term commitment. Staff times are being changed so that surgery has to close at 5 p.m. Often that means the operating theatre is closed at 4 p.m. to ensure deadlines are adhered to. Valuable theatre and other services are only partially used at a time when the Government is funding, ad lib, the national treatment purchase fund that could easily and safely be used to carry out procedures at Monaghan General Hospital. I remind the Minister of State that only a few years ago patients were brought under contract to that theatre in Monaghan General Hospital from Northern Ireland and now it is half closed.

Lack of services in Monaghan General Hospital is forcing patients into Cavan General Hospital where the accident and emergency department is overflowing. There is a lack of management of resources at both sites. Clearly, there is a need to ensure full and proper use by the Health Service Executive of facilities at theatre and bed level. The information available to me leads me to question who is in charge.

The Tánaiste and Minister for Health and Children cannot wash her hands of this ongoing problem with the Cavan-Monaghan hospital group. Tonight I am dealing with Monaghan General Hospital but one cannot ignore the fact that it is supposed to be a joint group.

On 29 September 2004 the then Minister for Health and Children, Deputy Martin, promised that a 24-hour seven-day large emergency room would be operational from the end of February, ten additional beds would be coming on stream immediately at Monaghan General Hospital, and a CAT scan would be provided at Monaghan General Hospital. We want no more promises. We do not expect what was promised at the elec-

tion but we need acute emergency services to be retained at Monaghan General Hospital. We must be able to have accident cases stabilised.

We do not want another case such as that highlighted at an inquest in Dundalk this week where the consultant, Dr. Lynch, said that if the patient had been dealt with in Monaghan General Hospital the patient might have had a chance of survival but none at all after the journey. The coroner in Dundalk was angry and said he could not place blame. He could not believe the services were not available in Monaghan General Hospital. Only if worthwhile surgery remains in Monaghan General Hospital can the overall unit be retained as an emergency unit. If it is not retained it raises major questions so far as industry, sport and so on is concerned in that area. In the absence of the Tánaiste, I beg the Minister of State to ensure that when the funding is distributed in the next few days that proper recognition is given to the Border region and that we are no longer ignored.

Mr. T. O'Malley: I welcome the opportunity to respond to Deputy Crawford on this matter and to outline to the House the position with regard to the provision of surgical services across the Cavan-Monaghan hospital group.

Under the Health Act 2004, the Health Service Executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Responsibility for the provision of services at Monaghan General Hospital rests with the Health Service Executive.

My Department is advised by the Health Service Executive north eastern area that the position in regard to the reconfiguration of surgical services is as follows. In April 2004 the chief executive officer of the former North Eastern Health Board, issued a directive to establish a steering group for the Cavan-Monaghan hospital group, to determine the level of service to be provided at each site. The steering group reported in October 2004.

My Department is advised by the Health Service Executive north eastern area that the position in regard to the reconfiguration of surgical services is as follows. The steering group, following consultation with the Royal College of Surgeons in Ireland, has recommended that major emergency and elective surgery be carried out at Cavan General Hospital and that selective elective surgery be performed at Monaghan General Hospital.

In accordance with the recommendations of the steering group, a full surgical team, based in Cavan will provide services at Monaghan General Hospital, Monday to Friday. There will be a consultant surgeon present at the Monaghan site on each of these days. This joint department of surgery team will provide selective elective surgery, endoscopy and outpatient services and consultation on inpatients as required.

In accordance with the steering group's recommendations, the hospital returned to 24-hour

[Mr. T. O'Malley.]
seven day medical cover in January 2005. A third consultant physician has been in post since November 2004 and five new anaesthetic non-consultant hospital doctors have been recruited to facilitate the return of the hospital to medial on-call. Their role is being developed as part of a joint department of anaesthesia and will include ensuring the safe transfer of patients when required and to assist the consultant anaesthetist in theatre during surgery.

Consistent with the recommendations of the steering group, ten additional day beds are to be commissioned at Monaghan General Hospital to facilitate the development of surgical services across the Cavan-Monaghan hospital group. The executive has advised that gynaecological and obstetric services, including outpatients, antenatal services and day gynaecological services including coloscopy, are now provided at Monaghan General Hospital.

Interviews are being held this month for three permanent replacement consultant surgical posts for the Cavan-Monaghan hospital group. It is envisaged by the Health Service Executive that the appointment of these three consultants will see an enhancement of surgical services provided at Monaghan General Hospital and the early implementation of the steering group's recommendations in regard to surgery across the Cavan-Monaghan hospital group.

Social Welfare Benefits.

Mr. Wall: We are all aware that a person in receipt of unemployment assistance or unemployment benefit must at all times be available for work. The issue in this debate is in regard to athletes who are in receipt of sports grants. As such some may be in full-time employment and may be allowed time off by their employers for training camps or for international appearances. Unfortunately, others are not in employment. In those instances the athletes sign for unemployment assistance or unemployment benefit. Given that they are in receipt of a sport grant of approximately €11,000 they are not eligible to apply for unemployment assistance. In many cases they depend on the sports grant to survive. Many of those young athletes are wonderful ambassadors for the country. They appear on the county, national, provincial, and international stages proudly representing their sport. Because of the rules that pertain in regard to unemployment assistance they are solely dependent on the sports grant. If one subtracts the unemployment assistance of €7,436 from the sports grant of €11,000, it shows the sports grant has a value of approximately €4,000 to these athletes. They are required to give consideration to their diet and acquire equipment. It is only the joy of performing and doing well in their sport that keeps them going. A great fuss is made of the sports grant but unemployment assistance is being taken back from those who, unfortunately, need it.

The Department should recognise the sports grant is specifically attached to an athletes performance in the international, national or county arena. They need that grant to prepare themselves for participation in their sport. It is not a grant designed to cover the daily needs of food and drink but rather to allow them perform better through the equipment, training and back-up services required. Many of the national sporting associations do not have the financial resources to provide for the athletes in training camps or at international competition. The application for unemployment assistance only arises when they are at home and not competing in international competitions but they are not paid for that period of time. We expect these athletes to give the example to young people who are the men and women of tomorrow and to help avoid the development of social disorder. Young people follow their idols in a given sport.

There are not many cases where an athlete needs to apply for unemployment assistance. I ask the Department to reconsider the situation and allow those people to be granted unemployment assistance during that period.

Mr. T. O'Malley: I thank Deputy Wall for raising this matter on the adjournment of the House.

In assessing a person's means for unemployment assistance purposes, account is taken of all income that a person or his or her spouse receives. Income from all sources, unless specifically excluded by legislation, is taken into account in carrying out the means assessment. Money received by way of a sports grant towards a particular sport is normally assessable on a euro for euro basis. There is no provision in legislation to disregard such income.

A self-employed person may qualify for a reduced rate of unemployment assistance if his or her net income is below the relevant threshold. Where income from self-employment is assessed as means for unemployment assistance, the weekly payment is reduced on a euro for euro basis by the weekly means assessed. The weekly amount assessable is based on the person's net income in the previous 12 months.

Where the person is self-employed the method of assessment allows for an investigating officer to estimate the person's income in the coming year. In the absence of information on this, the previous year's income is taken as a guide. If the investigating officer has good reason to believe that the prospects for self-employment will increase or decrease in the coming year, the estimate of the person's means will accordingly be adjusted. All reasonable work-related expenses and outgoings are then deducted from the gross income from self-employment. The remaining amount is then divided by 52 to give a weekly means assessment. It is considered that this method of assessment is fair and equitable.

Qualification for the grants scheme operated by the Irish Sports Council is made available to athletes on a case-by-case basis based on sport-

specific criteria. Direct financial support is made available under the scheme for two purposes. These are out of pocket expenses and general living expenses. In the case of out of pocket expenses, a player-athlete must account for all items of such expenditure before the year end by completing an official expenditure report accompanied by receipts, invoices and supporting documentation. Such expenses incurred would not be assessed as means for the purposes of unemployment assistance, subject to the appropriate documentation being made available to the Department. In the case of world class and international class categories only, players and athletes may opt to have up to 50% of the grant available under the grants scheme applied to general living expenses. This portion of the grant is assessable in full for unemployment assistance purposes.

A self-employed person who has his or her means assessed is free to request a reassessment of means if dissatisfied that these means do not correctly reflect his or her situation. He or she is free to outline any considerations which might have an effect on the means assessed. If the applicant is still unhappy after the review, he or she may appeal to the social welfare appeals office for an independent review of his or her means.

The conditions for receipt of unemployment assistance also require that a person must be unemployed, available for full-time employment, genuinely seeking work and satisfy the condition as regards means. Each case is treated on an individual basis.

The introduction of special arrangements exempting athletes from the requirements to fulfil any of the statutory conditions for entitlement to unemployment benefit or assistance would raise equity issues *vis-à-vis* other claimants to unemployment payments.

State Airports.

Mr. Boyle: I am grateful for the opportunity of raising this matter. The interim management arrangements for the country's international airports are proving every bit as fraught as many of us feared they would on the proposal to bring an end to Aer Rianta's role as the holding company responsible for the management of Dublin, Cork and Shannon airports. In the interim situation Dublin Airport Authority has assumed the role of Aer Rianta and has become to all intents and purposes the new holding company. While Aer Rianta may have had many faults, at least it fulfilled its role in a relatively impartial manner in terms of the proportionate allocation of resources and passenger numbers between the three main airports. It tended to treat the development plans of each airport in a relatively impartial way.

Currently there is much uncertainty. There is disagreement at Government level regarding the progression of Dublin Airport. The Minister of State may find himself on a particular side of that argument. Those of us who represent constituencies where other international airports are located

are sitting on the sidelines, looking askance at the lack of activity regarding the formation of truly independent airport authorities for the airports in our areas. We are very worried that decisions which must be faced are not being taken as a result.

It is of little matter to us in Cork whether Dublin has one, two or three terminals, or who will run those terminals. However, it is of great concern to us that this inter-party squabble within the Government is delaying the establishment of a formal holding company for Irish airports allowing for a decision on how Cork Airport will enter into independent life. The biggest factor will be the decision on how the debt for the new airport development will be treated. A debt of €160 million is very big for any new commercial entity, particularly when the decision was made by a national airport authority and was approved by the Government.

Many in the Cork region fear that as we now have a holding company that is the Dublin Airport Authority, the agenda is being set on behalf of the Dublin Airport Authority and decisions are being made or deferred by that authority including decisions whether to allocate resources. We seem to have entered into a kind of administrative and commercial limbo in which the Government has no set timetable other than the production of business plans, which ultimately must be approved by the Dublin Airport Authority and submitted to Government under the new arrangements. While the Minister of State might have some concerns about Shannon Airport, my concerns relate to my role as a public representative for Cork South Central and my knowledge of Cork Airport. I suspect some factors assist Shannon Airport that have little to do with civil aviation.

In recent times Cork Airport has embraced its new commercial realities with great gusto by attracting new airlines, increasing passenger numbers and having a degree of certainty in terms of decisions about the provision of necessary new infrastructure. However, a doubt now exists because of uncertainty concerning airline and airport policy for the country. The Minister of State might be in a position to outline where this stands and perhaps he might be able to avert the prepared script he is about to read to the House. However, if this issue is not resolved quickly regardless of how many terminals Dublin has, a price will be paid in Cork and, I suspect, in the international airport that serves the constituency of the Minister of State.

Mr. T. O'Malley: I thank the Deputy for raising this matter on the Adjournment this evening. As he will be aware, the State Airports Act 2004 mandates the board of the Dublin Airport Authority to do everything necessary to give effect to the restructuring of the State airports. The Deputy will also be aware that section 5(2) of that Act specifies that the "appointed days" for

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Shannon and Cork Airports, that is the days on which airport assets are transferred to the new Shannon and Cork Airport Authorities, cannot be earlier than 30 April 2005. The Shannon Airport Authority and the Cork Airport Authority were incorporated in September last year and in line with the framework provided by the State Airports Act, these two new authorities will, in due course, own and operate their respective airports once sufficient distributable reserves are available to transfer the relevant assets.

Prior to the assets of Shannon Airport and Cork Airport being vested in their respective authorities, their boards are charged with preparing to assume full responsibility for the management and development of their airports. They are also empowered to undertake functions delegated to them, on an agreed basis, by the Dublin Airport Authority. Each of the airport authorities is also required to prepare a comprehensive business plan for its airport. The framework provided under the 2004 Act allows for a phased approach towards the transfer of airport assets, which specifies that Shannon Airport can be vested first, while Cork Airport will be vested once sufficient further distributable reserves have been built up within the Dublin Airport Authority.

Both the Minister for Transport and the Minister for Finance must be satisfied as to the state of operational and financial readiness of the Shannon Airport Authority and the Cork Airport Authority before the assets of the airports are vested in those authorities. The formulation of comprehensive business plans by the new boards will be a key aspect of achieving operational and financial readiness. The three airport authorities are preparing these business plans with the Dublin Airport Authority co-ordinating the process. It is envisaged that the business plans will be submitted by around mid-June for consideration by both Ministers.

In tandem with the ongoing work to give effect to the restructuring, work is proceeding on the major new development programme at Cork Airport, which will effectively deliver a new landside airport and represent the first major upgrading of

facilities since the airport was built in the late 1950s. The project comprises a new terminal building and will be approximately 28,000 sq. m. in size. It will accommodate separate arrival and departure levels, space for more 30 check-in desks and new luggage carousels and up to 3,500 sq. m. in retailing and catering facilities. The development also involves the construction of new multi-storey and surface-level car parks, a new fire station, new internal road systems and the upgrading or replacement of all utility services such as water, gas, electricity and communications facilities. When completed, the new Cork Airport will have a passenger capacity of 3 million people with the facility to expand to 5 million when needed.

Similarly, Shannon Airport is a key infrastructural asset which contributes positively to meeting the air transport needs of its region, not just in respect of tourism but to service the ever growing demand from the business community, and to cater for the rapidly increasing air freight sector. Significant investment has been made in developing the airport and passenger facilities at Shannon in recent years to support the growth of Shannon. The new passenger terminal of Shannon Airport, which opened in 2000, has effectively doubled the airport's capacity providing it with the capability to handle 4.5 million passengers per annum. Passenger throughput last year was 2.4 million and the Shannon Airport Authority is planning for substantial growth in traffic over the coming years.

Both Shannon and Cork Airports are well positioned to cater for future growth in air services. The Minister for Transport is confident that the new boards of all three airport authorities will successfully meet the challenges ahead. Through more focused commercial operation, all three airports have and will continue to play a key role in stimulating and supporting regional and national economic activity to the benefit of their customers, both airlines and passengers, and of Irish tourism, trade and industry.

I thank the Deputy for the concern he showed about Shannon Airport.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Wednesday, 11 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.

Questions Nos. 9 to 59, inclusive, resubmitted.

Questions Nos. 60 to 66, inclusive, answered orally.

Tourism Industry.

67. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism his views on recent CSO figures which show that the number of bed nights spent here by overseas visitors in 2004 fell by 1% compared to the 2003 figure; and if he will make a statement on the matter. [15068/05]

82. **Mr. Eamon Ryan** asked the Minister for Arts, Sport and Tourism if he will report on the reduction in the average length of stay of overseas visitors to Ireland in 2004 compared to 2003; and if he will make a statement on the matter. [14963/05]

111. **Mr. O'Shea** asked the Minister for Arts, Sport and Tourism the implications for tourism policy here of the figures on tourism and travel published by the CSO on 26 April 2005; and if he will make a statement on the matter. [15010/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 67, 82 and 111 together.

The year 2004 saw a record number of visitors to our shores, with overseas visitor numbers up over 3%. Numbers were up but revenue growth was soft, resulting in increased pressure on yields for tourism operators. The international tourism marketplace is challenging and is likely to become even more so.

If we are to secure future growth, there are a number of underlying issues to be addressed which both the industry and the tourism agencies have identified as critical. Of these, the British market is a key challenge. Tourism from Britain, which accounts for 58% of visitor numbers, declined by 1% last year following more than a decade of sustained growth. In response to the softness in the British market, Tourism Ireland, in consultation with industry leaders, undertook a root and branch review of the market. That review included very comprehensive and sophisticated research on the nature of the British consumer and emerging trends in consumer behaviour.

The whole process of reaching potential customers and how they choose and buy their holidays is undergoing dramatic change in the British and in other markets. The reality is that

travellers are continually changing in terms of what they are seeking, how they make their choices, where they go, for how long and on what they are willing to spend their money. An environment of evolving consumer choices and needs is here to stay.

Informed by the results of the new consumer research in relation to the British market, I was in a position on 13 April to launch a new action plan for Tourism Ireland and the tourism industry for restoring growth from the British market. This incorporates a clear set of tangible and relevant responses to the shifting demand patterns and other challenges that this market is presenting and will continue to present over the medium to long term. Greater attention must be placed on product innovation. Ireland offers a wealth of special interest products, cultural activities and festivals. With the support of both Tourism Ireland and Fáilte Ireland, the industry needs to package these better and in a way that consumers can access them more easily.

On the length of stay issue, it is clear that there is an international trend towards more frequent and shorter breaks. Much of our growth in recent years has been driven by short break urban tourism into Dublin. On the domestic front also, people are taking a larger number of shorter breaks. If an increasing proportion of our business consists of shorter breaks, this obviously has an impact on bednights. Last year saw a decrease in bednights in the order of 0.5% but this disguises sharply varying trends between sectors, with a 4% increase in hotel bednights and a decrease of 7% in the guesthouse and bed and breakfast sector.

We are also operating in a more value-for-money conscious marketplace and resulting pressure on price must, inevitably, affect yield. In addition, the drop in the value of the dollar against the euro will have impacted on North American spend here over the last two years. The strong growth from emerging European markets and the sluggish performance of more traditional markets would favour the trend towards shorter break holiday business.

Both tourism agencies have sought to address the visitor stay issue in a number of ways. Stronger emphasis on the higher revenue segments, for example, the family market in Great Britain, the luxury segment in Europe and business tourism globally, is a key component of their marketing focus. Longer staying visitors, such as North American visitors and long haul markets, are also being prioritised. Overseas marketing programmes include specific campaigns targeting car touring visitors from Britain and leading European markets who, typically, stay longer and travel more widely throughout the island.

There is also a strong onus on the industry itself to put compelling packages together, particularly with a special interest element, which will encourage longer stay, higher yield visits. In its activity plans this year, Fáilte Ireland is placing

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particular emphasis on this type of innovative product clustering and marketing.

Ireland's core appeal is still as compelling as ever. Our tourism brand remains among the strongest in the world. Our tourism industry and our tourism agencies are top-class. Bolstered by an unprecedented level of Exchequer investment in tourism services this year of €125 million, representing a 13% increase on the 2004 outturn, both Tourism Ireland and Fáilte Ireland will be well positioned to take a strong lead in responding to the challenges and opportunities that lie ahead.

Athens Olympics Review.

68. **Mr. Howlin** asked the Minister for Arts, Sport and Tourism if he has received recommendations from the Irish Sports Council arising from the review of Ireland's performance at the Athens Olympics; and if he will make a statement on the matter. [15000/05]

76. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism the timescale for the implementation of the Athens review; the cost factor involved; and if he will make a statement on the matter. [15022/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 68 and 76 together.

In July 2004, the Irish Sports Council in conjunction with the Olympic Council of Ireland and the Paralympic Council of Ireland commissioned the Athens review to produce an objective assessment of the preparation and performance of the Irish teams at the Olympic and Paralympic Games in Athens 2004. The review was to identify the strengths and weaknesses of all aspects of the programmes and structures over the course of the four-year cycle leading into the Athens Games with a view to making recommendations for the development of programmes for the 2008 Beijing Olympic and Paralympic Games.

The final report, which was published on 2 March 2005, draws on the lessons of the last four years and on international experience to set out how we can achieve consistent success at Olympic and Paralympic Games. The report is a timely follow-up to the Sydney review which marked a watershed in Ireland's approach to high performance sport. Twenty-nine recommendations were made in that review with a view to urgently addressing every aspect of Ireland's preparation for and participation in major international sports events.

The Athens review, in its assessment of the implementation of those recommendations, makes it clear that a great deal has been achieved over the past four years. It acknowledges that significant improvements were made in the general preparation for the 2004 Athens Olympic and Paralympic Games. In particular, the relationship between the Irish Sports Council and the

Olympic Council of Ireland has advanced along the lines set out in the Sydney review.

Clear, measurable targets are required for any investment. It is particularly important that, as the review recommends, sustained investment should be focused on the most talented athletes and measured against clearly defined targets. The Athens review has provided those targets for Irish sport.

In retrospect, it probably was unreasonable to expect a major benefit from the improved investment in the Athens cycle. It was too short a time-frame, especially in comparison with major competitors. We have invested substantially in sport but we started behind others and it will take time to catch up. There must be a focus on junior and developing athletes. That is the correct way to go, but it does not produce instant dividends.

The Irish Sports Council is currently carrying out an assessment of the conclusions and recommendations of the Athens review. This assessment will develop into an operational plan, which will address key performance indicators, timescales and costings and identify the roles of the various agencies, as it supports Ireland's Olympic and Paralympic preparations for Beijing. I expect to receive the council's detailed proposals shortly and it is my intention to ensure that appropriate, effective interventions will inform our preparations for Beijing.

Sport and Recreational Development.

69. **Mr. Gogarty** asked the Minister for Arts, Sport and Tourism if he will report on the progress which has taken place in relation to a nationwide audit of sporting facilities. [14955/05]

73. **Mr. Coveney** asked the Minister for Arts, Sport and Tourism if the national sports and recreation facilities audit, promised in the programme for Government, has commenced; and if he will make a statement on the matter. [15020/05]

100. **Mr. Gilmore** asked the Minister for Arts, Sport and Tourism if progress has been made on the commitment in the programme for Government to complete a national audit of local sports facilities around the country; and if he will make a statement on the matter. [14999/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 69, 73 and 100 together.

The Government has committed under An Agreed Programme for Government to complete a national audit of local sports facilities and to put in place a long-term strategic plan to ensure the development of such necessary facilities throughout the country.

Since 1997, €331 million has been allocated by my Department under the sports capital programme in respect of 4,271 projects across a range of sports and a variety of voluntary and community organisation including sports clubs. This funding has provided badly needed investment in

sports facilities varying from the small local sporting clubs up to regional and national sports centres including a number of municipal sports centres developed by local authorities.

This substantial investment in the provision of sports facilities throughout the country in the period 1998 to 2004 has met, in a significant manner, the urgent need for such facilities caused by the absence of investment in earlier years. Therefore, it is now appropriate to assess what has been achieved, identify the gaps in the sporting infrastructure yet to be met and to put in place a strategy to ensure that Ireland has a sporting infrastructure which matches that available in other European countries.

Given the significant overlap between my Department and other Departments and bodies engaged in sports facility provision, it is my intention to set up an inter-agency steering group to oversee the development of such a strategy. I have already raised this informally with some of my ministerial colleagues in advance of bringing a formal proposal to Government.

One of the first challenges facing the proposed steering group will be to oversee the commencement of a national audit of sports facilities. Ascertaining and mapping what is already in place will be an important part in developing such a strategic approach to future facility provision in terms of establishing the level of need that still exists in the sports sector and in helping to determine future priorities. Before undertaking this task important decisions will need to be made by the steering group to establish the parameters and means of conducting such an audit. A range of information already exists at local authority level on sports facilities which could prove useful and how effectively information can be obtained for certain facility types over and above others will be considered.

In reality it could take a number of years to complete a comprehensive audit of all sports facilities. However, it may be possible to conduct the work in stages to ensure that some useful results are available in the short term. I expect that the commitment outlined in An Agreed Programme for Government will be met within the lifetime of this Government.

Croke Park.

70. **Ms Burton** asked the Minister for Arts, Sport and Tourism the Government's views on the decision of the GAA Congress to authorise central council to make Croke Park available, subject to certain conditions, for other sporting organisations during the period of the renovation of Lansdowne Road; and if he will make a statement on the matter. [14996/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): On 16 April, GAA Congress took a decision to give the power to central council to authorise the renting or leasing of Croke Park for events other than those controlled by the association during a period when Lansdowne Road is

being redeveloped. I was very happy to attend the congress to congratulate the GAA at first hand on making such a positive decision.

Arts Funding.

71. **Mr. Coveney** asked the Minister for Arts, Sport and Tourism if he intends to introduce an ACCESS II programme for the refurbishment of existing theatres and arts centres; and if he will make a statement on the matter. [15023/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The ACCESS scheme, which commenced in 2001, provided grants of €45.71 million for the development of 44 arts and cultural facilities around the country. This scheme, which provided funding for theatres, museums, and multi-purpose arts centres, has transformed the level of access to arts and cultural activities for a great many people in all parts of the State.

Since assuming responsibility for the arts, I have consistently said that the arts are for all, that artistic expression is a key element of a rounded society. The ACCESS scheme has contributed significantly to bringing arts and culture to the people and, accordingly, I believe there is a strong case for a successor scheme to ACCESS, which I am now pursuing. However, there are many other demands on available funds and my final decision must balance all competing demands against the total funding available to me. I hope to be in a position shortly to clarify the position regarding a possible successor to the current ACCESS scheme.

Abbey Theatre.

72. **Mr. Broughan** asked the Minister for Arts, Sport and Tourism the position in relation to the proposed relocation of the Abbey Theatre; the recent discussions he has had with the board and director of the theatre in this respect; if he has undertaken an assessment of the recent court case regarding the old Carlton Cinema site; and if he will make a statement on the matter. [14995/05]

74. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism the position regarding the availability of the Carlton Cinema site for the relocation of the Abbey Theatre; if other sites are under active consideration; and if he will make a statement on the matter. [15026/05]

75. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism the position with regard to the relocation of the Abbey Theatre; and if he will make a statement on the matter. [15059/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 72, 74 and 75 together.

As I have previously informed the House on a number of occasions, I was authorised by Government to invite expressions of interest by way of public invitation from the private sector in participating, on the basis of a PPP, in the capital

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redevelopment of the Abbey Theatre in and-around the vicinity of the site of the existing theatre.

My preference would have been to redevelop the theatre at its present location. However, when it became apparent that the timeframe for the acquisition of the additional properties necessary to render the existing location suitable was indeterminate, I arranged for a trawl of other available city centre locations. At this point in time, that trawl has not yet reached a conclusion.

As I have previously informed the House, a site was identified at Coláiste Mhuire on Parnell Square which it appeared might, along with an adjacent building, have provided the necessary footprint to meet the accommodation requirements of the redeveloped Abbey Theatre. Unfortunately, as the owner of the adjacent premises was not prepared to sell them to the State for what my advisers considered a fair market price, there was no option but to withdraw from the negotiations.

The former Carlton Cinema site was also in the frame as a possibility. I am aware there has been a High Court judgement in relation to the compulsory purchase order on this site. However, it is solely a matter for the parties to that judgement, which do not include my Department or the Office of Public Works, to assess the implications of this judgement. Until such time as all legal issues are resolved, it would be premature either for my Department or for OPW to engage in negotiations in relation to at the Carlton site. I have said that should this site appear to become available for the redevelopment of the Abbey, I will have the position carefully evaluated.

Recently the Dublin Docklands Development Authority offered a site at George's Dock and I have asked the OPW to explore the options for this site with the DDDA without any commitment on either side. These discussions are ongoing.

I assure the Deputy of my unrelenting efforts to identify a suitable location and I am in constant contact with the Office of Public Works to that end. I have kept the chairperson of the board of the Abbey Theatre informed of developments and I remain confident that a suitable site will be identified and acquired in due course.

Question No. 73 answered with Question No. 69.

Questions Nos. 74 and 75 answered with Question No. 72.

Question No. 76 answered with Question No. 68.

Swimming Pool Projects.

77. **Mr. English** asked the Minister for Arts, Sport and Tourism if the spending review initiated by his Department on the swimming pools programme has been completed; if the

guidelines of the programme will be extended to include grant aid for fitness studies, gym facilities and funding for the ongoing costs of running public swimming pools; and if he will make a statement on the matter. [15027/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The expenditure review of the local authority swimming pool programme which is being carried out by my Department is expected to be completed later this year. The review is examining issues such as how the programme has worked to date, the benefits which have accrued to the areas where pools have been built and what amendments, if any, are required to ensure the effective and efficient delivery of the programme.

At present, non-pool related costs in respect of gym or fitness facilities are not eligible under this programme. However, under the national lottery-funded sports capital programme, which is also administered by my Department, funding can be made available to sporting and community organisations and, in some instances, to local authorities, in respect of gym and fitness facilities. Consequently, municipal centres containing swimming pools funded under the local authority swimming pool programme can also seek to have additional facilities grant aided under the sports capital programme. This programme is advertised on an annual basis and the deadline for receipt of applications for funding under the 2005 sports capital programme was 4 February 2005. I intend to announce the grant allocations for the programme as soon as the assessment of applications has been completed.

The local authority swimming pool programme is a capital grant scheme that provides funding towards the cost of the provision of new, or the refurbishment of, existing swimming pools. The funding of ongoing operational costs of public swimming pools is a matter for the relevant local authority and it is a requirement under the grant programme that local authorities make appropriate future arrangements in relation to these costs.

Horse Racing Ireland.

78. **Mr. S. Ryan** asked the Minister for Arts, Sport and Tourism if, in regard to his statement issued on 24 April 2005 in which he expressed concern at the controversy regarding the outcome of a race at Cork racecourse and the possibility that such incidents may hinder the positive promotion of Irish horseracing at home and abroad, he intends to take any further action; and if he will make a statement on the matter. [15013/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Horse Racing Ireland, HRI, was established as the statutory body with responsibility for the horseracing industry under the Horse and Greyhound Racing Act 2001.

HRI provides annual funding to the Turf Club which is the independent body responsible for enforcing the rules of racing and maintaining the

integrity of the sport. The incident at Cork represents an isolated case out of close to 3,000 races run in Ireland each year, including point to points.

The incident was dealt with on the day with a suspension for the horse involved for 60 race days and a further suspension for the jockey of 50 race days coupled with a fine of €2,000. In the case of the jockey's suspension, this was the maximum penalty which could be imposed on him under the rules.

I understand that the suspension of the horse is now the subject of an appeal and I wish to refrain from making any further specific comment. The rider has chosen not to appeal his penalties.

I have made my views on the matter known to HRI and the Turf Club and have every confidence in their ability to ensure that incidents such as that witnessed in Cork remain as the exception to an otherwise highly regarded sport.

While the success of Irish trained national hunt horses this year with an unprecedented nine winners at Cheltenham and eight at Aintree backed up by numerous other big race wins reflects very positively on the Government's confidence and investment in horse racing as a high quality, disciplined sport for participant and spectator alike, nevertheless, incidents such as the one witnessed at Cork recently and which thankfully are sporadic can hinder the positive promotion of Irish horseracing both at home and abroad.

Question No. 79 answered with Question No. 65.

Ticket Touting.

80. **Mr. Broughan** asked the Minister for Arts, Sport and Tourism his plans to have discussions with the sporting organisations in regard to ticket touting and ticket forgeries; if legislation to address this issue is necessary; and if he will make a statement on the matter. [14994/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): While my Department has no statutory or regulatory responsibility in the area of ticket touting and ticket forgery, the three main national governing bodies of sport, the GAA, the IRFU and the FAI, were consulted by departmental officials on the issue some time ago.

These consultations revealed a strong commitment on the part of the governing bodies to the elimination of ticket touting in respect of the sporting events under their control and they have systems in place to deal with ticket touting which enables them to trace any touted ticket to the person to whom it was issued and to take any action considered appropriate.

In addition, a number of organisations have sophisticated systems in place aimed at eliminating ticket forgery, which can be experienced at major sporting events, and which prevent forged ticket holders from gaining entry to events.

Legal advice obtained by the Department of Tourism, Sport and Recreation in 2001 indicated that responsibility for arrangements to ensure the availability of tickets on a fair basis and the enforcing of such arrangements is primarily a matter for the event organisers themselves.

The question of whether legislation is necessary to address the issue in question is one for consideration in the context of policing, pricing and consumer protection, areas which are outside the remit of my Department.

Question No. 81 answered with Question No. 66.

Question No. 82 answered with Question No. 67.

National Aquatic Centre.

83. **Mr. Noonan** asked the Minister for Arts, Sport and Tourism when the National Aquatic Centre will reopen; and if he will make a statement on the matter. [15065/05]

85. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the position in respect of repair of storm damage or other restoration or improvement works at the National Aquatic Centre; and if he will make a statement on the matter. [15044/05]

97. **Ms Burton** asked the Minister for Arts, Sport and Tourism the latest information available to his Department regarding the likely reopening date for the National Aquatic Centre in Abbotstown; if he will consider initiating an inquiry to establish the reason the centre was so seriously damaged so soon after its opening; and if he will make a statement on the matter. [14998/05]

105. **Mr. Eamon Ryan** asked the Minister for Arts, Sport and Tourism if he will report on the reopening of the National Aquatic Centre; and if he will make a statement on the matter. [14962/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 83, 85, 97 and 105 together.

Campus and Stadium Ireland Development Limited has advised me that based on confirmation which its structural engineers have received from the contractors, Rohcon Limited, that the repairs to the national aquatic centre are expected to be completed by 20 May 2005, save for the neon lighting, where there is a seven-week delivery period for replacement equipment. This is the circular strip of lighting that surrounds the roof of the leisure waters. Rohcon has confirmed that this is to be installed on top of the flume tower from 23 May to 10 June 2005. CSID has asked Rohcon to use all necessary resources to ensure that these dates are met, if not improved upon. On completion of the repair works, it will be a matter for Dublin Waterworld, as the oper-

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ator of the national aquatic centre, to arrange the reopening of the centre.

An independent report on the damage to the aquatic centre was provided by Kavanagh Mansfield & Partners, Consulting Structural and Civil Engineers, who were engaged by the Office of Public Works at the request of my Department and in consultation with CSID. I do not see the necessity for a further inquiry. I look forward to the completion of these works and the reopening of the centre as soon as possible.

Tourism Promotion.

84. **Ms B. Moynihan-Cronin** asked the Minister for Arts, Sport and Tourism if he has received a copy of the report, the Reeks action plan, which sets out serious concern at the lack of facilities and access to Carrauntoohil; if, in view of the importance of Ireland's highest mountain to tourism here, he intends to take action arising from the report; and if he will make a statement on the matter. [15008/05]

112. **Mr. Boyle** asked the Minister for Arts, Sport and Tourism whether the reply to Question No. 59 of 1 December 2004 was correct in view of the fact that the Joint Committee on the Constitution has stated that, in its view, there would be no constitutional problem with legislation providing for better access to the countryside. [14956/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 84 and 112 together.

I have received a copy of the Reeks Action plan and am aware of the significant work invested in it by Beaufort Community Council to address a number of issues surrounding the route to Carrauntoohil. While neither I nor my Department directly administer any schemes to support such projects, I did refer the matter to Fáilte Ireland for their attention. I understand the project is among a number of such projects being assessed for funding under the recent second call for proposals under the tourism product development scheme. This scheme is funded under the EU-supported regional operational programme and it is managed by the product management board.

On the more general issue of access to the Irish countryside for recreational purposes, this matter falls within the ambit of my colleague, the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív. As the Minister explained to the House on 5 October 2004 last in response to a parliamentary question, the issue is being considered by Comhairle na Tuaithe, the Countryside Recreation Council.

The All-Party Oireachtas Committee on the Constitution endorsed the establishment of such a council. The comhairle was appointed in February 2004 to bring together representatives of farmers and landowners, recreational users of the countryside and tourism bodies with a view

to finding a positive and speedy resolution to the access difficulties that have arisen in recent years. These difficulties have negative implications, not only for the development of rural tourism but also for marketing Ireland abroad, which is based on the image of Ireland as a welcoming destination.

I understand that a Supreme Court judgement of 21 January 2005 has opened the way to clarifying some of the complex issues involved. The case centred on an appeal of a High Court decision that found a landowner was liable for damages sustained by a recreational user. The Supreme Court found that there was no liability on the part of the landowner and set aside the High Court judgement. I understand that the Minister is awaiting the outcome of the Comhairle's deliberations on the implications of this decision and related issues with a view to putting in place a policy framework to facilitate an acceptable and reliable level of access to the countryside for recreational walkers.

I do not believe my reply to Question No. 59 of 1 December 2004 was incorrect. In response to a supplementary question, I said that the British Government had introduced:

demanding legislation in regard to legal rights of access for walking activities across Britain. Having looked at the situation, I am strongly of the view that because of the rights to private property in the Constitution, such legislation [my emphasis on this occasion] would not survive constitutional challenge here and that represents a real difficulty.

This is still my view. I do not believe the approach adopted in England and Wales is the way forward.

I hope the issue can be resolved as suggested by the all-party committee which, while concluding that no constitutional amendment may be necessary, pointed out that a number of submissions received revealed "certain shortcomings in the existing legislation".

Question No. 85 answered with Question No. 83.

Sport and Recreational Development.

86. **Mr. Gilmore** asked the Minister for Arts, Sport and Tourism the progress made with regard to his discussions with the FAI and the IRFU in regard to securing an alternative venue for international matches during the course of the redevelopment of Lansdowne Road; and if he will make a statement on the matter. [14997/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I am aware that the IRFU and the FAI have considered a number of contingency options for rugby and soccer matches during the period when the existing pitch at Lansdowne Road stadium will be unavailable due to the redevelopment work. It is a matter for these autonomous sporting bodies to make the neces-

sary arrangements to ensure that their match commitments are met.

Question No. 87 answered with Question No. 66.

Tourism Promotion.

88. **Ms Lynch** asked the Minister for Arts, Sport and Tourism the progress being made on the programme for Government commitment to encourage special interest tourism; and if he will make a statement on the matter. [15005/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I refer the Deputy to the text of my reply to a similar question on this matter, Question No. 24 dated 22 March 2005.

In keeping with the commitment in the programme for Government to encourage special interest tourism, Fáilte Ireland will in 2005 spend more than €6 million on promoting special interest tourism. I understand that this funding is being made available primarily to promote those special interest tourism products which hold the greatest appeal to overseas consumers such as heritage and culture, walking, golf, English as a foreign language, EFL, angling, inland cruising, equestrianism and cycling. Other special interest sectors such as sailing and “wellness” also benefit.

Fáilte Ireland also actively seeks to promote special interest tourism through the international sports tourism initiative which was established by the Government in 2000 with the objective of attracting prestigious major international sporting events to Ireland. From its commencement, the initiative has supported a total of 74 international events to the end of 2004 with a funding allocation of €29 million.

In addition, up to €50 million in grant aid is provided under the European regional development fund to support investment in tourism product, including special interest pursuits, over the period of the National Development Plan 2000-2006 through Fáilte Ireland's tourism product development scheme. The scheme is funded under the local enterprise development priority subprogramme of the two regional operational programmes and is administered by Fáilte Ireland. Last December, I agreed to Fáilte Ireland inviting a second round of investment proposals specifically under the special interest pursuits category of the scheme. Decisions in respect of grant allocations to individual projects are a matter for the independent product management boards specifically set up for this purpose.

Tourism Industry.

89. **Mr. Neville** asked the Minister for Arts, Sport and Tourism the progress being made regarding the implementation of the recommendations of the tourism policy review group; and if he will make a statement on the matter. [15066/05]

114. **Mr. P. Breen** asked the Minister for Arts, Sport and Tourism when the second progress report of the tourism action plan implementation group will be published; and if he will make a statement on the matter. [15021/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 89 and 114 together.

I am pleased to confirm that I recently received the second report of the independent group which I established in January 2004 to oversee progress on the implementation of the strategy set out in the report of the tourism policy review group, *New Horizons for Irish Tourism: An Agenda for Action*. The second progress report was published on 5 May 2005 and is available on my Department's website at www.dast.gov.ie/pressroom/pr—publications.htm.

The strategy document laid out ambitious development targets for the tourism industry such as doubling overseas revenue earnings to €6 billion and increasing visitor numbers to 10 million annually by 2012. It included more than 70 key action points.

The progress report covers the six-month period to the end of March 2005 and indicates that overall the implementation group is satisfied that the strategy is being well advanced, both by the industry itself and by Government.

The group identifies the areas where good progress has been made. These include increased air access to Ireland in 2005, the opening up of some new markets, the implementation of well-resourced marketing and development programmes by the tourism State agencies in 2005, the launch of new marketing strategies by Tourism Ireland for the British and mainland Europe markets, the preparation of a new human resource strategy by Fáilte Ireland, the establishment of a business tourism forum, the funding of a significant number of new tourism development projects and the launch of a range of programmes and incentives to address business competitiveness among tourism enterprises.

I welcome the implementation group's conclusion that Ireland's tourism performance in 2004, with 6.6 million overseas visitors and €4.1 billion in foreign exchange earnings, was broadly consistent with the targets set and that the ambitious target to double revenue earnings, over the ten-year period to 2012, continues to be attainable if the tourism action plan is implemented effectively.

The progress report highlights a number of key barriers to tourism development. These include concerns about the competitiveness and value for money of Ireland's tourism product against a background of tight margins and enhanced competition, slow progress in the negotiation on an EU-US “open skies” arrangement that would open up the prospect of new gateways for air services from the US, the need to progress the provision of additional pier and terminal facilities at Dublin Airport, the need to restore growth from the British market, the absence of a national con-

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ference centre, continuing uncertainty about access to the countryside and significant gaps in Dublin's cultural infrastructure.

This is a critical time for the tourism industry throughout Ireland. While recently released CSO statistics for 2004 reveal a healthy tourism sector overall, we all share concerns in relation to the performance of some sectors and markets last year. The trend towards shorter holidays and lower expenditure levels is depressing tourism revenue, in particular outside Dublin and other urban areas. The second progress report from the implementation group is timely and useful in identifying what needs to be done to build on recent progress and to highlight the continuing barriers that need to be addressed by the industry and the Government to help sustain future growth.

Question No. 90 answered with Question No. 65.

Sports Stadium.

91. **Mr. McGinley** asked the Minister for Arts, Sport and Tourism the progress being made with regard to the redevelopment of Lansdowne Road stadium; and if he will make a statement on the matter. [15063/05]

94. **Mr. Gormley** asked the Minister for Arts, Sport and Tourism if he will report on the progress to date on the development of Lansdowne Road stadium; and if he will make a statement on the matter. [14960/05]

98. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism when he expects a planning application to be lodged for the new stadium at Lansdowne Road; the likely start-up date for the project; and if he will make a statement on the matter. [15025/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 91, 94 and 98 together.

On 25 April I announced the awarding by the Lansdowne Road Stadium Development Company of the design and project management contracts for the stadium, moving the development plan for the new Lansdowne Road Stadium to a new phase. The contracts have been awarded following tender competitions, advertised internationally through the European Journal as well as in Ireland.

The design contract has been awarded to a consortium led by HOK Sports, one of the world's largest sport architectural practices. The winning consortium also includes Irish architects Scott Tallon Walker. The contract for project management services has been awarded to a consortium led by Project Management Limited, PM, one of Ireland's largest specialist technical consultancy and project management firms.

The Lansdowne Road Stadium Development Company has begun the preparatory work lead-

ing to a submission for planning application with the intention to lodge a planning application in December of this year, in accordance with the timetable previously announced. The newly appointed design team has already begun to develop a final detailed design for the new stadium. It is expected that 'enabling works' will happen during 2006 and the actual main construction work will commence in 2007 with an estimated building time of 29 months.

I reaffirm the Government's commitment to the project and its decision to provide an amount of €191 million towards the cost of the project, which is estimated to cost €292 million.

National Stadium.

92. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism his alternative proposals for the proposed site of the national stadium at Abbotstown; the cost incurred to date on the project; and if he will make a statement on the matter. [15043/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I refer the Deputy to my response to Priority Questions Nos. 62 and 63 of today.

Question No. 93 answered with Question No. 65.

Question No. 94 answered with Question No. 91.

Sports Capital Programme.

95. **Mr. Rabbitte** asked the Minister for Arts, Sport and Tourism if, in regard to capital grants awarded by his Department to Shamrock Rovers Football Club to allow it to complete its new stadium, he has satisfied himself that all moneys were used for the purposes allocated; and if he will make a statement on the matter. [15003/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As I indicated previously, capital grants totalling €2.57 million were allocated in respect of the Shamrock Rovers stadium in Tallaght, under the sports capital programme, which is administered by my Department.

A total of €2.44 million of this amount has been paid out to Slonepark Limited, the Shamrock Rovers stadium development company, in respect of works certified by invoices to the value of €3.3 million. As provided for under the terms and conditions of the sports capital programme relating to grants awarded in respect of large projects, all invoices submitted by the applicant were cleared for payment by the Office of Public Works, in advance of any payment of the approved grants being made. At the same time, the project was the subject of an inspection as work progressed by the Office of Public Works, which acts as technical advisers to the Department in the administration of the sports capital programme. I am therefore satisfied that the €2.44 million paid out to date was used entirely towards the development of the stadium and I can report that these

grants have been secured through the execution of a deed of trust which provides for a legal avenue by which the Minister may seek repayment of the grant moneys.

I have indicated that I am prepared to engage with South Dublin County Council in the development of a strategy for the completion of the stadium as soon as the council gains possession of the site.

Semi-State Bodies.

96. **Mr. Cuffe** asked the Minister for Arts, Sport and Tourism if he will report on the establishment of the National Museum of Ireland as an autonomous national cultural institution under the provisions of the National Cultural Institutions Act 1997; and if he will make a statement on the matter. [14958/05]

108. **Mr. Sargent** asked the Minister for Arts, Sport and Tourism if he will report on the establishment of the National Library of Ireland as an autonomous national cultural institution under the provisions of the National Cultural Institutions Act 1997; and if he will make a statement on the matter. [14964/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 96 and 108 together.

I am pleased to inform the Deputies that the National Museum of Ireland and National Library of Ireland became independent, non-commercial semi-state bodies under the terms of the National Cultural Institutions Act 1997, with effect from Tuesday, 3 May 2005.

Question No. 97 answered with Question No. 83.

Question No. 98 answered with Question No. 91.

Drugs in Sport.

99. **Mr. S. Ryan** asked the Minister for Arts, Sport and Tourism his assessment of the implications for sport here of the decision of the International Equestrian Federation to strip Ireland's Cian O'Connor of the gold medal he had been awarded at the Athens Olympics; and if he will make a statement on the matter. [15014/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The matter referred to by the Deputy is a major setback for equestrian sport and sport in general in Ireland and I would like to reiterate my strong condemnation of the use of prohibited substances and methods in any form in sport.

Ireland, through its support for the Copenhagen Declaration on Anti-Doping, and for the work of the World Anti-Doping Agency, WADA, remains in the forefront of the global battle against doping alongside those governments, sports bodies and agencies which are determined to rid us of the abuse of drugs in

sport. It is imperative that high performers in sport must participate on fair and ethical means.

I am confident that the national governing bodies of sport, working closely with the Irish Sports Council, will ensure that the good name of Irish sport is maintained and enhanced both here at home and abroad and that Irish sportspersons will have further international successes while also adhering to the highest ethical standards.

Question No. 100 answered with Question No. 69.

Sport and Recreational Development.

101. **Mr. Rabbitte** asked the Minister for Arts, Sport and Tourism his views on efforts being made to save Shamrock Rovers Football Club; if, in view of the long history of the club in sporting life, he will consider ways of assisting the restructuring of the club; and if he will make a statement on the matter. [15004/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): All issues pertaining to the structure and operation of Shamrock Rovers Football Club are a matter for the club itself, the Eircom league and the governing body of soccer, the Football Association of Ireland.

My Department remains in contact with both South Dublin County Council and the Football Association of Ireland with a view to supporting plans for completion of the stadium in Tallaght. The council has initiated a series of discussions with interested parties with a view to the repossession of the property stating that it is the ultimate objective of the council that the proposed stadium be completed. I have indicated that I am prepared to develop a strategy with the council aimed at completing the stadium. If and when the council has succeeded in regaining ownership of the site, it would be my intention to support South Dublin County Council in putting together a financial package which would ensure the completion of the stadium.

National Concert Hall.

102. **Ms Lynch** asked the Minister for Arts, Sport and Tourism the position regarding the proposed redevelopment of the National Concert Hall; and if he will make a statement on the matter. [15002/05]

104. **Mr. Connaughton** asked the Minister for Arts, Sport and Tourism the level of support to be allocated for the redevelopment of the National Concert Hall; and if he will make a statement on the matter. [15064/05]

113. **Dr. Upton** asked the Minister for Arts, Sport and Tourism his views on the proposed redevelopment of the National Concert Hall, including the development of a new 2,000 seat auditorium recently proposed by the chairperson of the board and of the NCH; and if he will make a statement on the matter. [15015/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 102, 104 and 113 together.

I refer the Deputies to my reply to Priority Question No. 60.

Sports Funding.

103. **Ms C. Murphy** asked the Minister for Arts, Sport and Tourism the locations at which sports partnerships have completed their strategic plans; and the role these plans will play in determining funding for initiatives at these locations. [15042/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Responsibility for the funding of the 16 local sports partnerships in operation around the country rests with the Irish Sports Council, the statutory body responsible for the promotion and development of sport in Ireland.

As my Department does not have a role in the ongoing operation of these 16 partnerships, I have referred the Deputy's inquiry to the Sports Council for attention.

Question No. 104 answered with Question No. 102.

Question No. 105 answered with Question No. 83.

Sports Capital Programme.

106. **Mr. Hayes** asked the Minister for Arts, Sport and Tourism if he will consider giving preferential treatment to applications made for grant aid under the sports capital programme to provide facilities on or adjacent to local primary or post-primary schools; and if he will make a statement on the matter. [15024/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme administered by my Department allocates funding to sporting, voluntary and community organisations throughout the country. While responsibility for the provision of facilities in national and secondary schools rests with the Department of Education and Science, applications from schools and colleges may be considered under the sports capital programme in certain circumstances, where those facilities are made available to the wider community.

Applications from schools and colleges must be made jointly with local sports clubs or community groups and must provide for significant levels of usage by the local community during periods when the facilities are not being used by the school itself and must demonstrate that the facilities concerned will meet an identified deficiency in that locality, as agreed with other local groups.

Applications for funding under the 2005 programme were invited through advertisements in the press on 5 and 6 December last. The closing date for receipt of applications was 4 February 2005. All the 1,362 applications received before that deadline, including 30 related to facilities in

primary and secondary schools, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. Preferential treatment in terms of the assessment is given to projects, including joint school-club applications, which are designated as disadvantaged under the programme. These are areas that have been designated by Government for special support through the schemes administered by the Department of Community, Rural and Gaeltacht Affairs, that is, RAPID 1, RAPID 2, local drugs task force areas and CLÁR areas. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

The programme for Government includes a commitment to putting in place a long-term strategic plan to ensure the development of local sports facilities throughout the country. As part of that plan, an inter-agency steering group will be set up later this year to oversee the implementation of this long-term strategy.

One of the issues likely to be considered by this group will be potential for greater co-operation between the Departments in the administration of programmes aimed at meeting the sporting and recreational needs of communities and maximising the use of existing sports facilities by local communities and in particular, those located in schools.

Tourist Victim Support Service.

107. **Mr. Quinn** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to recent figures from the Tourist Victim Support Service showing a significant continuing level of crime against tourists; his views on whether attacks or other crime directed at tourists may damage the tourism industry here; and if he will make a statement on the matter. [15012/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I am aware that, as reported recently at the launch of its 2004 annual report, the Tourist Victim Support Service dealt with a total of 353 cases of crimes against tourists last year. This represented a decrease of 1% on the 357 cases reported for the previous year. I understand that the majority of the cases, 190, were in relation to larceny but, regrettably, 36 cases involved violence.

I deplore all crime against tourists, particularly as they are a vulnerable group away from their home country and without a network of family and friends to support them. For this reason, I applaud the work of the Tourist Victim Support Service and I am encouraged by the support and close co-operation that the service continues to receive from the Garda Síochána.

I would like to acknowledge also the role the service plays in terms of providing top quality safety information guides for tourists. I wish the service every success and I would urge the tour-

ism sector, and wider commercial interests that benefit from tourism, to fully support the service in its very important work both with tourists in crisis and in safety awareness.

While any level of crime is unacceptable, it is important to have a sense of perspective. In a recent survey on personal safety in capital cities worldwide, Dublin, ranked 27th, was found to be one of the safest capital cities in the world.

Question No. 108 answered with Question No. 96.

Swimming Pool Projects.

109. **Ms C. Murphy** asked the Minister for Arts, Sport and Tourism the commitments which have been made for the provision of swimming pools in 2005; the funding which remains in the budget for 2005; the number of projects awaiting allocation of funding; the average waiting time for this allocation; and the way in which these projects are evaluated. [15041/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The 2005 Estimate provision for the local authority swimming pool programme, administered by my Department, is €32 million. This provision includes €3.7 million allocated by the Minister for Finance in the budget towards the cost of providing a swimming pool at St. Michael's House, Belcamp Lane, Dublin. Commitments of some €23 million were carried forward from 2004. To date this year, grant-aid has been approved for one project, bringing total commitments to €26.8 million.

A portion of the total current commitment will be carried forward into 2006 as the rate of draw-down of grant in respect of each project varies in accordance with the speed at which the project proceeds. The normal timescale for pool construction is in the region of 18 months. However, arising from the need for the assembly of properly documented claims by the project promoter and scrutiny of these by my Department's technical advisers, the Office of Public Works, OPW, and as certain project fees already incurred can be claimed immediately on grant approval and prior to construction, the process of drawing down allocated funding invariably extends beyond the construction period. In addition, a percentage of grant-aid is retained until both the final account and architects opinion on compliance with building regulations and planning permission are provided and found to be in order.

Under the programme, there are four main stages in progressing a swimming pool project. These, in order of progress, are: feasibility study-preliminary report; contract documents; and tender and construction. My Department's technical advisers, the OPW, evaluate each stage and local authorities cannot proceed to the next stage of a project unless prior approval issues from my Department. Grant aid is not formally allocated until the tenders have been approved for a project.

At present only those applications submitted under the enhanced 2000 programme before 31 July 2000 are being considered by the Department for grant purposes. The only exception was where a local authority swimming pool in Monaghan had to close, for safety reasons, after that date, leaving Monaghan as the only county in the country without a local authority pool. Since that date, 55 projects have or are being dealt with. A total of 25 projects have been allocated grant aid, 15 of which have been completed and ten are at construction stage. Thirty other applications are at various stages in the process, six are at tender stage, 15 are at contract documents stage and nine are at preliminary report stage.

Projects are considered on a case-by-case basis and consideration is given to such issues as to whether the area is classified as disadvantaged, the number and geographical spread of projects within and between counties, the viability of the project, particularly in relation to operational and maintenance issues, overall funding package for the project, technical details and the Department's annual Estimates provision for the programme.

110. **Mr. English** asked the Minister for Arts, Sport and Tourism if he intends to review the technical guidelines for swimming pools; and if he will make a statement on the matter. [15029/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): An expenditure review of the local authority swimming pool programme is being carried out by my Department currently and will be completed later this year. I understand that the question of a revision of the technical guidelines associated with the programme is being considered in the context of the review.

Question No. 111 answered with Question No. 67.

Question No. 112 answered with Question No. 84.

Question No. 113 answered with Question No. 102.

Question No. 114 answered with Question No. 89.

Live Register.

115. **Mr. P. Breen** asked the Taoiseach the live register figures in Ennis, County Clare for each month of 2005 to date. [15179/05]

116. **Mr. P. Breen** asked the Taoiseach the live register figures in Kilrush, County Clare, for each month of 2005 to date. [15180/05]

117. **Mr. P. Breen** asked the Taoiseach the live register figures in Shannon, County Clare, for each month of 2005 to date. [15181/05]

Appointments to State Boards.

121. **Mr. Rabbitte** asked the Taoiseach the procedures he follows in 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. [14822/05]

The Taoiseach: Appointments to statutory boards under the aegis of my Department are subject to the relevant legislation governing the establishment of the board. In considering a person's suitability for appointment to such boards, regard would be given to a range of factors, including individual expertise and any known, or potential, conflict of interest. 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.

In relation 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 or not.

Official Engagements.

122. **Mr. Ferris** asked the Taoiseach, further to Question No. 178 of 4 November 2003, if he will make available all correspondence between his Department and a company (details supplied); the administrative rank of the officials from his Department, the Department of Communications, Marine and Natural Resources and the Department of the Environment, Heritage and Local Government who attended the meeting with this company; if he will make available all correspondence between his officials and other Departments on the proposed project and the minutes of the meeting of 19 September 2003. [14834/05]

The Taoiseach: I reported to the House on the meeting in question, including orally on 19 November 2003, when there were substantive exchanges. In that regard, I refer the Deputy to the official published report of that date. I do not propose to go beyond what I have already stated clearly and dealt with comprehensively in this House.

As the Deputy will be aware, ministerial responsibility for the matters relating to the project in question fall within the remit of the Minister for Communications, Marine and Natural Resources.

EU Directives.

123. **Mr. Eamon Ryan** asked the Taoiseach the European directives in his Department that are awaiting full implementation. [14823/05]

The Taoiseach: There are no European directives awaiting full implementation in my Department.

Official Engagements.

124. **Mr. Gilmore** asked the Taoiseach if he intends to attend the forthcoming Third Summit of the Council of Europe State in Warsaw; and if he will make a statement on the matter. [15233/05]

The Taoiseach: I will travel to Warsaw on 17 May for the Third Summit of the Council of Europe.

Commemorative Events.

125. **Mr. Timmins** asked the Taoiseach if he provides funding for commemoration activities; if his attention has been drawn to the fact that County Wicklow will celebrate 400 years since its formation in 2006; if he will consider an application for funding to mark the event; and if he will make a statement on the matter. [15471/05]

The Taoiseach: A limited amount of resources to mark certain historically significant events has been made available through the commemoration initiatives fund, which is administered by my Department. No decision has yet been made in the context of the Estimates for 2006 as to the amount of funding that will be available for events next year. All applications will be considered in that context.

Departmental Funding.

126. **Mr. Ó Fearghaíl** asked the Tánaiste and Minister for Health and Children the amount of State funding made available to assist the training of guide dogs for the blind; and if she will make a statement on the matter. [15078/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the funding of non-governmental organisations. Accordingly, my Department has requested the Health Service Executive to investigate the matter raised and to reply directly to the Deputy.

Health Services.

127. **Mr. Ardagh** asked the Tánaiste and Minister for Health and Children if he will examine and report on the reason there is an additional charge of €10 per treatment to those in receipt of free chiropody. [15136/05]

151. **Ms Shortall** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 64 of 22 March 2005, the position regarding the review of fees for chiropodists under the chiropody scheme; the way in which she plans to tackle the problem of chiropodists charging top-up fees to elderly patients with medical cards. [15138/05]

161. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that some chiropodists are charging medical card patients for their services; if this is permissible; and if she will make a statement on the matter. [15236/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 127, 151 and 161 together.

The provision of chiropody services is a matter for the local area of the Health Service Executive. This is a service which it is not statutorily obliged to provide but a variety of arrangements are in place nationally under arrangements made by the former Eastern Regional Health Authority, ERHA, and other health boards.

Generally speaking, fees paid to private health care practitioners for the provision of services to public patients are reviewed periodically and in that context I have requested my Department, in conjunction with the Health Service Executive, to look specifically at the current levels of fees paid to chiropodists participating in the chiropody scheme of the former ERHA. Arrangements are being made by my officials to progress this matter. I wish to restate that I consider it is inappropriate for chiropodists to charge a top-up fee to elderly public patients who have been deemed eligible for services under the scheme. My Department wrote to the Health Service Executive on 26 January 2005 regarding the inappropriateness of these additional charges.

128. **Ms McManus** asked the Tánaiste and Minister for Health and Children the scope of services for persons who are deaf and hard of hearing in relation to the development of health policy; and the number of beneficiaries of such services on a national and county basis; and if she will make a statement on the matter. [15536/05]

152. **Mr. Coveney** asked the Tánaiste and Minister for Health and Children the scope of services for persons who are deaf and hard of hearing in relation to the development of health policy; and the number of beneficiaries of such services on a national and county basis. [15163/05]

155. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the scope of services for persons who are deaf and hard of hearing in relation to the development of health policy; and the number of beneficiaries of such services on a national and county basis; and if she will make a statement on the matter. [15169/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 128, 152 and 155 together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of such services for people who are deaf and hard of hearing. Accordingly, my Department has requested the chief officer in each of the executive's areas to investigate the matter raised and to reply directly to the Deputy.

Crisis Pregnancies.

129. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if she will consider the concerns of a group (details supplied) in relation to a publication. [14855/05]

Tánaiste and Minister for Health and Children (Ms Harney): The manner in which persons or agencies provide information about pregnancy termination services outside the State is regulated by the Regulation of Information (Services Outside the State for Termination of Pregnancies) Act 1995. This Act permits a doctor or advice agency to provide abortion information to pregnant women — in the context of full counselling — as to all available options and without any advocacy of abortion. There are no plans to amend this legislation to oblige crisis pregnancy counsellors to provide the information suggested by the group concerned.

The Crisis Pregnancy Agency, CPA, has informed my Department that it has recently issued guidelines to agencies about the provision of abortion information. These guidelines are primarily based on two principles that the information is truthful and objective, in line with the statutory provisions of the Regulation of Information (Services Outside the State for Termination of Pregnancies) Act 1995 and that information provided is guided by sound scientific evidence. In line with these principles, the CPA advises all agencies providing information on options available to women with crisis pregnancies, including abortion, to rely on peer-reviewed sources of research. Thus, the agency has found the guide produced by the Royal College of Obstetricians and Gynaecologists on information for women seeking abortions particularly useful for this purpose. This is available on the website www.rcog.org.uk.

The agency launched its strategy to address crisis pregnancy in late 2003. The CPA acknowledges in this document that crisis pregnancy counselling has the potential to provide women with standardised information on supports available to them. The agency aims to review the type of information available to women in crisis pregnancy counselling through this strategy in order to set and maintain high standards; it is already compiling a manual of best practice for crisis

pregnancy counselling that will set a standard for crisis pregnancy counsellors in Ireland.

The CPA's strategy to address the issue of crisis pregnancy emphasises reducing the number of crisis pregnancies — and hence abortions — through the consistent and correct use of effective methods of contraception. In line with this and its statutory mandate, the agency is engaged in the drafting of a contraceptive framework that will advise on options for the further development of contraceptive services.

Mental Health Services.

130. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if the HSE will provide persons (details supplied) in Dublin 12 with every support and advice in relation to the illness of a family member; and if she will make a statement on the matter. [14862/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for mental health services. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

Health Services.

131. **Mr. N. O'Keefe** asked the Tánaiste and Minister for Health and Children the position regarding the capital allocation in respect of a development (details supplied) in County Cork following an announcement made by her Department in this regard; and when she will permit this development to go to tender. [14867/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

As part of the executive's responsibility to prepare and submit an annual service plan for my approval, it is obliged under section 31 of the Act to indicate any capital plans proposed by the executive. In this process the executive can be expected to have regard to the full range of potential capital developments, its own criteria in determining priorities, available resources and any other relevant factors. The Health Service Executive's national capital plan is being examined by my Department.

132. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children if the appropriate levels of physiotherapy will be made available to a person (details supplied) in County

Galway; and if she will make a statement on the matter. [14885/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for physiotherapy. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

Medical Cards.

133. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children when a decision will be made on the appeal against a decision not to grant a medical card to persons (details supplied) in County Galway; and if she will make a statement on the matter. [14886/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

Nursing Home Subventions.

134. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children the position regarding an appeal in relation to a nursing home subvention in the name of a person (details supplied) in County Galway; and if she will make a statement on the matter. [14887/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of the nursing home subvention scheme. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

Mental Health Services.

135. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the planned activity for 2005 at the acute psychiatric unit in the County Hospital, Roscommon; the number of admissions and bed nights utilised in 2004; and if

[Mr. Naughten.]
she will make a statement on the matter.
[14888/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for mental health services in Roscommon. Accordingly, my Department has requested the chief officer of the Health Service Executive's western area to investigate the matter raised and to reply directly to the Deputy.

Hospital Services.

136. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the planned activity for the acute services at St. Brigid's Hospital, Ballinasloe, in 2005; the number of admissions and bed nights utilised in 2004 within the acute services at the hospital; and if she will make a statement on the matter. [14889/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for mental health services in Ballinasloe. Accordingly, my Department has requested the chief officer, Health Service Executive's western area to investigate the matter raised and to reply directly to the Deputy.

Child Care Services.

137. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if the HSE will investigate the case of a person (details supplied); and if every assistance will be provided to protect this person. [14890/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for child welfare issues. Accordingly, my Department has requested the chief officer of the Health Service Executive, eastern regional area, to investigate the matter raised and to reply directly to the Deputy.

Departmental Funding.

138. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if funding is available for the establishment of a link club to cater

for adults with special needs in the 18 to 35 age group in an extensive catchment area; and if she will make a statement on the matter. [14925/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January, 2005. Under the Act, the executive has the responsibility to manage and deliver or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of funding. Accordingly, my Department has requested the chief officer of the executive's midland area to investigate the matter raised and to reply directly to the Deputy.

Adoption Services.

139. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the very long waiting times for initial assessment in inter-country adoption cases and to the nature of distress this causes; and the way in which this matter will be remedied. [14926/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Applications for inter-country adoption are processed by the Health Service Executive, HSE, under the Adoption Acts 1952-1998, 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.

Hospital Waiting Lists.

140. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children the number of persons on the waiting list for a surgeon (details supplied) for over three months, over six months, over nine months and over a year; the number of surgical procedures carried out by this surgeon for each of the past 24 months; the number of persons who have been on this surgeon's waiting list to be seen for an initial examination for over three months, over six months, over nine months and over a year; the steps she intends to take to ensure that patients are not waiting more than six months for surgery in this case; and if she will make a statement on the matter. [14975/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

Services at the relevant hospitals are provided under an arrangement with the executive. My

Department has, therefore, requested the chief officer of the HSE to examine the issues raised and to reply to the Deputy directly.

Health Services.

141. **Mr. Perry** asked the Tánaiste and Minister for Health and Children when a consultant-led palliative care team will be appointed for the North West Hospice, Sligo; the steps which have been taken to ensure that the facility is operating to its full capacity; when the appointments will be made; and if she will make a statement on the matter. [14983/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Responsibility for the provision of health services in Sligo rests with the executive. My Department has requested the chief officer for the executive's north-western area to investigate the matter raised and to reply directly to the Deputy.

Hospital Waiting Lists.

142. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will be called for surgery to Our Lady's Hospital, Crumlin; and if she will make a statement on the matter. [14984/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. As the person in question resides in County Clare, my Department has requested the chief officer for the executive's mid-western area to investigate the matter raised, and to reply directly to the Deputy.

General Medical Services Scheme.

143. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the details of the 2001 derogation within the GMS scheme for doctors taking on patients over 70 years of age. [15052/05]

144. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children her views on doctors who set up practices and are prevented from acquiring a GMS contract, including those who hold a certificate of specific training in general medical practice issued by the Irish Medical Council; and if she will make a statement on the matter. [15053/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 143 and 144 together.

Entry to the general medical services, GMS, scheme for general practitioners is normally through open competition and interview following advertisements in national and medical newspapers. All suitably qualified persons may apply for these positions. 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 selection and recruitment of general practitioners to provide services under the GMS scheme.

Applicants for GMS general practitioner contracts, whether from this or another jurisdiction, must satisfy the provisions of EU Directive 93/16/EEC. This directive facilitates the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications. It also stipulates the requirement in respect of vocational training for persons seeking to be considered for such posts.

As part of industrial relations agreements between the Department of Health and Children and the Irish Medical Organisation, IMO, made in 1999 and again in 2001 between the health services employers agency and the IMO, limited entry to the GMS scheme was possible for suitably qualified general practitioners. These agreements allowed for those general practitioners who were interested and qualified to hold limited GMS contracts. These limited GMS contracts allowed general practitioners to treat their over 70s patients who qualified for a medical card for the first time, following the phased increase in the income level for eligibility assessment in 1999, and again following the introduction of the statutory entitlement to a medical card for all persons aged 70 years and over from 1 July 2001. After specified periods general practitioners holding these limited contracts would become eligible for full GMS contracts and be able to provide services to any medical card patient who might choose to be included on their patient panel list.

Medical Cards.

145. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a medical card will be renewed in the name of a person (details supplied) in County Kilkenny in view of the medical and financial circumstances of the applicant. [15100/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer for the executive's

[Ms Harney.]
south eastern area to investigate the matter raised and to reply directly to the Deputy.

Mental Health Services.

146. **Mr. Ó Fearghaíl** asked the Tánaiste and Minister for Health and Children when the report of the expert group on mental health policy will be available; and if she will make a statement on the matter. [15101/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, I appointed the expert group on mental health policy in 2003 with the specific task of preparing a new policy framework for the mental health services updating the present policy document Planning for the Future which was published in 1984. The group, which is currently examining the future direction and delivery of all aspects of our mental health services is expected to complete its work and publish its report later this year.

Housing Aid for the Elderly.

147. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the status of an application with the housing aid for the elderly for a person (details supplied) in County Clare; and if she will make a statement on the matter. [15103/05]

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. This includes responsibility for the provision of the housing aid scheme for the elderly in County Clare, on behalf of the Department of the Environment, Heritage and Local Government. Accordingly, my Department has requested the chief officer for the executive's mid-western area to investigate the matter raised and to reply direct to the Deputy.

Health Services.

148. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if appropriate transport will be arranged for a person (details supplied) in County Kilkenny; if the circumstances of this person's case will be investigated; if assistance will be given; and if she will make a statement on the matter. [15133/05]

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

Kilkenny, my Department has asked the chief officer for the executive's south-eastern area to respond to the Deputy directly.

Hospital Waiting Lists.

149. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 282 of 26 January 2005, the progress in arranging a hip operation for a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [15134/05]

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 Kilkenny, my Department has asked the chief officer for the executive's south-eastern area to respond to the Deputy directly.

Medical Aids and Appliances.

150. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason a new electric wheelchair has not been provided for a person (details supplied) in County Kilkenny; if a decision will be expedited in this case; the amount of State funding made available for this purpose and for the purchase of aids and appliances; and if she will make a statement on the matter. [15135/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for aids and appliances. Accordingly, my Department has requested the chief officer for the executive's south-eastern area to investigate the matter raised and to reply directly to the Deputy.

Question No. 151 answered with Question No. 127.

Question No. 152 answered with Question No. 128.

Medical Cards.

153. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the number of persons in possession of a medical card in each county at the latest date for which figures are available and if she will provide this information in a tabular form. [15167/05]

Tánaiste and Minister for Health and Children (Ms Harney): The number of persons in pos-

session of a medical card in each county for April 2005 is set out in the following table:

County	No. of people covered by medical cards
Dublin	273,291
Kildare	36,594
Wicklow	27,593
Laois	16,927
Longford	12,429
Offaly	19,087
Westmeath	21,274
Clare	30,862
Limerick	48,907
Tipperary NR	19,047
Cavan	18,544
Louth	34,593
Meath	29,590
Monaghan	16,225
Donegal	67,825
Leitrim	11,265
Sligo	19,302
Carlow	15,308
Kilkenny	19,454
Tipperary SR	28,353
Waterford	34,635
Wexford	39,301
Cork	130,902
Kerry	41,197
Galway	65,722
Mayo	47,327
Roscommon	19,777
Total	1,145,331

Official Engagements.

154. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if she has made an appointment to meet a group (details supplied) in County Kerry; and, if so, when this meeting will take place. [15168/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Tánaiste has agreed to meet this group on Tuesday, 24 May 2005.

Question No. 155 answered with Question No. 128.

Departmental Funding.

156. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the date of publication of the capital investment programme for her Department for 2005; and if she will make a statement on the matter. [15170/05]

157. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when funding for capital projects by her Department will be

announced; if funding for Ennis General Hospital will be included; and if she will make a statement on the matter. [15178/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 156 and 157 together.

The Health Act 2004 provided for the Health Service Executive, established on 1 January 2005, to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for progressing the bulk of the health capital programme in 2005 and in future years. My Department has retained the direct provision of capital funding for a small number of health agencies and I will forward a copy of this programme to the Deputy when it has been formally sanctioned.

The HSE service plan for 2005 was recently approved by me and, as required by relevant legislation, laid before the Houses of the Oireachtas. The detailed capital funding programme for 2005 is being finalised in the context of the capital investment framework 2005-09. This process will be concluded in the near future and the HSE will then be in a position to decide on publication and to progress its capital programme for this year, in line with overall funding resources available for 2005 or beyond. This process will involve, as appropriate, new contractual commitments for individual projects through either the design, construction or equipping stages, taking account of the future non-capital funding implications of such commitments in 2005. An outline development control plan for the proposed capital development at Ennis General Hospital has recently been prepared. I understand that the question of appointing a design team for this project is being considered by the HSE in the context of finalising the overall capital programme for this year.

Accident and Emergency Services.

158. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the number of persons who attended accident and emergency departments in 2004; and if she will make a statement on the matter. [15191/05]

Tánaiste and Minister for Health and Children (Ms Harney): According to the integrated management returns, IMRs, which are supplied by acute hospitals on a monthly basis, there were 1,240,241, provisional, attendances at accident and emergency departments in 2004. The 2004 figure represents a 2.4% increase on the 2003 figure of 1,211,071.

Health Services.

159. **Ms McManus** asked the Tánaiste and Minister for Health and Children if the cost for the provision of a midwife for home births will be granted for women in County Wicklow; and if she will make a statement on the matter. [15192/05]

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 midwifery services. Accordingly, my Department has requested the chief officer of the executive's east coast area to investigate the matter raised and to reply directly to the Deputy.

Departmental Bodies.

160. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children if she will identify the members of the working group which her Department has established to review the Health (Nursing Homes) Act 1990 and associated regulations; and if she will make a statement on the matter [15235/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The membership of the working group is as follows: Mr. Jimmy Duggan, principal officer, Department of Health and Children, Chairman, 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 Mairéad 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-year 2005. Following this process it is the intention that there will be discussions with relevant interest groups.

Question No. 161 answered with Question No. 127.

Health Services.

162. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she will introduce measures to allow for separate rooms for those who are dying in public wards in view of the recent survey by the Irish Hospice Foundation which shows the appalling conditions in which many people die in hospitals here, often in public wards; and if she will make a statement on the matter. [15249/05]

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 acute hospital services. Accordingly, my Department has requested the director of the National Hospitals Office to reply to the Deputy directly.

Alcohol Abuse.

163. **Mr. Wall** asked the Tánaiste and Minister for Health and Children her views on correspondence (details supplied); and if she will make a statement on the matter. [15272/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The organisations represented by Alcohol Action Ireland play a significant role in providing regional and local community services in alcohol harm reduction, treatment and education, and I welcome their contribution to the debate on the recently published Intoxicating Liquor Bill 2005.

The Government is concerned about alcohol related harm and about the increase in consumption in the total population as well as the increased prevalence of binge drinking. This problem calls for a concerted cross-departmental approach involving a range of key Departments and stakeholders. The recently published second report of the strategic task force on alcohol provides a blueprint for tackling alcohol related harm. The report has been approved by the Government, and the Department of Health and Children and other relevant Departments have

been authorised to implement the recommendations coming within their remit.

General Medical Services Scheme.

164. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if she will quantify the number of general practitioners operating in the country; if she will give a breakdown of the figures per county; the steps she plans to undertake to improve the situation where many people find it difficult to access their general practitioner or to become a new patient of a general practitioner, in view of the increased workload undertaken by general practitioners; and if she will make a statement on the matter. [15305/05]

Tánaiste and Minister for Health and Children (Ms Harney): Figures contained in the 2003 annual report of the general medical services payments board, the latest published report, indicate the number of general practitioners holding general medical services, GMS, and other contracts in respect of providing services under the primary childhood immunisation scheme, the Health (Amendment) Act 1996, Heartwatch and the methadone treatment scheme was 2,181. Of this number 1,971 held GMS contracts.

It is possible to provide details of the number of general practitioners who held GMS and other contracts in 2003 by each Health Service Executive area only. This is set out in the following table:

Health Service Executive area	Number of General Practitioners
East Coast Area	208
South Western Area	295
Northern Area	237
Midland Area	119
Mid Western Area	200
North Eastern Area	163
North Western Area	129
South Eastern Area	216
Southern	363
Western	251
Total	2,181

The Health Service Executive have been requested to provide a breakdown of the number of general practitioners who currently hold GMS and other contracts for each county and to forward this directly to the Deputy.

The current GMS contract which general practitioners hold with their local area of the Health Service Executive provides for the assignment of public patients (medical card holders) to participating doctors when their doctor of choice is unable to provide service. If the Deputy is aware of a particular case where an eligible person for GMS services is unable to access a general practitioner GMS contract holder I will be happy to have the case investigated on receipt of the details.

With regard to manpower in general practice, the Department of Health and Children has met the Irish College of General Practitioners, which is responsible for the organisation of training of GPs in Ireland, and it was agreed to increase the number of training places from the current 84 to 150. It was agreed with the ICGP that this would be best achieved on a phased basis with 22 new places being provided in each of the years 2005 to 2007. Funding has been provided to allow the Health Service Executive implement this development in 2005.

National Treatment Purchase Fund.

165. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children if the Health Service Executive will fund a stay in a clinic in the UK for a person (details supplied) in County Galway; and if she will make a statement on the matter. [15390/05]

166. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children if the Health Service Executive will fund a stay in a clinic in the UK by a person (details supplied) in County Galway; and if she will make a statement on the matter. [15444/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 165 and 166 together.

Where an individual requires specific treatment which is necessary and which cannot be provided in Ireland, the Health Service Executive, HSE, may refer the person to another member state for treatment. Under EU regulations, the executive issues a form E112 to the person being referred to establish his or her entitlement to such treatment and to imply a commitment by the HSE to pay the full cost of the treatment. My Department has issued guidelines which set down the criteria to be used by the Health Service Executive when assessing applications for approval of forms E112, as follows: the application to refer a patient abroad must be assessed before the patient goes abroad except in cases of extreme urgency. Medical evidence must be provided by a hospital consultant giving details of the condition from which the patient suffers and of the type of treatment envisaged. It must be certified by the consultant: that the treatment concerned is not available in this country; there is an urgent medical necessity for the treatment; there is a reasonable medical prognosis; the treatment is regarded as a proven form of medical treatment; the treatment abroad is in a recognised hospital or other institution and is under the control of a registered medical practitioner.

In the case where a person's E112 application has been approved, the HSE may provide assistance towards the cost of travel and subsistence expenses. The decision on the provision of such assistance is a matter for the HSE. Arrangements which are made privately for the treatment of a patient in any country abroad, must be regarded

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as outside the terms of the EU regulations and the HSE has no obligation to meet any part of the cost involved.

In this case, my Department has requested the chief officer of the executive's western area to investigate this matter and reply directly to the Deputy.

Nursing Home Charges.

167. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if the family of a person (details supplied) in County Kildare qualifies under the national repayment scheme; and if she will make a statement on the matter. [15446/05]

Tánaiste and Minister for Health and Children (Ms Harney): A special Cabinet sub-committee comprising the Taoiseach, Deputy Bertie Ahern, the Minister for Finance, Deputy Cowen, the Attorney General, Mr. Brady, and myself has been established to consider the issue of repayment in light of the Supreme Court judgment. Full details of a repayment scheme will be announced as soon as possible and it is the intention to make repayments as automatic as possible.

The provisions of the judgment relate to charges for publicly funded long-term residential care. People in publicly contracted beds in private nursing homes are covered by the terms of the judgment. The provisions of the judgment do not apply to individuals in private nursing homes who have entered these homes under the nursing home subvention scheme.

Any person who considers that they or a family member may be eligible for repayment may register their interest in advance with the Health Service Executive, by writing to the National Refund Scheme, HSE Midland Area, Arden Road, Tullamore, County Offaly or by e-mail to refund-scheme@mailq.hse.ie, or by calling the helpline 1800 777737 during office hours.

Health Services.

168. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Kildare is unable to access their patients private property account; and if she will make a statement on the matter. [15448/05]

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 health services in County Kildare. 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.

Medical Cards.

169. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if a medical card will issue to a person (details supplied) in County Kildare; the reason same was refused previously; and if she will make a statement on the matter. [15450/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the assessment of applications for medical cards. Accordingly, my Department has requested the chief officer for the executive's south-western area to investigate the matter raised and to reply directly to the Deputy.

Health Services.

170. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if and when a person (details supplied) in County Kildare will be transferred to Maynooth Community Hospital; and if she will make a statement on the matter. [15451/05]

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 in County Kildare. 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.

Nursing Home Subventions.

171. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if and when nursing home subvention will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [15453/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of the nursing home subvention scheme. 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.

Child Care Services.

172. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if she has satisfied herself with the operation of powers of the Health Service Executive to take children with acute special needs into care against the wishes of their parents; her views on whether it would be appropriate to extend the remit of the Ombudsman for Children to have the power to investigate the application of these procedures; and if she will make a statement on the matter. [15461/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for services for the welfare and protection of children.

Under the Child Care Act 1991 as amended by the Health Act 2004 the Health Service Executive has a duty to act in regard to any child who requires care or protection. On the application of the Health Service Executive care orders are made in the District Court only where the judge is satisfied that this is an appropriate course of action.

Section 8 of the Ombudsman for Children Act allows for the investigation of actions taken in the performance of administrative functions by public bodies. However, under section 7 of the Act, the Ombudsman for Children has a statutory obligation to promote the rights and welfare of children and, in particular, to encourage public bodies, schools and voluntary hospitals to develop policies, practices and procedures designed to promote the rights and welfare of children.

Health Services.

173. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if she will report on the guidelines which are given by her Department through the Health Service Executive to home help organisers in respect of the charges that may be made for these services; if she has received reports of substantial increases in home help charges in recent times; and if she will make a statement on the matter. [15462/05]

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. This includes responsibility for the home help service. Accordingly, my Department has requested the HSE's national director of primary, continuing and community care to investigate the matters raised and to reply direct to the Deputy.

Suicide Incidence.

174. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the allocation from her Department for suicide prevention and research for 2005. [15463/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, work is well under way on the preparation of a national strategy for action on suicide prevention. The strategy, which involves the project management unit of the Health Service Executive in partnership with the national suicide review group, is supported by the Department of Health and Children. It will be action-based from the outset and will build on existing policy. All measures aimed at reducing the number of deaths by suicide will be considered in the context of the preparation of the strategy, which will be published later this year.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the 2004 Act, the executive is responsible for managing and delivering, or arranging to be delivered on its behalf, health and personal social services. Therefore, it is responsible for managing suicide prevention and research programmes and allocating funding to such programmes. Accordingly, the Department of Health and Children has asked the chief executive officer of the Health Service Executive to reply directly to the Deputy about this matter.

Official Travel.

175. **Mr. P. McGrath** asked the Minister for Finance if the Government recently made a decision to approve the allocation of two civilian drivers for the Leader of the Seanad; if so, the date of this approval and the effective date; if any legislation or regulation was required for such a decision; if so, the titles and dates of such documentation; his estimate of the full year cost of the decision based on the similar facility available to Ministers of State; if other such measures for Seanad Members are planned; and if he will make a statement on the matter. [15119/05]

Minister for Finance (Mr. Cowen): Under established arrangements governing transport for office holders, Ministers of State other than the Chief Whip, the Leas-Cheann Comhairle and the Cathaoirleach of the Seanad are provided with two civilian drivers. The Leader of the Seanad became an office holder when section 7 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001 took effect. Although the present Leader of the Seanad initially declined the offer of civilian drivers when she became an office holder, she indicated to my predecessor last summer that she wished to have the offer activated and that was done. Her two drivers recruited in February and April of this year, are paid from the Vote of the Department of the Taoiseach. The maximum additional annual cost,

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at current rates, based on the facilities provided to Ministers of State, is approximately €88,000. I have no plans to extend the arrangement to other Members of the Seanad.

Freedom of Information.

176. **Ms Shortall** asked the Minister for Finance the reason the Higher Education Training Awards Council does not come within the scope of the Freedom of Information Act 1997; and if he will take steps to address this matter to ensure transparency in the third level sector. [15610/05]

177. **Ms O. Mitchell** asked the Minister for Finance if the Freedom of Information Act 1997 will be extended to include HETAC and FETAC. [15547/05]

183. **Mr. O'Shea** asked the Minister for Finance his proposals to add the Higher Education Training Awards Council to the list of bodies to which the Freedom of Information Act 1997 applies (details supplied); and if he will make a statement on the matter. [15055/05]

186. **Mr. Naughten** asked the Minister for Finance if he will include the Higher Education Training Awards Council under the provisions of the Freedom of Information Act 1997; the reason HETAC is not under the provisions of the Act; and if he will make a statement on the matter. [15188/05]

188. **Mr. S. Ryan** asked the Minister for Finance if he will designate the Higher Education Training Awards Council under the working of the Freedom of Information Act 1997 to ensure transparency and to reinforce the credibility of the third level education sector. [15199/05]

189. **Mr. Wall** asked the Minister for Finance his plans to include correspondence (details supplied) under the Freedom of Information Act 1997; and if he will make a statement on the matter. [15285/05]

190. **Mr. Penrose** asked the Minister for Finance if he will consider designating the Higher Education Training Awards Council under the provisions of the Freedom of Information Act 1997; and if he will make a statement on the matter. [15294/05]

191. **Mr. Carey** asked the Minister for Finance if it is proposed to designate the Higher Education Training Awards Council under the provisions of the Freedom of Information Act 1997; and if he will make a statement on the matter. [15295/05]

192. **Mr. Lowry** asked the Minister for Finance if he will amend the Freedom of Information Act 1997 to include HETAC; and if he will make a statement on the matter. [15389/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 176, 177, 183, 186 and 188 to 192, inclusive, together.

The Freedom of Information Act has been extended gradually as experience has been gained in its application. Proposals for a further extension of freedom of information are being finalised in the Department of Finance. The organisations in question are being considered as part of that proposal.

Tax Code.

178. **Mr. J. O'Keefe** asked the Minister for Finance if a person (details supplied) in County Cork is entitled to a refund of income tax. [14853/05]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that they are not aware of any basis on which the person in question might be entitled to a refund of income tax. If the person would like to discuss the matter further, he should contact the Cork north-west tax district at Government office, Sullivan's Quay, Cork. Its telephone number is (021) 4325000.

Tax Clearance Certificates.

179. **Mr. Wall** asked the Minister for Finance if a person (details supplied) in County Kildare will be issued with a statement of their tax contributions for 2003; and if he will make a statement on the matter. [14928/05]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a PAYE balancing statement for 2003, showing details of earnings and tax deductions, issued to the taxpayer in question on Friday, 6 May 2005.

Debt Relief.

180. **Mr. Lowry** asked the Minister for Finance, further to Question No. 337 of 12 April 2005, the position regarding the use of IMF gold to fund debt cancellations; the discussions that took place on this issue at the April 2005 meetings of the IMF and World Bank; and if he will make a statement on the matter. [14929/05]

Minister for Finance (Mr. Cowen): At the recent spring meetings of the IMF and the World Bank, referred to in the Deputy's question, there was a preliminary discussion of key issues relating to proposals for further multilateral debt relief and its financing options. The meeting called for further discussions with shareholders and examination of the issues, including the possible use of IMF resources, ahead of the annual meetings of the IMF and the World Bank in the autumn. The development agenda remains a significant challenge. Substantial increases will be needed if we are to make progress with the targets of the millennium development goals.

Special Savings Incentive Scheme.

181. **Mr. Ring** asked the Minister for Finance if persons who joined the SSIA scheme in 2001 and who do not earn any income will receive the full

benefit of an account when it matures from May 2006 onwards. [14950/05]

Minister for Finance (Mr. Cowen): It is not a requirement *per se* of the SSIA scheme for an individual to earn any income. However, Part 36A of the Taxes Consolidation Act 1997, as inserted by section 33 of the Finance Act 2001, requires *inter alia* that for a saver to get the full benefit from an SSIA account he or she must be the beneficial owner of the funds in the account and must have subscribed to the SSIA from funds available to him or her, or his or her spouse, without recourse to borrowings, or the deferral of repayment, whether in respect of capital or interest, of sums already borrowed. If the requirements are not satisfied, the person is required to close the SSIA and the value of the assets in the account is taxed at 23%.

Decentralisation Programme.

182. **Mr. Walsh** asked the Minister for Finance the progress he is making to implement the Government policy that interim arrangements be provided to facilitate public servants who have already volunteered to transfer to regional locations under the decentralisation programme; and if he will make a statement on the matter. [15030/05]

Minister for Finance (Mr. Cowen): The two reports of the decentralisation implementation group, of 31 March and 30 July 2004, provide detailed accounts of the progress made in implementing the decentralisation programme announced in December 2003. An analysis of the applications registered with the central applications facility by 7 September 2004 has also been published. The implementation group's report of 24 November 2004 contains details of organisations and locations which, in the opinion of the group, should be included in the first phase of moves. I understand that the implementation group will report to me again soon about its progress in implementing the programme. The group's report of November 2004 included indicative accommodation completion dates. All the organisations listed for early relocation can use the time leading up to the accommodation availability dates to secure the transfer and training of their staffing complement. The question of recommending interim or advance moves will be considered by the implementation group based on submissions to it from the organisations concerned.

Question No. 183 answered with Question No. 176.

Tax Code.

184. **Mr. Ó Fearghail** asked the Minister for Finance the number of individual taxpayers removed from the tax net as a result of the budget provisions; and if he will make a statement on the matter. [15099/05]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that some 66,000 income earners are estimated to have become exempt from income tax as a result of the changes announced in the 2005 budget. This figure is a provisional estimate. A married couple that has elected or has been deemed to have elected for joint assessment is counted as a single tax unit.

Flood Relief.

185. **Mr. Ó Fearghail** asked the Minister for Finance if the OPW has plans in place to facilitate the draining of the River Slate in County Kildare; and if he will make a statement on the matter. [15117/05]

Minister of State at the Department of Finance (Mr. Parlon): As the River Slate forms part of the Rathangan drainage district, the maintenance of the river is a matter for the local authority. The Office of Public Works carried out drainage works on the river in 2003, as agents for Kildare County Council. There are no proposals to carry out further works.

Question No. 186 answered with Question No. 176.

Tax Code.

187. **Ms Burton** asked the Minister for Finance if surgery, including cosmetic or other medical services provided by a person (details supplied) or any clinics associated with them, including Central Park South Clinic in New York, has qualified or would qualify for tax relief or medical expenses and expenditure; if so, the number of taxpayers qualifying for such reliefs in each year since 2000 and the amounts in each year. [15198/05]

Minister for Finance (Mr. Cowen): Tax relief for unreimbursed medical expenses does not cover plastic surgery or other medical works or procedures undertaken on purely cosmetic grounds. The clinic referred to by the Deputy is not on the list of approved hospitals for medical treatments that might qualify.

Questions Nos. 188 to 192, inclusive, answered with Question No. 176.

193. **Mr. Durkan** asked the Minister for Finance when tax refund will be awarded to a person (details supplied) in County Kildare based on annual rent paid; and if he will make a statement on the matter. [15454/05]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a letter issued to the taxpayer on 3 May 2005 advising that no rent relief is due in respect of rent payments as only rent payable in respect of private rented accommodation is allowable.

Decentralisation Programme.

194. **Mr. Deasy** asked the Minister for Finance the position with regard to the proposed decentralisation of Ordnance Survey Ireland to Dungarvan, County Waterford; and if he will make a statement on the matter. [15476/05]

Minister for Finance (Mr. Cowen): The Government's decentralisation programme, which was announced in the 2004 budget, will involve the transfer of 210 posts to Dungarvan. Initial data from the central applications facility indicates that 15 staff of Ordnance Survey Ireland have applied to decentralise to Dungarvan and a further 47 expressions of interest in decentralising to Dungarvan have been made by civil servants. All organisations that are decentralising, including Ordnance Survey Ireland, have prepared and submitted implementation plans as requested by the decentralisation implementation group. The plans, which include detailed material on all issues to be addressed such as people, property and business planning, will be further developed as additional information emerges. In its next report, the implementation group will deal with locations and organisations not covered in its November report, which did not include Dungarvan. I understand from the Office of Public Works that it has chosen a site for the decentralisation project in Dungarvan and details of the deal are being finalised with the land owner.

Fishing Vessel Licences.

195. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the plans he has regarding the matter of overcoming the two licence issues for fishing boats in their engaging in angling, particularly recognition of a certification scheme to enable fishing boats to be declared passenger vessels for a specified period of time while not being allowed to carry fishing equipment, in the context of the new stringent safety regulations that apply to the small boats; and if he will make a statement on the matter in the context of the importance of the issue for the maintenance of local fishing festivals. [14922/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Sea Fisheries (Amendment) Act 2003 provides that a licensing authority shall not grant a sea fishing boat a licence unless an independent survey of the boat has confirmed to the authority's satisfaction that the boat is in a safe and seaworthy condition. The Department of Communications, Marine and Natural Resources introduced a code of practice for fishing vessels of less than 15 m in length last year. The code sets out the minimum standards of safety for vessel design, construction, safety equipment and stability. It also provides that the surveyor undertaking the survey has to declare that the fishing vessel complies with the code. The sea fishing boat licensing authority grants a sea fishing boat

a licence on the basis of such a declaration of compliance.

A vessel that has been granted a sea fishing boat licence may apply for a passenger boat licence to operate the vessel as a passenger boat to carry sea anglers. If, following a survey by a surveyor from the Maritime Safety Directorate, the vessel complies with the Merchant Shipping (Passenger Boat) Regulations 2002, as amended, a passenger boat licence can be issued subject to conditions for its use as a passenger boat. Such conditions include that fishing nets and gear may not be carried on board while the vessel is being used as a passenger boat. Corresponding conditions are also attached to the sea fishing boat licence — the boat shall not carry passengers while being used as a fishing boat, for example.

The survey and licensing processes for fishing vessels and passenger boats are separate and distinct because the standards and requirements for fishing vessels and passenger boats are different, having regard to the purpose for which they are used and the conditions under which they operate. Therefore, it is not possible to establish the type of certification scheme proposed by the Deputy.

Alternative Energy Projects.

196. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources the grants available to householders for investment in alternative technologies such as heat pumps, solar panels, energy and so on; and if he will make a statement on the matter. [15361/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Sustainable Energy Ireland, which was established as a statutory agency in May 2002, implements renewable energy and energy efficiency initiatives, including research, on behalf of the Department of Communications, Marine and Natural Resources. Under Sustainable Energy Ireland's research, development and demonstration programme, House of Tomorrow, heat pumps and solar panels are just two of a number of energy technologies eligible for support in the context of an integrated set of measures comprising a whole house energy efficiency solution. The programme is open to demonstration projects involving clusters of five or more homes. Funding is available for whole house measures at a rate of up to €5,000 per house in such developments. Funding is not available under the programme for homes on an individual basis. Direct funding support is not available to individual householders.

Telecommunications Services.

197. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources the position in relation to broadband for Ashford, County Wicklow; if it will be rolled out as a matter of urgency; and if he will make a statement on the matter. [14973/05]

198. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources the position in relation to broadband for Dunlavin, County Wicklow; if it will be rolled out as a matter of urgency; and if he will make a statement on the matter. [14974/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 197 and 198 together.

The provision of broadband facilities is a matter for private telecommunications companies, which operate in a fully liberalised market. A number of factors, including the potential number of customers and the required level of investment, determine where and when broadband services are offered. The Department of Communications, Marine and Natural Resources administers the county and group broadband scheme, under which grant aid of up to 55% of set-up costs is available. The programme is driven by the broadband needs of the community. It addresses those needs by funding the most appropriate broadband technology for each application. Under the second call of the county and group broadband scheme, two applications have been received from County Wicklow. The projects relate to north-east Wicklow, which includes Ashford, and Carnew.

Pension Provisions.

199. **Ms Harkin** asked the Minister for Communications, Marine and Natural Resources the reason the proposal from An Post whereby an increase might be awarded to pensioners in circumstances in which employees have not received such an increase was rejected; and if he will reconsider his decision on this matter. [15300/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In October 2004, the board of An Post submitted a proposal to amend the existing An Post pension scheme to allow payment of Sustaining Progress increases to pensioners.

By way of background, the existing terms of the An Post superannuation scheme provide for pay parity, that is, that pensions are increased in line with the pay of serving staff. This is in accordance with public service pension policy generally, pay parity being an integral and well established practice which is widely applied in public service pension schemes.

Following examination of the issue and taking into consideration the implications of providing a precedent that could impact adversely on pension policy generally in the wider public sector, in particular the existing practice of pay parity, payment of sustaining progress increases to An Post pensioners is not possible at this time.

The way forward is to reach agreement in partnership with An Post unions to the restructuring plan aimed at securing the future of the company.

Tsunami Disaster.

200. **Mr. G. Mitchell** asked the Minister for Foreign Affairs if all of the aid pledged by the Government to the tsunami victims in south east Asia will be fully honoured. [14880/05]

203. **Ms Lynch** asked the Minister for Foreign Affairs the amount which was pledged by the Government to the victims of the tsunami disaster; the amount of this aid and the groups to which it has been disbursed to date; and if he will make a statement on the matter. [14993/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 200 and 203 together.

Ireland was one of the first countries to respond to the tsunami disaster. When the scale of the disaster became clear, the Taoiseach and I jointly announced that our funding would rise to €10 million. Prior to that, and in the immediate wake of the disaster, it had been doubled from an initial pledge of €1 million to €2 million. In addition, the Minister for Foreign Affairs, Deputy Dermot Ahern, visited the affected region in early January with the heads of Concern, GOAL, the Irish Red Cross and Trócaire. On that occasion, he pledged a further contribution, doubling Ireland's pledge to €20 million, to address longer-term recovery and reconstruction, as well as immediate needs.

Ireland will fully honour its pledge of assistance to the tsunami-affected region. It is essential that international pledges are met and that the funds contributed are used in the most effective way possible. Ireland has expressed support for the enhancement of EU and UN tracking systems which will monitor pledges and delivery.

To date, approximately €11.3 million has been made available towards meeting the needs of affected people in the aftermath of the disaster. This funding has been provided to a range of non-governmental organisations, NGOs. These are Christian Aid Ireland, Concern, GOAL, Gorta, Habitat for Humanity, Hope Foundation, Mercy Corps, Oxfam Ireland, Plan Ireland, Trócaire and World Vision Ireland. Funding has also been contributed to the Red Cross family.

Ireland has assisted United Nations agencies, including UNICEF, the World Food Programme, the Office of the UN High Commissioner for Refugees, and the UN Office for the Coordination of Humanitarian Affairs. The Defence Forces provided a number of skilled personnel in the area of logistics to help with the recovery efforts. We are examining recovery and reconstruction plans, which will provide an opportunity to assist the affected populations in the rebuilding of their lives and livelihoods. Ireland will continue to support NGOs and UN agencies for their ongoing engagement in the affected region. The reconstruction planning and implementation tasks ahead are enormous.

A special envoy has been appointed for the tsunami-affected region. The envoy, former Mini-

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ster of State and current chairman of the Advisory Board for Development Co-operation Ireland, Mr. Chris Flood, has made two visits to the affected countries. During his visits, the envoy met a wide range of organisations and individuals, including senior government representatives. The envoy's mandate is to oversee the disbursement of Ireland's assistance and to ensure it is done in line with best international practice and meets the needs of the most affected.

Ireland remains closely engaged with ongoing developments in relation to the aid effort in the tsunami-affected countries. We are in constant liaison with all stakeholders including our partners in the NGOs, UN and international agencies. This engagement will be actively maintained.

Aid Programme.

201. **Mr. G. Mitchell** asked the Minister for Foreign Affairs if he will actively promote Ireland's policy of 100% untied aid among all the member states of the EU; and if he will raise this matter at the next meeting of the General Affairs and External Relations Council. [14881/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Ireland's policy since the establishment of the aid programme has been that aid should be completely untied. This policy remains. While the EU has made advances in the area of untying of aid in recent years, there is as yet no consensus to move to a policy of fully untying aid among all the member states.

In preparation for the 2002 Monterrey International Conference on Financing for Development, the General Affairs Council concluded that the European Union would implement the OECD Development Assistance Committee recommendation on untying of aid to least developed countries and continue discussions on further untying bilateral aid. The EU also undertook to consider steps towards the further untying of Community aid while maintaining the existing system of price preferences for the EU-African, Caribbean and Pacific framework.

Subsequently, in November 2002, the Commission adopted a Communication entitled — "Untying: enhancing the effectiveness of aid". The General Affairs and External Relations Council in May 2003 underlined the need to further untie Community aid and also agreed to the modalities detailed in the Commission Communication. A European Parliament Resolution in September 2003 took a similar approach.

Following these developments, a draft regulation on untying aid was submitted by the Commission and has been under consideration by the Council at working group level over the past 18 months. Most recently, on 7 April 2005, the Council working group considered Presidency proposals for compromise amendments which had been drafted on the basis of consultations with the European Parliament rapporteur on the draft regulation. These efforts between the

Council Presidency and the Parliament to find common ground remain ongoing. I will avail of every appropriate opportunity to urge fellow EU member states both in the council and elsewhere to follow Ireland's policy on the complete untying of aid. A complete untying of aid is the best way the international community can serve developing countries.

Human Rights Issues.

202. **Mr. Allen** asked the Minister for Foreign Affairs if his attention has been drawn to a report from Saudi Arabia regarding the sentencing of 35 persons to flogging and imprisonment following their attendance at a gay partnership ceremony; if he has raised this matter with the Saudi Arabian authorities; and if he will make a statement on the matter. [14901/05]

Minister for Foreign Affairs (Mr. D. Ahern): Sharia, the law of the land in Saudi Arabia, permits corporal and capital punishment, and prohibits many activities which we would regard as matters of personal and private conduct. The Saudi Arabian authorities interpret the universal concept of human rights through the principles of Islam. Public criticism of Islam, including the Sharia law, is strictly prohibited.

In our ongoing contacts with the authorities of the Kingdom of Saudi Arabia, Ireland and our EU partners have conveyed our concerns on human rights issues, and impressed upon them the negative impact which such practices have on public perceptions in Europe.

I am aware of the reports referred to by the Deputy. Inquiries are ongoing among EU partners to determine the facts.

Question No. 203 answered with Question No. 200.

204. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in relation to the cases of 15 former members of the Turkish Grand National Assembly (details supplied); if he will make a statement on the role he can play in the matter. [15081/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Government, and our partners in the European Union, have followed closely the cases of the Kurdish political representatives referred to by the Deputy. I am aware that the Governing Council of the Inter Parliamentary Union adopted a resolution on these cases at its meeting in Manila on 8 April 2005.

Of the 15 former members of the Turkish Parliament mentioned, perhaps the most prominent case has been that of Ms Leyla Zana and three other members of the Democracy Party, DEP, who were elected in 1991. Ms Zana, Mr. Hatip Dicle, Mr. Orhan Dogan and Mr. Selim Sadak were arrested in March 1994 on charges of violating electoral law and membership of an

armed organisation. They were sentenced to a 15 year prison term in December 1994. Following a ruling by the European Court of Human Rights in June 2001 that they had not received a fair trial, a retrial opened in the Ankara State Security Court in March 2003. The verdict was upheld in a ruling by the court in April 2004. Ireland, as EU Presidency, issued a declaration on behalf of the European Union expressing the Union's deep disappointment at the decision. Following a further appeal, the four were released in June 2004. Their conviction was overturned by the appeals court the following month. It is important to note that the State security courts, which handled this case, were abolished in July 2004. A second retrial of the case opened in December 2004 and the next hearing is scheduled for 23 May 2005.

The EU is monitoring developments in this case closely. It is essential that Ms Zana and her colleagues receive a fair trial on this occasion. Deputies will be aware that the delegation from the Oireachtas Joint Committee on European Affairs which visited Turkey last November had the opportunity to meet with Ms Leyla Zana and her three colleagues at our embassy in Ankara. The Government continued to monitor the human rights situation in Turkey in cooperation with its partners in the EU and through the embassy in Ankara. Human rights issues are raised regularly in our contacts with the Turkish authorities, at political and official level. Turkey has been a candidate for membership of the Union since December 1999. In recent years, and in particular since the election of the Government of Prime Minister Recep Tayyip Erdogan, there has been very significant progress in the adoption of wide-ranging political reforms. These have included important legislative and constitutional reforms to protect freedom of expression and freedom of assembly and measures to enhance the cultural rights of all citizens, including the estimated 15 million people of Kurdish ethnic origin.

The European Council in Brussels on 16-17 December 2004 decided that Turkey sufficiently fulfilled the Copenhagen political criteria to enable the opening of accession negotiations. It decided that work should begin on a negotiating framework, with a view to the opening of negotiations on 3 October 2005. The pace of Turkey's accession negotiations will depend in large part on continued progress in the implementation of the reform programme. In our contacts with the Turkish Government, we will continue to emphasise the central importance of full implementation of all aspects of Turkey's reform legislation. The Government and our partners in the Union will also continue to highlight the need for further work in a number of areas, including women's rights, freedom of expression, freedom of assembly, and freedom of religion. Turkey's accession process, which will inevitably be a lengthy one, will contribute to the further strengthen-

ing of the reform process and to the continued improvement of the situation of the Kurdish population.

205. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in relation to the case of a person (details supplied); if he will make a statement on the role he can play in relation to the matter. [15082/05]

Minister for Foreign Affairs (Mr. D. Ahern):

Ms Merve Safa Kavakci was elected to the Turkish Grand National Assembly in the general election held on 18 April 1999. She represented a constituency in Istanbul, as a member of the main Islamist political group at the time, the Fazilet (Virtue) Party. At the first meeting of the new parliament, Ms Kavakci was prevented from taking the oath when other representatives protested that she was illegally wearing a headscarf. She was subsequently deprived of her Turkish citizenship, on the grounds that she is also a US citizen. In March 2001, she lost her parliamentary seat when her name was removed from the parliamentary records. Three months later, the constitutional court dissolved the Virtue Party on the basis that its Islamist character was incompatible with the secular constitution of Turkey. In 2001, Ms Kavakci filed an application with the European Court of Human Rights, challenging the decision to revoke her nationality and her parliamentary membership. I understand that a decision of the court on the admissibility of the case is pending. I am aware that the Governing Council of the Inter Parliamentary Union adopted a resolution on the case of Ms Kavakci, at its meeting in Manila on 8 April 2005.

In recent years, and in particular since the election of the Government of Prime Minister Recep Tayyip Erdogan, Turkey has made very significant progress in the adoption of wide-ranging political reforms. Important human rights reforms have been introduced, including legislation to protect freedom of expression and freedom of assembly, and the rights of women. Turkey has been a candidate for membership of the European Union since December 1999. The European Council in Brussels on 16-17 December 2004 decided that Turkey sufficiently fulfilled the Copenhagen political criteria to enable the opening of accession negotiations. It requested the Commission to begin work on a proposal for a negotiating framework and to present it to the council, with a view to the opening of negotiations on 3 October 2005.

The Government is working with its partners in the Union, and with Turkey, to ensure that all the elements are in place for the successful opening of accession negotiations in October. The pace of the negotiations will depend in large part on continued progress in the implementation of Turkey's reform programme. In all our contacts with the Turkish Government, we will continue to emphasise the central importance of full imple-

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mentation of all aspects of Turkey's reform legislation. The EU will also continue to highlight the need for further work in a number of areas, including women's rights, freedom of expression, freedom of assembly, and freedom of religion.

206. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in relation to 33 Zimbabwean parliamentarians (details supplied); if he will make a statement on the role he can play in the matter. [15083/05]

Minister for Foreign Affairs (Mr. D. Ahern):

The 33 Zimbabwean parliamentarians referred to have all reportedly been subject to various forms of harassment, arbitrary arrest and imprisonment by the Zimbabwean authorities. Regrettably, this is a pattern of intimidation of opposition politicians which has obtained in Zimbabwe for several years now where the overall human rights situation continues to deteriorate. Ireland and its EU partners have taken the lead internationally in highlighting the serious human rights situation in Zimbabwe and are active in pressing for the repeal of repressive legislation and an end to attacks on basic freedoms by the Zimbabwean authorities. It has been made clear that, until such time as there are genuine moves by the Zimbabwean Government to restore democracy, improve respect for human rights and engage in a meaningful political dialogue with opposition parties such as the MDC, there is no basis for positively reviewing or amending the EU Common Position on Zimbabwe which since February 2002 has imposed restrictive measures against the members of the ruling Zimbabwean elite. The initiative, therefore, remains very much with the Zimbabwean Government in this matter and I strongly urge them to respond in a positive fashion.

With regard to the situation of Mr. Roy Bennett, the former Movement for Democratic Change member of the Zimbabwean Parliament, I refer the Deputy to my reply to Question No. 90 of 28 April 2005.

207. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in relation to the ongoing cases of assassinations, deaths in custody and parliamentarians in detention or imprisoned in Myanmar (details supplied); if he will make a statement on the role he can play in the matter. [15084/05]

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 23 parliamentarians in Burma, 15 of whom are reportedly in detention, six of whom are reported to have died in custody and two of whom are reported to have been assassinated.

Together with our EU partners, the Government has consistently condemned the lack of pro-

gress towards democracy in Burma and the continuing abuse of human rights and fundamental freedoms in that country. Most recently, the EU Troika of Foreign Ministers met with the Burmese Minister for Foreign Affairs, Mr. U Nyan Win, in the margins of the Asia-Europe Meeting, ASEM, of Foreign Ministers in Kyoto, Japan, on 7 May 2005. The troika expressed concern about the situation in Burma and called on the Burmese authorities to enter into a constructive dialogue with the opposition National League for Democracy, NLD, other legitimate representative bodies and ethnic groups. The troika also called for the release of all political prisoners and presented a list of 19 political prisoners, which the EU would like to see freed immediately on humanitarian grounds, to the Burmese authorities. The troika further appealed to the Burmese authorities to establish permanent and sincere co-operation with the UN Secretary-General's Special Envoy on Burma, Mr. Razali Ismail, the special rapporteur on the situation on human rights in Burma, Mr. Sergio Pinheiro and with all relevant UN agencies. The Burmese Foreign Minister agreed to study the list of political prisoners and the demands expressed by the EU.

At the opening session of the ASEM Foreign Ministers Meeting on 6 May, European and Asian Foreign Ministers collectively expressed to the Burmese Foreign Minister, their concern at the situation in Burma and expressed the expectation that all restrictions on the democratisation process will be lifted at the earliest possible opportunity. Ireland was represented at the ASEM Foreign Ministers Meeting by the Minister for the Environment, Heritage and Local Government, Deputy Roche. The Minister urged the Burmese authorities to release Daw Aung San Suu Kyi and all political prisoners. He also expressed Ireland's grave disappointment and concern that the Burmese authorities had failed to create the conditions for political parties to participate in the national convention, now in recess.

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. The resolution also called on the Burmese authorities to release unconditionally and immediately, all political prisoners, with particular emphasis on the elderly and the sick. It further called on the Burmese authorities to desist from arresting and punishing persons for their peaceful political activities.

The Government's continuing goal, and that of the EU, remains the return of democracy to Burma, an end to human rights violations there and the realisation of peace and prosperity for the long suffering people of Burma.

208. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in relation to the case of a person (details supplied); if he will make a statement on the role he can play in the matter. [15085/05]

209. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in relation to the case of a person (details supplied); if he will make a statement on the role he can play in the matter. [15086/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 208 and 209 together.

I am aware of the cases to which the Deputy refers. The Government shares the concerns expressed about the conduct of the cases against these persons and the conditions under which they have been detained. We continue to monitor these cases. The Government, both bilaterally and together with our partners in the European Union, has regularly conveyed its concerns to the Israeli authorities about the human rights implications of its security policies and stressed the importance of Israel complying with international humanitarian law.

210. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in relation to the case of the disappearance of a person (details supplied); if he will make a statement on the role he can play in the matter. [15087/05]

Minister for Foreign Affairs (Mr. D. Ahern): On 7 April 2003, Dr. Leonard Hitimana, a member of the Transitional National Assembly of Rwanda representing the opposition Mouvement Démocratique Républicain, MDR, party, disappeared after having left the home of another MDR Deputy in Kigali. It appears that Mr. Hitimana's disappearance may be linked to his activity in the MDR political party which was subsequently banned by the Rwandan parliament in May 2003. In particular, Dr. Hitimana had been accused in a report prepared by a parliamentary committee investigating the MDR of belonging to a group of people disseminating ideologies of ethnic discrimination. There is no proof, however, supporting such an accusation.

An official investigation into Dr. Hitimana's disappearance was immediately opened and is still under way and is being monitored by the Rwandan Parliament's Committee on Human Rights and National Unity. Rwandan authorities have suggested that Dr. Hitimana may have fled to either Uganda or to the Democratic Republic of Congo, since his car was found near the Ugandan border shortly after his disappearance. However, his family have rejected this suggestion. There are genuine concerns that Dr. Hitimana's disappearance may form one of a series of forced disappearances, arbitrary arrests and illegal imprisonments which have been widely reported in Rwanda in recent years.

Ireland and its EU partners continue to pursue an active political dialogue with the Rwandan Government within the framework of the Cotonou Agreement, particularly on issues such as democracy and human rights which can contribute to the promotion of national reconciliation within Rwanda. The European Union has made clear that there is a need to open up the political space within Rwanda to ensure greater freedom of expression and respect for the promotion and defence of human rights. Within the framework of this dialogue, Ireland and our EU partners will urge greater efforts to strengthen the rule of law within Rwanda and to ensure that forced disappearances are fully and properly investigated. Specifically, we will also urge the Rwandan authorities to continue their investigations and efforts to locate Dr. Hitimana.

211. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in relation to the cases of persons (details supplied); if he will make a statement on the role he can play in the matter. [15088/05]

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 imprisonment of the persons referred to, who were members of the People's Council of the Syrian Arab Republic. The presidency and the EU missions in Syria are following closely developments in relation to these cases, and have made known our concerns to the Syrian authorities. In addition, the European Parliament's special rapporteur for the EU-Syria Association Agreement, Véronique De Keyser MEP, raised the cases with the Syrian authorities while visiting Syria last month.

While there have been some improvements in recent years, the Government, and the EU, remain concerned about the protection of human rights in Syria, including the issue of freedom of expression. These concerns are conveyed to the Syrian authorities in our bilateral contacts or together with our EU partners.

212. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position relation to the murder of a person (details supplied) in January 2000; if he will make a statement on the role that he can play in the matter. [15089/05]

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 case of Mr. Tengku Nashiruddin Daud. I understand that Mr. Tengku Nashiruddin Daud, an Acehnese member of parliament in Indonesia, was killed in January 2000 and that an investigation into this case is still ongoing.

Ireland and our EU partners continue to monitor the political situation in Indonesia and human

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rights issues are regularly raised in discussions with the Indonesian authorities. The EU Troika of Foreign Ministers met with the Indonesian Foreign Minister, Mr. Hassan Wirajuda, in Jakarta on 10 March 2005. Human rights issues were discussed at that meeting.

EU Heads of Mission in Jakarta also raise human rights issues during regular political dialogue meetings with the Indonesian authorities. Indonesia is a focus country of the European Initiative for Democracy and Human Rights, EIDHR, the aim of which is to promote human rights, democracy and conflict prevention in non-EU countries. Through the EIDHR micro-projects facility, the European Commission delegation in Jakarta supports small-scale civil society activities in the field of strengthening the rule of law and the legal system, conflict prevention and resolution and freedom of expression and independent media. Together with our EU partners, the Government will continue to raise human rights in our discussions with the Indonesian authorities.

213. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in relation to the case of a person (details supplied) a former member of the House of Representatives of Malaysia who is barred from standing for election and from political activity; if he will make a statement on the role that he can play in relation to the popular quest for a pardon by the King. [15090/05]

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 former Deputy Prime Minister of Malaysia, Mr. Anwar Ibrahim.

Mr. Anwar was dismissed from office in 1998 and subsequently imprisoned for alleged offences of sodomy and corruption and sentenced to serve nine and six year sentences respectively. Following a number of appeals, he was acquitted on 2 September 2004, when his conviction on charges of sodomy was overturned. By the time of his release, Mr. Anwar had already served his full sentence arising out of his conviction on corruption charges. I understand that according to Malaysian law, Mr. Anwar is prevented from holding political office for five years after the ending of his sentence served for alleged corruption, in this case, until April 2008.

The EU issued a statement on 10 September 2004, welcoming Mr. Anwar's acquittal. The EU had monitored this case closely throughout the various stages of the judicial process. It had frequently expressed deep concern about the fairness of the legal proceedings against Mr. Anwar on both the sodomy and corruption charges. The EU continues to closely monitor the appeal process concerning Mr. Anwar's conviction for corruption.

214. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in regard to the case of the murder of a person (details supplied) in Mongolia in 1998, which was believed could have been politically motivated; if he will make a statement on the role he can play in the matter. [15091/05]

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 death of the Mongolian parliamentarian, Mr. Zorig Sanjasuuren, in 1998. I understand that an investigation into his death is still ongoing.

Ireland and our EU partners continue to monitor the political situation in Mongolia. A trade and co-operation agreement between the EU and Mongolia entered into force in 1993. This agreement includes a commitment to protect human rights.

The European Commission adopted a country strategy paper on Mongolia on 27 December 2001. This paper set out the strategic framework within which European Community assistance would be provided to Mongolia in the period 2002-06. The country strategy paper notes that the overall human rights record is good in Mongolia but acknowledges that there have been shortcomings. The European Community has provided assistance to Mongolia in the general area of democratisation, including, *inter alia*, through supporting the activities of non-governmental organisations, increasing theoretical and practical knowledge of democracy and assisting the Mongolian authorities in reforming public management.

The European Union meets with the Mongolian authorities on a regular basis. The 8th joint committee meeting of Mongolia and the European Union took place in Brussels on 15 March 2005. That meeting provided an opportunity to review recent political developments in Mongolia. Together with our EU partners, we will continue to monitor the political situation in Mongolia.

215. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in regard to the case of the torture of a person (details supplied) in January 2000; if he will make a statement on the role that he can play in the matter. [15092/05]

216. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in regard to the case of the holding in solitary confinement of a person (details supplied) a member of the National Assembly of Pakistan; if he will make a statement on the role that he can play in regard to the violations occurring against this person. [15093/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 215 and 216 together.

I am aware that the Governing Council of the Inter-Parliamentary Union, IPU, adopted resolutions on 8 April 2005 concerning Mr. Asif Ali Zardari and Mr. Makhdoom Javed Hashmi of Pakistan. I understand that Mr. Asif Ali Zardari, leader of the Pakistan People's Party, was released from prison in December 2004. Following his release, he travelled to Dubai to be with his family. He returned to Pakistan on 16 April 2005 and is reported to be currently at liberty.

I am aware that Mr. Makhdoom Javed Hashmi, leader of the Alliance for the Restoration of Democracy party, is currently serving a 23 year prison sentence for charges relating to defamation of the Pakistan authorities. I understand that the EU troika of heads of mission in Islamabad recently raised Mr. Hashmi's case with the Pakistan authorities during a démarche on human rights issues.

On a general level, Ireland and our EU partners discuss human rights and democratisation issues with the Pakistan authorities on a regular basis. Most recently, the EU troika of Foreign Ministers met with the Pakistan Foreign Minister, Mian Khurshheed Kasuri, in Luxembourg on 27 April 2005. The Pakistani delegation briefed the EU side on political developments in Pakistan, including on human rights and democratization issues. The EU stressed the importance of further democratization in Pakistan.

Human rights issues were also raised at the EU-Pakistan Foreign Minister's meeting which took place in Islamabad in February 2004. The EU delegation was led by the then Minister for Foreign Affairs, Deputy Brian Cowen. On that occasion, the EU side expressed continued EU concern on human rights issues, such as treatment by police forces, blasphemy law, and the situation of women.

217. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in regard to the cases of persons (details supplied) who have been kidnapped for a number of years now; and if he will make a statement on the matter. [15094/05]

218. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in regard to the case of a person (details supplied) who has been under threat of assassination; if he will make a statement on the role that he can play in the matter. [15095/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 217 and 218 together.

I am aware that the Inter-Parliamentary Union at its meeting from 3 to 9 April 2005 in Manila considered the cases of the kidnappings of Mr. Oscar Lizcano, Mr. Jorge Eduardo Gechen Turbay, Mr. Luis Eladio Pérez Bonilla, Mr. Orlando Beltrán Cuéllar, Ms Gloria Polanco de Lozada and Ms Consuelo González de Perdomo as well as death threats directed towards Mr. Gustavo Petro Urrego. I am also aware that the left wing

guerrilla group FARC is said to be involved in the kidnappings while right wing paramilitary groups, with allegations of participation by elements of the security forces, are said to be involved in the death threats in the cases referred to by the Deputy.

Ireland monitors human rights in Colombia together 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 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 3-4 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 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.

219. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position relation to the cases of the murders of persons (details supplied) in January 2000; if he will make a statement on the role that he can play in relation to the matter. [15096/05]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware that the Inter-Parliamentary Union, IPU, at its meeting from 3 to 9 April 2005, in Manila, adopted a resolution regarding the murders of Jaime Ricaurte Hurtado González and Pablo Vicente Tapia Farinango. I share the view of the IPU that due process is essential in such cases.

In a statement on recent political developments in Ecuador issued on 21 April 2005, the Luxembourg Presidency, on behalf of the European Union, called for every effort to be made to strengthen the democratic process and State institutions in that country.

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My Department will continue to monitor the situation in Ecuador in co-operation with our EU partners with resident embassies in Quito.

220. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position in relation to the cases of the holding incommunicado detention of 11 parliamentarians (details supplied) from Eritrea since September 2001; if he will make a statement on the role that he can play in the matter. [15097/05]

Minister for Foreign Affairs (Mr. D. Ahern):

The Government remains deeply concerned at the treatment of the eleven parliamentarians arrested on grounds of treason in September 2001, after they had issued a statement critical of the human rights record of the Eritrean Government and calling for a greater level of democracy and political space in Eritrea. None of the eleven parliamentarians detained have been allowed access to their families or legal counsel nor charged with any crime. Their whereabouts remain unknown.

Ireland and its EU partners pursue an active and open political dialogue with the Eritrean Government, within the framework of the Cotonou Agreement. Within that framework, EU ambassadors in Asmara have repeatedly pressed the Eritrean Government for information on the group and have urged that they either be released or brought before the courts on specific charges. The EU formally wrote to President Isaias regarding the case last September, in a letter issued by the Dutch presidency in Asmara which called on the Government of Eritrea to grant the detainees a fair trial in accordance with international law. The African Commission on Human and Peoples' Rights has also found Eritrea in violation of the African Charter on Human and Peoples' Rights in connection with this case and has ordered the immediate release of the eleven detainees, a decision which was formally approved by the African Union Heads of State meeting in Abuja last January.

Ireland and its EU partners will continue to monitor closely the case of the eleven detainees and to raise this matter with the Eritrean Government as an example of the need for greater promotion of and respect for democracy, human rights and the rule of law in Eritrea. In this regard, the Luxembourg Presidency, in conjunction with the Eritrean authorities, has recently drawn up a set of performance indicators for the EU's political dialogue with the Government of Eritrea. These include the start of due process for political and religious detainees, detained journalists and other prisoners of conscience and provision for visits to political prisoners by EU ambassadors in Asmara. A further round of political consultations is expected to take place shortly in Asmara. In September 2005 the EU and the Eritrean authorities will undertake a joint

assessment of progress towards achievement of the various performance indicators.

221. **Cecilia Keaveney** asked the Minister for Foreign Affairs if his attention has been drawn to the position relation to the murder investigation of a person (details supplied) of Honduras in 1988; if he will make a statement on the role that he can play in relation to the matter. [15098/05]

Minister for Foreign Affairs (Mr. D. Ahern):

I am aware that the Inter-Parliamentary Union, IPU, at its meeting from 3 to 9 April 2005 in Manila, adopted a resolution regarding ongoing court proceedings in the case of the murder of Mr. Miguel Angel Pavón Salazar in Honduras. I share the view of the IPU that due process is essential in such cases and I assure the Deputy that my Department will continue to monitor the situation in Honduras in cooperation with our EU partners with resident embassies in Tegucigalpa.

222. **Ms Hocht** asked the Minister for Foreign Affairs the efforts made by the Government in progressing the case of a person (details supplied); and if he will make a statement on the matter. [15351/05]

Minister for Foreign Affairs (Mr. D. Ahern):

This case continues to be closely monitored by my Department through the Irish Embassy in London. The embassy in London remains in contact with the person himself and with the prison authorities on his behalf. The embassy also met recently with the representatives of the group campaigning for his release.

As I have indicated previously in my replies on this case, I understand the person's solicitor is still seeking appropriate grounds on which either to lodge an appeal against conviction or to seek to have the case reopened. The embassy, following the last prison visit to him by a diplomatic officer, has also written to his solicitor on his behalf.

My Department will continue to provide all appropriate consular assistance and advice to the person concerned and his family. I will consider whether there is any further action that I might take when the legal position has been clarified.

Diplomatic Representation.

223. **Mr. Stanton** asked the Minister for Foreign Affairs if a new honorary consul has been appointed in Ecuador; if so, when the consul was appointed; if not, when the appointment will be made; if the Irish Consul Office in Ecuador is operational; if so, when it came into operation; if not, when it will come into operation; and if he will make a statement on the matter. [15478/05]

Minister for Foreign Affairs (Mr. D. Ahern):

The issue of appointing a new honorary consul is at present under active consideration and it is hoped to approve a nominee for the position very shortly. However, before an appointment can be confirmed, the agreement of the Ecuadorian

authorities must also be obtained. Pending finalisation of the appointment, Irish citizens in Ecuador may seek consular assistance from the embassy of any other EU member state in Quito. They may also contact the Embassy of Ireland in Buenos Aires, which is monitoring the situation in Ecuador in relation to consular assistance.

Honorary consuls are not full-time employees of the State but are private individuals who undertake, in addition to their normal work, to provide a range of consular services to Irish citizens abroad. As a condition of their appointment, honorary consuls undertake to put in place the necessary staff and office resources to provide these consular services.

Sports Funding.

224. **Mr. Gogarty** asked the Minister for Arts, Sport and Tourism if he will report on the progress which has taken place in a nationwide audit of sporting facilities. [15177/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I refer the Deputy to Question No. 69 earlier in today's Order Paper.

Genealogical Office of Ireland.

225. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism if he has planned to mark the 50th anniversary of the adoption of the European flag; and if he will make a statement on the matter. [14838/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The Genealogical Office of Ireland is an integral part of the National Library of Ireland. The Deputy will be aware that the library was incorporated as a statutory body on 3 May 2005 and that I appointed a statutory board to administer the library's own affairs. I will invite the new board to consider how the anniversary of the adoption of this flag by the Council of Europe could be appropriately acknowledged.

In this connection, I take this opportunity to acknowledge the achievement of the then Chief Herald of Ireland, the late Mr. Gerard Slevin, in having his design concept for a European flag adopted by the Committee of Ministers of the Council of Europe in December 1955. This flag, comprising twelve golden stars on a blue background, was subsequently adopted by the European Community in the 1980s and is the emblem of the European Union.

Sports Capital Funding.

226. **Cecilia Keaveney** asked the Minister for Arts, Sport and Tourism the position in relation to a sports lotto application by an association (details supplied) in County Donegal; and if he will make a statement on the matter. [14920/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery funded sports capital programme administered by my Department, allocates funding to sporting and com-

munity organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on December 5 and 6 last. The closing date for receipt of applications was 4 February 2005. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

227. **Cecilia Keaveney** asked the Minister for Arts, Sport and Tourism if community groups are eligible for grant aid under the sports equipment fund to supply gym equipment that will be used by the community on a non-commercial basis; and if he will make a statement on the matter. [14921/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. Projects must be directly related to the provision of sport and recreation facilities and be of a capital nature, which, for the purpose of the programme, is defined as: expenditure on the improvement or construction of an asset and includes any costs directly incurred in this process; and purchase of permanently based sports equipment, i.e., it is securely housed and will remain in use for five years or more.

In relation to funding for gym equipment, or any sports equipment, it should be noted that the programme does not assist in the purchase of personal equipment, such as sports kits, gloves, shoes-boots or personal protective clothing, etc.

228. **Mr. Penrose** asked the Minister for Arts, Sport and Tourism if funding is available for the establishment of a link club to cater for adults with special needs in the 18 to 35 age group in an extensive catchment area; and if he will make a statement on the matter. [14923/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme administered by my Department, allocates funding to sporting and to voluntary and community organisations at local, regional and national level throughout the country.

Projects considered for funding under the programme must be directly related to the provision of sport and recreation facilities and must be of a capital nature, which, for the purpose of the programme, is defined as: expenditure on the improvement or construction of an asset and includes any costs directly incurred in this pro-

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cess; and purchase of permanently based sports equipment, i.e., it is securely housed, and will remain in use for five years or more.

The programme, however, does not assist in the purchase of sites, premises or personal sports equipment, such as sports kits, gloves, shoes-boots or personal protective clothing, etc. The sports capital programme is advertised on an annual basis. Applications for funding under the 2005 programme were invited through advertisements in the press on December 5 and 6 last. The closing date for receipt of applications was 4 February 2005. All applications received before that deadline are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

It is open to any voluntary or community organisation which wishes to develop a sporting facility to apply for funding under the sports capital programme club when applications are invited in the media on an annual basis.

229. **Mr. Gogarty** asked the Minister for Arts, Sport and Tourism if college sports clubs are eligible for sports capital grants. [14985/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Under the national lottery funded sports capital programme administered by my Department, applications for funding are invited from voluntary and community organisations and sporting organisations and clubs, including college sports clubs. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on December 5 and 6 last. The closing date for receipt of applications was 4 February 2005. All of the 1,362 applications received before that deadline, including three received from third level college sports clubs, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

230. **Mr. Ó Fearghail** asked the Minister for Arts, Sport and Tourism the amount of money allocated to clubs in county Kildare, under the sports capital programme in the years 2000-04; the amounts actually paid in the same period; and if he will make a statement on the matter. [15072/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The information requested by the Deputy regarding the allocations and payments under the sports capital programme in the period 2000-04 is as follows:

Year	Funding Allocated to projects in County Kildare	Payments made to grantees from County Kildare
	€	€
2000	2,541,381	1,246,440
2001	3,853,655	1,697,674
2002	4,870,000	3,131,195
2003	3,166,000	4,471,618
2004	3,357,000	2,652,947
Total	17,788,036	13,199,874

Tourism Promotion.

231. **Cecilia Keaveney** asked the Minister for Arts, Sport and Tourism his views on the effect on the market here of attracting Japanese tourists with the launch of a new route (details supplied) in Nagoya, Japan; and if he will make a statement on the matter. [15165/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I am informed by Tourism Ireland that the new route referred to by the Deputy is from Nagoya in Japan to Paris. Although this new route should increase the number of Japanese tourists to Europe as a whole and does present some opportunities for Ireland given the strong air connection between Irish airports and Paris, the effect on the number of Japanese tourists visiting the island of Ireland is expected to be minimal.

Tax Exemption.

232. **Mr. Wall** asked the Minister for Arts, Sport and Tourism his views on correspondence (details supplied); if the matter has been reviewed by his Department; if any meeting has taken place; if he or his officials have met the Department of Finance on the matter; if any official has been appointed by him to attend such an investigation or review; if he plans to meet interested groups on the matter; and if he will make a statement on the matter. [15254/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The tax exemption for artists has contributed very significantly to the development of a viable arts sector in Ireland. The Arts Council has made a case to me for the continuation of the scheme, and I have passed this, with my strong support, to my colleague, Deputy Brian Cowen, Minister for Finance. My Department is continuing to collaborate with the Arts Council in assessing the relevance of this exemption for the arts in Ireland, and I will keep in close touch with the Minister for Finance in this context. I have directed my officials to continue to treat this matter as a priority.

Swimming Pool Projects.

233. **Ms Enright** asked the Minister for Arts, Sport and Tourism the progress which has been

made in regard to an application for funding to refurbish and upgrade a swimming pool (details supplied) in County Laois; and if he will make a statement on the matter. [15255/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The proposal to refurbish Portarlinton swimming pool is one of a number of swimming pool projects within the local authority swimming pool programme under consideration at present. There are four stages in the programme — preliminary report, contract document, tender approval and construction. The contract documents, submitted by Laois County Council for the Portarlinton project, are being considered in the context of allowing the Council to invite tenders for the work proposed, taking into account the funding available in the Department's multi-annual capital envelope for the local authority swimming pool programme.

Sports Capital Programme.

234. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism his Department's policy with regard to potential financial support for community based socially enhancing arts, sport or tourism related projects; the extent of likely financial assistance available; and if he will make a statement on the matter. [15429/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery funded sports capital programme administered by my Department, is the major source of funding available for the provision of sporting facilities for sporting and community organisations at local, regional and national level throughout the country. The programme is demand led and only projects with a clearly defined sporting aspect are considered eligible. The types of projects funded include indoor sports halls, community sport facilities and sports playing surfaces, changing rooms and shower facilities available for the usage of individual clubs and community organisations.

Under the programme, every effort is made to achieve a balanced geographical spread of funds to benefit all types of eligible projects in all categories, having regard to the existing range of facilities in each county, while also affording priority to projects in disadvantaged areas aimed at increasing participation, particularly for young people.

The programme is advertised on an annual basis and the 2005 applications are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed. At this point, I could not say how many allocations will be made. The amount allocated under the programme since 1998 is €331.5 million to more than 4,250 projects.

My Department also administers the local authority swimming pool programme, which provides grant aid towards the capital cost of refurbishing existing swimming pools or for the provision of new pools. The maximum grant available is €3.8 million subject to the total grant not exceeding 80% of the eligible cost of the project or, in the case of projects located in disadvantaged areas, 90% of the eligible cost.

The closing date for receipt of applications under the current programme was 31 July 2000. Since then, 55 projects have or are being dealt with. Twenty-five projects have been allocated grant aid, 15 of which have been completed and ten are at construction stage. Thirty other applications are at various stages in the process, six are at tender stage, 15 are at contract documents stage and nine are at preliminary report stage.

Projects are considered on a case by case basis and consideration is given to such issues as to whether the area is classified as disadvantaged, the number and geographical spread of projects within and between counties, the viability of the project, particularly in relation to operational and maintenance issues, overall funding package for the project, technical details and the Department's annual estimates provision for the programme. The budget provision in my Department's Vote for the programme in 2005 is €32 million.

My Department also operates the ACCESS scheme which provides funding for the capital development of arts and cultural facilities, galleries, museums, etc., around the country. In August 2001, €45.71 million was allocated to 44 successful projects. Taking into account matching funding being provided by project promoters, the ACCESS scheme will result in almost €58.4 million going into arts capital infrastructure. As completion of these projects, is at differing stages, depending on local arrangements, procurement of matching funds and necessary legal issues being put in place it is not possible to state the number of groups which will benefit under the scheme in 2005.

My Department does not provide any direct funding to projects in the tourism sector.

Sporting and Community Projects.

235. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism his Department's policy in regard to the promotion of sporting and recreational community projects; and if he will make a statement on the matter. [15430/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The policy objective of this Government for Irish sport is to promote and encourage an active sports sector with increased participation in sport, especially by young people in areas of disadvantage and to support the provision of good quality, sustainable facilities and opportunities for people to play an active role in sport. To contribute to a healthier lifestyle, it is vital that people of all ages and from all back-

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grounds have equal opportunities to engage in sporting activity and are encouraged to participate at a level that suits their needs.

My Department's Statement of Strategy 2003-2005, identifies the key areas to be addressed. These include the creation of expanded opportunities to participate in sport through facilitating the provision of sporting facilities at local, regional and national level with a particular emphasis on providing facilities for young people in disadvantaged areas.

The national lottery-funded sports capital programme is administered by my Department and advertised on an annual basis, provides funding towards the provision of sport and recreational facilities to voluntary, sporting and community organisations at local, regional and national level throughout the country. This and the previous Government have, through the programme, provided unprecedented levels of funding for sport and its infrastructure by allocating €331.55 million to 4,273 projects between 1998 and 2004. This includes funding in the four year period 2001-2004 of over €121 million allocated to 1,266 projects located in areas designated as disadvantaged by the Department of Community, Rural and Gaeltacht Affairs.

The 1,362 applications received under the 2005 sports capital programme before the deadline of 4 February last are currently being evaluated against the programme's assessment criteria, which are outlined in its guidelines, terms and conditions document. I intend to announce the 2005 grant allocations as soon as possible after the assessment process has been completed.

The local authority swimming pool programme, which is also administered by my Department, provides grant assistance to local authorities for the construction of public swimming pools. This grant scheme has or is assisting 55 local authority-led pool projects throughout the country at the present time and 25 have either been completed or are currently under construction.

The projects funded through these two programmes form the backbone of sporting infrastructure in Ireland and provide the means for greater public participation in sporting activities. Under the sports capital programme in particular, such projects include the provision and development of facilities such as natural playing surfaces, synthetic and all-weather playing surfaces, changing facilities, floodlighting, indoor sports halls, and a vast range of sports equipment.

In addition, section 847a of the Taxes Consolidation Act provides for a scheme for tax relief for relevant donations to an approved sports body for the funding of sports capital projects. Approved sports status can be awarded by my Department for suitable capital projects, allowing for tax relief to be claimed by a club on donations towards the project that exceed the minimum qualifying threshold of €250 per annum. Full

details of the tax relief scheme are available on my Department's website at www.dast.gov.ie.

National Aquatic Centre.

236. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the likely extent of the cost of repairs to the national aquatic centre; and if he will make a statement on the matter. [15431/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Campus and Stadium Ireland Development Limited has advised me that its structural engineers have received information from the contractors, Rohcon Limited, that the repairs to the national aquatic centre are expected to be completed by 20 May 2005, save for the neon lighting, which has a seven week delivery period. CSID has asked Rohcon to use all necessary resources to ensure that these dates are met, if not improved upon. On completion of the repair works, arrangements for the re-opening of the centre will be a matter for Dublin Waterworld, the operator of the national aquatic centre.

The cost of the repairs is a matter between the contractor and the insurers. I look forward to the completion of these works and the reopening of the centre as soon as possible.

Arts Funding.

237. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism his Department's policy in respect of the promotion of arts related projects; and if he will make a statement on the matter. [15432/05]

239. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the number of arts related projects initiated by his Department and funded directly or indirectly in the past 12 months; and if he will make a statement on the matter. [15435/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 237 and 239 together.

My policy is to promote a vibrant arts sector in Ireland and to maximise participation in the arts at all levels. State support for the arts is, in the main, delivered through the Arts Council. The council, though under my Department's aegis, is independent on a day to day basis, and has statutory independence regarding the disbursement of its funds. The grant-in-aid payable to the Arts Council for 2005 amounts to €61 million.

In relation to the promotion of arts internationally, I recently launched Culture Ireland, the new body charged with the promotion of Irish arts abroad and this body has been given 12 months to develop its strategy.

My Department initiated and funded directly the cultural programme of Ireland's Presidency of the EU during the first half of 2004, the cultural exchange with China, which ran from April to November in 2004 and the Rejoyce Festival to

celebrate the 100th anniversary of Bloomsday. The arts and culture enhancement support scheme, ACCESS, 2001-2004, initiated by my Department is ongoing, under which €45.71 million has been allocated to 44 projects, for the capital development of arts and cultural facilities around the country.

Sports Capital Programme.

238. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which his Department has set out and realised sports projects in the past 12 months; the extent of the funding proposed; and if he will make a statement on the matter. [15434/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery funded sports capital programme, administered by my Department, is the primary means of providing funding for capital sporting facilities to clubs and voluntary and community organisations throughout the country. The programme is advertised on an annual basis. Under the 2004 sports capital programme, €61 million was allocated in respect of 738 projects. These allocations give very real, practical effect to the commitment made in the programme for government that we will continue to invest in sports facilities around the country. This ongoing investment is yielding an excellent network of facilities for all levels of sport in Ireland and is providing a framework on which the delivery and implementation of national sports policy can be built, covering the three main pillars of our sports strategy: participation; performance; and excellence.

Almost €62 million has been provided in the 2005 Estimates for the provision of National Lottery-funded sports and recreational facilities. The 2005 sports capital programme was advertised in the national newspapers on 5 and 6 December 2004. The closing date for receipt of applications was 4 February 2005. A total of 1,362 applications were received by the closing date and are being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce grant allocations under the 2005 programme as soon as possible after the assessment process has been completed.

Considerable progress has been made in advancing grant applications under the local authority swimming pool programme, which is administered by my Department. In 2003, €9 million was provided from my Department's Vote to support the construction and refurbishment of local authority swimming pools. In 2004, a record €17.6 million was provided. In that year, three pool projects opened to the public — in Finglas, Grove Island (Limerick) and Tralee — and nine projects were approved for grant assistance allowing construction or refurbishment work to commence at various locations throughout the country. A further six projects had their preliminary reports approved allowing the preparation

of contract documents. Programme funding for 2005 has increased to €32 million, allowing further progress with projects. To date in 2005, one project has been approved to go to construction and seven more projects have had their preliminary reports approved, thereby allowing the preparation of contract documents. In summary, 55 projects have been or are being dealt with under the programme. Some 15 projects have been completed, ten are at construction stage, six are at tender stage, 15 are at contract documents stage and nine are at preliminary report stage.

The project to redevelop the stadium at Lansdowne Road has been successfully commenced within the past 12 months. The project will attract Exchequer support of €191 million and is scheduled to be ready for lodgement of an application for planning permission before the end of the year.

As a consequence of the Government's policy of providing substantial funding for sport, particularly towards the development and enhancement of the sporting infrastructure, a range of modern well-equipped facilities have been provided throughout the country.

Question No. 239 answered with Question No. 237.

National Stadium.

240. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the discussions he has had with the authorities at the previously proposed National Stadium at Abbotstown; if the required land transfers have taken place; and if he will make a statement on the matter. [15436/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The state owned site at Abbotstown is currently under the ownership of the Minister for Agriculture and Food, except for the portion on which the National Aquatic Centre has been built. This part of the site was transferred to the ownership of Campus and Stadium Ireland Development Limited, CSID, when the National Aquatic Centre project was completed. A development control plan for a sport campus at Abbotstown has been received from Campus and Stadium Ireland Development Limited, which I intend to bring to Government shortly.

Film Industry Development.

241. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism his Department's intentions in regard to the future of the film industry; the extra financial inducements to support the industry; and if he will make a statement on the matter. [15438/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): It is my intention to support and promote film making in Ireland to the maximum extent possible. To this end I will attend the Cannes Film Festival later this month. Direct sup-

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port of the industry is a matter for the Irish Film Board, which, although under the aegis of my Department, is independent on a day to day basis. The funds provided by my Department to the Irish Film Board in 2005 came to €14.45 million, an increase of 22% on the 2004 figure. The section 481 incentive for investment in film production has now been extended to at least 2008, with the amount that can be raised increased to €15 million from the start of this year.

Arts Funding.

242. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism if his Department will directly or indirectly support the building of community-based theatres or community centres adaptable for theatrical production in County Kildare; and if he will make a statement on the matter. [15440/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): My Department's arts and culture capital enhancement support scheme, ACCESS, provides capital funding for Arts and Culture projects throughout the country. Unfortunately all the funds under this scheme are fully allocated at present. I hope to be in a position shortly to clarify the position regarding a possible successor to the ACCESS scheme.

Swimming Pool Projects.

243. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism if he or his Department will directly or indirectly offer financial support towards the building of swimming pools in County Kildare; and if he will make a statement on the matter. [15441/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Kildare County Council has applied for grant aid under the local authority swimming pool programme for the replacement of the existing swimming pools in Naas and Athy. In March this year, I approved the contract documents for the replacement of the pool in Naas and this approval allows the council to invite tenders for the work proposed. In the same month, I also approved the preliminary report for the replacement of the swimming pool in Athy and this approval allows the council to have detailed contract documents prepared for the project. Both projects will be considered further when the relevant documentation is submitted.

The programme has four principal stages in respect of a swimming pool project, which are, in order of progress: feasibility study-preliminary report; contract documents; tender; and construction. The Office of Public Works, which acts as technical adviser to my Department, evaluates each stage and local authorities cannot proceed to the next stage of a project unless prior approval issues from my Department. Grant aid is formally allocated when the tender for the project is approved.

Grant Payments.

244. **Mr. Timmins** asked the Minister for Arts, Sport and Tourism if he provides funding for commemoration activities; if his attention has been drawn to the fact that County Wicklow will celebrate 400 years since its formation in 2006; if he will consider an application for funding to mark the event; and if he will make a statement on the matter. [15472/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The moneys available to my Department for cultural purposes are earmarked primarily for use by the national cultural institutions such as the National Museum of Ireland, the National Library of Ireland and the National Archives.

My Department has no funds at its disposal under which financial assistance can be made available to support activities of this nature. However, Fáilte Ireland administers the festivals and cultural events initiative, a scheme that was established some years ago to expand regional tourism through festivals and cultural events by both assisting with the marketing activities of existing festivals as well as promoting new events. Applications for support from the initiative are accepted year round by Fáilte Ireland and must be submitted at least six months prior to the festival or cultural event taking place.

If the organisers of the commemorative celebrations in Wicklow wish to make an application for financial support under this initiative they should do so in writing to the festivals and cultural events officer, Fáilte Ireland, Baggot Street Bridge, Dublin 2. Full particulars about the Initiative, including the prescribed application form, are available on Fáilte Ireland's website: www.failteireland.ie

Social Welfare Code.

245. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment his views on the fairness of persons not being able to qualify for social welfare payments either due to the income of their spouses or to an inadequate number of social welfare contributions and who consequently cannot take up places on community employment or social economy schemes; his proposals in this regard; and if he will make a statement on the matter. [14931/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Eligibility for FÁS employment programmes is, in general, limited to persons who are long-term unemployed and in receipt of an unemployment payment or certain other welfare payments, such as the one-parent family payment or disability payments. It is appropriate to continue to target available resources at the most vulnerable and disadvantaged. Accordingly, there are no plans to change the eligibility criteria for participation on FÁS employment schemes.

Employee Protection.

246. **Mr. Carey** asked the Minister for Enterprise, Trade and Employment the provisions which exist in domestic and EU law to protect migrant workers; if the Government proposes to rectify the EU convention on the protection of the rights of all migrant workers and members of their families; and if he will make a statement on the matter. [14932/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The State is committed to the prevention of exploitation of migrant workers through its legislation. All workers in Ireland have the full protection of Irish employment law, which reflects the wider EU social protection framework. The law prohibits discrimination between workers on nationality or other grounds. Section 20 of the Protection of Employees (Part-Time Work) Act 2001 also provides for the avoidance of doubt that all employee protection legislation on the Statute Book in the State applies to a person, irrespective of his or her nationality or place of residence who: has entered into a contract of employment that provides for his or her being employed in the State; and works in the State under a contract of employment. Therefore, all employee protection legislation applies to migrant workers in Ireland.

As regards the latter part of the question, I assume the Deputy is referring the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Ireland has not yet signed and is not a party to this convention, which was adopted by the UN General Assembly in December 1990. The convention has been examined by my Department. It would appear that, in order for Ireland to ratify the convention, significant changes would have to be made across a wide range of existing legislation, including: legislation addressing authorisation to stay and to work; education, training and integration; family reunification; social security; transfer of income and taxation; housing; health and medical care; and electoral law. These changes would also have implications for our relations with our EU partners, none of which has signed or ratified the convention, or have signalled an intention to do so, and possibly for the operation of the common travel area between Ireland and the UK. We have no plans to introduce the changes in the foregoing areas, which would be necessary before Ireland could ratify or consider signing the convention.

247. **Mr. Stagg** asked the Minister for Enterprise, Trade and Employment his views on the length of time presiding officers had to work in polling stations during the by-elections of March 2005 which saw them working for 16 hours without a break; if this contravenes the Protection of Employees (Part-Time Work) Act 2001; and if he will make a statement on the matter. [14978/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Organisation of Working Time Act 1997 provides that an employee is entitled to a 15-minute break after working more than four and a half hours and to a further 15-minute break after working more than six hours. If a 15-minute break is not taken after more than four hours and 30 minutes work, a 30-minute break may be taken after more than six hours work. An employee would be entitled to a further break of 15 minutes after more than ten hours and 30 minutes work. In addition to these provisions, the 1997 Act also provides for a rest period of 11 consecutive hours in every 24-hour period. Thus the maximum permissible working day would amount to 13 hours.

The Minister for the Environment, Heritage and Local Government is responsible for the law relating to the conduct of elections. Under electoral law, returning officers are responsible for all aspects of the running of elections, including the employment of staff.

The 1997 Act provides for the referral of a complaint to a rights commissioner by a person who feels that his or her employer may be in breach of the terms of the Act.

Community Employment Schemes.

248. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment if he will review the capping of community employment schemes; and if he will make a statement on the matter. [14979/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): On foot of a review of FÁS employment schemes, which included detailed consultations with the social partners, I decided that with effect from 10 November 2004 the three-year cap would be removed for community employment, CE, participants aged 55 or over. Such participants are now eligible to participate on CE for a maximum of six years. The extension of the participation period from three to six years for over 55s should ensure the availability of sufficient clients to fill the available places. The continuation of ring fencing and prioritisation for the essential services of child care, health-related services and drugs task force clients, and the extended participation on CE by older workers will help to secure the continuity of community services generally.

Job Creation.

249. **Mr. Ó Fearghail** asked the Minister for Enterprise, Trade and Employment the number of delegations taken to south Kildare by IDA Ireland in the past two years; and if he will make a statement on the matter. [15077/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment, FDI, to Ireland, including its regions and areas. Ultimately decisions

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regarding where to locate, including what areas or sites to visit as potential locations, are taken by investors. IDA Ireland hosted two site visits to Kildare over the past two years, both of these in late 2003. In addition to targeting potential new projects, IDA Ireland is also working with its existing base of companies in the region with a view to supporting such companies with potential expansions and diversification of activities, which strengthen their presence in the region. At present 25 IDA client companies in County Kildare employ 10,109 permanent staff.

Last week, I performed the official opening of the new International Fund Services (Ireland) Limited, IFS, office in Naas, County Kildare, the second operation for IFS in Ireland. Located in Millennium Park, the Naas facility is on target to employ 140 people by the end of 2005 and 240 by the end of 2006.

Kildare continues to thrive across a broad range of activities in the housing, commercial, services and industrial sectors. As a result, many job opportunities are being created within the county. The population of the county continues to grow well above the national average and in 2004 significant developments in overseas investment have been announced including: the largest ever ICT investment in the country by Intel of €1.6 billion in wafer fabrication; a €21.4 million technology development centre by Hewlett Packard. Other overseas companies in the county such as Wyeth Medica, Oral B, Tegral Products, IFS, and Athy Concentrates, continue to provide solid job opportunities. Similar opportunities are being provided by the services and local industrial sectors.

I am confident the strategies and policies being pursued by IDA Ireland will continue bear fruit in terms of maximising sustainable investment and jobs for the people of Kildare.

Company Closures.

250. **Mr. J. Higgins** asked the Minister for Enterprise, Trade and Employment the action he will take to recoup the €300,000 given by the Enterprise Ireland to Swords-based telesales company (details supplied) in view of the fact that this company shut down its operations in March 2005 owing its employees, among many other creditors, on average six weeks unpaid wages before setting up business again under the name (details supplied). [15172/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): When Enterprise Ireland-funded companies close or liquidate and contingent liabilities remain outstanding on grants paid to the companies, the liabilities fall due. I understand that Enterprise Ireland has informed the company in question that it is Enterprise Ireland's policy to seek revocation of grant moneys paid as the company is in breach of its legal agreement with Enterprise Ireland. In this case, following the appointment of a liquidator,

Enterprise Ireland will follow its usual legal procedures in these matters. I have been informed that European ICT Resource Facilities Limited is still registered with the Companies Registration Office, CRO, and has not filed any documents indicating that it has ceased to trade. The CRO register of companies has no mention of the second company in question. I am informed by Enterprise Ireland that it is not aware of any new operation being opened by the company in Ireland.

251. **Mr. J. Higgins** asked the Minister for Enterprise, Trade and Employment the sanctions his Department will take against companies grant-aided by State bodies that shut down owing money to creditors and employees before setting up business again under a different name. [15173/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Director of Corporate Enforcement, ODCE, has a range of investigative and enforcement powers, which permit the imposition of criminal and civil sanctions by the Courts for breaches of the Companies Acts and abuse of the privilege of limited liability. The director's responsibilities include the supervision of unliquidated insolvent companies, UICs. The Office of the Director of Corporate Enforcement has published a booklet on UICs, which indicates the director's approach to addressing this phenomenon. The director has undertaken to forward a copy of this publication to the Deputy for his information.

When companies grant-aided by the industrial development State bodies under the aegis of my Department close or liquidate and contingent liabilities remain outstanding on grants paid to the companies, the liabilities crystallise and the relevant agency seeks to have any moneys repaid to it. When these agencies consider providing funding assistance to any company, either new or expanding and which has had a prior corporate existence, I understand that they will take account of all aspects of the track record of the promoters of the company.

Price Controls.

252. **Mr. Perry** asked the Minister for Enterprise, Trade and Employment if he will impose controls on the wholesale trade so that drink suppliers refrain from imposing price increases, at least into 2006, in view of pressures on the vintners trade in recent years and the consequent decline in their business; and if he will make a statement on the matter. [15280/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I have no plans to introduce price controls in any area of the economy. Government policy is aimed at increasing competition in the marketplace to improve consumer choice and enhance consumer welfare through lower prices. Suppliers and retailers of drink

products, therefore, are free to set their own prices in the light of prevailing market conditions. However, the provisions of the Competition Act, which prohibit anti-competitive practices such as price-fixing, should also be borne in mind by undertakings in considering this matter.

Health and Safety Regulations.

253. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment if an area near a site (details supplied), at which third parties are subjected to significant risk, constitutes a place of work in accordance with the terms of section 2(1) of the Safety, Health and Welfare at Work Act 1989; if so, if vulnerable third parties within such an area have a legal entitlement to copies of any risk assessment pertaining to the site in question; and if he will make a statement on the matter. [15339/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): It is not possible to determine from the information supplied whether the area referred to in the first line of the question constitutes a place of work.

If a site is subject to the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000, S.I. No. 476 of 2000, and, on account of its inventory, constitutes an “upper-tier” establishment then the following duties apply by virtue of Regulation 19. The operator shall make its safety report available to any member of the public who requests it. The information to be considered in a safety report is set out in the fourth schedule to the regulations and includes the identification and analysis of accidental risks. The company shall inform persons who are likely to be habitually in the specified area of the safety measures and the correct behaviour to be adopted in the event of a major accident. This information is also available to any member of the public upon request. The extent of the specified area is determined by the operator with the agreement of the HSA or in the case of non-agreement, by the HSA alone. In the case of “lower-tier” sites, the operator has no obligation to produce a safety report and no obligation to provide information that would be contained in such a report.

The difference between upper and lower tier is based on the levels of dangerous substances held at the establishment. The relevant quantities of dangerous substances, which determine an establishment to be upper — the most hazardous — or lower tier, are set out in Annex 1 to Council Directive 96/82/EC. The Regulations do not place any other duty on the operator to make information on risk assessment available to neighbours unless that neighbour is also an establishment operator subject to the regulations, and the possibility of a “knock-on” effect has been identified by the HSA as provided for in Regulation 9.

Any advice provided by the HSA to a planning authority pursuant to Regulation 29 is provided

on the basis that such information will be placed in the public sphere in accordance with normal planning practice. Any disclosure of information by the HSA related to the implementation of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations is subject to either the Freedom of Information Act or the Access to Information on the Environment Regulations in accordance with Regulation 36.

Risk assessment is required for workplaces outside the scope of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000. However such assessment is in respect of employee protection and there is no obligation on employers to make such assessments available to persons other than their employees or others who may be at work on the employers site. The 1989 Safety, Health and Welfare at Work Act and associated regulations do not provide right of access for non-employees to such risk assessments.

EU Directives.

254. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment if he intends to introduce Directive 2003/105/EC before the deadline of 1 July 2005; if he proposes to seek a derogation from the EU on such matters; and if he will make a statement on the matter. [15340/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The preliminary drafting of a statutory instrument to transpose Directive 2003/105/EC is currently taking place in the Health and Safety Authority. Following clearance by the Health and Safety Authority’s legislation and guidance sub-committee the draft will be forwarded to me for final legal settlement. My intention is to transpose the Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances on time.

Job Losses.

255. **Mr. Deasy** asked the Minister for Enterprise, Trade and Employment his plans to provide replacement industry to Dungarvan, County Waterford when the Waterford Crystal plant closes; and if he will make a statement on the matter. [15458/05]

256. **Mr. Deasy** asked the Minister for Enterprise, Trade and Employment the discussions he has had with the Waterford Crystal management over the past 12 months. [15459/05]

257. **Mr. Deasy** asked the Minister for Enterprise, Trade and Employment the discussions which Enterprise Ireland has had over the past 12 months regarding the future of Water-

[Mr. Deasy.]
ford Crystal; and if he will make a statement on the matter. [15460/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 255 to 257, inclusive, together.

I am aware that Enterprise Ireland has been working intensively with the company in question, not just over the past 12 months, but over recent years, to assist the company in addressing the competitive issues it faced. Enterprise Ireland has provided significant financial support for the company to develop new products to meet changing market needs, as well as providing overseas marketing support. Over the past seven years, the agency has paid almost €3 million in supports to assist the company with development projects. Unfortunately, the company has been unable to break a cycle of falling sales. Lightweight functional glassware, which can be outsourced from low cost countries, is now in demand as the market continues to move away from heavy cut crystal.

Senior management people from Enterprise Ireland, including its chief executive, have held meetings with the company in recent months to discuss the company's strategy. Cost saving action taken by the company in September 2004 has not been sufficient to prevent the restructuring programme, which the company has now deemed necessary, both to remove excess capacity and to improve manufacturing efficiency. However, I know that Enterprise Ireland will continue to work with the company as it goes through its restructuring programme.

The strategy for the south-east region is to promote the development of Waterford city as a gateway location to attract industry to the city and region. There has been success in attracting new knowledge-based industries with the locating in Waterford of Sunlife Corporation, AOL and Genzyme and the area has a strong indigenous presence including Dawn Meats and Radley Engineering. In Dungarvan, phase one of the site development has been completed on IDA Ireland's Industrial Park and the first client, Biopin, has been secured.

I am satisfied the combined efforts of the industrial development agencies, together with local interests, will continue to meet the ongoing needs of the area in question. An inter-agency forum has been set up to address the consequences of the closure of the plant in Dungarvan and the redundancies in Dungarvan and Waterford. The forum, to be chaired by the Waterford county manager, will have its first meeting on 13 May 2005.

Social Welfare Benefits.

258. **Mr. O'Shea** asked the Minister for Social and Family Affairs his proposals to keep income limits for the diet supplement in line with increases in social welfare payments; and if he will make a statement on the matter. [14924/05]

Minister for Social and Family Affairs (Mr. Brennan): Diet supplements are available through the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive.

Diet supplements are subject to a means test. The amount of supplement payable in individual cases depends on which of two categories of diet, low-cost or high-cost, has been prescribed by the applicant's medical adviser, and the income of the individual and his or her dependants.

The basis for calculating the amount of diet supplement remained unchanged between 1996 and 2004. Increases in social welfare rates and in the cost of special diets since 1996 had not been taken into account in assessing entitlement in individual cases.

With effect from 1 January 2004 the diet supplement scheme was restructured to take account of increases in both social welfare payment rates and the rate of food inflation since 1996. In the case of new applicants for diet supplement, the amount of supplement payable is based on increased up-to-date diet costs, €44 for lower cost diets or €57 for higher cost diets, less one third of the applicant's income or one sixth of the joint income in the case of a couple.

People who were in receipt of a diet supplement prior to the introduction of the revised regulations on 1 January 2004 continue to receive their existing rate of supplement until such time as there is a change in their circumstances that would warrant a review of their cases. Pending any changes I will make to the scheme, this year's increases in social welfare payment rates are disregarded in assessing entitlement in respect of new applications.

To inform future consideration of the scheme, my Department commissioned a study by an expert from the Irish Nutrition and Dietetic Institute. The study examined the special diets prescribed in legislation for which assistance is available through the existing diet supplement scheme.

The study also considered the appropriate level of assistance required to cater for any additional costs involved in providing for necessary special diets, relative to the cost of a normal healthy diet.

The findings of this research study have been assessed by my Department to determine how diet supplement assistance should be developed. I intend to finalise consideration of that shortly and to introduce regulations to update the scheme as necessary.

259. **Dr. Twomey** asked the Minister for Social and Family Affairs the reason the orphan allowance is €121 per week but the foster allowance is €331 per week; if this discriminates against orphan children; and if he will make a statement on the matter. [14852/05]

Minister for Social and Family Affairs (Mr. Brennan): The primary objective of the orphans

payments administered by my Department is to provide income support in respect of children whose parents are deceased or who are unable and have failed to provide for them.

The weekly rate of payment is €121 per week. That is a substantially higher rate of payment compared with other payments made by my Department in respect of children. Foster carers, on the other hand, operate within a very specific framework, and the foster care allowance is intended not only to provide income support but to recompense foster carers for the expense incurred regarding looking after a child who would otherwise be in institutional care. Foster carers are therefore subject to rigorous scrutiny and ongoing monitoring by the health boards, and the children in their care are subject to a care plan. The foster care allowance paid by the health boards is paid at a rate of €297 per week, per child under 12 years of age, and €324 per week, per child of 12 years and over.

The two payment systems have, in my view, significantly different objectives, and I do not consider that there is a case for standardising payments in the area.

260. **Mr. Penrose** asked the Minister for Social and Family Affairs if a person who is in receipt of the invalidity pension is entitled to the respite care grant of €1,000; the conditions for eligibility for same; and if he will make a statement on the matter. [14908/05]

Minister for Social and Family Affairs (Mr. Brennan): The respite care grant is an annual payment for carers who look after certain people in need of full-time care and attention.

The receipt of a payment from my Department by either the carer or the person being cared for, including invalidity pension, does not affect eligibility for the grant. However, both the carer and the person in receipt of care must satisfy certain conditions as follows.

The carer must be aged 16 or over, ordinarily resident in the State, caring for the relevant person on a full-time basis, living with the person being cared for, or, if not, contactable quickly by a direct system of communication between his or her home and the home of the person being cared for, and have been caring for the relevant person for at least six months, which includes the first Thursday in June.

The person being cared for must be so incapacitated as to require full-time care and attention — medical certification is required — not normally live in a hospital, convalescent home or other similar institution, and not receive full-time care and attention within his or her own home from another person.

Application forms and information leaflets are available throughout my Department's network of local and branch offices and from citizens' information centres. Application forms and information leaflets will also be available from my

Department's automated leaflet request line and website shortly.

Carers currently in receipt of either carer's allowance, carer's benefit, domiciliary care allowance or prescribed relative allowance, or if the person being cared for is in receipt of constant attendance allowance, will not have to apply for the grant, as it will be paid automatically.

Public Service Card.

261. **Mr. Stanton** asked the Minister for Social and Family Affairs if he has satisfied himself that the proposed issue of public service cards is being dealt with expeditiously; and if he will make a statement on the matter. [15035/05]

Minister for Social and Family Affairs (Mr. Brennan): Following approval from the Government in June 2004 to begin work on a standards-based framework for a public services card, an interdepartmental steering group was established in September 2004. The proposed framework was agreed in principle by the steering group in March 2005, and detailed drafting is under way. That will accompany a memorandum to the Government which will also address future phases of work, including convergence issues and a communication and consultation programme. While the deployment of specific applications will continue to be the responsibility of individual agencies, it is proposed that those be co-ordinated under the overall programme.

Many of the legal, organisational and business foundation and infrastructural requirements for a card have been put in place over the last few years, with the enabling legislation on the PPS number and public service card in 1998, the setting up of client identity services in 2000, and the introduction and legislation of public service identity in 2002 as well as the support provided to agencies seeking to adopt the PPS number. However, a card standard could be introduced only in the context of wider industry standards. The technology is just now maturing, with the roll-out of EMV currently under way.

I am satisfied that the programme of work is being developed in accordance with the agreed timeframe.

262. **Mr. Stanton** asked the Minister for Social and Family Affairs when the Government first considered proposals for the integrated social services system; and if he will make a statement on the matter. [15036/05]

263. **Mr. Stanton** asked the Minister for Social and Family Affairs the key potential developments described for the integrated social services system described in a report published in 1996; the progress regarding each of them in the period since 1996 to date; and if he will make a statement on the matter. [15037/05]

264. **Mr. Stanton** asked the Minister for Social and Family Affairs the potential developments described for the integrated social services system

[Mr. Stanton.] described in a report published in 1996 which are no longer considered relevant due to the passage of time, technological innovation or changes in policy; and if he will make a statement on the matter. [15038/05]

265. **Mr. Stanton** asked the Minister for Social and Family Affairs if any work on standards for social service cards or their replacement, that is, the public service cards, was undertaken or could have been undertaken in earlier years, particularly in the context of the interdepartmental report on the development of an integrated social services system, which was published in August 1996; and if he will make a statement on the matter. [15039/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 262 to 265, inclusive, together.

On 21 December 1993 the Government approved, in principle, the development of an integrated social services system, or ISSS, which would provide a more integrated approach to the administration, delivery, management and control of statutory income support services.

An interdepartmental committee was set up to consult the agencies involved and put forward more detailed proposals to achieve integration. The committee reported in 1996 and made several key recommendations.

The report recommended that the RSI number should be the standard identifier for the sharing and transfer of personal information between public service agencies, and that appropriate legislation should be enacted and security arrangements reviewed. The RSI number should be triggered by the registration of birth on the GRO computer system. Those recommendations have been implemented.

The report recommended acceleration of the computerisation of births, marriages and deaths and reorganisation of the registration procedures, as well as enactment of the necessary legislative provisions. That has been implemented following an extensive programme of work involving my Department and the Department of Health and Children.

The report recommended that the use of the social services card should be expanded to support customer identification, speed up access to social services, support new electronic payment options, and provide secure access to personal information. In addition, consideration should be given to including a photograph on the card, and the public sector should be actively involved with the private sector in the setting of standards for smart card technology.

Many of the legal, organisational and business foundation and infrastructural requirements for a card have been put in place over recent years, with the enabling legislation on the PPS number and public service card in 1998, the setting up of client identity services in 2000 and the introduc-

tion and legislation of public service identity in 2002, as well as the support provided to agencies seeking to adopt the PPS number. However, a card standard could be introduced only in the context of wider industry standards. The technology is just now maturing, for example, the present roll-out of financial services smart cards.

The report recommended simplification of the assessment of means, and the introduction of a central means database. In that regard, significant complications and variations in the policies and process in different agencies were identified. A central means database was developed for my Department and considerable background work done on shared means services.

The report recommended several changes to the supplementary welfare allowance scheme, including the introduction of an appeals system, its computerisation, introduction of a national application form and transfer of the scheme to my Department. Several recommendations made in that regard have been implemented.

The report also recommended that social welfare customers should be offered the widest choice of modern payment methods, with a household budgeting facility. In that regard, all customers are offered a choice of payment method, that is, either to be paid at a post office of their choice or by EFT into an account at a bank or building society. Payment by cheque is also offered as an option for customers getting short-term payments. Customers opting for a particular payment method do so on a voluntary basis having regard to their own circumstances and needs.

My Department also introduced a household budgeting service, which allows set payments to be made directly to a range of utilities on behalf of the customer, which is operated by An Post on behalf of participating post office payment customers. The report also recommended that, where possible, a single contact local point for customers should be provided, a customer-first approach adopted, and an electronic information system developed to support the dissemination of information.

In that connection, my Department is implementing a customer-central approach in its service delivery modernisation programme. Regarding a single contact point for customers, a multiple-channel — for example, on-line, telephone — approach is now policy. Information is electronically provided via my Department's website. In the context of its local offices, my Department has availed of the opportunity to collocate services with other agencies where possible, and when the opportunity arises my Department is still combining services within its own offices.

Overall, the recommendations contained in the report are still relevant. In technology, the environment has changed, with technology such as EDI, or electronic data interchange, now super-

seded by the opportunities offered by Internet-based technology.

While the focus of the report was on integrating social services, it acted as a key driver for the development of the wider e-Government programme. A Government decision of July 1999 re-launched the integrated social services system, or ISSS, as a wider initiative spanning all relevant public services, to be known as the REACH initiative and with specific objectives concerning the development and implementation of a national framework for the integration of public services. That mandate was later expanded to include the development of the public services broker, which offers a comprehensive set of services to public sector agencies and the general public, including a portal offering a single point of access to public services, *www.reachservices.ie*, and a set of shared services, including access control, e-payments, forms development, etc.

The public services broker will offer Departments and agencies a cost-effective and flexible means of delivering electronic services to customers, as well as providing them with the means to access, data and services of other bodies.

Criminal Prosecutions.

266. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of directors, managers, secretaries or other officers of bodies corporate who have been charged with offences under section 213(7) of the Social Welfare (Consolidation) Act in the past five years; and if he will make a statement on the matter. [15045/05]

Minister for Social and Family Affairs (Mr. Brennan): No directors, managers, secretaries or other officers of bodies corporate have been charged with offences under section 213(7) of the Social Welfare (Consolidation) Act in the past five years. However, in the same period one employer was prosecuted under section 213(2) of the same Act for similar offences.

Crime Prevention.

267. **Mr. Stanton** asked the Minister for Social and Family Affairs if, in view of the alarming rise in the value of cash taken in armed robberies, he will consider accelerating the take-up of electronic funds transfers or equivalent payment arrangements; and if he will make a statement on the matter. [15048/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department's policy is to ensure that a range of payment options is available to customers, including electronic funds transfers to customers' accounts. That type of payment arrangement is not compulsory, and there are no plans to make it so.

It is Government policy to facilitate the greater use of electronic payment systems in the economy generally as they become available, and my

Department, as a major generator of payments, will have a major part to play in that regard. The Department is undertaking a review of payment methods, and I envisage that the review will be completed by the end of this year.

Child Support.

268. **Mr. Kehoe** asked the Minister for Social and Family Affairs if he will clarify the payment arrangement in terms of children's allowance for newborn babies; if he plans to amend the current system to enable payment from date of birth and not from the month after a baby is born; and if he will make a statement on the matter. [15110/05]

Minister for Social and Family Affairs (Mr. Brennan): Currently the births of all children born in the Republic of Ireland are registered electronically. The Department receives this information from the General Registrar's Office and allocates a PPSN to the child and also commences a child benefit application for them.

If the mother already has other children, the new baby is added automatically to the existing claim, and payment issues to the mother from the month after the child's birth. It is not necessary to fill out an application form or supply a birth certificate in those cases.

If the baby is the first child in the family, a partially completed application form is produced and sent to the mother to invite a claim. When she returns the completed application form, it is processed and payment issues, again from the month after the child's birth.

Currently, a person receives in the normal course 16 years child benefit, or 192 monthly payments, in respect of a child up to 16 years of age, as payments are made in advance each month, up to and including the month in which the child's 16th birthday occurs. In cases where a qualifying child continues in full-time education beyond the age of 16, child benefit will be paid up to and including the month in which the child's 18th birthday occurs.

There are no plans to change the current payment arrangements for child benefit.

Social Welfare Benefits.

269. **Mr. Bruton** asked the Minister for Social and Family Affairs if he will consider raising the €50 limit applied to additional income for persons wishing to qualify for the national fuel scheme as a very targeted method of helping pensioners on low income to deal with the high cost of winter heating. [15131/05]

Minister for Social and Family Affairs (Mr. Brennan): The aim of the national fuel scheme is to assist householders who are in receipt of long-term social welfare or health board payments and who are unable to provide for their extra heating needs during the winter season.

To qualify for an allowance under the national fuel scheme, an applicant must be in receipt of a qualifying payment, live alone or only with a

[Mr. Brennan.]
 dependant spouse or partner, child or children, or with other eligible recipients and be unable to provide for his or her heating needs from his or her own resources.

People who are in receipt of relevant non-contributory social assistance payments do not have to undergo a further means assessment for fuel allowance purposes. An income test applies in the case of other applicants, whereby they and members of their household may have a combined assessable income of up to €51 a week above the appropriate maximum social welfare rate applicable in their circumstances and still qualify for the fuel allowance.

Based on the new capital means assessment rules that I introduced with effect from 1 June 2005 for old age pension purposes, a fuel allowance applicant may have savings or investments of up to €46,000 above the appropriate maximum Irish contributory pension or benefit rate and qualify for fuel allowance from the start of the next winter heating season.

That formula provides an in-built annual indexation of the eligibility limits for fuel allowance purposes. Those income limits are increased automatically in line with the prevailing rate of the relevant allowance or pension to which the applicant has entitlement.

More generally, the significant increases in recent years in primary social welfare payment rates, such as the old-age pension, have improved the income position for people dependent on the social welfare system. Those rates are payable throughout the year and are intended to cover basic living costs, including cooking and heating, supplemented where applicable by the fuel allowance during the winter heating season. Many households also qualify for electricity or gas allowances throughout the year under the social welfare household benefits scheme. In addition, a heating supplement may be payable through the supplementary welfare allowance scheme in cases of individual special need.

Apart from the indexation of the fuel allowance income limits each year in line with general social welfare pension or benefit increases, there are no plans to increase fuel allowance scheme rates or eligibility criteria. Any such change to the scheme would have to be considered in a budgetary context and in the light of other priorities.

270. **Mr. Bruton** asked the Minister for Social and Family Affairs if he will consider improving the level of fuel support under the free schemes, which are confined to limited assistance on only one or other of electricity or gas bills; and if he will make a statement on the matter. [15132/05]

Minister for Social and Family Affairs (Mr. Brennan): One of the components of the household benefits package is the electricity allowance. That allowance was introduced in 1967 to ensure a basic standard of heat and light for specific targeted groups of people. The electricity allowance

covers normal standing charges and up to 1,800 units of electricity each year.

Over time, the options of claiming bottled gas allowance or electricity — group account — allowance were introduced to facilitate those who were not connected to an electricity supply or were in self-contained accommodation.

The natural gas allowance was introduced as an alternative for those who were connected to a natural gas supply. For those incurring more expenditure on their gas bills than on their electricity bills, having the allowance applied to their gas bill was of more advantage.

A range of proposals has been made to extend the free schemes to include other groups and to increase their value. Those proposals are kept under review in the context of the objectives of the scheme and budgetary resources.

Tax and Social Welfare Codes.

271. **Mr. Bruton** asked the Minister for Social and Family Affairs if his Department has studied the case for reintroducing a pay-related element into sickness benefit, which would be common in social insurance models throughout most of Europe; and if he will make a statement on the matter. [15143/05]

Minister for Social and Family Affairs (Mr. Brennan): The Irish social welfare system is primarily a flat-rate system, and rates of payment under the various schemes are set by reference to the objective of ensuring an income for recipients sufficient to live life with dignity. The policy followed by successive Governments has been to increase the basic levels of payment up to a benchmark level of €150 per week in 2002 terms by 2007.

The payment of a pay-related benefit supplement, or PRB, in addition to disability benefit was phased out with effect from April 1992 as part of the policy of directing available resources towards those most in need by increasing the basic rate of payment rather than through pay-related supplements. That policy is broadly in line with the recommendations of the Commission on Social Welfare.

The basic rate of disability benefit has been significantly increased since 1992. While the cost of living index rose by 39.9% in the period, the rate of disability benefit increased by 100.3%, that is, 2.5 times the rate of inflation. In addition, the rate of disability benefit has increased by significantly more than average industrial earnings, which increased by 81.1% in the period up to December 2004.

Improvements in the basic rate of disability benefit are of benefit to all recipients, whereas PRB was only paid in the case of a minority of recipients — in the region of 20%.

There are no plans for the reintroduction of the pay-related element to disability benefit.

Social Insurance.

272. **Ms Burton** asked the Minister for Social and Family Affairs the outcome of the review of exemptions to PRSI granted to Gama workers according to replies to previous parliamentary questions; the social welfare payments which have been awarded in Turkey on behalf of these workers; and if he will make a statement on the matter. [15193/05]

Minister for Social and Family Affairs (Mr. Brennan): As previously advised, applications for exemption certificates from the company were examined to ensure the qualifying conditions were met. A declaration was obtained from the company that the employees continued to be subject to social insurance in their home country. A request has issued to the relevant social insurance authority to confirm that social insurance contributions were paid in respect of several the workers concerned, and a reply is awaited.

Entitlement to benefits for the employees in question is a matter for the overseas social insurance authority. Information is not available to my Department regarding the benefits paid, if any, to the individuals concerned.

273. **Ms Burton** asked the Minister for Social and Family Affairs the number of exemptions from PRSI which have been granted annually to foreign workers who have been here for fewer than 52 weeks; the countries they have come from; and the companies or persons they have worked for, for each year since 1998 to date. [15194/05]

Minister for Social and Family Affairs (Mr. Brennan): The information sought by the Deputy involves an amount of detail, and I am arranging for it to be forwarded to her at the earliest possible date.

Tax Collection.

274. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the number of civil servants in his Department who have made settlements with the Revenue Commissioners as tax defaulters; his views on whether this is appropriate in view of his Department's auditing role regarding EU and national schemes; and if he will make a statement on the matter. [15258/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department does not hold information regarding the tax affairs of individual staff members.

Social Welfare Fraud.

275. **Mr. Stanton** asked the Minister for Social and Family Affairs if, in view of perceived risks that persons could emigrate while continuing to claim social welfare assistance payments and that such frauds could be facilitated by the adoption of EFT, he has considered an extension of An Post arrangements for unemployment payments

whereby his Department could be enabled to receive precise and detailed information on the cashing or withdrawal patterns adopted by beneficiaries that would help identify potential fraudulent situations; and if he will make a statement on the matter. [15398/05]

Minister for Social and Family Affairs (Mr. Brennan): Risk analysis is a key element of my Department's control strategy. That entails the identification of areas at high risk of fraud and abuse in the various schemes and putting in place appropriate measures to address them systematically. Any risks associated with each claim or payment type are addressed in that context.

Social welfare payments made by direct payment, or EFT, are paid directly into the customer's bank or building society account. My Department is empowered to seek information from claimants of social assistance payments regarding such accounts. Obtaining such information from financial institutions, however, would be subject to the confidentiality of relationships between customers and their bank or building society. The issue of access to account information is one of the matters kept under review in the context of developments in the Department's control strategy.

Previous EFT control projects undertaken regionally had identified that the risks associated with EFT as a payment method lie mainly in the criteria used for placing customers on EFT in the first instance. The Department plans to use the evaluation of the EFT control initiatives to develop such criteria, which may include the requirement for customers to demonstrate an attachment to their area of residence.

276. **Mr. Stanton** asked the Minister for Social and Family Affairs if estimates have been made of the administrative and agency services charge savings for printing, distribution, cashing and reconciling; if any estimates have been made of the potential losses that could occur under EFT systems using the Department's own experience with equivalent systems and the experience of the private pensions industry that would seem to face similar risks; and if he will make a statement on the matter. [15400/05]

Minister for Social and Family Affairs (Mr. Brennan): A strategic review of my Department's future payment requirements has now commenced, with the aim of identifying payment solutions for the future which will be flexible, cost-effective, customer-focused, manageable and accountable.

The study will take account of current market offerings in the financial services sector and future advances in card-based technologies with a view to seeing how future needs might best be met. An inherent part of the study will be to identify the overheads of the different payment methods and to assess the potential savings arising from the adoption of the proposed payment solutions.

[Mr. Brennan.]

No estimate has been made of the potential losses that could occur under the EFT payment system compared with other payment methods. The potential losses associated with any claim are dictated more by the risks associated with a particular claim rather than by the payment method.

Risk analysis is a key element of my Department's control strategy. That entails the identification of areas of risk of fraud and abuse in the various schemes and putting in place appropriate measures to address them systematically. Any risks or losses arising in the context of payment by EFT would be addressed in that context.

Social Welfare Appeals.

277. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason supplementary welfare payment has been refused in the case of a person (details supplied) in County Kildare while her appeal against termination of one-parent family allowance is pending; and if he will make a statement on the matter. [15456/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned had been refused one-parent family payment by my Department on the grounds that she was cohabiting. She has appealed that decision to the social welfare appeals office.

In the light of that situation, the Dublin and mid-Leinster area of the Health Service Executive has advised that it requested the person concerned to clarify her household circumstances so that her continued entitlement to supplementary welfare allowance and rent supplement could be assessed. She failed to provide the clarification sought, and those payments were terminated by the executive accordingly.

The executive has further advised that she has been unsuccessful in appealing against that decision to its area appeals officer. At the request of the person concerned, her case was referred by the executive to the social welfare appeals office for further adjudication, and a decision on that appeal is expected shortly.

Grant Payments.

278. **Mr. Timmins** asked the Minister for Transport if grant assistance is available for a person involved in the road haulage business and who is seeking to expand their operation to keep it viable; and if he will make a statement on the matter. [14891/05]

Minister of State at the Department of Transport (Mr. Callely): My Department does not provide grant assistance for persons involved in the operation of a road haulage business. However, where hauliers are seeking to expand their business, my Department does provide advice to hauliers on the requirements to be met for maintaining their operator's licence, including the financial considerations.

Road Traffic Offences.

279. **Ms O. Mitchell** asked the Minister for Transport if he intends to introduce legislation to permit random testing for drug use by car drivers. [15291/05]

Minister for Transport (Mr. Cullen): The Road Traffic Act 1994 provides that a member of the Garda Síochána may, where he or she is of the opinion that a person in charge of a mechanically propelled vehicle in a public place is under the influence of a drug or drugs to such an extent as to be incapable of having proper control of that vehicle, require that person to go to a Garda station and further require that person to submit to a blood test or to provide a urine sample which will then be subject to analysis by the Medical Bureau of Road Safety.

In regard to roadside testing, the Medical Bureau of Road Safety is aware that screening devices based on oral fluid specimens are being developed for the purpose of carrying out roadside drug testing. Such testing devices are in prototype stages and the MBRS is keeping abreast of developments in this area. There is therefore no feasible basis for the introduction of a scheme of preliminary roadside testing for drugs at this stage.

Rail Network.

280. **Mr. McEntee** asked the Minister for Transport if he has approved the feasibility study completed by Iarnród Éireann, Meath County Council, Fingal County Council and the Dublin Transportation Office on the provision of a rail link between Dublin and Navan; and if he will make a statement on the matter. [15292/05]

Minister for Transport (Mr. Cullen): I understand Iarnród Éireann is examining the feasibility study on the proposed Clonsilla-N3 interchange railway line, in consultation with Meath and Fingal county councils. The next step is for Iarnród Éireann to decide if and how it wishes to proceed with this project and I expect a report will be submitted to my Department in the near future. The question of my approval will only arise following the submission of that report.

Air Safety.

281. **Mr. P. Breen** asked the Minister for Transport, further to Question No. 351 of 15 February 2005, if the scheme showing restrictions that were considered for the purpose of air safety at Shannon Airport was proposed by his Department; the lengths of the then proposed extensions to runways 06/24 and 14/32 or 13/31 that were taken into account in the said scheme; and if he will make a statement on the matter. [15342/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply of 9 March 2005 to his previous Question No. 222 in this matter. I understand the scheme referred to by the Deputy, which was prepared in the late 1960s, envisaged

restrictions relating to runways 05/23 and 18/36 for the purposes of air safety. The further details requested by the Deputy are now the responsibility of the Dublin Airport Authority, formerly Aer Rianta.

Grant Payments.

282. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs if a grant is available for rural electrification schemes for small farms in isolated areas in order to allow electricity to be brought thereto; if he will furnish the relevant information; and if he will make a statement on the matter. [14906/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department administers the farm electrification grants scheme which subsidises the installation of electricity supply to farms located in disadvantaged areas which are without supply or where supply is inadequate. The scheme provides financial assistance to farmers who wish to provide, or increase electricity supply, to their farms. The grant aid available to successful applicants for new or increased supply is 80% of eligible costs to a maximum of €2,032 with any balance to be borne by the applicant. The maximum grant aid for three-phase supply — where a heavier current is required — is €4,064. Intending applicants must apply through their local ESB office where information leaflets and application forms are available.

Irish Language.

283. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the proposals he has to simplify Irish language grammar to enable the language to survive (details supplied); and if he will make a statement on the matter. [15359/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my reply to Question No. 326 of 4 May 2005.

Cúrsaí Pleanála.

284. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil eolas aige faoi chinneadh stairiúil an Bhoird Pleanála maidir le cúrsaí pleanála sa Ghaeltacht agus an bhfuil sé i gceist aige dul i gcomhairle leis an Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil féachaint le rialacháin a dhéanamh faoi alt 33 den Acht um Pleanáil agus Forbairt 2000 a cheanglódh ar lucht forbartha an fhaisnéis chuí a sholáthar chun go n-ullmhófaí ráiteas tionchair teanga neamhspleách maidir le forbairt mholta i limistéir Ghaeltachta. [15719/05]

285. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta i bhfianaise chinneadh stairiúil an Bhoird Pleanála maidir le cúrsaí pleanála sa Ghaeltacht, an bhfuil sé i gceist aige dul i gcomhairle leis an Aire

Comhshaoil, Oidhreacht agus Rialtais Áitiúil féachaint le rialacháin a dhéanamh faoi alt 33 den Acht um Pleanáil agus Forbairt 2000 ar rialacháin iad a cheanglódh ar lucht forbartha an fhaisnéis chuí a sholáthar chun go n-ullmhófaí ráiteas tionchair teanga neamhspleách maidir le forbairt mholta i limistéir Ghaeltachta. [15510/05]

286. D'fhiafraigh **Mr. J. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta i bhfianaise chinneadh stairiúil an Bhoird Pleanála maidir le cúrsaí pleanála sa Ghaeltacht, an bhfuil sé i gceist aige dul i gcomhairle leis an Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil féachaint le rialacháin a dhéanamh faoi alt 33 den Acht um Fhorbairt agus Pleanáil 2000 ar rialacháin iad a cheanglódh ar lucht forbartha an fhaisnéis chuí a sholáthar chun go n-ullmhófaí ráiteas tionchair teanga neamhspleách maidir le forbairt mholta i limistéir Ghaeltachta. [14850/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tógfaigh mé Ceisteanna Uimh. 284 go dtí 286 le chéile.

Mar is eol don Teachta, is í an Roinn Comhshaoil, Oidhreacht agus Rialtais Áitiúil agus na hÚdaráis Áitiúla atá freagrach as cúrsaí pleanála sa Ghaeltacht, ar a n-áirítear cur i bhfeidhm na bhforálacha faoi leith san Acht um Pleanáil agus Forbairt 2000 a bhaineann leis an nGaeltacht féin. Is faoin Roinn sin dá réir atá sé go príomha na himpleachtaí a eascraíonn as na cinní a rinne an Bord Pleanála a mheas agus gníomhú mar is gá faoi réir na reachtaíochta.

I gcomhthéacs chuspóir lárnaigh mo Roinne-se maidir le húsáid na Gaeilge mar phríomh-theanga na Gaeltachta a bhuanú agus a láidirú, áfach, fáiltím roimh an gcinneadh a rinne an Bord Pleanála. Is cosúil go mbeidh gá codán faoi leith de thithe a chur ar leataobh feasta do lucht labhartha na Gaeilge i gcás forbairtí ar nós eastáit tithíochta sa Ghaeltacht. Tá súil agam go mbeidh an beartas seomar thaca praiticiúil chun an Ghaeilge a chothú mar theanga phobail agus teaghlaigh sa Ghaeltacht.

Is fiú a rá freisin gur chuir mo Roinne aighneacht chuig an mBord Pleanála i 2004 chun aird an Bhoird a tharraingt go sonrach ar an gcontúirt a d'fhéadfadh a bheith bainteach le lonnaíocht ar nós eastáit tithíochta i gceantair oifigiúla Gaeltachta. Cuireadh béim ar an ngá le straitéisí réadúla cuí a fhorbairt chun díriú ar riachtanais na gceantar seo i gcomhthéacs teangeolaíoch. Chomh maith leis sin, i 2003 cuireadh aighneachtaí chuig na hÚdaráis Áitiúla ar fad a bhfuil ceantar Gaeltachta faoina gcúram d'fhonn a n-aird a tharraingt ar na dualgais atá orthu i ndáil leis an nGaeilge sa Ghaeltacht i gcomhthéacs an Achta thuasluaite.

Ar mhaithe le cuidiú leis an bpróiseas, tá foghrúpa NASC ag feidhmiú faoi scáth Údarás na Gaeltachta atá ag obair faoi láthair ar dhréacht-threoirlínte. Tá an grúpa seo comhdhéanta d'ionadaíocht ó mo Roinn féin, Údarás na Gaeltachta agus Údarás Réigiúnach an Iarthair,

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chomh maith le Chomhairle Chontae Chorcaí, Comhairle Contae Dhún na nGall, Comhairle Chontae na Gaillimhe, Comhairle Cathrach na Gaillimhe, Comhairle Chontae Chiarraí agus Ollscoil na hÉireann Gaillimh. Tuigtear go bhfuil sé i gceist na treoirfínte seo a eisiúint chomh luath agus a bheidh siad aontaithe.

Ní miste a rá chomh maith go bhfuil mo Roinn i dteagmháil leis an Roinn Comhshaoil, Oidhreacht agus Rialtais Áitiúil faoi chúrsaí pleanála go ginearálta sa Ghaeltacht le tamall anuas d'fhonn na féidearachtaí a chforadh maidir le seimineár a eagrú faoin ábhar. Tá an scéal seo go ginearálta á mheas faoi láthair ag mo Roinn i gcomhar le hÚdarás na Gaeltachta.

Foras na Gaeilge.

287. D'fhiafraigh **Mr. O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé sásta nach bhfuil oiread agus cent amháin á chaitheamh i ndáilcheantar Phort Láirge nó i réigiún an Oirdheiscirt i mbliana (sonraí tugtha) agus an ndéanfaidh se ráiteas ina leith. [14976/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Dírim aird an Teachta ar an bhfreagra a thug mé ar Cheisteanna Uimh. 114 agus 115 uaidh den 17 Feabhra 2005.

Mar a dúirt mé cheana, tuigfidh an Teachta gur cheist d'Fhoras na Gaeilge féin cinntí a dhéanamh maidir le soláthar deontas, i gcomhréir leis an réimse reachtúil ina bhfeidhmíonn sé agus na Pleananna Gnó agus Corparáide atá aige.

EU Directives.

288. **Mr. Ring** asked the Minister for Agriculture and Food the zone in which Mayo is situated in respect of the nitrates directive implementation action plan submitted to the EU in April 2005; the effect this will have on the county; and the areas affected by it. [14839/05]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. For the purposes of the revised action programme, on which my Department has been consulted, Mayo is located in zone B as it was in the earlier version sent to the European Commission in October 2004. The provisions of the action programme will apply to all areas of the county. The general requirements proposed for zone B will include a minimum storage capacity on farms of 18 weeks and prohibitions on landspreading of chemical fertiliser from 15 September to 15 January, of organic fertiliser from 8 October to 15 January and of farmyard manure from 1 November to 15 January.

Farm Retirement Scheme.

289. **Mr. McCormack** asked the Minister for

Agriculture and Food when she intends to implement the findings of the recently published report on the early retirement scheme from farming; and if she will make a statement on the matter. [14840/05]

Minister for Agriculture and Food (Mary Coughlan): I received the report of the Oireachtas Joint Committee on Agriculture and Food 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 itself and of the European Commission regulations under which both the current and previous schemes were introduced.

Grant Payments.

290. **Mr. Perry** asked the Minister for Agriculture and Food if all outstanding payments will be issued for a person (details supplied); and if she will make a statement on the matter. [14848/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted five applications under the 2004 special beef premium scheme, in respect of a total of ten animals. Payment has issued in full in respect of these ten animals. No applications were received under the scheme from the spouse of the person named.

Ten animals eligible under the 2004 slaughter premium scheme were slaughtered under the herd number of the person named. Payment in full has issued in respect of these ten animals. The spouse of the person named had no eligible animals slaughtered under the scheme.

The person named applied for premium on three animals under the 2004 suckler cow premium scheme. Payment of his 60% advance instalment amounting to €403.47 issued on 19 October 2004 and the balancing instalment for €268.98 issued on 1 April 2005. These represent payment in full in respect of the three animals for which application was made. The deceased spouse of the person named was not an applicant under the suckler cow scheme.

The person named has received his full entitlement under the 2004 ewe supplementary premium scheme. The deceased spouse of the person named was not an applicant under the scheme. In addition, the person named has received his full entitlement under the 2004 area based compensatory allowance scheme.

There are no outstanding extensification premium payments due to the person named nor to the estate of the deceased. In regard to the 2004 extensification, applications were lodged under both herd numbers. The stocking density of the holding in the case of the person named amounted to 3.3891 livestock units per hectare. Under EU regulations, where the stocking density of a holding is greater than 1.80 livestock units per hectare, extensification premium cannot be paid. In the case of the second holding, while

the stocking density amounted to only 0.1060 livestock units per hectare, since neither suckler cow premium nor special beef premium applications were lodged under the herd number, the question of payment of 2004 extensification does not arise.

The person named is not an applicant under the on-farm investment schemes or rural environment protection scheme.

291. **Mr. Connaughton** asked the Minister for Agriculture and Food the total amount of entitlements under the single payment scheme for a person (details supplied) in County Galway; if she is aware that for the reference years 2000 to 2002, the land was owned and farmed by this person's father who subsequently legally transferred the farm to him in April 2003; and if she will make a statement on the matter. [14898/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for consideration in respect of both the new entrant and inheritance measures under the single payment scheme. Following processing of his application, the person named was advised his inheritance application was successful. The appropriate entitlements gifted with land during the reference period have been transferred to the person named. The new entrant application was disallowed as no entitlements were established during the reference years 2000 to 2002 by the person named.

A statement of provisional entitlements reflecting the transfer of the proportion of land and entitlements issued to the herdowner on 22 March and a duplicate has now been issued.

292. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason the full entitlements under the single payment scheme for 2002 only has not been granted to a person (details supplied) in County Galway; if she is aware that this person commenced farming in 2002 and is a fully qualified young farmer; if, in the circumstances, the total amount of payments received in 2002 will be translated into this person's single payment entitlements; and if she will make a statement on the matter. [14899/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for consideration in respect of both the new entrant and inheritance measures under the single payment scheme.

Following processing of his application the person named was advised that his application under the inheritance measure was successful. The percentage entitlements gifted with land during the reference period have been transferred to him.

The new entrant application was disallowed as no entitlements were established by the person named during the reference years 2000-2002. A statement of provisional entitlements reflecting the transfer of the proportion of land and entitle-

ments issued to the herdowner on 22 March and a duplicate has now been issued.

Milk Quota.

293. **Mr. Neville** asked the Minister for Agriculture and Food if a person (details supplied) in County Limerick will receive additional quota from the national reserve. [14934/05]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system. It also examines applications from producers whose herds have been restricted by animal disease in the current milk quota year.

The person in question last applied for additional quota on the grounds of hardship in 1997. I understand that he sold his milk quota in 2000 and he is no longer a milk producer. Only active milk producers can apply to the milk quota appeals tribunal for an allocation of additional milk quota from the national reserve.

Livestock Ownership Regulations.

294. **Mr. Ring** asked the Minister for Agriculture and Food the legal authority, including EU and Irish regulations, which empowers her mandatorily to oblige livestock farmers of holdings run under a herd number registered in more than one name to cede legal authority or accountability for key control areas of a joint or multiple owned herd to only one person to be known as the keeper of the animals; the way in which the demand is in compliance with the natural and constitutional principles of fair procedure and equality before the law; the published conditions which entitle her to disqualify farmers, including women and family members with equal or other ownership interest in animals within a holding, from payment of subsidies or other entitlements, or the ownership of animals, when they refuse to comply with the demand; and if she will make a statement on the matter. [14949/05]

307. **Mr. Ring** asked the Minister for Agriculture and Food the legal authority, including EU and Irish regulations, under which she is empowered to force livestock owners in holdings governed by a herd number registered in more than one name to nominate only one person to act as keeper for the herd when the person so nominated would be the only person open to prosecution and, on conviction, potentially liable to heavy fines or imprisonment, in the event of prosecutions connected with such person's area of responsibility being brought before the courts by her Department; her views on whether the imposition of such a draconian requirement on livestock owners is at one with the principles of social justice or in compliance with the natural

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and constitutional principles of fair procedure and equality before the law; and if she will make a statement on the matter. [15353/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 294 and 307 together.

Article 2 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council of 17 July 2000, which established a system for the identification and registration of bovine animals and the labelling of beef and beef products, defines a “keeper” as any natural or legal person responsible for animals whether on a permanent or temporary basis, including during transportation or at a market. In line with this definition, in circumstances where more than one person has an interest in a herd, my Department requires a single person to be nominated as keeper to be the initial point of contact in regard to animal inspections, testing, identification, records etc. to sign documents pertaining to the identification of the animal and to be deemed legally responsible for the day-to-day care and welfare of the animals. It also places a responsibility on the keeper to notify the database of animal births, deaths and movements, to keep the herd register and to sign certain documents such as the animal passport when the keeper takes possession of an animal. The designation of more than one person as keeper would lead to general confusion, possible denial of responsibility, duplication of communication to all named parties difficulties in supply of identification tags and documents and difficulties in prosecutions, all of which could delay immediate action in regard to the prevention of the spread of animal disease and the protection of animal welfare.

With regard to prosecutions for non-compliance with relevant legislation, since the keeper is the person defined in EU and national legislation as being responsible for the animals, he or she will be held responsible before the law for any breaches of this legislation. However, where justified by the evidence available, other persons who have an interest in the herd or who are involved in the maintenance of the herd may also be prosecuted for such breaches.

In regard to entitlements under the various schemes operated by my Department, the keeper role is classified as a non-financial role and payments are made to herdowners rather than to keepers. As stated in my Department’s information note for applicants for a herd or flock number for cattle, sheep and-or goats, which is issued by the district veterinary offices, persons other than keepers who have an interest in the herd may register their interest in the herd as herdowners through form ER1.1 and, accordingly, qualify for payment under these schemes. In view of this, it is not the case that the requirement to designate a single keeper disqualifies some farmers from these schemes.

Grant Payments.

295. **Mr. Hogan** asked the Minister for Agriculture and Food when money will be awarded under the disease eradication scheme under the hardship fund for a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [14980/05]

Minister for Agriculture and Food (Mary Coughlan): The hardship grant is aimed at assisting eligible owners or keepers whose herds are restricted during the period 1 November to 30 April. Under the terms and conditions of hardship grant 2004-2005, payment will not be made where the owner or keeper fails to co-operate with veterinary inspectors or authorised officers in carrying out their duties under the diseases eradication schemes.

In this instance the person concerned had a TB round test on 22 October 2004. Twelve of the 122 animals tested were reactors. The second part of this test was carried out on 26 November and a further two reactors were disclosed. The person concerned did not allow the Department to remove these animals until 14 January 2005, a delay of six weeks, thus disqualifying him for hardship grant due to non-compliance with testing regulations.

Rural Environment Protection Scheme.

296. **Mr. Stanton** asked the Minister for Agriculture and Food the way in which farmers who need to spread slurry on their own land may be affected by building development which is to occur on the boundaries of their land; if the REP scheme guidelines regarding the advice not to spread within 50 m of residents will apply when the housing development is new; and if she will make a statement on the matter. [14981/05]

Minister for Agriculture and Food (Mary Coughlan): It is a condition of REPS that slurry may not be spread within 50 m of any school grounds, public building or amenity area and that there must be no spreading of slurry within 1.5 m of any field boundary.

The specification for REPS planners in the preparation of REPS plans also recommends a buffer strip of up to 50 m where land spreading of animal manures takes place adjacent to housing development. This recommendation applies equally to new and existing housing development.

Grant Payments.

297. **Mr. Perry** asked the Minister for Agriculture and Food the reason a person (details supplied) has not yet received a suckler cow payment; when it will be released; and if she will make a statement on the matter. [14982/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted two applications under the 2004 special beef premium scheme in respect of a total of five animals. The first application, in respect of three animals, was

received on 16 January 2004. The second application, in respect of two animals, was received on 2 November 2004. The 60% advance payments issued on 18 October 2004 and 25 February 2005, respectively. Following computer validation, one of the animals included on the second application was found to be ineligible and was deleted. The balancing payment in respect of the four eligible animals will issue shortly.

The person named applied for premium on nine animals under the 2004 suckler cow premium scheme. Payment of his 60% advance instalment amounting to €1,210.41 issued on 19 October 2004. The application has been processed and found in order for balancing payment. However at balancing payment stage all administrative and on-farm checks in regard to bovine premia applications lodged by the herdowner are carried out on an integrated holding-based approach and payment due in this case under the suckler cow scheme had to be deferred pending processing of his special beef application. As that has been finalised recently, payment of the suckler balancing instalment will issue shortly.

Farm Retirement Scheme.

298. **Mr. Ring** asked the Minister for Agriculture and Food if she will implement the findings of the recently published report on the early retirement scheme for farmers (details supplied). [15050/05]

Minister for Agriculture and Food (Mary Coughlan): I received the report of the Oireachtas joint 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 itself and of the European Commission regulations under which both the current and previous schemes were introduced.

Disadvantaged Areas Scheme.

299. **Mr. Deasy** asked the Minister for Agriculture and Food if new proposals are being discussed by the European Commission for a further extension of the disadvantaged areas scheme; and if she will make a statement on the matter. [15051/05]

Minister for Agriculture and Food (Mary Coughlan): The European Commission's draft regulation governing for the post-2006 rural development framework proposes the reclassification of disadvantaged areas. This proposal responds to the European Court of Auditors' criticism, endorsed by the European Parliament, about the current system. The suggested new methodology would be based on natural conditions, notably soil and climatic factors. The socio-economic criteria that were taken into account to designate the current eligible areas would no longer apply.

In discussions in the Council of Ministers, I have stressed that this is an extremely sensitive issue. Other member states have also highlighted its importance. The Commission has accepted that the original proposal presents difficulties for a number of member states. However, a revised draft regulation circulated by the Presidency on 27 April did not propose any changes to the original text in so far as the disadvantaged areas are concerned. I will continue to seek a solution that is equitable and in Ireland's interests.

Horticulture Sector.

300. **Mr. P. Breen** asked the Minister for Agriculture and Food the number of registered mushroom growers here in 2002, 2003 and 2004. [15144/05]

304. **Mr. Crawford** asked the Minister for Agriculture and Food the number of mushroom growers who have gone out of production over the past ten years; if research has been carried out to find alternative use for these valuable plastic tunnel type structures before they fall into derelict eyesores in rural Ireland; and if she will make a statement on the matter. [15250/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 300 and 304 together.

The number of mushroom growers has decreased from 566 in 1995 to 228 in 2004. The rate of decline increased sharply since 2000. The numbers of growers in the past three years were: 2002, 365 growers; 2003, 289 growers; and 2004, 228 growers. While the number of growers declined over the past ten years, mushroom output increased in the period by approximately 10,000 tonnes due to the increasing scale of the farms remaining in operation.

Mushroom tunnels consist of cladding and an outer layer of plastic. When mushroom production ceases, the insulating material can be removed and the tunnels converted to use for other crops as polythene tunnels for hot or shade houses.

301. **Mr. P. Breen** asked the Minister for Agriculture and Food if assistance will be given to the many mushroom growers who are facing a crisis due to the cheap imports of foreign produce; and if she will make a statement on the matter. [15145/05]

Minister for Agriculture and Food (Mary Coughlan): The quantity of mushrooms imported into Ireland is not significant in terms of our overall production and imports tend to be exotic varieties to meet the demands of niche markets. Total mushroom production in 2004 is estimated at 65,000 tonnes of which some 80% was exported to the UK market where there is strong competition mainly from Dutch and Polish imports.

The difficulties facing the sector were recognised by my colleague, the Minister of State, Deputy Treacy, when as Minister with responsi-

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bility for horticulture in the Department of Agriculture and Food, he established the mushroom task force in December 2003. The report of the task force was published in May last year and considerable progress has been made in the implementation of the recommendations in the report which has the objective of putting the industry on a sound footing and addressing the competitive threats facing the sector.

Significant support is provided to the mushroom sector through the EU producer organisation scheme which is operated by my Department. Approximately 90% of mushroom output now goes through the scheme and over the past three years €11.5 million has been paid out to the producer organisations involved.

My Department also supports the mushroom sector through the grant aid scheme for capital investment under the National Development Plan 2000-2006 and to date, €2.6 million has been paid to growers for the modernisation and improvement of their facilities. For this year's scheme, applications have been received from 40 mushroom growers in respect of proposed investments of €7.6 million. My colleague, the Minister of State, Deputy Brendan Smith, will announce the grant aid package details shortly.

Question No. 302 withdrawn.

Agriculture Sector Developments.

303. **Mr. P. Breen** asked the Minister for Agriculture and Food the measures she is considering to protect small farm producers of agricultural produce from low cost imports, including producers in the most recent round of EU accession states; and if she will make a statement on the matter. [15185/05]

Minister for Agriculture and Food (Mary Coughlan): Trade in agricultural products among member countries of the World Trade Organisation, WTO, is regulated by agreements concluded between the members of that organisation. Negotiations on a new agreement have been under way for some time and are expected to conclude at the WTO ministerial conference in Hong Kong in December 2005. While the Commission negotiates on behalf of the EU on the basis of a mandate agreed by the Council of Ministers, my objective is to ensure that Ireland will remain competitive on the domestic and EU markets as a result of the level of tariff protection that will apply on imports from third countries under the new agreement.

Trade between Ireland and other member states is subject to EU internal market rules which preclude action against imports from another member state except in the most exceptional circumstances such as risk to human health or outbreak of serious animal disease.

Question No. 304 answered with Question No. 300.

Farm Retirement Scheme.

305. **Ms Enright** asked the Minister for Agriculture and Food if her attention has been drawn to the report on the early retirement scheme for farmers compiled by the Oireachtas Joint Committee on Agriculture and Food; her views on this report; if she intends to implement it; and if she will make a statement on the matter. [15251/05]

Minister for Agriculture and Food (Mary Coughlan): I received the report of the Oireachtas joint 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 itself and of the European Commission regulations under which both the current and previous schemes were introduced.

Tax Code.

306. **Mr. P. McGrath** asked the Minister for Agriculture and Food the number of civil servants in her Department who have made settlements with the Revenue Commissioners as tax defaulters; her views on whether this is appropriate in view of her Department's auditing role in relation to EU and national schemes; and if she will make a statement on the matter. [15252/05]

Minister for Agriculture and Food (Mary Coughlan): Compliance with the taxation code is primarily a matter for individual taxpayers and the Revenue Commissioners.

Question No. 307 answered with Question No. 294.

Grant Payments.

308. **Mr. Hayes** asked the Minister for Agriculture and Food the number of herdowners who have entitlement under the new single farm payment scheme. [15354/05]

Minister for Agriculture and Food (Mary Coughlan): The number of herdowners who currently have entitlements established under the single payment scheme is 136,985.

309. **Mr. Deenihan** asked the Minister for Agriculture and Food if she will review the level of suckler cow payment made to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [15355/05]

Minister for Agriculture and Food (Mary Coughlan): The person named applied for premium on 34 animals under the 2004 suckler cow premium scheme. Under the terms and conditions of the scheme a producer may be paid premium on up to 1.8 reckonable livestock units only per hectare of forage area as established from the producer's 2004 area aid application.

The forage area on record for the person named is 24.06 hectares, which entitles him to premia payment on a maximum of 43.3 livestock

units. As he has already been paid premium in respect of 14.4 special beef livestock units the most he can get paid on under the suckler cow scheme is 28.9 livestock units.

His payments of €4,572.66 on 18 October 2004 and €2,443.23 on 18 April 2005 are in respect of these 28.9 livestock units, that is, six heifers under two years at 0.6 which equals 3.6 livestock units and 25.3 cows-heifers over two years which equals 25.3 livestock units. This is his maximum entitlement under the 2004 suckler cow premium scheme and he can be paid no more under it.

310. **Mr. Connaughton** asked the Minister for Agriculture and Food the single payment entitlements for a person (details supplied) in County Galway; and if she will make a statement on the matter. [15375/05]

Minister for Agriculture and Food (Mary Coughlan): The person named has a reference amount of €52.80 under the single payment scheme. This amount will be payable to him provided he submits a single payment application form on or before 16 May with details of the forage area farmed by him in 2005.

311. **Mr. Lowry** asked the Minister for Agriculture and Food the steps she is taking to rectify the anomaly created by the special beef premium overshoot; her plans to compensate farmers; the outcomes of discussions on the matter with the EU Commission; and if she will make a statement on the matter. [15466/05]

312. **Mr. Lowry** asked the Minister for Agriculture and Food if compensation and payment to affected farmers will be arranged in view of the decimating impact of the special beef premium overshoot on the farm income of many beef finishers. [15467/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 311 and 312 together.

I made arrangements last month to expedite balancing payments to farmers affected by the special beef premium quota excess, based on an estimated overshoot reduction. Over the last three weeks, €83 million has been paid to special beef, suckler cow and slaughter premium applicants, with the bulk of this going to farmers with more than 25 special beef premium animals.

I have also raised the matter of the overshoot with the European Commission, pointing out that it was never the intention of the mid-term reform of the CAP that farmers would be disadvantaged in the transition to the single payment scheme. As the extent of the special beef premium quota excess is linked to the move to full decoupling of direct payments in 2005, I have asked the Commission to address the problem as a matter of urgency.

I will pursue this matter vigorously with the EU Agriculture Commissioner, but it is necessary to

give the Commission sufficient time to examine the submissions made to it by my Department.

Compulsory Purchase Orders.

313. **Mr. Lowry** asked the Minister for Agriculture and Food her views on the farm consolidation and the impact of compulsory purchase orders on farm holdings; and if she will make a statement on the matter. [15468/05]

Minister for Agriculture and Food (Mary Coughlan): Low levels of land mobility as well as the small, fragmented nature of farm holdings have always been regarded as obstacles to the development of a competitive agrifood sector. The development of an Irish agrifood sector that is internationally competitive continues to be a priority for my Department and this will become even more critical following the switch to the single payment scheme. At farm level, many producers will be required to increase the scale of their farming enterprises to operate on full-time competitive basis.

To facilitate the development of a competitive agrifood sector, my Department offers a range of supports aimed at improving the viability of farm holdings. These include on-farm investment grants as well as measures to support land mobility such as installation aid and an early retirement scheme. A range of reliefs are available through the taxation system with objectives to reduce costs associated with the exchange of farm land. For example, 100% stamp duty relief on farm transfers to young trained farmers, 90% agricultural relief on capital acquisitions tax, 100% stock relief for four years from setting up as a young trained farmer, and retirement relief from capital gains tax on disposals of up to €500,000 by farmers over 55 years.

Furthermore, there is a generous income tax exemption for land leased out on a long-term basis. This is available to farmers over 40 years who lease out land to non-family members for a period of five years or more. Last year's budget made a provision for stamp duty relief, worth €1 million in a full year, for farmers who exchange land for the specific purpose of consolidating their farm holdings. This relief will allow farmers who exchange farm land for the purposes of consolidating their holdings to pay stamp duty only in respect of the amount equal to the difference in the values of the lands concerned, which must be payable in cash. This relief is to be available for a two-year period from 1 July 2005 to 30 June 2007.

These positive measures provide valuable relief to farmers wishing to develop the viability of their farms through consolidation or other means and will help reduce some of the high costs associated with the exchange of farm land allowing farmers to farm more efficiently in the post decoupled era.

In regard to compulsory purchase orders, the power of public authorities to compulsorily acquire property required for the performance of

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 their functions in the overall community interest has long been a feature of the law. While this can create difficulties for farmers and farm consolidation, landowners whose property is compulsorily acquired are adequately compensated. Compensation packages include one or more of the following elements: the market value of the property acquired; damage arising from the severance of land acquired from land retained by the owner; and damage arising from the injurious affection of lands retained, and disturbance and other matters not related to the value of land.

Apart from the above statutory compensation, under a 2001 agreement between the National Roads Authority and farmer representatives, where land is compulsorily acquired or to be acquired in relation to national roads development under the National Development Plan 2000-2006, a fixed payment of €5,000 per acre is paid to the landowner, in addition to all other payments.

Child Care Services.

314. **Mr. N. O'Keefe** asked the Minister for Justice, Equality and Law Reform the grants which are available to develop a pre-school facility for children aged three to five years both in terms of capital grant for the development of the facility and for maintenance of same once developed. [14835/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The equal opportunities child care programme, EOCP, 2000-2006, is a central pillar in the Government's child care strategy and is intended to increase the availability and quality of child care supports for parents in employment, education or training. The programme is funded by the Exchequer and the European Union Structural Funds as part of the regional operational programmes of the national development plan.

The programme makes capital grant assistance available to community-based, not for profit organisations to build, renovate or equip a child care service if their proposal meets with the objectives of the EOCP programme. In areas of significant disadvantage, multi-annual staffing grants may be available to community based groups which are providing child care which meets the needs of disadvantaged parents to enable them to avail of work, education or training opportunities. Capital grants are also made available to self employed-private providers to build, renovate, upgrade or equip child care facilities. In this regard, capital grant assistance of 65% of the cost of the project up to a maximum of €50,790 may be available.

The principles of the programme state, *inter alia*, that child care is the provision of daycare facilities and services for pre-school children and for schoolgoing children out of school hours. To receive grant support, an application must show that the proposed service will facilitate parents to avail of employment, educational or training

opportunities; be sustainable; be of high quality; have sound management, a good child care programme and training; represent value for money; and not displace existing facilities.

Area Development Management, ADM, Limited, which administers the grant assistance applications on behalf of my Department, carries out a technical assessment of each project to ensure that the project meets with the EOCP criteria. When the assessment is completed, ADM makes a recommendation regarding the allocation of funding which is then considered by the programme appraisal committee, chaired by my Department, before I make a final decision on the application.

Crime Levels.

315. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Mullingar area, County Westmeath for the years 2000 to 2004, inclusive; if he will give consideration to establishing a full time Garda station in the area given the rapidly increasing population; and if he will make a statement on the matter. [14868/05]

316. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Mullingar area for the years 2000 to 2004, inclusive; if he will establish a full-time Garda station in the area in view of the fact that the population has rapidly increased; and if he will make a statement on the matter. [14869/05]

317. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Athlone area, County Westmeath for the years 2000 to 2004; if he will give consideration to establishing a full time Garda station in the area given the rapidly increasing population; and if he will make a statement on the matter. [14870/05]

318. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Athlone area for the years 2000 to 2004, inclusive; if he will establish a full-time Garda station in the area in view of the fact that the population has rapidly increased; and if he will make a statement on the matter. [14871/05]

319. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Kinnegad area, County Westmeath for the years 2000 to 2004 inclusive; if he will give consideration to establishing a full-time Garda station in the area given the rapidly increasing population; and if he will make a statement on the matter. [14872/05]

320. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Kinnegad area for the years 2000 to 2004 inclusive; if he will establish a full-time Garda station in the area in view of the fact that the population has rapidly increased; and if he will make a statement on the matter. [14873/05]

321. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Moate area, County Westmeath for the years 2000 to 2004, inclusive; if he will give consideration to establishing a full-time Garda station in the area given the rapidly increasing population; and if he will make a statement on the matter. [14874/05]

322. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Moate area for the years 2000 to 2004, inclusive; if he will establish a full time Garda station in the area in view of the fact that the population has rapidly increased; and if he will make a statement on the matter. [14875/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 315 to 322, inclusive, together.

In regard to crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population

to 6 per 1,000 over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts in the country.

In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

I have been informed by the Garda authorities that Mullingar Garda station which covers the Kinnegad area and Athlone Garda station which covers the Moate area are open to the public on a 24-hour basis. Accordingly, the gardaí attached to both of these stations provide a 24-hour service to their respective districts. Resources are augmented from within the district-division as required. The area is also patrolled by the divisional traffic unit on an ongoing basis.

The Garda authorities have further informed me that the following tables show the headline offences for the years 2000 to 2004, inclusive, for the Mullingar Garda district and the Athlone Garda district.

Table 1

Headline Offences Recorded and Detected for Mullingar Garda District from 2000 to 2004*

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	2	2	0	0	0	0
Assault	14	13	23	20	51	41	38	31	35	24
Sexual Offences	6	4	14	10	28	16	33	24	34	22
Arson	6	4	10	2	16	7	11	3	14	2
Drugs	2	2	9	9	15	15	15	15	11	11
Thefts	240	127	276	113	468	157	451	106	520	133
Burglary	142	51	181	61	208	26	278	35	230	11
Robbery	7	6	7	2	17	5	11	4	6	1
Fraud	39	29	57	51	57	24	42	26	45	34
Other	0	0	9	6	24	14	13	7	6	3
Total	456	236	586	274	886	307	892	251	901	241

*Statistics for 2004 are provisional/operational and liable to change.

Table 2

Headline Offences Recorded and Detected for Athlone Garda District from 2000 to 2004*

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	2	2	3	3	0	0	1	0	0	0
Assault	7	5	17	16	80	68	41	38	35	27
Sexual Offences	9	8	10	5	15	6	16	6	11	1
Arson	1	0	3	1	4	1	11	3	15	2
Drugs	4	4	9	9	41	41	20	20	22	22

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Thefts	320	176	422	192	550	216	606	211	463	133
Burglary	211	61	185	34	283	85	287	56	267	43
Robbery	11	8	25	15	24	14	19	7	23	11
Fraud	38	35	52	43	36	24	15	10	37	22
Other	2	1	2	0	29	10	5	5	7	3
Total	605	300	728	318	1,062	465	1,021	356	880	264

*Statistics for 2004 are provisional/operational and liable to change.

323. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Castlepollard area, County Westmeath for the years 2000 to 2004 inclusive; if he will give consideration to establishing a full time Garda station in the area given the rapidly increasing population; and if he will make a statement on the matter. [14876/05]

324. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Castlepollard area for the years 2000 to 2004 inclusive; if he will establish a full time Garda station in the area in view of the fact that the population has rapidly increased; and if he will make a statement on the matter. [14877/05]

325. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Kilbeggan area, County Westmeath for the years 2000 to 2004 inclusive; if he will give consideration to establishing a full time Garda station in the area given the rapidly increasing population; and if he will make a statement on the matter. [14878/05]

326. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Kilbeggan area for the years 2000 to 2004 inclusive; if he will establish a full time Garda station in the area in view of the fact that the population has rapidly increased; and if he will make a statement on the matter. [14879/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 323 to 326, inclusive, together.

As regards crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to 6 per 1,000 over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account must also be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

The Garda authorities inform me that Athlone garda station which covers the Kilbeggan area and Granard garda station which covers the Castlepollard area are open to the public on a 24-hour basis. Accordingly, gardaí attached to both of these stations provide a 24-hour service to their respective districts. Resources are augmented from within the district or division as required. The area is also patrolled by the divisional traffic unit on an ongoing basis.

The following tables show the headline offences for the years 2000 to 2004 inclusive for the Granard Garda district and the Athlone Garda district.

Table 1

Headline Offences Recorded and Detected for Granard Garda district from 2000 to 2004:

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	7	6	15	11	16	14	16	13	11	11
Sexual Offences	5	2	8	1	8	4	7	4	9	7
Arson	1	1	0	0	4	4	9	5	11	0
Drugs	0	0	0	0	1	1	1	1	0	0
Thefts	59	20	69	21	125	16	114	30	129	28

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Burglary	94	25	70	25	84	12	101	12	110	7
Robbery	0	0	0	0	4	1	2	0	6	1
Fraud	8	5	4	3	10	2	5	4	7	5
Other	1	1	3	0	5	1	9	9	7	5
Total	175	60	169	61	257	55	264	78	290	64

*It should be noted that statistics for 2004 are provisional or operational and are liable to change.

Table 2

Headline Offences Recorded and Detected for Athlone Garda district from 2000 to 2004

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	2	2	3	3	0	0	1	0	0	0
Assault	7	5	17	16	80	68	41	38	35	27
Sexual Offences	9	8	10	5	15	6	16	6	11	1
Arson	1	0	3	1	4	1	11	3	15	2
Drugs	4	4	9	9	41	41	20	20	22	22
Thefts	320	176	422	192	550	216	606	211	463	133
Burglary	211	61	185	34	283	85	287	56	267	43
Robbery	11	8	25	15	24	14	19	7	23	11
Fraud	38	35	52	43	36	24	15	10	37	22
Other	2	1	2	0	29	10	5	5	7	3
Total	605	300	728	318	1,062	465	1,021	356	880	264

*The statistics for 2004 are provisional or operational and liable to change.

327. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform the details of the headline offences recorded and detailed for each of the districts within the Dublin metropolitan area in the years 1997, 2000 and 2004. [14882/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As regards, crime figures the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to 6 per 1,000 over the longer period of 11

quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

I am informed by the Garda authorities that the following tables show the headline offences by group for the years 2000 and 2004 in the Dublin metropolitan area. Comparable figures for the year 1997 are not available. Statistics for 2004 are operational and liable to change.

Table 1

Blackrock	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	0	0	0	0
Group 2 Assaults	12	10	46	24
Group 3 Sexual Offences	11	9	21	9

Blackrock	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 4 Arson	10	6	33	5
Group 5 Drugs	9	9	29	28
Group 6 Thefts	1,038	322	1,080	308
Group 7 Burglaries	626	203	744	89
Group 8 Robberies	71	44	94	53
Group 9 Frauds	97	90	33	23
Group 10 Other Headline Offences	2	2	3	1
Total	1,876	695	2,083	540

Table 2

Blanchardstown	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	1	0	4	2
Group 2 Assaults	30	13	146	50
Group 3 Sexual Offences	8	5	82	51
Group 4 Arson	18	3	53	1
Group 5 Drugs	21	21	65	65
Group 6 Thefts	953	363	1,952	567
Group 7 Burglaries	633	182	870	58
Group 8 Robberies	117	41	201	29
Group 9 Frauds	24	19	76	38
Group 10 Other Headline Offences	16	7	105	38
Total	1,821	654	3,554	899

Table 3

Bray	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	0	0	2	1
Group 2 Assaults	15	10	70	29
Group 3 Sexual Offences	14	11	34	13
Group 4 Arson	23	14	25	1
Group 5 Drugs	21	21	27	27
Group 6 Thefts	727	158	952	184
Group 7 Burglaries	625	167	690	70
Group 8 Robberies	46	17	50	11
Group 9 Frauds	36	34	35	16
Group 10 Other Headline Offences	0	0	15	5
Total	1,507	432	1,900	357

Table 4

Bridewell	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	1	1	2	1
Group 2 Assaults	28	15	70	40
Group 3 Sexual Offences	47	44	22	18
Group 4 Arson	16	1	15	0

Bridewell	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 5 Drugs	28	28	65	65
Group 6 Thefts	602	187	732	177
Group 7 Burglaries	246	131	214	44
Group 8 Robberies	85	34	53	25
Group 9 Frauds	7	5	29	17
Group 10 Other Headline Offences	3	3	18	13
Total	1,063	449	1,220	400

Table 5

Clondalkin	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	0	0	1	1
Group 2 Assaults	70	49	94	59
Group 3 Sexual Offences	12	8	28	14
Group 4 Arson	36	5	51	4
Group 5 Drugs	81	81	94	94
Group 6 Thefts	1,047	338	1,059	216
Group 7 Burglaries	460	128	536	65
Group 8 Robberies	166	81	72	17
Group 9 Frauds	17	11	131	107
Group 10 Other Headline Offences	24	11	49	27
Total	1,913	712	2,115	604

Table 6

Coolock	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	1	1	0	0
Group 2 Assaults	46	41	86	57
Group 3 Sexual Offences	19	12	66	49
Group 4 Arson	25	4	44	4
Group 5 Drugs	67	67	95	95
Group 6 Thefts	889	311	1,386	394
Group 7 Burglaries	371	114	673	72
Group 8 Robberies	83	40	87	37
Group 9 Frauds	14	10	45	29
Group 10 Other Headline Offences	9	4	47	13
Total	1,524	604	2,529	750

Table 7

Crumlin	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	0	0	0	0
Group 2 Assaults	33	18	71	47
Group 3 Sexual Offences	14	13	30	18
Group 4 Arson	37	13	55	3
Group 5 Drugs	52	52	40	40

Crumlin	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 6 Thefts	517	188	796	268
Group 7 Burglaries	490	163	502	87
Group 8 Robberies	80	43	60	18
Group 9 Frauds	12	8	45	27
Group 10 Other Headline Offences	5	3	26	13
Total	1,240	501	1,625	521

Table 8

Donnybrook	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	1	1	2	1
Group 2 Assaults	13	11	35	21
Group 3 Sexual Offences	19	19	23	15
Group 4 Arson	10	0	20	9
Group 5 Drugs	3	3	6	6
Group 6 Thefts	977	274	1,046	198
Group 7 Burglaries	434	241	663	99
Group 8 Robberies	43	25	54	27
Group 9 Frauds	18	15	46	36
Group 10 Other Headline Offences	2	2	14	7
Total	1,520	591	1,909	419

Table 9

Dún Laoghaire	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	0	0	1	1
Group 2 Assaults	13	11	42	24
Group 3 Sexual Offences	5	4	52	39
Group 4 Arson	11	9	26	3
Group 5 Drugs	49	49	29	29
Group 6 Thefts	969	390	1,013	347
Group 7 Burglaries	639	113	638	81
Group 8 Robberies	40	21	52	15
Group 9 Frauds	18	15	31	17
Group 10 Other Headline Offences	0	0	10	8
Total	1,744	612	1,894	564

Table 10

Fitzgibbon Street	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	2	1	6	4
Group 2 Assaults	54	27	126	79
Group 3 Sexual Offences	27	16	28	14
Group 4 Arson	25	3	43	8
Group 5 Drugs	82	82	112	111
Group 6 Thefts	1,020	356	1,400	399

Fitzgibbon Street	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 7 Burglaries	499	234	575	114
Group 8 Robberies	130	54	152	58
Group 9 Frauds	21	15	53	26
Group 10 Other Headline Offences	12	7	99	74
Total	1,872	795	2,594	887

Table 11

Kevin Street	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	3	2	4	4
Group 2 Assaults	28	18	101	42
Group 3 Sexual Offences	26	17	26	6
Group 4 Arson	27	1	25	3
Group 5 Drugs	89	89	227	227
Group 6 Thefts	1,260	338	1,266	202
Group 7 Burglaries	556	204	723	134
Group 8 Robberies	182	42	168	51
Group 9 Frauds	10	5	46	28
Group 10 Other Headline Offences	8	7	39	15
Total	2,189	723	2,625	712

Table 12

Lucan	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	1	1	2	2
Group 2 Assaults	34	23	103	48
Group 3 Sexual Offences	15	12	57	28
Group 4 Arson	20	4	32	4
Group 5 Drugs	37	37	92	92
Group 6 Thefts	862	352	1,194	348
Group 7 Burglaries	431	149	445	20
Group 8 Robberies	82	37	85	13
Group 9 Frauds	12	7	50	30
Group 10 Other Headline Offences	10	10	32	12
Total	1,504	632	2,092	597

Table 13

Pearse Street	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	0	0	4	1
Group 2 Assaults	54	25	145	70
Group 3 Sexual Offences	24	19	28	8
Group 4 Arson	17	3	12	2
Group 5 Drugs	71	71	179	179
Group 6 Thefts	4,639	1,418	4,029	1,268
Group 7 Burglaries	661	266	583	109

Pearse Street	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 8 Robberies	256	99	183	67
Group 9 Frauds	76	52	115	59
Group 10 Other Headline Offences	11	9	16	6
Total	5,809	1,962	5,294	1,769

Table 14

Raheny	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	0	0	0	0
Group 2 Assaults	20	10	60	32
Group 3 Sexual Offences	24	22	17	9
Group 4 Arson	28	1	22	4
Group 5 Drugs	31	31	37	37
Group 6 Thefts	824	245	968	206
Group 7 Burglaries	606	179	761	206
Group 8 Robberies	135	63	118	57
Group 9 Frauds	37	30	40	22
Group 10 Other Headline Offences	8	8	7	5
Total	1,713	589	2,030	578

Table 15

Santry	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	3	3	17	14
Group 2 Assaults	69	59	179	146
Group 3 Sexual Offences	23	21	27	12
Group 4 Arson	8	6	21	4
Group 5 Drugs	68	68	64	64
Group 6 Thefts	842	389	1,048	326
Group 7 Burglaries	571	273	666	158
Group 8 Robberies	59	31	102	37
Group 9 Frauds	29	26	215	125
Group 10 Other Headline Offences	20	19	72	58
Total	1,692	895	2,411	944

Table 16

Store Street	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	0	0	0	0
Group 2 Assaults	39	21	89	61
Group 3 Sexual Offences	14	9	19	13
Group 4 Arson	9	1	16	1
Group 5 Drugs	53	53	107	106
Group 6 Thefts	4,200	2,352	4,198	2,488

Store Street	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 7 Burglaries	373	117	279	93
Group 8 Robberies	147	31	92	24
Group 9 Frauds	47	35	99	51
Group 10 Other Headline Offences	3	2	21	11
Total	4,885	2,621	4,920	2,848

Table 17

Tallaght	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	3	2	2	2
Group 2 Assaults	56	35	183	88
Group 3 Sexual Offences	29	21	91	32
Group 4 Arson	39	4	74	8
Group 5 Drugs	47	47	73	73
Group 6 Thefts	1,390	498	2,409	859
Group 7 Burglaries	703	170	1,042	94
Group 8 Robberies	190	82	172	48
Group 9 Frauds	58	53	57	31
Group 10 Other Headline Offences	29	16	80	58
Total	2,544	928	4,183	1,293

Table 18

Terenure	2000		2004	
	Recorded	Detected	Recorded	Detected
Group 1 Homicides	2	1	0	0
Group 2 Assaults	20	12	43	25
Group 3 Sexual Offences	11	3	26	10
Group 4 Arson	12	2	31	5
Group 5 Drugs	11	11	18	18
Group 6 Thefts	840	191	854	187
Group 7 Burglaries	684	189	727	64
Group 8 Robberies	59	30	55	18
Group 9 Frauds	14	5	44	27
Group 10 Other Headline Offences	4	3	11	6
Total	1,657	447	1,809	360

Asylum Support Services.

328. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform if he is satisfied that the accommodation at a location (details supplied) in County Limerick is suitable hostel accommodation for non-national mothers and babies; if the recent outbreak of illness which affected mothers and babies is not connected to the water supply; if his attention has been drawn to the fact that the location is isolated in woodland and that residents find it very difficult to settle; if, taking all the factors into account, the

transfer of these persons to a more suitable location will be expedited and use of the facility discontinued; and if he will make a statement on the matter. [14883/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Reception and Integration Agency, RIA, continues to operate under pressure in meeting the accommodation and ancillary needs of asylum seekers against a backdrop of a severe shortage of suitable accommodation of every type in the State. The number of asylum seekers currently accommodated is more than 8,000.

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Against this background, the RIA entered into a short-term contract for the provision of emergency full board accommodation at the Mount Trenchard hostel in Foynes. The hostel is used to accommodate asylum seekers who have made an application for leave to remain in the State on the basis of an Irish-born child. It is anticipated that all such applications will have been processed by the end of June. The majority of residents at the centre have submitted asylum applications between six and 24 months ago and had previously been accommodated in RIA accommodation. However, they subsequently abandoned the accommodation originally provided and have recently returned seeking to be re-accommodated. There is a free crèche provided for children on site for three mornings each week and the RIA has provided a bus service that runs four times per day, Monday to Friday, and twice per day, Saturday and Sunday, into Foynes; three times per week into Newcastle West; and once per week into Limerick City. In addition, residents can avail of the normal Bus Éireann service that passes within close proximity of the centre. The local support group visits the centre on a weekly basis and has plans to provide English classes, musical therapy sessions and other activities for residents.

The RIA understands from local medical personnel that there was no reason to suspect that the recent outbreak of illness was connected to the water supply. Some residents in the centre did receive medical treatment for sickness or vomiting. However, the RIA has been informed that the medical personnel who attended the residents returned to the centre to advise residents and management of the position and that the symptoms were not serious.

I am informed by the RIA that there has been a recent issue in relation to water pressure or supply from a local well. This matter was appropriately addressed by the contractor who consulted with the local Health Service Executive. In addition to procedures undertaken to flush out the well, a new water pump was installed to remedy the problem. A UV light water treatment plant has also been installed and continues to be tested. This treatment plant is due to come into operation after 10 May. Bottled drinking water is being made available for the residents on a 24-hour basis in the interim.

As in all accommodation centres that house asylum seekers, medical services, education etc. are made available to residents on the same basis as for the indigenous population. All contractors are obliged, on foot of their memorandum of agreement with the RIA, to ensure that their premises complies with and operates in accordance with all relevant statutory requirements of local authorities pertaining to planning, building, by-laws, bedroom capacity, food, food hygiene, water supply, sewage disposal, fire precautions,

and general safety, including: European Communities (Hygiene of Foodstuffs) Regulations 2000; European Communities (Official Control of Foodstuffs) Regulations 1998; Fire Services Act 1981; Food Hygiene Regulations 1950 to 1989; Health, Safety and Welfare at Work Act 1989; Housing Acts 1966 to 2002; Planning and Development Act 2000 and the Planning and Development (Amendment) Act 2002; Drinking Water Regulations 1988; Employment Permit Act 2003; Tourist Traffic Acts 1939 to 1995; and any statutory modification or re-enactment of same and any other relevant Act or Regulations as may be notified by the Minister to the proprietor or contractor.

The memorandum of agreement places other obligations on the contractor in respect of reception, management and staff issues, menus and food for infants and schoolgoing children, maintenance of the property and fire and safety standards. It is the policy of the RIA to conduct regular comprehensive inspections on properties used to house asylum seekers. These inspections are carried out internally by RIA staff and externally by an independent company who have stated experience in hazard and critical control point, HACCP, analysis and fire safety. In addition, all premises are subject to inspection by the local environmental health officer and fire officer.

Having regard to severe constraints under which the RIA continues to operate, it has no plans at this point in time to discontinue use of the hostel. Transfer applications from residents are processed in the normal manner and will be considered in the light of the personal circumstances of the applicant and the availability of alternative accommodation.

Visa Applications.

329. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform if he will reconsider an application for leave to enter by persons (details supplied). [14893/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The applications in question were received in my Department in February 2005. When assessing applications, the visa officer will consider, among other factors, whether the level of salary of the worker would come within the ambit of qualifying for payment from public funds. In this regard, the criteria set by the Department of Social and Family Affairs for eligibility for family income supplement, FIS, is used. The criteria, which may change from time to time, are available on that Department's website www.welfare.ie/publications/sw22.html.

If the level of the worker's income as evidenced by his or her payslips or P60 would qualify for FIS payments, the application for the visa is generally refused as it is evident that the family can seek recourse to public funds. The visa officer will

expect to see sufficient evidence of the financial status of the applicant in the form of several pay-slips, and detailed bank statements covering at a minimum a two to three-month period. The documentation supplied should demonstrate a consistent financial history and evidence of regular income.

On the basis of the information supplied, the applications were refused as it was deemed that the respective spouses would be unable to support the applicants without recourse to public funds.

Each of the applicants received the reasons for refusal of the visa by post, which included information regarding the process of appeal of refusal decisions. As the time has elapsed for receipt of an appeal, it is now open to the applicants to make fresh applications with up-to-date supporting documentation and the applications will be considered anew.

Crime Levels.

330. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the crime statistics for the area covered by Dundrum Garda station for the years 2000 to 2004, inclusive. [14894/05]

Headline Offences Recorded and Detected for Blackrock Garda district from 2000 to 2004

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	12	10	39	30	49	36	45	32	46	24
Sexual Offences	11	9	11	10	54	47	25	14	21	9
Arson	10	6	23	6	36	15	22	1	33	5
Drugs	9	9	15	15	30	30	21	21	29	28
Thefts	1,038	322	905	274	1,105	304	1,019	288	1,080	308
Burglary	626	203	626	172	749	111	706	72	744	89
Robbery	71	44	76	36	79	26	74	26	94	53
Fraud	97	90	82	73	62	39	68	43	33	23
Other	2	2	13	11	18	17	14	14	3	1
Total	1,876	695	1,790	627	2,182	625	1,994	511	2,083	540

*The statistics for 2004 are provisional or operational and liable to change.

331. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the crime statistics for the area covered by Stepside Garda station for the years 2000 to 2004, inclusive. [14895/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As regards crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution

Minister for Justice, Equality and Law Reform (Mr. McDowell): As regards crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to 6 per 1,000 over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999 which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

I am informed by the Garda authorities that the following table shows the headline crime statistics by groups from 2000 to 2004 for the Blackrock Garda district which covers the Dundrum area.

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into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

I am informed by the Garda authorities that the following table shows the headline crime by groups from 2000 to 2004 for the Blackrock Garda district which covers the Stepside area.

Headline Offences Recorded and Detected for Blackrock Garda district from 2000 to 2004

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	12	10	39	30	49	36	45	32	46	24
Sexual Offences	11	9	11	10	54	47	25	14	21	9
Arson	10	6	23	6	36	15	22	1	33	5
Drugs	9	9	15	15	30	30	21	21	29	28
Thefts	1,038	322	905	274	1,105	304	1,019	288	1,080	308
Burglary	626	203	626	172	749	111	706	72	744	89
Robbery	71	44	76	36	79	26	74	26	94	53
Fraud	97	90	82	73	62	39	68	43	33	23
Other	2	2	13	11	18	17	14	14	3	1
Total	1,876	695	1,790	627	2,182	625	1,994	511	2,083	540

*The statistics for 2004 are provisional or operational and liable to change.

332. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the crime statistics for the area covered by Rathfarnham Garda station for the years 2000 to 2004, inclusive. [14896/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As regards crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 popu-

lation to 6 per 1,000 over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999 which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

I am informed by the Garda authorities that the Rathfarnham area is part of the Tallaght district. The following table shows the headline offences by group from 2000 to 2004 in Tallaght Garda district.

Headline Offences Recorded and Detected for Tallaght district 2000 to 2004

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	3	2	3	3	6	4	1	0	2	2
Assault	56	35	146	100	213	139	189	123	183	86
Sexual Offences	29	21	87	64	191	151	111	23	91	32
Arson	39	4	53	9	47	6	54	9	74	8
Drugs	47	47	139	139	115	115	77	77	73	73
Thefts	1,390	498	1,585	709	1,878	757	1,855	754	2,409	859
Burglary	703	170	827	182	975	140	746	77	1,041	93
Robbery	190	82	215	72	188	62	158	43	172	45
Fraud	58	53	86	75	66	33	85	58	57	31
Other	29	16	55	32	56	31	61	39	80	58
Total	2,544	928	3,196	1,385	3,735	1,438	3,337	1,203	4,182	1,287

*The statistics for 2004 are provisional/operational and liable to change.

Visa Applications.

333. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the circumstances outlined in correspondence in relation to the visa appeal by a person (details supplied); and if he will make a statement on the matter. [14897/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application in question, which was for the stated purpose of a two-week visit, was received in my Department on 5 April 2005. My Department will re-assess the application in the light of additional documentation which has now been received. However as the supporting documentation is not in English it will require translation.

Tribunals of Inquiry.

334. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied) in County Donegal. [14909/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is not clear exactly what case the Deputy is referring to. The person concerned is a key figure in the work being undertaken by the Morris tribunal and has also initiated legal proceedings against the Garda Commissioner, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General.

As far as the Morris tribunal is concerned, the position is that it has recently completed hearing oral evidence pertaining to the module relating to the Garda investigation into the death of a person in Donegal and I understand that it expects to present its report on that module shortly. As regards the civil proceedings, it would be inappropriate of me to comment further pending the determination of the case.

335. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will change the legislation to assist persons (details supplied) with their costs; and if they will be given the maximum support. [14910/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is not clear exactly what costs the Deputy is referring to, but I can only assume it is in relation to costs in respect of representation before the Morris tribunal. If so, the position has been outlined on many occasions to the House. The current legislation, the Tribunal of Inquiry (Evidence) Acts 1921 to 2002, provides that the question of costs is solely a matter for the tribunal. The Acts provide that a tribunal which, having regard to its findings and all other relevant matters, is of opinion that there are sufficient reasons rendering it equitable to do so, can order the whole or part of the costs of representation of a person appearing before it to be paid.

A tribunal, when determining whether costs should be paid, may take into account failure to co-operate or to provide assistance to, or knowingly giving false or misleading information to, the tribunal. This has important practical implications for tribunals generally in their search for the truth. The power to decide on costs is one of the greatest weapons in the armoury of a tribunal to ensure the co-operation and truthfulness of the parties.

As far as the Morris tribunal itself is concerned, it is clear from the Chairman's judgment on applications for costs associated with the first module that he regards co-operation with the tribunal and truthfulness in giving evidence as matters of paramount importance. In deciding on costs he made deductions in some cases and totally rejected other applications where he was of the opinion that persons deliberately lied or otherwise hindered him in his efforts to get to the truth.

It is crucial that this power is available to tribunals and that it is not undermined. To interfere with it, however well-intentioned the motives, would blunt the effectiveness of tribunals in general, and the Morris tribunal in particular, in uncovering the truth and I am not prepared to do that. I have consistently maintained this policy.

Residency Permits.

336. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform when a decision will be made regarding permission to reside here in respect of a person (details supplied) in County Carlow; and if a decision will be expedited. [14912/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for permission to remain in the State based on marriage to an Irish national was received from the person concerned in April 2005. Applications of this type, in fairness to all other such applicants, are dealt with in chronological order and take approximately 16 months to process.

337. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform if residency will be granted to a person (details supplied) in County Waterford; and if he will make a statement on the matter. [14913/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question has permission to remain in the State as a dependant of his spouse who is the holder of a working visa. His current permission does not expire until June 2006, at which time it is open to him to seek further permission to remain in the State. If the person concerned wishes to take up employment in the State, a prospective employer must first obtain a work permit on his behalf. In this respect it should be noted that new arrangements were introduced by the Minister for Enterprise, Trade and Employment in 2004 which give greater ease

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of access to employment to spouses of persons who are the holders of working visas or work authorisations. These arrangements removed the requirement on employers to advertise the jobs with FÁS prior to making the work permit applications, exempted the applications from the work permit fees and allowed applications for jobs in categories which would otherwise be considered ineligible for work permits.

Land Registry.

338. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing (details supplied) at the Land Registry will be completed. [14935/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for transmission of part which was lodged on 3 June 2004. Dealing number D2004SM004736A refers. I am further informed that a query issued to the lodging solicitor on 22 April 2005 and that the application cannot proceed until this query has been satisfactorily resolved. However, on receipt of a satisfactory reply, the application will receive further attention in the Land Registry.

Garda Stations.

339. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the position in relation to the replacement of a Garda station (details supplied) in County Donegal; and if he will make a statement on the matter. [14951/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my recent replies to her Questions Nos. 485 of 22 March 2005 and 98 of 12 April 2005 with regard to this Garda station. I am advised by the Garda authorities that the proposals I outlined to address the accommodation needs of this station are still under consideration.

Citizenship Applications.

340. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if the passport belonging to a person (details supplied) in County Louth will be returned to same; and if he will make a statement on the matter. [14988/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The passport from the person concerned was submitted with his application for permission to remain in the State on the basis of his parentage of an Irish-born child under the revised arrangements announced by me on 15 January 2005. The relevant passport has been located, checked, copied and returned to the applicant by registered post.

Applications are being dealt with as expeditiously as possible and, insofar as is possible, in order of receipt. Given the number of applications being processed, it is expected that

the processing of the application and that of the person's partner will be completed shortly.

Visa Applications.

341. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform, further to Question No. 685 of 12 April 2005, if a decision has been made on an application for a visa for a person (details supplied) in County Clare; and if he will make a statement on the matter. [14989/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I believe the Deputy is referring to reference to visa application numbers 1740469 and 1740470. These applications were received in my Department on 18 March 2005. The visa officer dealing with the applications has undertaken an initial assessment of the papers provided and has sought further supporting documentation by letter dated 4 May 2005. When the visa officer receives the information, a final assessment will be made. The applicants can expect a decision within a short period once the information sought by the visa officer is received.

Prisoner Transfers.

342. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform if he has received all the documentation from the UK authorities to allow for him to make a decision for a prisoner (details supplied) to be transferred to this State to serve the remainder of their sentence; and if he will make a statement on the matter. [14992/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I expect that a decision on the case of the person referred to will be forwarded to the United Kingdom authorities very shortly. It should be noted that the convention on the transfer of sentenced persons requires extensive documentation to be exchanged between both jurisdictions to allow an application to be fully considered. A three-way consent is also required to enable any transfer to take place, that is, from the authorities of both jurisdictions and from the person concerned. On receipt of those consents, assuming they are forthcoming, an application must be made to the High Court for a warrant authorising the transfer of the person concerned and his/her continued detention here.

Citizenship Applications.

343. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of applications received in each of the past five years from non-EU nationals requesting to remain in the State based on their marriage to an Irish citizen; the length of time it is taking to process these applications from the date of application to completion; his views on whether the delays being experienced can be improved; and if he will make a statement on the matter. [15057/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The number of applications received for residency in the State based solely on marriage to an Irish national are as follows: 156 in 2001; 191 in 2002; 271 in 2003; 326 in 2004 and 93 to end April 2005. Figures are not available for 2000.

Applications of the type referred to by the Deputy are dealt with in chronological order, in fairness to all such applicants, and take approximately 16 months to process. The resources allocated to process such applications are dependent on the prioritised work requirements of the immigration division of my Department at any one time which is operating against a background of significant increases on demands for its services over a wide range of areas.

Garda Deployment.

344. **Mr. Ó Fearghail** asked the Minister for Justice, Equality and Law Reform the number of gardaí that are assigned to Castledermot Garda station, County Kildare; if there are plans to increase this number; and if he will make a statement on the matter. [15104/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Castledermot Garda station as at 9 May 2005 was two — all ranks. Local Garda management is satisfied that the present strength of Castledermot Garda station is sufficient to meet the present policing needs of the area.

With regard to Garda resources generally, I am very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis in line with the commitment in An Agreed Programme for Government in this regard. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will now be drawing up plans on how best to distribute and manage these additional resources. In this context, the needs of the Castledermot Garda station will be fully considered within the context of the needs of Garda stations throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to increase very significantly the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into front-

line, operational, high visibility policing. They will have a real impact.

Land Registry.

345. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing in the Land Registry will be completed for a person (details supplied) in County Mayo. [15105/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for deed of charge which was lodged on 13 October 2004. Dealing number D2004SM008627Q refers. I am further informed that this application is associated with dealing number D2004SM006350T in respect of which a land certificate has been requested by the Land Registry from the lodging solicitors. I am also informed that on receipt of a land certificate, both applications will receive further attention in the Land Registry and will be completed as soon as possible.

Garda Strength.

346. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the Garda Commissioner's proposals for extra Garda patrols on Dublin city centre streets, particularly late at night and early morning, having regard to the continued high and unacceptable levels of violence that many citizens are experiencing; the plans being prepared to extend CCTV coverage in areas of high usage, such as Dame Street; and if he will make a statement on the matter. [15106/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There was a decrease of 22% in assault causing harm and a decrease of 23% in minor assaults in 2003 compared with 2002. There was almost a 22% decrease in criminal damage cases and 4% decrease in public order offences in the same period. Assaults causing harm decreased by a further 1% in 2004 compared with 2003 and by 15% for the first quarter of 2005 compared with the same period in 2004. Figures for the other categories above are not yet available.

I am informed by the Garda authorities, who are responsible for the detailed allocation of personnel and resources, that the area in question is policed by gardaí attached to the north central and south central divisions of the Dublin metropolitan region. The personnel strength — all ranks — of these divisions as at 9 May 2005 was as follows.

Division	Strength
DMR north central	634
DMR south central	698

A number of policing operations have been put in place to combat public order incidents in Dublin city centre, including Operations Encoun-

[Mr. McDowell.]
ter, Boulevard, Eden Quay and the city centre initiative. These operations are Garda initiatives aimed at dealing effectively with public order issues by providing high visibility foot patrols in city centre streets late at night and during the early morning. Garda authorities consider these operations to have been very successful in combatting such incidents. These initiatives are kept under constant review by local Garda management and are tailored to meet circumstances as they exist at any given time.

I am advised that local Garda management is satisfied with the current level of patrols in the city centre. Garda management will continue to appraise the policing and administrative strategy employed in Dublin city centre with a view ensuring an effective Garda service is maintained.

With regard to CCTV coverage of Dublin city centre, I am informed by the Garda authorities that 69 Garda CCTV cameras provide coverage of areas of high usage in the city centre. A Garda proposal to extend CCTV coverage in the Camden Street, Temple Bar and Pearse Street areas by a further nine cameras is currently under examination. With regard to the area given as an example by the Deputy, I am informed by the Garda authorities that there are two Garda CCTV cameras covering Dame Street — one at College Green, and one opposite the Central Bank. This coverage may be further augmented with the expansion of the CCTV system as described above.

Land Registry.

347. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing will be completed in the Land Registry for a person (details supplied) in County Mayo. [15109/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for transfer of part which was lodged on 19 March 2004. Dealing number D2004SM002488U refers. I am further informed that the application is receiving attention in the Land Registry and, subject to no queries arising, should be completed within the next few weeks.

Deportation Orders.

348. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if he will reconsider his decision on the deportation of a person (details supplied) in County Clare on 8 June 2005 in view of the fact that this person's life may be in danger if this person returns to their own country; and if he will make a statement on the matter. [15116/05]

365. **Mr. J. Breen** asked the Minister for Justice, Equality and Law Reform if a deport-

ation order will be withdrawn on humanitarian grounds against a person (details supplied) in County Clare. [15162/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 348 and 365 together.

I refer the Deputies to the reply I gave to Questions Nos. 719 and 741 on Wednesday, 26 January 2005. The person concerned is awaiting deportation following a full and comprehensive examination, including all *refoulement* matters, of his application to remain temporarily in the State. The decision to deport therefore remains unchanged. The Garda National Immigration Bureau is awaiting a travel document from the Togolese authorities and the deportation order will be enforced as soon as this becomes available and travel arrangements have been made.

Visa Applications.

349. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform when the application by the spouse of an Irish national (details supplied) for a visa will be processed; and if he will make a statement on the matter. [15139/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has not to date received a visa application to reside for the person named by the Deputy. As processing times for visa applications are on average between four and six weeks from the date of receipt in my Department, the applicant can expect a decision within this timeframe.

Public Order Offences.

350. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of arrests made for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other public order offences in 2002, 2003 and 2004 and the first four months in 2005 in Ennis, County Clare; and if he will make a statement on the matter. [15147/05]

351. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of arrests made for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other public order offences in 2002, 2003 and 2004 and the first four months in 2005 in Ennistymon, County Clare. [15148/05]

352. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of arrests made for the offences of being drunk and disorderly, drunk and a danger to oneself or

others, damage to public property, common assault, refusal to comply with a Garda direction and other public order offences in 2002, 2003 and 2004 and the first four months in 2005 in Shannon, County Clare. [15149/05]

353. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of arrests made for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other public order offences in 2002, 2003 and 2004 and the first four months in 2005 in Kilrush, County Clare; and if he will make a statement on the matter. [15150/05]

354. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of arrests made for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other public order offences in 2002, 2003 and 2004 and the first four months in 2005 in Scariff, County Clare; and if he will make a statement on the matter. [15151/05]

355. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of arrests made for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other public order offences in 2002, 2003 and 2004 and the first four months in 2005 in Milltown Malbay, County Clare. [15152/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 350 to 355, inclusive, together.

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.

356. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of convictions secured for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other public order offences in 2002, 2003 and 2004 and the first four months in 2005 in Ennis, County Clare; and if he will make a statement on the matter. [15153/05]

357. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of convictions secured for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other public order offences in 2002,

2003 and 2004 and the first four months in 2005 in Ennistymon, County Clare. [15154/05]

358. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of convictions secured for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other anti-social behaviour in 2002, 2003 and 2004 and the first four months in 2005 in Shannon, County Clare; and if he will make a statement on the matter. [15155/05]

359. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of convictions secured for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other anti-social behaviour in 2002, 2003 and 2004 and the first four months in 2005 in Kilrush, County Clare; and if he will make a statement on the matter. [15156/05]

360. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of convictions secured for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other anti-social behaviour in 2002, 2003 and 2004 and the first four months in 2005 in Scariff, County Clare. [15157/05]

361. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of convictions secured for the offences of being drunk and disorderly, drunk and a danger to oneself or others, damage to public property, common assault, refusal to comply with a Garda direction and other anti-social behaviour in 2002, 2003 and 2004 and the first four months in 2005 in Milltown Malbay, County Clare; and if he will make a statement on the matter. [15158/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 356 to 361, inclusive, together.

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.

Liquor Licensing Laws.

362. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform his proposals to meet the concerns of Alcohol Action Ireland regarding the Intoxicating Liquor (Codification) Bill 2005 (details supplied); and if he will make a statement on the matter. [15159/05]

371. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform his views on correspondence (details supplied); and if he will make a statement on the matter. [15260/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 362 and 371 together.

The position is that I have recently published proposals for an intoxicating liquor Bill that will streamline and modernise our liquor licensing laws. This will involve repealing the Liquor Licensing Acts 1833 to 2004 and replacing them with updated provisions more suited to modern conditions. As part of a consultative process, I have invited organisations and private individuals with an interest in this area to submit their views or suggestions on all or specific parts of the proposed Bill. I will take the views of Alcohol Action Ireland and those of other organisations and individuals who make submissions into account in the detailed drafting of the Bill. The deadline for the receipt of submissions is 31 May 2005.

Deportation Orders.

363. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) has been detained at Clover Hill Prison awaiting deportation. [15160/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned, a Croatian national, arrived in the State on 28 December 2000 and claimed asylum. His application was refused by the Office of the Refugee Applications Commissioner and he was notified of this recommendation by letter on 5 February 2002. His subsequent appeal was refused by the Office of the Refugee Appeals Tribunal and he was notified of this recommendation by letter on 12 July 2002.

He was notified of the decision to refuse him refugee status by letter on 26 August 2002, in which he was informed of the three options open to him at that point, these being to leave the State before his case was considered for deportation, to consent to the making of a deportation order in respect of him or to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out the reasons why he should not be deported and be allowed to remain temporarily in the State.

His case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996, including consideration of representations received on his behalf for temporary leave to remain in the State. On 11 February 2005 a deportation order was made in respect of him. Notice of the order was served by registered post requiring him to present himself to the Garda National Immigration Bureau on Thursday, 24 March 2005 in order that travel arrangements

could be put in place to effect his removal from the State. The person concerned failed to present himself to the Garda National Immigration Bureau as required and was classified as having evaded deportation. I understand from the Garda authorities that he was subsequently located, arrested and detained pursuant to section 5 of the Immigration Act 1999, as amended. He is detained in Clover Hill Prison pending his removal from the State. The enforcement of the deportation order is now a matter for the Garda National Immigration Bureau. The person concerned did not have the right to work in the State.

Garda Deployment.

364. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Wicklow town in 1997, 2000, 2002, 2003 and 2004; the number of crimes recorded and detected across all headings in 2000, 2001, 2002, 2003 and 2004 in the Wicklow town area; if he will increase the number of gardaí in the area; and if he will make a statement on the matter. [15161/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Wicklow town Garda station as on 31 December in each of the years 1997 to 2004 was as follows.

Date	Strength
31/12/1997	33
31/12/1998	39
31/12/1999	40
31/12/2000	39
31/12/2001	40
31/12/2002	41
31/12/2003	39
31/12/2004	36

Local Garda management states that the existing available resources at Wicklow garda station are adequate to meet the present policing needs of the area.

On the issue of crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to 6 per 1,000 over the longer period of eleven quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction

of the new PULSE computer system by the Garda Síochána in 1999 which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has

fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004. The following table shows the headline offences for the Garda district of Wicklow for the years 2000 to 2004. The figures provided for 2004 are provisional and are, therefore, subject to change.

Groups	*R 00	*D 00	R 01	D 01	R 02	D 02	R 03	D 03	R 04	D 04
*G. 01 — Homicides	2	2	0	0	0	0	0	0	1	1
G. 02 — Assaults	24	24	24	24	45	37	32	29	36	29
G. 03 — Sexual Offences	9	3	21	20	12	9	12	4	13	6
G. 04 — Arson	14	4	3	0	3	1	6	3	3	1
G. 05 — Drugs	13	13	6	6	2	2	15	15	10	10
G. 06 — Thefts	348	125	404	139	540	118	462	120	407	114
G. 07 — Burglaries	240	67	233	56	295	48	264	34	288	48
G. 08 — Robberies	5	4	11	6	10	5	4	0	9	3
G. 09 — Frauds	42	41	32	27	29	22	29	10	16	10
G. 10 — Other Headline Offences	2	2	6	6	18	14	9	8	13	8
Total	699	285	740	284	954	256	833	223	796	230

*R — Recorded

*D — Detected

*G — Group

Concerning Garda resources generally, I am pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the commitment in this regard in An Agreed Programme for Government. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force. The Commissioner will now draw up plans on how best to distribute and manage these additional resources. In this context, the needs of the Wicklow district will be fully considered within the context of the needs of Garda districts and sub-districts throughout the country. The additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies areas with a significant drugs problem and a large number of public order offences but it will be possible to address other priorities, such as the need to increase significantly the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing and will have a real impact.

Question No. 365 answered with Question No. 348.

Sexual Offences.

366. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the status of a cross-Border sex offenders register; the difficulties he envisages its use would have, particularly

in Border areas; and if he will make a statement on the matter. [15166/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the context of the Good Friday Agreement, negotiations are taking place on an intergovernmental agreement on North-South co-operation on criminal justice matters, together with an associated work programme, and are expected to be finalised in the near future. One of the items under consideration for inclusion in the work programme is the establishment of a working group to review the arrangements for exchanging information on registered sex offenders. I am informed by the Garda that they and the PSNI maintain regular contact and exchange intelligence and information on convicted sex offenders.

Garda Deployment.

367. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Arklow, County Wicklow for the years 1997, 2002, 2003 and 2004; the number of crimes recorded and detected across all headings for 2000, 2001, 2002, 2003 and 2004; the plans he has to increase these; and if he will make a statement on the matter. [15200/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Arklow Garda station as on 31 December in each of the years 1997 to 2004 was as set out in the following table.

[Mr. McDowell.]

Date	Strength
31/12/1997	22
31/12/1998	25
31/12/1999	24
31/12/2000	24
31/12/2001	25
31/12/2002	28
31/12/2003	27
31/12/2004	28

Local Garda management states that the existing available resources at Arklow garda station are adequate to meet the present policing needs of the area.

Regarding crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be

exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to 6 per 1,000 over the longer period of eleven quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

The following table shows the headline offences for the Garda district of Gorey for the years 2000 to 2004. Arklow garda station is included in Gorey Garda district. The figures provided for 2004 are provisional, and are, therefore, subject to change.

Groups	*R 00	*D 00	R 01	D 01	R 02	D 02	R 03	D 03	R 04	D 04
*G. 01 — Homicides	0	0	0	0	0	0	0	0	0	0
G. 02 — Assaults	8	8	18	16	41	38	37	26	37	26
G. 03 — Sexual Offences	2	2	15	11	14	9	19	13	20	12
G. 04 — Arson	4	1	7	2	14	3	8	2	2	0
G. 05 — Drugs	25	25	22	22	25	25	19	19	23	23
G. 06 — Thefts	163	64	228	99	371	143	395	141	398	155
G. 07 — Burglaries	238	90	232	91	248	41	292	46	300	45
G. 08 — Robberies	13	7	8	7	8	2	7	7	15	8
G. 09 — Frauds	27	26	24	23	14	10	22	11	23	20
G. 10 — Other Headline Offences	6	6	9	8	17	13	11	7	24	20
Total	486	229	563	279	752	284	810	272	842	309

*R — Recorded

*D — Detected

*G — Group

Concerning Garda resources generally, I am very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the commitment in this regard in An Agreed Programme for Government. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force. The Garda Commissioner will now draw up plans on how best to distribute and manage these additional resources. In this context, the needs of the Gorey district will be fully considered within the context of the needs of Garda districts and sub-districts throughout the country. The additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies areas with a significant drugs problem and a large number of public order offences but it will

be possible to address other priorities as well, such as the need to increase very significantly the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing and will have a real impact.

Communications Regulation.

368. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to websites (details supplied), on which uncontrolled, undesirable and defamatory postings have been noted which cause grievous offence to those targeted; if he has had discussions with the regulator with a view to the blocking of such activity; and if he will make a statement on the matter. [15201/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The regulator and statutory body responsible for the electronic communications sector, telecommunications, radio-communications and broadcasting transmission, and the postal sector is ComReg. Questions regarding its functions should be referred to my colleague the Minister for Communications, Marine and Natural Resources.

Ground Rents.

369. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the revenue raised from ground rents in 2004. [15202/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that ground rent is payable by the ground rent tenant to the ground rent landlord and therefore there is no information available to me to indicate the amount raised from ground rents in 2004.

Deportation Orders.

370. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if, regarding an application for permission to remain here by a person (details supplied), he will delay the making of a deportation order to enable the person to complete their education and to allow further consideration of the application; and if he will make a statement on the matter. [15259/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my statement to the Dáil during the Adjournment debate on Thursday, 5 May 2005 regarding the policy on the deportation of persons due to sit State examinations. The person concerned is a refused asylum seeker in respect of whom a deportation order was made on 8 March 2005. The order was served on him by registered post requiring him to report to the Garda National Immigration Bureau on Thursday, 5 May 2005. He is due to present himself again on Friday, 20 May 2005, when it is expected that travel arrangements will have been made.

Question No. 371 answered with Question No. 362.

Tribunals of Inquiry.

372. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform his views on correspondence (details supplied); his plans to address the concerns expressed in same; and if he will make a statement on the matter. [15261/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The correspondence relates generally to the question of the payment of the costs of representation for a party attending the Morris tribunal. The issue has been raised on many occasions and the position on this matter

is clear. The current legislation, the Tribunal of Inquiry (Evidence) Acts 1921 to 2002, provides that the question of costs is solely a matter for the tribunal. The Acts provide that a tribunal which, having regard to its findings and all other relevant matters, is of opinion that there are sufficient reasons rendering it equitable to do so, can order the whole or part of the costs of representation of a person appearing before it to be paid.

A tribunal, when determining whether costs should be paid, may take into account failure to co-operate or to provide assistance to, or knowingly giving false or misleading information to, the tribunal. This has important practical implications for tribunals generally in their search for the truth. The power to decide on costs is one of the greatest weapons in the armoury of a tribunal to ensure the co-operation and truthfulness of the parties.

Concerning the Morris tribunal itself, it is clear from the chairman's judgment on applications for costs associated with the first module that he regards co-operation with the tribunal and truthfulness in giving evidence as matters of paramount importance. In deciding on costs he made deductions in some cases and totally rejected other applications where he was of the opinion that persons deliberately lied or otherwise hindered him in his efforts to get to the truth.

To not undermine this power of the tribunal is crucial. To interfere with it, however well-intentioned the motives, would blunt the effectiveness of tribunals in general and the Morris tribunal in particular in uncovering the truth, which I am not prepared to do. I have consistently maintained this policy. The correspondent is a key figure in the work being undertaken by the Morris tribunal and has also initiated legal proceedings against the Garda Commissioner, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General. Regarding these proceedings, it would be inappropriate of me to comment further pending their determination.

As to the other issues raised in the correspondence, the position is that the forum exists for the full truth to emerge. The Morris tribunal has demonstrated its effectiveness and the Government has demonstrated its readiness to take action on foot of its findings. I urge everyone connected with the work of the tribunal to co-operate fully with its inquiry.

Crime Levels.

373. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Whitechurch and Carrignavar area, County Cork, for the years 2000 to 2004 and to date in 2005; if he will give consideration to changing the management arrangements of gardaí in order that the area comes under the jurisdiction of either Blarney or Cork city rather than Cobh which is 25 miles away. [15263/05]

374. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Glanmire area of County Cork for the years 2000 to 2004 and to date in 2005. [15264/05]

375. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Blarney area of County Cork for the years 2000 to 2004 and to date in 2005. [15265/05]

376. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Dripsey and Berrings area of County Cork for the years 2000 to 2004 and to date in 2005. [15266/05]

377. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Knockraha area of County Cork for the years 2000 to 2004 and to date in 2005. [15267/05]

378. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Gurrabraher area of Cork for the years 2000 to 2004 and to date in 2005. [15268/05]

379. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Blackpool area of Cork for the years 2000 to 2004 and to date in 2005. [15269/05]

380. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Maryfield area of Cork for the years 2000 to 2004 and to date in 2005. [15270/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 373 to 380, inclusive, together.

Concerning crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quar-

terly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to 6 per 1,000 over the longer period of eleven quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999 which led to more complete and comprehensive recording of crimes reported than was previously the case. Taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

I am informed by the Garda authorities that the assistant commissioner of the southern region recently established a review group under the chairmanship of a chief superintendent to examine both the administrative and operational issues in relation to the areas mentioned and to make recommendations. The result of this review is not yet available. The Deputy will be aware that the allocation of Garda resources is a matter for the Garda Commissioner.

I am informed by the Garda authorities that the following tables show the headline crime by group from 2000 to 2005, up to 30 April, for the Cobh Garda district, which incorporates Glanmire, Knockraha, Whitechurch and Carrignavar areas, the Mayfield Garda district, which includes the Blackpool area, the Macroom Garda district, including the Dripsey and Berring areas, and the Gurrabraher Garda district that includes the Blarney area.

Headline Offences Recorded and Detected for Cobh Garda district from 2000 to 2005*

Year	2000		2001		2002		2003		2004*		2005*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0	0	0
Assault	20	20	24	19	55	50	50	31	30	19	24	13
Sexual Offences	8	8	31	28	24	16	24	11	10	1	2	0
Arson	2	1	4	1	10	0	9	1	2	0	3	2
Drugs	17	17	11	11	13	13	11	11	13	11	6	5
Thefts	147	63	210	58	249	59	277	61	194	70	87	51
Burglary	89	41	106	24	144	33	86	11	75	30	42	15
Robbery	2	2	1	1	4	0	3	1	4	2	2	1
Fraud	10	9	7	5	10	4	32	21	13	12	4	2
Other	3	2	8	6	17	14	13	9	11	10	2	2
Total	298	163	402	153	526	189	505	157	352	155	172	91

*Statistics for 2004 and 2005 are provisional/operational and liable to change. Statistics for 2005 are for January to April, inclusive.

Headline Offences Recorded and Detected for Mayfield Garda district from 2000 to 2005*

Year	2000		2001		2002		2003		2004*		2005*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	1	0	3	3	1	1	0	0	0	0
Assault	37	35	61	56	79	68	46	43	45	36	17	6
Sexual Offences	12	12	23	17	34	10	21	13	17	11	3	1
Arson	34	18	43	16	27	12	46	8	33	6	6	2
Drugs	33	33	37	37	44	44	28	28	35	34	12	12
Thefts	442	172	467	234	603	251	503	213	531	220	192	81
Burglary	250	111	261	131	258	83	202	91	245	116	57	16
Robbery	28	16	27	15	41	26	34	20	54	28	17	8
Fraud	31	23	23	19	25	15	39	28	19	14	9	6
Other	4	4	6	3	18	17	13	9	7	4	2	1
Total	871	424	949	528	1,132	529	933	454	986	469	315	133

*Statistics for 2004 and 2005 are provisional-operational and liable to change. Statistics for 2005 are for January to April, inclusive.

Headline Offences Recorded and Detected for Macroom Garda district from 2000 to 2005*

Year	2000		2001		2002		2003		2004*		2005*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0	0	0
Assault	6	6	2	2	11	10	11	10	14	14	3	3
Sexual Offences	4	4	2	2	2	1	6	5	6	6	7	6
Arson	1	0	4	2	2	2	2	0	4	1	2	1
Drugs	7	7	4	4	7	7	13	13	6	6	3	3
Thefts	41	8	66	28	87	27	76	21	108	47	34	17
Burglary	57	18	94	26	75	23	47	10	45	15	24	5
Robbery	2	1	1	1	2	1	0	0	0	0	1	0
Fraud	2	0	23	17	7	6	47	46	4	2	4	4
Other	1	1	0	0	1	1	2	2	2	1	2	2
Total	121	45	196	82	194	78	204	107	189	92	80	41

Statistics for 2004 and 2005 are provisional-operational and liable to change. Statistics for 2005 are for January to April, inclusive.

Headline Offences Recorded and Detected for Gurranabraher Garda district from 2000 to 2005*

Year	2000		2001		2002		2003		2004*		2005*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	2	2	1	1	3	3	1	0	1	1	0	0
Assault	25	20	47	27	73	57	59	40	49	35	23	8
Sexual Offences	10	8	13	4	30	13	16	11	23	15	6	3
Arson	32	10	10	2	30	7	31	3	32	3	10	1
Drugs	18	18	16	16	21	21	24	23	25	25	15	15
Thefts	267	87	301	86	313	82	268	78	414	109	117	27
Burglary	214	83	230	41	235	48	150	30	186	43	45	9
Robbery	11	8	16	8	10	1	19	4	14	9	2	0
Fraud	32	29	10	8	8	5	19	14	44	40	9	7
Other	0	0	7	4	24	21	13	11	8	5	2	1
Total	611	265	651	197	747	258	600	214	796	285	229	71

*Statistics for 2004 and 2005 are provisional-operational and liable to change. Statistics for 2005 are for January to April, inclusive.

Court Procedures.

Equality and Law Reform if he has given consideration to changing the ward of court

381. Ms Enright asked the Minister for Justice,

[Ms Enright.]

procedure for families of those suffering from Alzheimer's to a more simplified procedure; and if he will make a statement on the matter. [15271/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised that the Courts Service, mindful of the need for a comprehensive reform of the law relating to the protection of intellectually incapacitated individuals, and in the context of a relevant consultation paper published by the Law Reform Commission in 2003, is engaged in a review of the operation of the wardship jurisdiction. I will consider any proposals for changes in legislation within my area of functional responsibility which emanate from the review and from the final report of the Law Reform Commission.

Residency Permits.

382. **Mr. G. Murphy** asked the Minister for Justice, Equality and Law Reform the position regarding a person (details supplied). [15301/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question had permission to remain in the State until 21 March 2005. Having considered all the circumstances of his case, he has now been granted permission to remain in the State for a six-month period to enable an employer obtain a work permit on his behalf.

Asylum Support Services.

383. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the procedures followed by the Reception and Integration Agency in arranging contracts for accommodation and services; and if these procedures have been followed in all cases. [15356/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Reception and Integration Agency, RIA, sources management and catering services in State owned asylum seeker accommodation centres by way of EU open tender competitions. Suitable accommodation centres in the commercial sector which satisfy the requirements of RIA continue to be sourced on foot of advertisements in the national newspapers. To date, more than 600 offers of accommodation in the commercial sector have been made to RIA and offers continue to be received on an ongoing basis.

Departmental Staff.

384. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of staff seconded to the Reception and Integration Agency in 2002, 2003, 2004 and to date in 2005; the length of time for which each individual secondment lasted and the Department or public service organisation of origin from which each individual was seconded. [15357/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The following table sets out details of secondments to the Reception and Integration Agency as requested by the deputy.

Grade Equiv.	Dept./Org.	From	To
AP	Dept. of Education	05/11/1999	15/06/2003
AO	Dublin Corporation	11/11/1999	to date
AP	Eastern Health Board	09/12/1999	19/11/2004
AP	Dept. of Health and Children	09/12/1999	to date
AO	Irish Red Cross	03/02/2000	11/06/2004
AP	Dept. of Defence	05/02/2001	02/03/2003
AP	Irish Prison Service	16/04/2001	to date
EO	Dept. of Environment & Local Government	14/05/2001	to date
EO	Irish Prison Service	16/09/2004	to date
AP	Dept. of Education	01/12/2004	to date
AP	East Coast Area Health Board	31/01/2005	to date

Asylum Support Services.

385. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of contracts awarded by the Reception and Integration Agency in 2002, 2003, 2004 and 2005 to date in respect of accommodation and services; and the value of each individual contract awarded. [15358/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been advised by the Reception and Integration Agency that it would not be possible to supply the Deputy with the information sought in the time available. The

agency will provide the information to the Deputy as soon as possible.

Crime Levels.

386. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Thurles area of County Tipperary for the years 2000 to 2004 under each headline, including the total number of crimes recorded and detected; and if he will make a statement on the matter. [15391/05]

387. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the crime statistics for

the Templemore area of County Tipperary for the years 2000 to 2004 under each headline, including the total number of crimes recorded and detected; and if he will make a statement on the matter. [15392/05]

388. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Nenagh area of County Tipperary for the years 2000 to 2004 under each headline, including the total number of crimes recorded and detected; and if he will make a statement on the matter. [15393/05]

389. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Borrisokane area of County Tipperary for the years 2000 to 2004, under each headline, including the total number of crimes recorded and detected; and if he will make a statement on the matter. [15394/05]

390. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Roscrea area of County Tipperary for the years 2000 to 2004, inclusive, under each headline, including the total recorded and detected; and if he will make a statement on the matter. [15395/05]

391. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Newport area of County Tipperary for the years 2000 to 2004, inclusive, under each headline, including the total recorded and detected; and if he will make a statement on the matter. [15396/05]

392. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Cappawhite area of County Tipperary for the years 2000 to 2004, inclusive, under each head-

line, including the total recorded and detected; and if he will make a statement on the matter. [15397/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 386 to 392, inclusive, together.

In regard to crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to 6 per 1,000 over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. Taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

I am informed by the Garda authorities that the attached tables show the headline crime statistics by groups from 2000 to 2004 for the Thurles Garda district, the Templemore Garda district, which includes the Roscrea area, the Nenagh Garda district, which covers the Borrisokane area, the Killaloe Garda district, which covers the Newport area, and the Tipperary town Garda district, which covers the Cappawhite area.

Table 1

Headline Offences Recorded and Detected for Thurles Garda district from 2000 to 2004*

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	9	8	16	16	31	27	26	22	24	20
Sexual Offences	3	2	12	10	32	28	22	22	7	7
Arson	2	1	7	2	5	1	0	0	2	0
Drugs	2	2	14	14	37	37	23	23	25	25
Thefts	85	43	202	70	216	90	234	67	241	67
Burglary	109	21	163	17	134	19	150	23	156	22
Robbery	2	0	5	2	5	2	2	0	2	2
Fraud	8	8	34	33	17	13	54	47	29	25
Other	0	0	5	5	4	4	11	7	7	5
Total	220	85	458	169	481	221	522	211	493	173

*Statistics for 2004 are provisional/operational and liable to change.

Table 2

Headline Offences Recorded and Detected for Templemore Garda district from 2000 to 2004*

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	1	1	0	0	0	0	0	0	0	0
Assault	10	10	12	8	15	13	16	9	17	15
Sexual Offences	5	5	5	3	5	2	9	5	2	1
Arson	2	1	5	3	3	2	5	0	7	1
Drugs	4	4	6	6	4	4	6	6	6	6
Thefts	81	31	101	35	155	33	175	67	169	62
Burglary	85	18	121	19	79	11	89	15	92	11
Robbery	0	0	0	0	3	1	4	2	1	0
Fraud	1	1	18	17	3	2	4	1	9	4
Other	1	1	1	1	3	3	5	4	10	7
Total	190	72	269	92	270	71	313	109	313	107

*Statistics for 2004 are provisional/operational and liable to change.

Table 3

Headline Offences Recorded and Detected for Nenagh Garda district from 2000 to 2004*

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	13	13	12	10	14	13	20	16	3	3
Sexual Offences	6	3	17	15	13	11	16	15	6	3
Arson	2	2	1	0	3	0	1	0	0	0
Drugs	9	9	17	17	15	15	22	22	17	17
Thefts	103	53	94	27	123	48	134	41	153	56
Burglary	66	11	101	11	92	18	91	16	96	20
Robbery	1	0	1	1	5	4	5	3	0	0
Fraud	5	3	18	18	14	14	4	2	12	8
Other	0	0	2	2	3	2	5	5	3	3
Total	205	94	263	101	282	125	298	120	290	110

*Statistics for 2004 are provisional/operational and liable to change.

Table 4

Headline Offences Recorded and Detected for Killaloe Garda district from 2000 to 2004*

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	2	2	6	6	7	5	2	1	8	4
Sexual Offences	3	3	0	0	22	15	34	33	1	1
Arson	0	0	5	1	2	1	2	0	1	0
Drugs	2	2	1	1	7	7	4	4	5	5
Thefts	47	13	111	10	145	24	122	27	162	19
Burglary	56	14	86	13	109	12	77	4	80	4
Robbery	2	1	1	0	1	1	1	0	1	0
Fraud	1	1	11	8	2	1	3	1	5	0
Other	2	2	1	1	2	0	2	2	5	5
Total	115	38	222	40	297	66	247	72	268	38

*Statistics for 2004 are provisional/operational and liable to change.

Table 5

Headline Offences Recorded and Detected for Tipperary town Garda district from 2000 to 2004*

Year	2000		2001		2002		2003		2004*	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	16	11	14	14	22	21	19	17	22	14
Sexual Offences	1	1	6	6	1	0	4	1	6	4
Arson	1	1	5	3	1	0	1	0	4	2
Drugs	5	5	4	4	7	7	4	4	5	5
Thefts	87	48	102	41	113	43	120	35	123	43
Burglary	92	37	125	33	92	14	58	11	69	19
Robbery	0	0	1	0	2	2	4	2	2	0
Fraud	17	17	6	5	13	8	13	10	16	12
Other	1	1	0	0	1	1	7	7	1	1
Total	220	121	263	106	252	96	230	87	248	100

*Statistics for 2004 are provisional/operational and liable to change.

Garda Management.

393. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform if any changes in the management structures within the Garda Síochána in Donegal have been undertaken; if such decisions are awaiting the final report of the Morris tribunal; and if he will make a statement on the matter. [15473/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The tribunal of inquiry into complaints concerning some gardaí of the Donegal division has already in its first report demonstrated its effectiveness, and the Government and the Garda Commissioner have shown their determination to take action on its findings. While there have been certain personnel changes, there have been no changes in the management structures in the Donegal division.

The Commissioner has accepted the recommendations made in the first report of the Morris tribunal and is already taking action on foot of these. The Commissioner has established an implementation group under the chairmanship of the deputy commissioner, Mr. Peter Fitzgerald, to examine the issues arising from the recommendations contained in the first report of the Morris tribunal. A number of working groups have been established to deliberate on matters raised in the report. These working groups are examining the following areas: the role of assistant commissioner and accountability framework; erosion of discipline; issues involving personnel; migration management and policy of tenure; management development; internal audit; informant management; and religious and ethnic minorities. A composite report, containing firm recommendations, will be prepared by the implementation group for the Garda Commissioner and myself.

The Deputy will be aware that the Garda Síochána Bill, currently before the Dáil, makes provision for the establishment of a Garda Síochána inspectorate. This proposal was introduced during the debate on the Bill in Seanad Éireann, directly as a result of a recommendation in the first report of the Morris tribunal to the effect that the Minister and the Department in its oversight role must be “empowered by knowledge”. The main functions of the inspectorate will be to ensure that the Minister and the Department will have objective information on matters relevant to the functioning of the force. The key objectives will be to ensure and promote efficiency and effectiveness in the Garda Síochána and to provide advice and support to the Minister and the Department.

Higher Education Grants.

394. **Dr. Twomey** asked the Minister for Education and Science the position regarding persons (details supplied) in County Cork; and if she will make a statement on the matter. [14851/05]

Minister for Education and Science (Ms Hanafin): My Department funds three means-tested maintenance grant schemes for third level education students in respect of attendance on approved courses in approved third level institutions and one grant scheme in respect of post-leaving certificate courses. They include the higher education grants scheme; the vocational education committees' scholarship scheme; the third level maintenance grants scheme for trainees; and the maintenance grants scheme for students attending post-leaving certificate, PLC, courses.

I understand that the student in question is 14 years of age. The position is that under current provisions, generally speaking, students who are entering approved courses for the first time are

[Ms Hanafin.] eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. Each application is assessed in accordance with terms of the prevailing scheme.

Decentralisation Programme.

395. **Mr. P. McGrath** asked the Minister for Education and Science the progress which has been made in bringing the Department of Education and Science to Mullingar as announced in the decentralisation programme; the timescale she envisages for the completion of this programme; and the number of civil servants who will be accommodated in the decentralised Department of Education and Science. [14977/05]

Minister for Education and Science (Ms Hanafin): The decentralisation implementation group report of November 2004 included the Department of Education and Science as a potential early mover to Mullingar under the Government's decentralisation programme. Approximately 300 staff will be transferred to Mullingar under the programme. The Office of Public Works has overall responsibility for the provision of accommodation in the decentralised locations. My Department is working with it to ensure that the move can be made as early as is feasible.

Schools Building Projects.

396. **Ms Enright** asked the Minister for Education and Science her views on the use of public private partnerships for the provision of school accommodation; if she approved the use of this model for her Department; and if she will make a statement on the matter. [15286/05]

421. **Ms Enright** asked the Minister for Education and Science when she intends to announce the list of schools which will proceed by way of public private partnership; and if she will make a statement on the matter. [15274/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 396 and 421 together.

My colleague the Minister for Finance provided a capital envelope of €555 million in respect of education PPPs for the period 2005 to 2009 and I am examining how this may be best utilised. This examination covers both schools and the third level sector.

A key rationale underpinning the decision to proceed with the initial bundle of five schools was to test the PPP approach in the case of schools, to learn from the experience and thereby to inform future usage of a PPP approach to procuring schools.

Based on the experience to date from the use of the PPP process for the National Maritime College and schools projects, a number of issues are under active consideration by my Department and will inform my decision on the allocation of

the funds available to me for PPP development. These include the type of PPP model to be used, the level of operation and service to be included in any new programme, how the projects should be bundled so as to provide the most cost effective procurement and the size and geographical spread of the bundles.

In respect of school building projects, new schools on greenfield sites that have been prioritised using the criteria agreed with the education partners, and published by my Department, fit the PPP model best as distinct from projects that involve modernisation of existing buildings. I intend to announce my plans for a further PPP programme in the near future.

Schools of Music.

397. **Mr. Deenihan** asked the Minister for Education and Science the position regarding the proposed new Cork School of Music; and if she will make a statement on the matter. [14836/05]

Minister for Education and Science (Ms Hanafin): On the 3 December 2004 Jarvis, which was appointed preferred bidder for the Cork School of Music PPP project, announced that it had reached an agreement with Hochtief Developments UK Limited to purchase the PPP bidding arm of its business. Following the announcement, various issues surrounding the purchase were being completed and a revised proposal and documentation in connection with the project were received on 19 January 2005. As Hochtief has now replaced Jarvis as a member of the bidding consortium, it must satisfy the Department that had it applied under the terms of the original PPP advertised in 2000, it would have been one of the consortia that pre-qualified for the project. The new documentation is being examined by my Department's specialist advisers to the project who are also undertaking full financial and legal due diligence to ensure that the proposal meets all EU procurement guidelines. Part of the due diligence process included contact with the relevant section of the European Commission for clarification and advice on the procurement issue. Subject to all the necessary financial and legal issues being in order, it will then be possible to commence formal contract negotiations with Hochtief Developments. It is expected that these negotiations will commence shortly.

Schools Building Projects.

398. **Mr. Deenihan** asked the Minister for Education and Science the number of schools in County Kerry that are being authorised to progress through the architectural planning process with immediate effect; and if she will make a statement on the matter. [14837/05]

Minister for Education and Science (Ms Hanafin): Three schools in County Kerry, one primary and two post-primary, were included in my recent announcement of schools to progress through architectural planning in 2005.

The school building section of my Department will be in contact with each of the schools shortly to progress the projects. Other Kerry schools that have benefited from recent buildings announcements include five schools approved to proceed to tender and construction over the next 12 to 15 months, and 16 primary schools and seven post-primary schools, which were allocated funding in the amount of €1.2 million and €1.4 million, respectively, under the summer works scheme 2005 to carry out mechanical and electrical upgrades, gas proofing, roof repairs, sewerage and fire safety works.

School Staffing.

399. **Mr. Hogan** asked the Minister for Education and Science if the present staffing in a school (details supplied) in County Kilkenny will remain from September 2005; and if she will make a statement on the matter. [14854/05]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by applying the enrolment of the school on 30 September of the previous school year to a staffing schedule, agreed between my Department and the education partners.

In accordance with the staffing schedule, the mainstream staffing of the school referred to by the Deputy for the school year 2004-05 is a principal and seven mainstream class teachers based on an enrolment of 187 pupils at 30 September, 2003. The school also has one full-time resource post and the services of a learning support teacher.

My Department will finalise the staffing schedule for the 2005-06 school year shortly and thereafter notify school boards of management. According to data submitted to my Department by the board of management, the enrolment on 30 September, 2004 in the school was 175 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the agreed staffing schedule.

As outlined in primary circular 19/02, an independent appeals board was established to adjudicate on appeals from boards of management on mainstream staffing allocations in primary schools. The appeals board operates independently of the Minister and my Department and its decision is final. Appeals must be submitted to Primary Payments Section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made, after the schedule for the 2005-06 school year has issued.

Site Acquisitions.

400. **Mr. Deenihan** asked the Minister for Education and Science if her Department has received a report from the OPW architect who visited Ballybunion, County Kerry, recently to inspect a site for the proposed amalgamation of schools (details supplied); and if she will make a statement on the matter. [14915/05]

Minister for Education and Science (Ms Hanafin): The property management section of the OPW, which acts on behalf of my Department in regard to site acquisitions generally, was originally requested to investigate the possibility of acquiring a site for the proposed amalgamation of schools referred to by the Deputy.

Subsequently, the school authority identified a possible suitable site. This site was inspected by a member of my Department's technical staff. A report on this inspection is now under consideration. As soon as a decision is made on the matter officials in the building unit of my Department will be in direct contact with the school.

Special Educational Needs.

401. **Mr. Gregory** asked the Minister for Education and Science when the result of her review of the special education needs provision will be available; and if she will make a statement on the matter. [14917/05]

Minister for Education and Science (Ms Hanafin): The review of the general allocation system, GAS, has now been completed. The new model replaces that which was notified to schools in June 2004, which was reviewed to take account of difficulties that it may have caused for smaller schools.

I can confirm that 660 additional special needs teaching posts will be put in place in primary schools from next September to facilitate the implementation of the new GAS. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously being given an individual allocation until those children leave the primary school system.

My Department is now devising school clusters in respect of allocations to be made under the general allocation system. These will be notified to schools shortly along with the details of each school's individual allocation. My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. This circular will issue before the end of the current school year.

I am delighted to be able to get such significant resources for special needs provision in primary schools. Prioritising special needs and disadvantage has been top of my agenda since becoming Minister for Education and Science. I also want to acknowledge the support of the Minister for Finance and the Government in making the necessary resources available.

Residential Institutions Redress Scheme.

402. **Mr. O'Dowd** asked the Minister for Education and Science the position to date regarding an application made to the Residential Insti-

[Mr. O'Dowd.]
 tutions Redress Board by a person (details supplied) in County Longford; and if she will make a statement on the matter. [14918/05]

Minister for Education and Science (Ms Hanafin): The Residential Institutions Redress Board is independent in the performance of its functions in accordance with the terms of the Residential Institutions Redress Act 2002. In the circumstances, I do not have access to the details of an individual's application, nor is it open to me or my Department to intercede on behalf of an individual applicant.

However, all applicants are entitled to contact the board directly, or through their legal representatives, to enquire about the progress of their applications.

Schools Building Projects.

403. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to the development of a school (details supplied) in County Donegal; and if she will make a statement on the matter. [14919/05]

Minister for Education and Science (Ms Hanafin): The project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria. The project will be progressed in the context of the School Buildings and Modernisation Programme 2005-2009.

The Deputy will be aware that I have made a number of announcements in regard to the 2005 school building programme since the beginning of the year. I will be making further announcements on projects which will progress, on a phased basis, into the architectural planning process in the next 12 to 15 months. The project referred to will be considered in this regard.

Colleges of Education.

404. **Mr. F. McGrath** asked the Minister for Education and Science if she will report on the background to the resignation of a person (details supplied) as principal of a training college; and if she will make a statement on the matter. [14938/05]

405. **Mr. F. McGrath** asked the Minister for Education and Science if she will report on allegations of bullying and psychological abuse against the former principal of a training college (details supplied); and if the trustees and governing body of the college acted in a fair and professional manner. [14939/05]

406. **Mr. F. McGrath** asked the Minister for Education and Science her views on the purchase of four apartments by an institute of education (details supplied); and if all aspects of the issue are in order. [14940/05]

407. **Mr. F. McGrath** asked the Minister for Education and Science the reason a person was

forced to resign from a training college (details supplied); and her views on whether this resignation raises disturbing questions regarding governance of such institutions. [14941/05]

409. **Ms Enright** asked the Minister for Education and Science the procedures her Department has in place for each of the colleges of education to ensure accountability for the public moneys allocated to them for the sole purposes of teacher education; and if she will make a statement on the matter. [14943/05]

410. **Ms Enright** asked the Minister for Education and Science the amount of surplus public moneys which accrued in each of the colleges of education in the years 1999 to 2004, inclusive; the way in which these moneys were spent; and if she will make a statement on the matter. [14944/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 404 to 407 inclusive, and 410 together.

As Deputies are well aware, the president of the college covered by the Deputies' questions resigned from that position on Friday, 29 April. Arising from this development and various related matters, I have asked that one of the country's leading independent accountancy firms examine the question of the use of moneys paid by my Department to the institution in question. I have also asked that a report be prepared as promptly as possible and that the outcome be presented to me once completed. I intend to make its findings public.

At this stage, there is nothing to show that funding provided by my Department to the institution in question has not been applied solely and properly for its intended purposes, but it is important to secure confirmation that this is indeed the case. I also commend and acknowledge that the staff of the institution in question are ensuring that the education of its students is of paramount importance and, despite the current difficulties at the institution, they continue to provide a properly professional service to students. I have been assured that the lectures, teaching practice and examinations are proceeding as planned.

The recent reported difficulties at the institution in question relate to the employee-employer relationship between the head of the college and that person's employers which, I understand, were subject to legal proceedings. In this regard, it is considered that it is not appropriate for me to make any comment on them.

Apart from the provision of funding, my Department also has a role in regard to the quality of graduates from the college. This role is similar to its role *vis-à-vis* other State-supported colleges of this nature. My Department's inspectorate actively monitors the quality of the graduates on an ongoing basis to ensure that the highest quality students leave all colleges of this nature. This is a well established monitoring process and one which has worked very well.

408. **Ms Enright** asked the Minister for Education and Science the amount of public moneys allocated to colleges of education (details supplied) in the years 1999 to 2004, inclusive; and if she will make a statement on the matter. [14942/05]

Minister for Education and Science (Ms Hanafin): There are three different methods of providing funding to the five colleges of education, reflecting the historical context within which the colleges were established and developed over time. Coláiste Mhuire Marino and the Froebel College of Education are funded on a capitation basis with funding linked to a payment per student registered in these colleges, certified by the college president. My Department is

not prescriptive in how this funding is spent by the colleges only that, in accordance with regulations governing all public expenditure, the moneys are spent in accordance with the purposes for which they are allocated. For Coláiste Mhuire Marino and the Froebel College of Education, this purpose is teacher training.

The Church of Ireland College, Rathmines, is funded on a budget basis. This involves that college submitting annual returns and financial projections for agreement by my Department. St. Patrick's College, Drumcondra, and Mary Immaculate College, Limerick, are funded through the Higher Education Authority. The amount of funding provided by my Department for the 1999-2004 period is set out in the following table.

Funds allocated to the colleges of education 1999-2004

College	1999	2000	2001	2002	2003	2004
	€	€	€	€	€	€
Froebel College	1,028,352	1,292,369	1,745,624	2,124,431	2,357,985	2,254,133
Mary Immaculate College	9,060,366	9,907,969	11,417,415	12,790,423	14,234,001	14,168,420
St Patrick's College, Drumcondra	9,410,547	10,144,927	12,191,310	14,273,448	15,725,886	15,326,610
Coláiste Mhuire	1,449,010	2,027,097	2,836,506	3,534,125	4,025,096	4,159,172
Church of Ireland College	1,040,426	1,302,972	1,406,616	1,486,466	1,184,316	1,476,705

Mary Immaculate College Limerick and St. Patrick's College, Drumcondra, are funded by the HEA.

Questions Nos. 409 and 410 answered with Question No. 404.

School Accommodation.

411. **Mr. Durkan** asked the Minister for Education and Science her plans to expand school capacity in Kildare town to take account of the decision to use the land at Magee Barracks for the purposes of the affordable housing initiative as announced on 4 July 2003; and if she will make a statement on the matter. [14945/05]

Minister for Education and Science (Ms Hanafin): A copy of the draft local area plan for the former Magee Barracks lands has recently been received from Kildare County Council. Officials in the planning section of my Department are currently examining the implications of the draft plan. Any additional school accommodation required as a result of this plan will be addressed in the context of the school building programme from 2005 onwards.

Mobile Telephony.

412. **Mr. Gogarty** asked the Minister for Education and Science if her Department has considered the introduction of mobile phone jamming systems into schools in order to block mobile phone access in the classroom; and if she will make a statement on the matter. [14986/05]

Minister for Education and Science (Ms Hanafin): My Department has no proposals to introduce mobile phone jamming systems into schools.

In accordance with the Education Act 1998, individual school authorities are responsible for the day-to-day running of schools. It is a matter for each school authority to establish rules on what is and is not acceptable for students to do while on the school premises, provided that those rules are lawful, fair and reasonable.

The National Centre for Technology in Education, in its advice sheet for schools on mobile phones, recommends that the management of mobile phone use by students should be incorporated into the school's ICT plan and acceptable use policy.

Language Programme.

413. **Mr. McGinley** asked the Minister for Education and Science her views on the urgency of re-establishing an all-Irish education school in Ballyvourney, County Cork, in view of the language commissioners recent report. [14991/05]

Minister for Education and Science (Ms Hanafin): The recent report of the Irish Language Commissioner highlighted the fact that despite appreciable time devoted to Irish in the school system, many students emerge from primary and post-primary education without achieving a reasonable command of the language. Particular concerns were raised about students' command of the spoken language.

[Ms Hanafin.]

While I absolutely accept that the standard of oral Irish, in particular, of many of our young people is not as it should be, it is important to note that significant efforts have been made by my Department in recent years to improve standards in the teaching and learning of Irish in our schools. The revised Irish language programme at primary level places a strong emphasis on oral Irish. This programme, implemented in all schools since September 2003, and supported by extensive in-service training by the primary curriculum support programme should bring significant improvement to the standard of spoken Irish over time. This development at primary level complemented similar curricular changes at second level where syllabus reform is ongoing.

Significant improvements are being made in regard to the provision of materials and resources for the teaching of Irish. An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta has been established to progress this area and to provide support services for schools. Funding has been provided to An Chomhairle to support this task and I know that this is an area that will need further work. Marino Institute of Education now provides Irish courses at different levels for teachers and an enhanced range of supports for those studying for the Scrúdú le hAghaidh Cailíochta sa Ghaeilge has been put in place.

My Department is currently engaged in a number of evaluation activities relating to the teaching and learning of Irish. Also, at the request of my Department, the National Council for Curriculum and Assessment is carrying out a review of languages in the post-primary curriculum. This will include Irish.

I am confident that the above reports will both inform us of good practice within the system and point to areas requiring improvement. The inspectorate of my Department, on foot of a major review of Irish language policies carried out in the Department last year, has recently prepared an internal report for policy discussion regarding areas where further improvements could be made. The Coimisinéir Teanga, with other interest groups, contributed to that process.

I also recently met An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta to discuss further improvements that could be made to support schools in improving the teaching and learning of Irish and to promote high quality education through the medium of Irish. The proposed Lárionad Náisiúnta Oideachais, Baile Mhúirne, has the potential to provide assistance to schools and teachers in the teaching and learning of Irish and most particularly, gaelscoileanna and Gaeltacht schools.

There are a number of issues that remain to be clarified including the specific rationale and function of the centre, building and related technical requirements, and the involvement of other bodies such as An Chomhairle Um Oideachas Gaeltachta and Gaelscolaíochta and the Depart-

ment for Community, Rural and Gaeltacht Affairs. It is important to note that the issue of promoting the Irish language is not one that can be advanced by schools alone. Societal attitudes to the Irish language certainly impact on students' desire to learn it.

The Government has demonstrated a clear commitment to promoting our national language. It is hoped that the continuing initiatives in education along with the increased emphasis on the use of Irish in the Official Languages Act, will in time create a positive climate whereby students will realise the value of learning our native language and as a consequence language competence will prosper.

Special Educational Needs.

414. **Cecilia Keaveney** asked the Minister for Education and Science the reason for the proposed reduction in the number of classroom assistant hours and therefore classroom assistants at a school (details supplied) in County Donegal; and if she will make a statement on the matter. [15054/05]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that a review has been conducted in recent months to establish whether primary schools have the level of SNA support that they need for children in their care, whether they have resources which they no longer need or whether they need extra resources.

The review has found that some schools no longer have the care needs for which the SNA was originally sanctioned, i.e., 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. In this regard, the schools where surplus SNA support was identified have been advised that they may retain this surplus until the end of the current school year.

I understand that the school concerned was reviewed recently by the local special education needs organiser, SENO. The outcome of the review has not yet been communicated to my Department. My officials will convey the outcome of the review to the school in question as soon as the information becomes available.

415. **Mr. Durkan** asked the Minister for Education and Science the extent of the help available to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [15075/05]

Minister for Education and Science (Ms Hanafin): I understand from the relevant vocational education committee that the pupil referred to by the Deputy is enrolled and in attendance at post-primary school. Where a pupil with special educational needs enrolls in a post-primary school, it is open to the school to apply

for additional teaching support and-or special needs assistant support for the pupil.

My Department allocates additional teaching support and special needs assistant support to second level schools and vocational education committees to cater for pupils with special educational needs. Each application is considered on the basis of the assessed needs of the pupil(s) involved and having regard to a range of factors including the overall resources available to the school. My Department has approved an allocation of 49 hours teaching support per week and 56 hours special needs assistant support per week to cater for the special educational needs of a number of pupils enrolled in the school in question, including the pupil to whom the Deputy refers.

The level of support allocated was determined after detailed consideration of the school's application, the supporting documentation provided and having regard to the overall level of resources already available to the school to address special needs issues. If the school authority is of the view that the existing approved allocation is incapable of addressing the current level of assessed special needs within the school and additional information to that already submitted becomes available, my Department will be prepared to reconsider the case.

416. **Mr. F. McGrath** asked the Minister for Education and Science the results of the review of special needs provision; if a school (details supplied) in Dublin 7 will not lose any teaching staff; and if it will be given the maximum support. [15076/05]

Minister for Education and Science (Ms Hanafin): The review of the general allocation system, GAS, has now been completed. The new model replaces that which was notified to schools in June 2004, which has been reviewed to take account of difficulties that it may have caused for smaller schools. I can confirm that 660 additional special needs teaching posts will be put in place in primary schools from next September to facilitate the implementation of the new GAS.

The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system.

My Department is now devising school clusters in respect of allocations to be made under the general allocation system. These will be notified to schools shortly along with the details of each school's individual allocation. My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. This circular will issue before the end of the current school year.

I am delighted to be able to get such significant resources for special needs provision in primary schools. Prioritising special needs and disadvantage has been top of my agenda since becoming Minister for Education and Science. I also want to acknowledge the support of the Minister for Finance and the Government in making the necessary resources available.

Physical Education Facilities.

417. **Ms McManus** asked the Minister for Education and Science when a school (details supplied) in County Wicklow will be provided with funding to replace physical education equipment it has used since the school opened in 1975; and if she will make a statement on the matter. [15186/05]

Minister for Education and Science (Ms Hanafin): All primary schools receive an annual minor works grant from my Department. Each school gets a standard rate of €3,809 together with a per pupil rate of €12.70.

It is open to the school management authority of the school referred to by the Deputy to use this devolved grant for the purchase of physical education equipment provided it is not required for more urgent works.

School Staffing.

418. **Ms McManus** asked the Minister for Education and Science when a school (details supplied) in County Wicklow will be provided with an additional teacher; and if she will make a statement on the matter. [15187/05]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by applying the enrolment of the school on the 30 September of the previous school year to a staffing schedule, agreed between my Department and the education partners.

The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes.

In accordance with the staffing schedule, the mainstream staffing of the school referred to by the Deputy for the school year 2004-05 is a principal and five mainstream class teachers based on an enrolment of 167 pupils at 30 September 2003. The school also has one full-time resource post and the services of a learning support teacher and a temporary resource post for Travellers based in the school. The average class size in the school is 27. The Department will finalise the staffing schedule for the 2005-06 school year shortly and thereafter notify school boards of management.

According to data submitted to my Department by the board of management, the enrolment on 30 September 2004 in the school was 162 pupils. The staffing for the 2005-06 school year

[Ms Hanafin.] will be determined on the basis of this figure and in accordance with the agreed staffing schedule.

As outlined in primary circular 19/02, an independent appeals board was established to adjudicate on appeals from boards of management on mainstream staffing allocations in primary schools. The appeals board operates independently of the Minister and the Department and its decision is final. Appeals must be submitted to primary payments section of the Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made, after the schedule for the 2005-06 school year has issued.

Schools Recognition.

419. **Mr. Timmins** asked the Minister for Education and Science the criteria required to establish a gaelscoil in an area; if she has a liaison person in her Department who advises groups that wish to set up new schools; the assistance available for the setting up of a new school; and if she will make a statement on the matter. [15196/05]

Minister for Education and Science (Ms Hanafin): Section 10 of the Education Act 1998 provides for the recognition of new schools by the Minister. The application procedure for the process involved was revised in 2002 based on the recommendations in the report of the Commission on School Accommodation, Criteria and Procedures for the Recognition of New Primary Schools.

The application procedure involves a number of stages, including formal notification of intention to apply for recognition; public consultation and identification of need; formal application for recognition; assessment of application by the New Schools Advisory Committee, NSAC, which consults interested parties and reports to the Minister; decision by the Minister; and provision for appeal by the applicant to an independent appeals committee.

In December 2002, the NSAC was established as part of the process. On receipt of the notifications of intent, the NSAC initiates a public and transparent consultation process and assesses the applications against the published criteria. The NSAC's annual programme of work culminates in a report to the Minister with recommendations on the granting of recognition to applicants.

The criteria for recognition of new primary schools, including gaelscoileanna, are such that there must be evidence of the following: the proposed school meets a need that cannot reasonably be met within existing provision; the local community is consulted in advance; the patron has been registered as such by the Minister for Education and Science; a board of management will be appointed in accordance with the requirements of the Department of Education and Science; the rules for national schools will be complied with; the proposed school has a minimum initial enrolment of 17 junior infants and a

minimum projected enrolment of 51 pupils for the third year of operation; all pupils are at least four years of age on 30 September of the year in which the school is due to commence operation.

Furthermore, in accordance with section 10(2)(e) of the Education Act 1998, proposed interim school accommodation must comply with the Planning and Development Act 2000, the Planning and Development Regulations 2001, the Building Regulations 1991 to 1997, including the building control regulations, and the Health, Safety and Welfare at Work (Construction) Regulations 2001, and any modifications, statutory instruments or orders made in accordance with these Acts. There must also be evidence that the school will follow the primary school curriculum of the Department of Education and Science and employ recognised primary school teachers.

The Department grant-aids teacher salaries and temporary accommodation for newly recognised schools. The rates of such grant are 95% of rental costs for primary schools with permanent recognition and 75% of rental costs for primary schools with provisional recognition. School authorities pay a local contribution of the balance. Where the local contribution exceeds €3,175 for expenditure incurred in the financial year January to December, rental payments are grant-aided by my Department at a rate of 100%.

Officials in the school planning section of my Department are available to advise any party who wishes to set up a new school and details are also available on my Department's website. Any party proposing to establish a gaelscoil can also seek assistance from Gaelscoileanna, the umbrella body for all-Irish schools.

Tax Collection.

420. **Mr. P. McGrath** asked the Minister for Education and Science the number of civil servants in her Department who have made settlements with the Revenue Commissioners as tax defaulters; her views on whether this is appropriate in view of her Department's auditing role regarding EU and national schemes in education and science; and if she will make a statement on the matter. [15273/05]

Minister for Education and Science (Ms Hanafin): In accordance with section 23 of the Ethics in Public Office Act 2001, officers of Departments at or above deputy secretary level must make a statutory declaration that they are tax-compliant within one month of taking up office. In addition, such officers must forward to the Standards in Public Office Commission a tax clearance certificate issued by the Revenue Commissioners within nine months of taking up office.

Apart from the aforementioned officers, all matters relating to tax are regarded as a private issue between the individual and the tax authorities and I would not, therefore, be aware of the number of civil servants in my Department who have made tax settlements with the Revenue Commissioners. Any extension of the scope of

section 23 of the above Act of 2001 to other designated officers in Departments, including auditors, would require amendment of the legislation.

Question No. 421 answered with Question No. 396.

School Accommodation.

422. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the serious overcrowding at the primary schools of Portlaoise; the applications she has for the provision of extra accommodation in the town; the stage each of these applications is at on the building programme; and if she will make a statement on the matter. [15275/05]

423. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the serious overcrowding at the post-primary schools of Portlaoise; the applications she has for the provision of extra accommodation in the town; the stage each of these applications is at on the building programme; and if she will make a statement on the matter. [15276/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 422 and 423 together.

The Deputy will be aware that a facilitator, Dr. Tom McCarthy, was appointed to assist in the development of a long-term plan for the provision of primary and post-primary school accommodation in the Portlaoise area.

Following receipt of Dr. McCarthy's recommendations, it was decided that educational provision at post-primary level required to be addressed as a matter of urgency. This matter has reached finality with the decision to provide three new post-primary schools in Portlaoise, one of which, the new VEC school, has recently been completed.

A site has been purchased for the development of the other two schools referred to, a single-sex girls school and a single-sex boys school. These schools, each of which will cater for 850 pupils, will occupy the site on a shared campus basis. Progress on these projects is being considered in the context of the schools building programme from 2005 onwards.

With regard to primary infrastructure, there are currently six primary schools and two special schools serving Portlaoise. These include four Catholic schools, one Church of Ireland school and one gaelscoil. The McCarthy report recommends a reconfiguration of three of the Catholic schools into two coeducational schools with development of the remaining schools to cater for the future demand.

Officials in the school planning section of my Department are now examining this matter with a view to establishing the best way forward. In the meantime, progress on applications for capital funding from individual schools in the area will be considered in the context of the McCarthy

report and the published criteria for prioritising large-scale projects.

State Examinations.

424. **Ms Enright** asked the Minister for Education and Science the reason bonus marks for the production of pre-submitted research projects for the leaving certificate history course when done through Irish are not being awarded in the same manner as the bonus marks awarded for completing the rest of the examination in Irish; and if she will make a statement on the matter. [15277/05]

425. **Ms Enright** asked the Minister for Education and Science the reason teachers and pupils have not been informed of a decision taken by her Department to withdraw the bonus marks for submitting pre-submitted research projects in the new leaving certificate history course through Irish; and if she will make a statement on the matter. [15278/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 424 and 425 together.

Currently, leaving certificate history is examined by means of a terminal written examination, which takes place under examination hall conditions. Candidates answering through Irish are eligible for the award of bonus marks in accordance with rule 29 of the Rules and Programme for Secondary Schools. In 2006 and subsequent years, the leaving certificate history examination will comprise a written examination conducted under examination hall conditions and a research study report completed by candidates in advance of their sitting the written examination under examination hall conditions.

In keeping with all other examinations that involve a component completed outside of the formal supervised written examination, bonus marks will not be awarded in the case of research study reports written in Irish. However, bonus marks will be awarded in the normal way in the case of the component conducted under examination hall conditions.

On foot of a Government decision of 6 March 2003, the State Examinations Commission has been established with statutory responsibility for operational matters relating to the national certificate examinations.

Departmental Funding.

426. **Cecilia Keaveney** asked the Minister for Education and Science if there is financial assistance available from her Department for a project (details supplied) in County Donegal; and if she will make a statement on the matter. [15279/05]

Minister for Education and Science (Ms Hanafin): My Department supports the delivery of music programmes outside of schools through allocations to vocational educational committees under the Co-operation with Other Institutions

[Ms Hanafin.]

heading. Students attending courses run by vocational education committees pay a fee to the relevant VEC.

My Department pays the salaries of the teachers in the case of school-based music tuition and there is normally no tuition cost to students in these circumstances. However, students who take music lessons outside their school in a college or school of music, or privately, can expect to pay a fee and my Department does not subsidise such fees. I have no plans to provide funding to privately operated summer schools, such as that referred to by the Deputy.

Young Persons in Employment.

427. **Mr. Carey** asked the Minister for Education and Science when the National Education Welfare Board proposes to start maintaining a register of young persons in employment; and if she will make a statement on the matter. [15281/05]

Minister for Education and Science (Ms Hanafin): The Education (Welfare) Act 2000 established the National Educational Welfare Board as the single national body with responsibility for school attendance. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

Under the terms of the Act, any young person aged between 16 and 17 who wishes to leave school to enter employment must apply to the National Educational Welfare Board to have his or her name included in a special new register. The purpose of the register is to safeguard the educational welfare of young people who leave school early to take up employment.

Prior to registration, the board prepares a plan in consultation with the person and other relevant parties for the purpose of assisting the young person concerned to continue to avail of educational and training opportunities. When the person is registered, a certificate is issued to the young person. An employer must inspect this certificate before employing the young person. The certificate may be withdrawn where the board forms the opinion that the young person is failing to make all reasonable efforts to carry out the education plan prepared for him or her and that it would not be in the young person's best interests to continue in employment without also continuing to carry out the plan. The board is obliged to give notice in writing to the young person, his or her parents and his or her employer, of its intention to withdraw the certificate and to invite them to make representations to the board concerning the matter.

Education for Asylum Seekers.

428. **Mr. J. Higgins** asked the Minister for Education and Science the VEC courses for which asylum seekers are entitled to register. [15282/05]

429. **Mr. J. Higgins** asked the Minister for Education and Science if asylum seekers who have been granted the right to work and asylum seekers granted leave to remain in this State as the parent of an Irish-born child are subject to different criteria in registering for a VEC course than asylum seekers who do not come under these categories. [15283/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 428 and 429 together.

Adults in the following categories may participate on courses in the VEC sector: EU nationals; persons who have refugee status in Ireland; persons in the State as the spouse of an EU national, where the EU national has moved from one country to another within the EU to work; persons who have been granted leave to remain in the State on humanitarian grounds; persons who have permission to remain in the State as the parents of a child born in Ireland; applicants for asylum who have been granted permission to work under the terms of a Government decision of 26 July 1999.

Part-time courses in adult literacy and English language supports may be offered by VECs under the adult literacy and community education scheme to persons who are applicants for asylum who do not come under the above categories.

Special Educational Needs.

430. **Ms Harkin** asked the Minister for Education and Science the service which will be put in place to replace resource teaching hours for a person (details supplied) in County Leitrim from September 2005. [15284/05]

Minister for Education and Science (Ms Hanafin): The review of the general allocation system, GAS, has now been completed. The new model replaces that which was notified to schools in June 2004, which has been reviewed to take account of difficulties that it may have caused for smaller schools.

Some 660 additional special needs teaching posts will be put in place in primary schools from next September to facilitate the implementation of the new GAS. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system.

The Department is now devising school clusters in respect of allocations to be made under the GAS. These will be notified to schools shortly along with the details of each school's individual allocation. My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. This circular will issue before the end of the current school year.

I am delighted to be able to get such significant resources for special needs provision in primary schools. Prioritising special needs and disadvantage has been top of my agenda since becoming Minister for Education and Science. I acknowledge the support of the Minister for Finance and other members of the Government in making the necessary resources available.

Schools Building Projects.

431. **Ms Enright** asked the Minister for Education and Science the reason a school (details supplied) in County Laois was not included under the devolved grant scheme; when it will be included; and if she will make a statement on the matter. [15287/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers submitted an application for ancillary accommodation which was assessed in accordance with the published prioritisation criteria for large-scale building projects. Under the criteria, schools with a deficit of mainstream classroom accommodation are afforded a higher band rating than those with a deficit of ancillary accommodation. The 2005 devolved grant scheme prioritised funding to schools with a requirement for mainstream accommodation.

The school in question subsequently submitted a revised application to reflect a deficit of mainstream accommodation. This application is being examined and progress on any proposed project will be considered in the context of the schools building programme from 2005 onwards.

Freedom of Information.

432. **Mr. Wall** asked the Minister for Education and Science her views on correspondence (details supplied); her plans to address the issue contained therein; and if she will make a statement on the matter. [15288/05]

433. **Mr. Carey** asked the Minister for Education and Science if it is proposed to designate the Higher Education and Training Awards Council under the provisions of the Freedom of Information Act 1997; and if she will make a statement on the matter. [15296/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 432 and 433 together.

Proposals for extending the Freedom of Information Acts are being considered in the Department of Finance.

School Accommodation.

434. **Mr. Kehoe** asked the Minister for Education and Science the reason a school (details supplied) in County Carlow was not successful in its recent application for new temporary accommodation; and if she will make a statement on the matter. [15304/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers applied for temporary accommodation in October of 2004. In the context of the available funding for temporary accommodation and the number of applications for that funding, it was not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved. All schools are required, as an interim measure, to maximise the use of existing accommodation until my Department is in a position to make extra accommodation available.

Pupil-Teacher Ratio.

435. **Mr. Lowry** asked the Minister for Education and Science the number of primary schools in County Tipperary with class sizes of more than 20 pupils, more than 25 pupils, more than 30 pupils and more than 35 pupils. [15381/05]

436. **Mr. Lowry** asked the Minister for Education and Science the number of primary school pupils in County Tipperary in classes of more than 20, more than 25, more than 30 and more than 35; and if she will make a statement on the matter. [15382/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 435 and 436 together.

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. Data from previous years are out of date but can be supplied to the Deputy if he so wishes.

Departmental Correspondence.

437. **Mr. Lowry** asked the Minister for Education and Science if correspondence was received by her Department (details supplied); and if she will make a statement on the matter. [15383/05]

Minister for Education and Science (Ms Hanafin): Correspondence has been received from the school authority referred to by the Deputy. The matter is being considered in the school planning section of my Department and a response will issue to the school authority shortly.

School Refurbishment.

438. **Mr. Lowry** asked the Minister for Education and Science if correspondence was received by her Department (details supplied);

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and if she will make a statement on the matter. [15384/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers applied for funding under the summer works scheme for 2005. The application was unsuccessful because the works largely related to maintenance matters which should be funded from the schools devolved maintenance grant under the grant scheme for minor works. The school authority appealed this decision and, following a review, the original decision was upheld. The summer works scheme for 2005 has been finalised and the list of successful applicants has been published. It is open, however, to the school authority to apply for works consistent with the terms and conditions of the 2006 summer works scheme when it is announced later this year.

Schools Building Projects.

439. **Mr. Lowry** asked the Minister for Education and Science the amount being spent on prefabricated buildings in County Tipperary for primary, post-primary and tertiary buildings in the education sector in each year from 1997 to 2005; the amount spent nationally on prefabricated buildings; and if she will make a statement on the matter. [15385/05]

Minister for Education and Science (Ms Hanafin): Expenditure by my Department on the purchase of prefabricated buildings in County Tipperary includes the supply and installation of prefabricated buildings, associated site works, and other costs such as compliance with planning permission conditions, professional fees, connections for water, electricity and sewage.

County Tipperary

	Primary Prefabricated	Post-Primary Prefabricated	Third-Level Prefabricated	Total Prefabricated	Total Capital	Prefabricated as a % of Capital
	€	€	€	€	€	%
1997	Nil	9,301	Nil	9,301	5,866,827	0.16
1998	44,797	129,843	Nil	174,640	6,943,898	2.52
1999	27,078	63,519	Nil	90,597	18,887,870	0.48
2000	Nil	6,414	1,269,493	1,275,907	8,105,973	15.74
2001	371,499	159,706	60,685	591,890	5,108,227	11.59
2002	1,532,399	83,077	Nil	1,615,476	9,352,828	17.27
2003	482,491	86,274	Nil	568,765	10,900,341	5.22
2004	124,125	1,854	Nil	125,979	11,274,119	1.12
2005	(To date) Nil	84,415	Nil	84,415	3,060,665	2.76

The above data excludes any expenditure on the renting of prefabricated buildings which cannot be extracted on a county basis from the national total.

Expenditure at national level from 1997 to date in 2005 on prefabricated buildings, including expenditure on the renting of temporary accommodation most of which would be for prefabricated buildings, is as follows:

	Prefabricated Buildings	Total Capital Expenditure plus rent of temporary accommodation	Prefabricated as a % of total capital
	€m	€m	%
Primary*	104.310	1,034.012	10
Post-Primary	31.136	1,083.174	2.87
Third-Level	15.543	904.460	1.72
TOTAL	150.989	3,021.646	4.99

*Data on Primary for 1997 not available.

School Staffing.

440. **Mr. Lowry** asked the Minister for Education and Science when the school staffing schedule for the 2005-06 academic year will be published. [15386/05]

Minister for Education and Science (Ms Hanafin): It is expected that the staffing schedule will issue to all national schools this week.

441. **Mr. Lowry** asked the Minister for Education and Science if she will review the situation at a school (details supplied) in County Tipperary. [15387/05]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by applying the enrolment of the school on 30 September of the previous

school year to a staffing schedule, agreed between my Department and the education partners. The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes.

In accordance with the staffing schedule, the staffing of the school referred to by the Deputy for the school year 2004-05 is a principal and five mainstream class teachers based on an enrolment of 147 pupils at 30 September 2003. In addition, the school has the services of a learning support teacher and a resource teacher.

My Department will finalise the staffing schedule for the 2005-06 school year shortly and thereafter notify school boards of management. According to data submitted to my Department by the board of management of the school, the enrolment on 30 September 2004 was 142 pupils. The staffing for the 2005-06 school year will be determined on the basis of this figure and in accordance with the agreed staffing schedule.

As outlined in primary circular 19/02, an independent appeals board was established to adjudicate on appeals from boards of management on mainstream staffing allocations in primary schools. The appeals board operates independently of the Minister and my Department and its decision is final. Appeals must be submitted to primary payments section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made, after the schedule for the 2005-06 school year has issued.

Colleges of Education.

442. **Mr. Lowry** asked the Minister for Education and Science the number of persons from County Tipperary enrolled on courses (details supplied); the total number of persons enrolled on these courses; and if she will make a statement on the matter. [15388/05]

Minister for Education and Science (Ms Hanafin): The five colleges of education do not, in the normal course of events, submit information to my Department setting out the county of origin for their students in respect of each year of study. They do, however, provide the county of origin for the overall number of students in their colleges for a particular academic year. The material in respect of the three colleges of education directly funded by my Department is as follows: Coláiste Mhuire Marino — 8; Froebel College of Education — 7; Church of Ireland College — 1. I have requested that the HEA-funded colleges of education — St. Patrick's College, Drumcondra, and Mary Immaculate College, Limerick — explore whether it is possible to provide the information requested by the

Deputy in the required format. I will ask my officials to contact the Deputy in relation to this matter in due course.

Special Educational Needs.

443. **Mr. Lowry** asked the Minister for Education and Science the number of special needs assistants to be made redundant in County Tipperary in 2005; the number of special needs assistants working in the country in total; the number of special needs assistants required to cater for special needs children in the country; and if she will make a statement on the matter. [15469/05]

444. **Mr. Lowry** asked the Minister for Education and Science the reason 70 special needs assistants are to be made redundant nationally in 2005. [15470/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 443 and 444 together.

It is not possible to provide the specific information requested on special needs assistants in County Tipperary. However, a review has been conducted in recent months to establish whether primary schools have the level of special needs assistant support that they need for children in their care, whether they have resources which they no longer need or whether they need extra resources. The review found that some schools no longer have the care needs for which the special needs assistant was originally sanctioned that is, 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. In this regard, the schools where surplus special needs assistant support was identified have been advised that they may retain this surplus until the end of the current school year.

Special needs assistants are assigned to schools to meet the care needs of individual children who have been assessed as needing this type of support. Where it has been established that additional special needs assistant posts are required, these posts continue to be allocated on an ongoing basis. Those schools have been informed that they may make the necessary arrangements immediately for putting the required staff in place.

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 nationally. In addition to this, more effective systems, such as the establishment of the National Council for Special Education, have been put in place to ensure that children receive support as early as possible. At this stage the National Council for Special Education has dealt with all new applications from schools for special

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needs assistance that will be required from the beginning of September 2005. Therefore, there should be no reason why a child enrolling in a school in September 2005 who needs special needs assistance does not have that assistance in place from his or her first day in school.

Defence Forces Property.

445. **Mr. Lowry** asked the Minister for Defence his estimation of the serious health and safety hazards at a club (details supplied) in County Cork; if an assessment procedure will be expedited and necessary works carried out immediately to minimise the disruption to the club during the upcoming summer season. [14930/05]

Minister for Defence (Mr. O'Dea): Arising from concerns that continuing use of the pitch and putt facilities in question, which are held under licence from the Department of Defence, may present serious health and safety hazards for members and visitors, it was decided to suspend further use of the facilities with immediate effect, pending a complete safety assessment of the site. This decision was conveyed in writing to the club chairman on 30 March 2005. It is proposed to conduct a full safety assessment by the Department's properties officer and appropriate military personnel as soon as possible. In a further letter dated 13 April 2005, the club chairman was informed accordingly and in this regard a meeting between officials of the Department and representatives of the club will be arranged once the outcome of the assessment is to hand.

446. **Mr. Durkan** asked the Minister for Defence the action he proposes to take in fulfilment of the undertaking to provide community gain arising from the disposal by the State of the lands at Magee Barracks, Kildare town, for affordable housing; and if he will make a statement on the matter. [14948/05]

Minister for Defence (Mr. O'Dea): The Government decided on 1 July 2003 that Magee Barracks, Kildare, would be among the State lands released for inclusion in the Sustaining Progress affordable housing initiative. This initiative will be aimed at those who in the past would have expected to purchase a house from their own resources but find that they are unable to do so in the current market. The release of State lands under this initiative is a critical factor in ensuring delivery of affordable housing units.

With regard to Magee Barracks, the modalities of the transfer of the property to Kildare County Council are in process in consultation with the Department of the Environment, Heritage and Local Government. The future development of the site is a matter for that Department and Kildare County Council, which has prepared a draft local area plan for the site. In this regard,

Kildare County Council was asked by my Department to take into consideration the commitment made by my predecessor to allocate some land at Magee Barracks to the local community when final decisions are being made regarding the development of the site.

Military Discipline.

447. **Mr. Timmins** asked the Minister for Defence if his attention has been drawn to a report of an incident at a location (details supplied) concerning the involvement of the military police; the action which has been taken as a result of the incident; and if he will make a statement on the matter. [15195/05]

Minister for Defence (Mr. O'Dea): The matter referred to is the subject of a formal application for redress of wrongs which has been forwarded to me, after due process through the military chain of command, by a member of the Permanent Defence Force under the terms of Section 114 of the Defence Act 1954. As I intend to refer the matter to the complaints inquiry officer, under the administrative arrangements agreed with the representative associations, it would be quite improper to comment further on the subject matter of the application for redress.

Defence Forces Property.

448. **Mr. Wall** asked the Minister for Defence the position regarding the taking in charge of the road at Blackrath, the Curragh, by the local authority; and if he will make a statement on the matter. [15289/05]

Minister for Defence (Mr. O'Dea): My Department has been in contact with Kildare County Council in this matter. The council advised the cost of bringing the road in question up to the standard required to have it taken in charge. My Department has recently written to the council agreeing to pay the amount involved if, in line with normal practice, the council arranges to have the necessary works carried out.

449. **Mr. Wall** asked the Minister for Defence the position regarding the sale of the Orchard Park housing scheme to the tenants; when the estate will be taken in charge by the local authority; and if he will make a statement on the matter. [15290/05]

Minister for Defence (Mr. O'Dea): To date, 86 of the houses at Orchard Park have been sold to the occupants and the sale of the remaining 14 houses at the estate is ongoing. Kildare County Council has advised that the roads, services etc. at Orchard Park will have to be brought up to the required standard before they will be taken in charge. It is hoped to undertake a programme of works later in the year to ensure that the facilities at the estate are up to the standard required. Emergency repairs to the roads have recently

been carried out by a contractor employed by my Department.

Military Service Allowance.

450. **Mr. Timmins** asked the Minister for Defence if the pension payable to a person (details supplied) includes an amount as a military service allowance; and if not, his plans to include such an amount in the future; and if he will make a statement on the matter. [15343/05]

Minister for Defence (Mr. O'Dea): Military service allowance was made pensionable in the case of Defence Forces' personnel retiring on or after 1 August 1990 on foot of a recommendation of the commission on remuneration and conditions of service in the defence forces, the Gleeson commission. This approach is fully consistent with settled public service pensions policy which provides that the benefit of an allowance being made pensionable for serving personnel does not extend to existing pensioners. As the person in question retired before 1 August 1990, he is not eligible to have military service allowance taken into account in the calculation of his pension.

Waste Disposal.

451. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the proposed EU Directive on recycling of electronic waste can pose serious difficulties for electrical retailers, particularly those who are operating in town situations; if electrical retailers need to obtain a waste management licence in order to have storage facilities at their premises for such hazardous waste; if there will be insurance implications for such retailers when storing hazardous waste on site; and if they will require a permit for transportation of such material from their premises to a civic amenity area. [14841/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The EU directive on waste electrical and electronic equipment, which came into effect on 13 February 2003, presents a challenge to all relevant stakeholder groups, including retailers, and effective implementation will require a focused, committed approach from all concerned. Draft regulations, which will transpose the directive into Irish law, have been published for consultation. These were prepared by my Department, working closely with the relevant public sector and industry stakeholders through a dedicated waste electrical and electronic equipment task force. Retailer interests are represented on this task force, which was established in February 2003.

To minimise the regulatory burden of the directive, the draft regulations propose that retailers be allowed to avail of an exemption from the normal waste permitting requirements for the storage and transport of waste electrical and elec-

tronic equipment in certain circumstances. Under the modified regime, which will be considerably less burdensome than the normal collection and waste permitting requirements, retailers will be required to register their premises with their local authority.

In recognition that some retailers, particularly those operating in the centre of a town, may have difficulties in catering for waste electrical and electronic equipment, the draft regulations also propose that retailers may, subject to the agreement of the appropriate local authorities, make alternative arrangements to in-store take-back, provided that such arrangements are not more inconvenient for the purchaser and remain free of charge. Insurance considerations are matters for the individual retailers.

Road Network.

452. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when funding will be provided for the R312 regional road from Bellacorrick to Castlebar. [14844/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The improvement of non-national roads in County Mayo is a matter for Mayo County Council. Such schemes are funded from the authority's own resources supplemented by grants from my Department.

In 2004, my Department sought applications from road authorities for funding under the 2005 EU co-financed specific improvements grant scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is a matter for local authorities. Mayo County Council's submission did not include an application for works on the R312 Bellacorrick to Castlebar Road. It will be open to the council to prioritise works on this route for funding under the EU co-financed specific improvement grant scheme in 2006, if eligible, when applications are sought later this year by my Department.

Mayo County Council may also use the discretionary improvement grant provided by my Department towards the carrying out of such works. The discretionary improvement grant allocation to Mayo County Council in 2005 is €1.497 million. The selection of works to be funded from this allocation is a matter for the council.

Planning Issues.

453. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the Government's plans for planning legislation particularly in cases in which a council refuses a planning application and An Bord Pleanála grants it; and his plans to give An Bord Pleanála an enforcement role. [14845/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Plan-

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ning and Development Act 2000, any decision of An Bord Pleanála on an appeal of a decision of a planning authority is deemed to be made in the first instance and operates to annul the earlier decision of the planning authority. Section 34(10) of the Act provides that the board is required to give reasons for its decision. Furthermore, where a proposed development would contravene the development plan, the board may decide to grant permission but only in certain defined circumstances.

The enforcement of planning control is a matter for the planning authority, which can take action where a development requiring planning permission has not obtained this permission, or where permission has not been complied with. There are no proposals to amend the legislation in this regard.

Road Network.

454. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if the funding of €4.5 million allocated to the Macken Street bridge project in early 2004 has been fully drawn down; if not, the reason therefor; the areas in which the money has been spent; when the remainder of the funding originally committed in 1999 by his Department will be drawn down for this project; and if he will make a statement on the matter. [14900/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Primary responsibility for the provision of non-national roads and bridges in its area is a matter for each individual local authority and accordingly the advancement of the proposed Macken Street bridge project is primarily a matter for Dublin City Council.

The bulk of the €4.5 million allocated to the council for this project in 2004 was not drawn down in that year as construction work on the bridge had not commenced. A grant of €5 million has been allocated for the project in 2005 by my Department. Funding to date for this project has been spent mainly on design and site investigation works. The city council has now invited tenders for this project.

Waste Disposal.

455. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the concerns of electrical retailers regarding the new directive on recycling of electronic waste and to the fact that there has been no consultation with the retailers regarding the disposal of such waste; and if he will make a statement on the matter. [14914/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Implementation of the EU directive on waste electrical and elec-

tronic equipment, which came into effect on 13 February 2003, requires close co-operation between all stakeholders - producers, retailers and central and local government. For this purpose, a task force representative of all relevant sectors including retailers was established in February 2003 to draw up proposals for implementing the directive. A draft report by the task force was published in April 2004; the report examined the issues surrounding implementation of the directive and made several recommendations on the collection, recycling, financing, regulation and reporting arrangements that need to be put in place in advance of free take-back of waste electrical and electronic equipment, which will commence on 13 August 2005. A public consultation followed, the results of which assisted the preparation of draft regulations I published in April last.

Following ongoing consultations with relevant stakeholders, including retailers, these draft regulations lay down conditions concerning time limits for the obligation to take back waste electrical and electronic equipment and on the availability of waste electrical and electronic equipment for immediate collection where a new item of similar electrical and electronic equipment is being delivered. They also propose that retailers who register their premises with their local authority should be allowed to avail of an exemption from the normal waste permitting requirements for the storage and transport of waste electrical and electronic equipment in certain circumstances, under a modified permitting regime, which will be considerably less burdensome than the normal collection and waste permitting requirements, and may, subject to the agreement of the appropriate local authorities, make alternative arrangements to in-store take-back provided that such arrangements are not more inconvenient for the purchaser and remain free of charge. These draft regulations are now the subject of a consultative process following which they will be finalised and published in advance of the coming into effect of the directive.

Social and Affordable Housing.

456. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the consultations his Department held with Kildare County Council before the announcement on 4 July 2003 that Magee Barracks, Kildare town, was to be made available for housing as part of the affordable housing initiative in the context of the Sustaining Progress agreement; and if he will make a statement on the matter. [14946/05]

457. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if the decision to use the lands at Magee Barracks, Kildare town, for the purposes of the affordable housing initiative, as announced by the Taoiseach

on 4 July 2003, has been examined for conformity with the principles of sustainable development; and if he will make a statement on the matter. [14947/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 456 and 457 together.

To ensure progress on the affordable housing initiative, the Government undertook to examine the best use of resources at its disposal, which included the housing potential of under-utilised State lands. Arising from this process, the former Magee Barracks in Kildare was identified as a potential site to deliver housing for this initiative.

The site was released to the initiative by the Minister for Defence on foot of a Government decision of 1 July 2003. Its release was consistent with the previously stated objective of Kildare County Council to have the former Magee Barracks area brought forward for development. The county council had earlier been identified in the Kildare town local area plan 2002 as being an area suitable for extensive development with a mix of uses so as to generate a new vibrant quarter to the town emerges. At that stage, it was envisaged that a separate local area plan for the site would identify the proposed uses, street pattern or urban form and mobility through the site. The council intended that this area would be knitted in to the existing urban fabric so that it would become an integral part of the extended town centre. At the time, it was decided to leave the zoning of the lands unchanged pending the actual adoption of the separate plan on the former barracks.

As with other sites being released to the initiative, the detailed consultations necessary to facilitate the full potential of the site had to be undertaken in accordance with the appropriate planning framework. In this context, officials from my Department consulted with Kildare County Council on how best to proceed with development on this site with a view to the earliest possible delivery of affordable housing units.

The site has been the subject of a local area plan prepared by the county council and advertised in February this year. The plan will be on display until 16 May during which time comments or submissions may be made to the county council, providing ample time for all views to be considered. The plan seeks to cater for the development of the site in an appropriate and sustainable way, with a mix of residential housing types. There is the potential for up to 700 housing units to be developed on the site, with a minimum of 350 units being made available to the initiative.

Water and Sewerage Schemes.

458. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position in relation to the Shrulue water scheme;

when it was applied for; the stages it has gone through; and the stage it is at now. [14972/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Kilmaine and Shrulue water supply scheme is included in my Department's water services investment programme 2004-2006 as a scheme to commence construction this year at an estimated cost of €5.3 million. Further consideration will be given by my Department to Mayo County Council's contract documents for the scheme on receipt of additional information requested from the Council in February last.

459. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the progress which has been made in relation to the upgrading of Coole village sewerage treatment plant; if a plan has been lodged with his Department; if so, when; and the position regarding same. [14987/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The upgrading of the Coole village sewerage treatment plant is included in my Department's water services investment programme 2004-2006 as a scheme to complete planning. Westmeath County Council's preliminary report for the scheme is under examination by my Department and this will be dealt with as quickly as possible. The council will be in a position to prepare contract documents for the scheme following approval of the preliminary report.

Archaeological Sites.

460. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government when he intends to make a decision with regard to the Woodstown Viking site in County Waterford; and if he will make a statement on the matter. [15056/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to issue directions under the National Monuments Act 1930, as amended, with regard to the site in question within the next week or so.

Grant Payments.

461. **Mr. Ó Feargháil** asked the Minister for the Environment, Heritage and Local Government the amount provided in grant aid to Kildare County Council to assist in the provision of civic amenity sites in the county; and if he will make a statement on the matter. [15079/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Kildare County Council has received a total of €1,971,000 in capital grants allocations from the environment fund since November 2002. This includes a total of €1,425,000 towards civic amenity facilities at Athy

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and Kilcock, as well as €546,000 towards a composting facility at Silliot Hill. In addition to this capital assistance, €184,450 has been provided towards the operational costs of civic amenity sites in four tranches of subvention provided since 2003, and a total of €44,500 towards the operational costs of bring banks in the same period.

Local Government and European Elections.

462. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government when he intends to publish the detailed results of the 2004 local and European elections. [15121/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The booklet, European Parliament Elections Results 2004, was published on 28 January 2005. Copies are available in the Oireachtas Library and from the European Parliament Office in Ireland. The publication, Local Elections 2004 — Volume 1, containing the results of the county and city council elections, was published on 6 May 2005. Copies are available in the Oireachtas Library and may shortly be obtained from the Government Publications Sales office. Both publications can also be accessed on the Department's website at *www.environment.ie*. Local Elections 2004 — Volume 2, containing the results of the borough and town council elections, will be published later in the year.

Architectural Heritage.

463. **Mr. Walsh** asked the Minister for the Environment, Heritage and Local Government the progress he is making in securing the future of Ireland's historic heritage, including great house and heritage properties; and if he will make a statement on the matter. [15164/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 220 of 3 March 2005. Statutory protection of the architectural heritage is primarily a matter for the planning authorities to whom my Department provides advice in the exercise of their functions under the Planning and Development Act 2000. In that regard I recently issued the architectural heritage protection guidelines to assist planning authorities in implementing the legislation. These guidelines include the criteria to be applied by planning authorities when selecting proposed protected structures for inclusion in the record of protected structures, as well as other advice for the performance of their functions under Part IV of the Planning and Development Act 2000. The guidelines also provide useful information and advice to owners and occupiers of protected structures.

Under the 2000 Act, the Minister may also make recommendations to planning authorities concerning the inclusion in the record of protected structures of any particular building or structure. Based mainly on the results of surveys carried out in the compilation of the national inventory of architectural heritage by my Department, recommendations have to date been made to 54 planning authorities covering more than 11,700 buildings. Inclusion in the record of protected structures places a duty of care on the owners of protected structures and also gives planning authorities powers not only to deal with development proposals affecting them but also to seek to safeguard their future.

A range of financial supports is available to the owners of our architectural heritage from local authorities, the Heritage Council and my Department, and from the tax relief available under Section 482 of the Taxes Consolidation Act 1997. Considerable support for architectural heritage is also provided through the ongoing conservation and presentation of the State's own portfolio of historic properties.

To enhance the protection of our architectural heritage further, I am considering an initiative to develop new methods of supporting the preservation of key heritage buildings. My Department engaged consultants to examine the question of facilitating the emergence of a national trust and other trust-type organisations which might, independently of Government, acquire and manage such heritage properties. My Department is at present evaluating the recommendations of the consultant's report and I hope to bring proposals to Government in the near future.

Planning Issues.

464. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if, in preparing a planning authority manager's report on the progress made in attaining the objectives of its current development plan, as required under Section 15 of the Planning and Development Act 2000, there are objectives that should be left out of the review; if so, the objectives which should be so left out; if he will give an example of best practice and intentions; and if he will make a statement on the matter. [15197/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Draft guidelines for planning authorities on development plans, including monitoring and review of development plans, will be issued shortly for public consultation. The guidelines will deal with the requirement for progress reports from the managers of planning authorities, as set out in Section 15 (2) of the Planning and Development Act 2000. It would be my intention that all such reports should be as comprehensive as possible.

465. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he has examined the report of the Incorporated Law Society's law reform committee entitled Discriminatory Planning Conditions; if arising from the report, he plans any amendments to planning law; and if he will make a statement on the matter. [15232/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am aware of the recent report by the Law Society's reform committee entitled Discriminatory Planning Conditions: the Case for Reform. Section 39 of the Planning and Development Act 2000, and corresponding earlier planning legislation, provides that a condition may be attached to a grant of planning permission for a house, specifying that the house must be occupied by persons of a particular class or description, with provision to that effect to be incorporated in an agreement under section 47 of the Act. In effect, occupancy conditions are applied in certain circumstances as a mechanism to facilitate a positive approach to applications from persons who are part of or linked to certain rural communities in circumstances where a different application might have to be refused.

In addressing the issue of occupancy conditions, the recently launched guidelines for planning authorities on sustainable rural housing state that such conditions are only appropriate in certain cases such as permission being granted to persons with roots or links to areas close to the larger cities and towns under strong pressure for urban generated development and in the case of permission being granted to permanent residents in an area where there is an over-concentration of holiday or second home development. The guidelines use illustrative examples to demonstrate that people who fall into the category of having local roots or links would include people who have spent much of their lives in rural areas and are building their first homes, farmers and their families, returning emigrants, people involved in forestry, inland waterway and marine related occupations, teachers in rural schools and other people whose work is predominantly in rural areas. This list is not intended to be exhaustive; planning authorities are asked to carry out their own assessment of the rural housing needs to be catered for in the areas mentioned, taking account of local conditions and planning issues and to add to the list as appropriate.

I am aware that in administering the planning code, planning authorities are required to act in a manner that is consistent with the norms of administrative and constitutional law, the European Convention on Human Rights law, EU law and equality law. Amendment of planning law in this matter does not at present seem indicated, but it is my intention to monitor the effectiveness of the guidelines and in that context I will con-

tinue to bear in mind the concerns of the Law Society's recent report.

Ministerial Meetings.

466. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he has received a request for a meeting from the Cork Harbour Alliance for a Safe Environment; if he plans to meet the group; and if he will make a statement on the matter. [15234/05]

477. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if he has received an invitation to meet with a group (details supplied) to discuss the proposal for a toxic waste incinerator in Ringaskiddy, County Cork; if he will meet with the group; and if not, the reason therefor. [15465/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 466 and 477 together.

I have received invitations from Cork Harbour Alliance for a Safe Environment to meet it to discuss proposals for a hazardous waste incinerator in Ringaskiddy, County Cork. I have not considered it appropriate to meet the group as the proposal is the subject of planning and licensing processes which are statutorily independent and in which, except in the case of heritage issues, the Minister for the Environment, Heritage and Local Government must not intervene.

I share with the group a concern to ensure that the highest levels of environmental protection are maintained. This is why we have some of the most rigorous and open planning and licensing processes in Europe. I am confident that the best interests of the community and the environment are catered for within these processes.

Departmental Staff.

467. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number of civil servants in his Department who have made settlements with the Revenue Commissioners as tax defaulters; his views on whether this is appropriate in view of his Department's auditing role in relation to EU and national schemes in relation to the environment; and if he will make a statement on the matter. [15293/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Tax clearance provisions for certain officials prescribed under the Ethics in Public Office Acts are a matter for the Standards in Public Office Commission. Tax settlements for other civil servants are a matter between the Revenue Commissioners and the individuals concerned. My Department is not aware of any conflict of interest on the part of any of its staff who are involved in auditing work as referred to in the question.

Road Network.

468. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if Westmeath County Council has applied for substantial funding for the improvement of the R390 at Walderstown, Athlone, County Westmeath; and if he will make a statement on the matter. [15299/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The improvement of non-national roads in County Westmeath is a matter for Westmeath County Council. Such schemes are funded from the authority's resources supplemented by grants from my Department.

In 2004, my Department sought applications from road authorities for funding under the 2005 EU co-financed specific improvement grants scheme. While Westmeath County Council's application included an application for funding of €100,000 in respect of improvement works to the R390 at Walderstown, Athlone, this project was not among the projects selected for funding in 2005. In this regard it should be noted that five of the eight schemes submitted by the council received an allocation in 2005. All applications submitted under this scheme were considered in my Department having regard to EU eligibility criteria, the need to prioritise projects, competing demands from other local authorities and the funds available for the scheme in 2005.

My Department will again be seeking applications under the EU co-financed specific improvement grants scheme later this year and it will be open to the council to submit a funding application for consideration under this scheme in 2006.

State Airports.

469. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government when he proposes to publish guidelines in respect of public safety zones at the State airports; if he plans to instruct the local authorities involved to inform each affected landowner in keeping with the principles of the White Paper of 2004, *Regulating Better*, before any such public safety zones are subsequently incorporated in county development plans. [15341/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department expects to be in a position to publish draft guidelines on public safety zones at State airports for planning authorities later this year. The Planning and Development Act 2000 requires a planning authority to consult the public and other interested parties when reviewing or amending development plans. I have no proposals to amend the provisions on public consultation which in my view ensure that all persons in an authority's area

are informed of the provisions of the development plan.

Recycling Policy.

470. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government his views on whether there is a need to improve the reduce, reuse and recycle culture here; and if he will make a statement on the matter. [15360/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Continual improvements in levels of recycling are being achieved. About 28% of municipal waste is now being diverted from landfill, which is a substantial improvement on the situation in 2001 when the recycling rate stood at under 10%. Kerbside collection has a key part to play in this, but I also remain committed to enhancing the network of bring centres and civic amenity sites, which often accept materials that cannot be put in a green bin and which all householders can use.

I welcome that the number of households in receipt of kerbside collection of recyclables has increased from 70,000 in 1998 to more than 550,000, representing some 42% of all households. In addition, separate collection of organic waste is available in some areas and roll-out is planned for more. This collection service is in addition to the network of more than 1,800 bring banks, an increase of almost 1,000 since 1998, and the some 60 civic amenity sites.

This progress reflects the Government's overall integrated approach to waste management based on the internationally recognised waste hierarchy, prioritising waste prevention, minimisation, reuse, recycling, energy recovery and the environmentally sound disposal of residual waste which cannot be recycled or recovered. Maximising how we all reduce, reuse, recycle has been the keystone of Government's waste management policy since the publication of *Changing our Ways* in 1998, which set out ambitious recycling and recovery targets over a 15-year period, including recycling of 35% of municipal waste; recycling of at least 50% of construction and demolition waste by 2001, a target which was exceeded according to Environmental Protection Agency, EPA, estimates, with a progressive increase to at least 85% by 2013; a diversion of 50% of household waste from landfill; and a minimum 65% reduction in biodegradable waste consigned to landfill.

Through the *Race Against Waste* campaign, public awareness of the importance of reducing, reusing and recycling has also increased, as illustrated by the 25% increase between 2002 and 2003 in the volume of materials being brought to bring and civic amenity facilities. In this context, I urge collection service providers to ensure that demand for household collection of recyclables is responded to and, to the greatest extent possible, met.

Water and Sewerage Schemes.

471. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government when he will allow Castleisland sewerage scheme stage II to go to tender; and if he will make a statement on the matter. [15376/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Castleisland sewerage scheme stage II is included in my Department's water services investment programme 2004-2006 as a scheme to commence construction in 2006, at an estimated cost of €5.5 million. My Department is awaiting submission of a water services pricing policy report by Kerry County Council to allow consideration of the council's preliminary report for the scheme to be finalised.

Waste Management.

472. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if his recently announced directive on illegal waste of 3 May includes a requirement to remove non-hazardous waste; and if he will make a statement on the matter. [15378/05]

473. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if his recently announced directive on illegal waste of 3 May 2005 includes waste, hazardous and non-hazardous, at landfills which, although owned by public authorities, would not have been licensed between 1975 and 1996 as there was no EU directive requiring licensing since 1975; and if he will make a statement on the matter. [15379/05]

474. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the number landfills that did not have a licence since 1975; the number of such landfills, closed or still operating; and if he will make a statement on the matter. [15380/05]

476. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the number and location of landfills in the ownership and control of local authorities that were unlicensed at 1 June 2002; when same were licensed; and if he will make a statement on the matter. [15464/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 472, 473, 474 and 476 together.

Under section 60 of the Waste Management Act 1996, the Minister may, whenever he or she thinks proper, give general directions in writing to the EPA, or each local authority as to policy in relation to aspects specified in section 60(1). Section 60(2) requires the agency or each local authority concerned, as the case may be, in performing its functions under the Act to have regard to any directions given to it by the Mini-

ster under that section. The powers conferred by section 60, however, do not extend to individual cases, and section 60(3) precludes the Minister from exercising any power or control in relation to the performance in particular circumstances by the EPA or a local authority of a function conferred on it by or under the Act.

The policy direction issued on 3 May 2005 applies to both hazardous and non-hazardous waste and it states that the principal aim in dealing with illegal waste sites should be to secure the protection of the environment and human health. The aim in all cases should be the making safe of the site, including the removal of waste where required as a consequence of a risk based assessment. In particular, all hazardous waste which is detected shall be removed and recyclable material shall be removed unless it can be shown that there are alternative environmentally sustainable options.

In the case of lands proximate to existing or planned residential development or educational facilities, the directive states that illegal waste shall be removed, in the shortest practicable time, except only where it is shown that an alternative solution provides greater protection to the environment and the health of the local population.

With regard to sites owned by public authorities and which were not licensed between 1975 and 1996, the policy direction directs the local authorities to ensure that the requirements of section 22 of the Waste Management Act 1996 are fully met in the current review of their waste management plans. Section 22 states that a waste management plan shall include information on the identification of sites at which waste disposal or recovery activities have been carried on; the assessment of any risk of environmental pollution arising as a result of such activities; measures proposed to be taken or, where such an assessment has already been made, measures taken to prevent or limit any such environmental pollution; and the identification of necessary remedial measures in respect of such sites, and measures proposed to be taken or, where such measures have already been identified, measures taken to achieve such remediation, having regard to the cost-effectiveness of available remediation techniques. As of 1 June 2002, all operating landfills in the ownership and control of local authorities were licensed.

Grant Payments.

475. **Mr. Kirk** asked the Minister for the Environment, Heritage and Local Government if he will provide an update on an application from Drogheda Borough Council for financial support for a civic amenity facility for the town; and if he will make a statement on the matter. [15428/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An allocation of €1.395 million was made in April 2004 towards

[Mr. Roche.]
the construction of a civic amenity site in Drogheda, pending the submission of total estimated costs. Tenders have now been received, and, as costs are significantly greater than originally anticipated, Drogheda Borough Council is seeking additional funding. This will be con-

sidered when the council submits its report on the increased costs to the Department.

Question No. 476 answered with Question No. 472.

Question No. 477 answered with Question No. 466.